



## BOARD OF COMMISSIONERS

### BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, DECEMBER 18, 2024

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

#### AGENDA

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

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

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

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

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

- To join the meeting via Zoom from a computer, use this link: <http://bit.ly/3h3oqD>.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press \*9 to indicate you would like to speak and \*6 to unmute yourself when you are called on.
- When it is your turn to provide testimony, you will be promoted from an attendee to a panelist. You may experience a brief pause as your meeting status changes. Once you have joined as a panelist, you will be able to turn on your camera, if you would like to.



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

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

## CALL TO ORDER

## PLEDGE OF ALLEGIANCE

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

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

## CONSENT AGENDA

### [Convening as the Governing Body for the Countywide Law Enforcement District \(District 1\)](#)

1. Approval of Resolution 2024-051 adopting a supplemental budget which increases FY25 Beginning Working Capital, and appropriations within the Countywide Law Enforcement District (District 1) Fund

### [Convening as the Governing Body for the Rural Law Enforcement District \(District 2\)](#)

2. Approval of Resolution 2024-052 adopting a supplemental budget which increases FY25 Beginning Working Capital, and appropriations within the Rural Law Enforcement District (District 2) Fund

### [Convening as the Governing Body for the Deschutes County 9-1-1 Service District](#)

3. Approval of Resolution 2024-053 adopting a supplemental budget which recognizes additional FY25 Beginning Working Capital and increased appropriations within the Deschutes County 9-1-1 Service District

### [Convening as the Governing Body for the OSU Extension and 4-H Service District](#)

4. Approval of Resolution 2024-054 adopting a supplemental budget which recognizes additional FY25 Beginning Working Capital and increases appropriations within the Deschutes County Extension and 4-H Service District

### [Reconvening as the Governing Body of Deschutes County](#)

5. Approval of Resolution No. 2024-059 adopting a supplemental budget, adjusting appropriations and removing 1.00 FTE within the 2024-25 Deschutes County budget
6. Approval of Document No. 2024-866, a Notice of Intent to Award Contract for the DCRD Campus Electrical Upgrades Project

- [7.](#) Approval of Order No. 2024-050, establishing a designated speed of 30 mph on Cimarron Drive, and Order No. 2024-051, establishing a designated speed of 30 mph on Chaparral Drive
8. Consideration of Board Signature on letters thanking Rick Bestwick and appointing Jeff Fowlds for service on the Fall River Estates Special Road District
9. Consideration of Board Signature on letter appointing Diane Flowers for service on the Bicycle and Pedestrian Advisory
10. Consideration of Board Signature on letters thanking Tod Watkins and appointing Jerry Keller for service on the Howell's Hilltop Acres Special Road District
11. Approval of minutes of the BOCC meetings of October 30 and November 4 and 13, 2024

### **ACTION ITEMS**

- [12.](#) **9:10 AM** Appointment of Kent Vander Kamp as Deschutes County Sheriff for the period of January 1, 2025 until his term of office begins on January 6, 2025
- [13.](#) **9:20 AM** Public hearing and consideration of Resolution 2024-050 adopting a supplemental budget and increasing or reducing FY25 Beginning Working Capital and appropriations
- [14.](#) **9:30 AM** Public hearing and consideration of Resolution 2024-061 adopting a supplemental budget and increasing revenue and appropriations in the Health Benefits Fund
- [15.](#) **9:35 AM** Fiscal Year 2026 Preliminary Transient Room Tax Budget Discussion
- [16.](#) **9:55 AM** Amendment to Mountain View Community Development ARPA grant Agreement
- [17.](#) **10:10 AM** Recategorization of ARPA funds awarded to COIC for Broadband Infrastructure
- [18.](#) **10:20 AM** First reading of Ordinance 2024-012 changing the Comprehensive Plan map designation and zoning of approximately 65 acres located at 19975 Destiny Court, Bend
- [19.](#) **10:25 AM** Administrative Services Budget and County Internal Audit Office Recruitment
- [20.](#) **10:45 AM** Fortify a portion of the Swalley canal located on County-owned property at Juniper Ridge

- [21.](#) **11:00 AM** Discussion on format for weekly legislative updates meetings for the 2025 Legislative Session
- [22.](#) **11:15 AM** Continued Deliberations – RVs as Rental Dwellings Text Amendments

**LUNCH RECESS**

**Continued ACTION ITEMS**

- [23.](#) **1:00 PM** Letter of support to acquire 40 acres of Deschutes National Forest located southeast of La Pine
- [24.](#) **1:10 PM** Treasury Report for November 2024
- [25.](#) **1:25 PM** Finance Report for November 2024
- [26.](#) **1:45 PM** Board selection of Chair and Vice Chair for 2025

**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.*

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

**ADJOURN**





## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** December 18, 2024

**SUBJECT:** Approval of Resolution 2024-051 adopting a supplemental budget which increases FY25 Beginning Working Capital, and appropriations within the Countywide Law Enforcement District (District 1) Fund.

**RECOMMENDED MOTION:**

Move approval of Resolution 2024-051, recognizing additional Beginning Working Capital and increasing appropriations within the 2024-25 Countywide Law Enforcement District Budget.

**BACKGROUND AND POLICY IMPLICATIONS:**

During the budgeting process, departments calculate an estimate of ending fund balances in February and March. These estimates are based on information known at the time, but often change given the timing and/or final cost of expenditures. The ending fund balance in the Countywide Law Enforcement District Fund was greater than estimated; therefore, this is a budget adjustment to increase Beginning Working Capital (BWC) by \$730,040 and increase appropriations by \$730,040 within the Countywide Law Enforcement District Fund. Increasing BWC and requirements ensures the fund has appropriations for available resources.

**BUDGET IMPACTS:**

- **Revenue**
  - o Recognizes \$730,040 increase in Beginning Working Capital.
- **Requirements**
  - o Increases Contingency by \$730,040; revised contingency is \$11,662,513.

Total increase in revenue and appropriations is \$730,040 within the Countywide Law Enforcement District Fund.

**ATTENDANCE:**

Cam Sparks, Budget & Financial Planning Manager

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON ACTING AS THE GOVERNING BODY OF THE COUNTYWIDE LAW  
ENFORCEMENT DISTRICT (DISTRICT 1)

A Resolution to Decrease Appropriations \*  
Within the 2024-25 Countywide Law \* RESOLUTION NO. 2024-051  
Enforcement District (District 1) Budget \*

WHEREAS, the Deschutes County Finance department presented to the Board of County Commissioners on 12/18/24, with regards to increasing Beginning Working Capital and appropriations within the Countywide Law Enforcement Fund, and

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

WHEREAS, it is necessary to increase appropriations to accommodate this request; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON ACTING AS THE GOVERNING BODY OF THE COUNTYWIDE LAW ENFORCEMENT DISTRICT (DISTRICT 1), as follows:

Section 1. That Beginning Working Capital be increased and the following revenue be recognized in the 2024-25 Budget:

<u>Countywide Law Enforcement</u>	
Beginning Working Capital	\$ 730,040
<b>Total</b>	<b>\$ 730,040</b>

Section 2. That Contingency appropriations be increased in the 2024-25 Budget:

<u>Countywide Law Enforcement</u>	
Contingency	\$ 730,040
<b>Total</b>	<b>\$ 730,040</b>

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

DATED this \_\_\_\_\_ day of December, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON ACTING  
AS THE GOVERNING BODY OF  
COUNTYWIDE LAW ENFORCEMENT  
DISTRICT (DISTRICT 1)

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

ATTEST:

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

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

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

Deschutes County  
Supplemental Budget

REVENUE

Item	Project Code	Segment 2	Org	Object	Description	Current Budgeted Amount	To (From)	Revised Budget
1			7011750	301000	Beginning Working Capital	\$ 10,716,947	\$ 730,040	\$ 11,446,987
<b>TOTAL</b>						<b>\$ 10,716,947</b>	<b>\$ 730,040</b>	<b>\$ 11,446,987</b>

APPROPRIATION

Item	Project Code	Segment 2	Org	Object	Category (Pers, M&S, CapEx, Transfers, Contingency)	Description (Object, e.g. Time Mgmt, Temp Help, Computer Hardware)	Current Budgeted Amount	To (From)	Revised Budget
1			7011750	501971	Contingency	Contingency	\$ 10,932,473	\$ 730,040	\$ 11,662,513
<b>TOTAL</b>							<b>\$ 10,932,473</b>	<b>\$ 730,040</b>	<b>\$ 11,662,513</b>

Fund:

701
CW Law
Enforcement
Cam Sparks
12.18.24

Dept:

Requested by:

Date:



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** December 18, 2024

**SUBJECT:** Approval of Resolution 2024-052 adopting a supplemental budget which increases FY25 Beginning Working Capital, and appropriations within the Rural Law Enforcement District (District 2) Fund

**RECOMMENDED MOTION:**

Move approval of Resolution 2024-052 recognizing additional Beginning Working Capital and increasing appropriations within the 2024-25 Rural Law Enforcement District Budget.

**BACKGROUND AND POLICY IMPLICATIONS:**

During the budgeting process, departments calculate an estimate of ending fund balances in February and March. These estimates are based on information known at the time, but often change given the timing and/or final cost of expenditures. The ending fund balance in the Rural Law Enforcement District Fund was greater than estimated; therefore, this is a budget adjustment to increase Beginning Working Capital (BWC) by \$2,456,847 and increase appropriations by \$2,456,847 within the Rural Law Enforcement District Fund. Increasing BWC and requirements ensures the fund has appropriations for available resources.

**BUDGET IMPACTS:**

- **Revenue**
  - o Recognizes \$2,456,847 increase in Beginning Working Capital.
- **Requirements**
  - o Increases Contingency by \$2,456,847; revised Contingency is \$4,723,523.

Total increase in revenue and appropriations is \$2,456,847 within the Rural Law Enforcement District Fund.

**ATTENDANCE:**

Cam Sparks, Budget & Financial Planning Manager

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON ACTING AS THE GOVERNING BODY OF THE RURAL LAW ENFORCEMENT  
DISTRICT (DISTRICT 2)

A Resolution to Decrease Appropriations \*  
Within the 2024-25 Rural Law \* RESOLUTION NO. 2024-052  
Enforcement District (District 2) Budget \*

WHEREAS, the Deschutes County Finance department presented to the Board of County Commissioners on 12/18/24, with regards to increasing Beginning Working Capital and Appropriations within the Rural Law Enforcement Fund, and

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

WHEREAS, it is necessary to increase appropriations to accommodate this request; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON ACTING AS THE GOVERNING BODY OF THE RURAL LAW ENFORCEMENT DISTRICT (DISTRICT 2), as follows:

Section 1. That Beginning Working Capital be increased in the 2024-25 Budget:

<u>Rural Law Enforcement</u>	
Beginning Working Capital	\$ 2,456,847
<b>Total</b>	<b>\$ 2,456,847</b>

Section 2. That Contingency appropriations be increased in the 2024-25 Budget:

<u>Rural Law Enforcement</u>	
Contingency	\$ 2,456,847
<b>Total</b>	<b>\$ 2,456,847</b>

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

DATED this \_\_\_\_\_ day of December, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON ACTING  
AS THE GOVERNING BODY OF RURAL  
LAW ENFORCEMENT DISTRICT (DISTRICT  
2)

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

ATTEST:

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

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

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

Deschutes County  
Supplemental Budget

REVENUE

Item	Project Code	Segment 2	Org	Object	Description	Current Budgeted Amount	To (From)	Revised Budget
1			7021750	301000	Beginning Working Capital	\$ 1,663,028	\$ 2,456,847	\$ 4,119,875
<b>TOTAL</b>						<b>\$ 1,663,028</b>	<b>\$ 2,456,847</b>	<b>\$ 4,119,875</b>

APPROPRIATION

Item	Project Code	Segment 2	Org	Object	Category (Pers, M&S, CapEx, Transfers, Contingency)	Description (Object, e.g. Time Mgmt, Temp Help, Computer Hardware)	Current Budgeted Amount	To (From)	Revised Budget
1			7021750	501971		Contingency	\$ 2,266,676	\$ 2,456,847	\$ 4,723,523
<b>TOTAL</b>						<b>\$ 2,266,676</b>	<b>\$ 2,456,847</b>	<b>\$ 4,723,523</b>	

Fund:

702
Rural Law
Enforcement
Cam Sparks
12.18.24

Dept:

Requested by:

Date:





## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** December 18, 2024

**SUBJECT:** Approval of Resolution 2024-053 adopting a supplemental budget which recognizes additional FY25 Beginning Working Capital and increased appropriations within the Deschutes County 9-1-1 Service District

**RECOMMENDED MOTION:**

Move approval of Resolution 2024-053 recognizing additional Beginning Working Capital and increasing appropriations within the 2024-25 Deschutes County 9-1-1 Service District Budget.

**BACKGROUND AND POLICY IMPLICATIONS:**

During the budgeting process, departments calculate an estimate of ending fund balances in February and March. These estimates are based on information known at the time, but often change given the timing and/or final cost of expenditures. The ending fund balance in the Deschutes County 9-1-1 Service District Fund was greater than estimated; therefore, this is a budget adjustment to increase Beginning Working Capital (BWC) by \$1,211,391, increase appropriations by \$2,796,094 and reduce reserves by \$1,584,703 within the Deschutes County 9-1-1 Service District Fund. Increasing BWC and requirements ensures the fund has appropriations for available resources.

**BUDGET IMPACTS:**

- **Revenue**
  - o Recognizes \$1,211,391 increase in Beginning Working Capital.
- **Requirements**
  - o Increases Contingency by \$2,796,094; revised Contingency is \$7,984,725.
  - o Decreases Reserves by \$1,584,703; revised Reserves is \$3,866,021

Total increase in revenue and appropriations is \$1,211,391 within the Deschutes County 9-1-1 Service District Fund.

**ATTENDANCE:**

Cam Sparks, Budget & Financial Planning Manager

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON ACTING AS THE GOVERNING BODY OF THE DESCHUTES COUNTY 9-1-1  
SERVICE DISTRICT

A Resolution to Increase Appropriations \*  
Within the 2024-25 Deschutes County 9-1-1 \* RESOLUTION NO. 2024-053  
Service District Budget \*

WHEREAS, the Deschutes County Finance department presented to the Board of County Commissioners on 12/18/24, with regards to increasing Beginning Working Capital and Appropriations within the Deschutes County 9-1-1 Fund, and

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

WHEREAS, it is necessary to increase appropriations to accommodate this request; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON ACTING AS THE GOVERNING BODY OF THE DESCHUTES COUNTY 9-1-1 SERVICE DISTRICT, as follows:

Section 1. That Beginning Working Capital be increased in the 2024-25 Budget:

<u>911 – General Fund</u>	
Beginning Working Capital	\$ 1,211,391
<b>Total 911- General Fund</b>	<b>\$ 1,211,391</b>

Section 2. That Contingency appropriations be increased in the 2024-25 Budget:

<u>911 – General Fund</u>	
Contingency	\$ 2,796,094
<b>Total 911- General Fund</b>	<b>\$ 2,796,094</b>

Section 3. That Reserves for Future Expenditures be decreased in the 2024-25 Budget:

911 – General Fund

Reserve for Future Expenditures	\$ (1,584,703)
<b>Total 911- General Fund</b>	<b>\$ (1,584,703)</b>

Section 4. That the Chief Financial Officer make the appropriate entries in the Deschutes County Financial System to show the above appropriations:

DATED this \_\_\_\_\_ day of December, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON ACTING  
AS THE GOVERNING BODY OF THE  
DECHUTES COUNTY 9-1-1 SERVICE  
DISTRICT

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

ATTEST:

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

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

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

Deschutes County  
Supplemental Budget

**REVENUE**

Item	Project Code	Segment 2	Org	Object	Description	Current Budgeted Amount	To (From)	Revised Budget
1			7057550	301000	Beginning Working Capital	\$ 5,645,350	\$ 2,796,094	\$ 8,441,444
2			7107550	301000	Beginning Working Capital	7,514,724	(1,584,703)	5,930,021
<b>TOTAL</b>						<b>\$ 13,160,074</b>	<b>\$ 1,211,391</b>	<b>\$ 14,371,465</b>

**APPROPRIATION**

Item	Project Code	Segment 2	Org	Object	Category (Pers, M&S, CapEx, Transfers, Contingency)	Description (Object, e.g. Time Mgmt, Temp Help, Computer Hardware)	Current Budgeted Amount	To (From)	Revised Budget
1			7057550	501971	Contingency	Contingency	\$ 5,188,631	\$ 2,796,094	\$ 7,984,725
2			7107550	521851	Reserves	Reserve for Future Expenditure	5,450,724	(1,584,703)	3,866,021
<b>TOTAL</b>						<b>\$ 10,639,355</b>	<b>\$ 1,211,391</b>	<b>\$ 11,850,746</b>	

A supplemental budget is required to increase Beginning Working Capital and appropriations, and to decrease reserves.

Fund:	705 & 710
Dept:	9-1-1 County Service District
Requested by:	Cam Sparks
Date:	12.18.24



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** December 18, 2024

**SUBJECT:** Approval of Resolution 2024-054 adopting a supplemental budget which recognizes additional FY25 Beginning Working Capital and increases appropriations within the Deschutes County Extension and 4-H Service District

**RECOMMENDED MOTION:**

Move approval of Resolution 2024-054 recognizing additional Beginning Working Capital and increasing appropriations within the 2024-25 Deschutes County Extension and 4-H Service District Budget.

**BACKGROUND AND POLICY IMPLICATIONS:**

During the budgeting process, departments calculate an estimate of ending fund balances in February and March. These estimates are based on information known at the time, but often change given the timing and/or final cost of expenditures. The ending fund balance in the Deschutes County Extension and 4-H Service District Fund was greater than estimated; therefore, this is a budget adjustment to increase Beginning Working Capital by \$29,779 and increase appropriations by the same amount within the Deschutes County Extension 4-H Service District Fund. Increasing Beginning Working Capital and requirements ensures the fund has appropriations for available resources.

**BUDGET IMPACTS:**

- **Revenue**
  - o Recognizes \$29,779 in additional Beginning Working Capital.
- **Requirements**
  - o Increases Contingency by \$29,779; revised Contingency is \$301,903.

Total increase in revenue and appropriations is \$29,779 within the Deschutes County Extension 4-H Service District Fund.

**ATTENDANCE:**

Cam Sparks, Budget & Financial Planning Manager

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON ACTING AS THE GOVERNING BODY OF THE DESCHUTES EXTENSION  
AND 4-H SERVICE DISTRICT

A Resolution to Increase Appropriations \*  
Within the 2024-25 Deschutes County Extension \* RESOLUTION NO. 2024-054  
And 4-H Service District Budget \*

WHEREAS, the Deschutes County Finance department presented to the Board of County Commissioners on 12/18/24, with regards to increasing Beginning Working Capital and Appropriations within the Deschutes County Extension and 4-H Fund, and

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

WHEREAS, it is necessary to increase appropriations to accommodate this request; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON ACTING AS THE GOVERNING BODY OF THE DESCHUTES COUNTY EXTENSION AND 4-H SERVICE DISTRICT, as follows:

Section 1. That Beginning Working Capital be recognized and the following revenue be increased in the 2024-25 Budget:

<u>General Fund</u>	
Beginning Working Capital	\$ 29,779
<b>Total General Fund</b>	<b>\$ 29,779</b>

Section 2. That the following expenditures be appropriated in the 2024-25 Budget:

<u>General Fund</u>	
Contingency	\$ 29,779
<b>Total General Fund</b>	<b>\$ 29,779</b>

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

DATED this \_\_\_\_\_ day of December, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON ACTING  
AS THE GOVERNING BODY OF THE  
DECHUTES COUNTY EXTENSION AND 4-H  
SERVICE DISTRICT

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

ATTEST:

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

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

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

Deschutes County  
Supplemental Budget

REVENUE

Item	Project Code	Segment 2	Org	Object	Description	Current Budgeted Amount	To (From)	Revised Budget
1			7207450	301000	Beginning Working Capital	\$ 369,560	\$ 29,779	\$ 399,339
<b>TOTAL</b>						<b>\$ 369,560</b>	<b>\$ 29,779</b>	<b>\$ 399,339</b>

APPROPRIATION

Item	Project Code	Segment 2	Org	Object	Category (Pers, M&S, CapEx, Transfers, Contingency)	Description (Object, e.g. Time Mgmt, Temp Help, Computer Hardware)	Current Budgeted Amount	To (From)	Revised Budget
1			7207450	501971		Contingency	\$ 272,124	\$ 29,779	\$ 301,903
<b>TOTAL</b>						<b>\$ 272,124</b>	<b>\$ 29,779</b>	<b>\$ 301,903</b>	

Fund:

720

Dept:

Extension 4-H  
Service District

Requested by:

Cam Sparks

Date:

12.18.24





## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** December 18, 2024

**SUBJECT:** Approval of Resolution No. 2024-059 adopting a supplemental budget, adjusting appropriations and removing 1.00 FTE within the 2024-25 Deschutes County budget

**RECOMMENDED MOTION:**

Move approval of Resolution No. 2024-059 adjusting appropriations and reducing FTE within the 2024-25 Deschutes County Budget.

**BACKGROUND AND POLICY IMPLICATIONS:**

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

Specific adjustments include:

- 001 – General Fund Non-Departmental
  - A supplemental budget adjustment to recognize Wolf Depredation grant funds of \$32,621 and increase Program Expense Appropriations by the same amount.
  - On 11/13/24 and 12/4/24 the Board approved recategorizing ARPA funds to the Revenue Replacement category in the amount of \$3,198,234 to be spent or reserved in the General Fund. This is a supplemental budget to recognize Transfer In revenue of \$3,198,234 from the ARPA fund and increase Program Expense appropriations by the same amount.
  - On 3/6/24 the Board approved allocating ARPA funds of \$480,182 to the District Attorney's Office and Victim's Assistance Program. Total final expenditures were \$420,878. A supplemental budget is necessary to recognize a Transfer-In from the ARPA fund of \$420,878 for the reimbursement of costs incurred and increase Contingency by the same amount.
- 165 – Video Lottery Fund
  - \$95,850 was inadvertently budgeted in Contingency instead of Grants & Contributions. This is an adjustment to reduce Contingency by \$95,850 and increase Program Expense Appropriations by the same amount.

- 205 – Joint Office of Houselessness
  - This fund has 1.00 Administrative Analyst FTE which has been vacant since June 2024 and will not be re-filled. This FTE will be removed from the legal FTE roster.
- 274 – Health Services Fund
  - This is an adjustment to account for several changes that occurred in the Health Services Fund since budget adoption. This adjustment will reduce revenue by \$2,036,631, increase Program Expense appropriations by \$98,035, decrease Transfers Out by \$1,556,855, decrease Contingency by \$601,206 and increase reserves by \$23,395.
- 296 – Groundwater Partnership Fund
  - Funds generated through land sales in the Newberry Neighborhood Fund (Fund 297) are transferred to Fund 296, which are expended through CDD's internal rebate program. This is an adjustment to recognize Transfer In revenue of \$49,240 from Fund 297 and increase Program Expense appropriations by the same amount.
- 297 – Newberry Neighborhood Fund
  - This is an adjustment to reduce Program Expense appropriations by \$49,240 and increase Transfer Out appropriations by the same amount in order to allow Fund 297 to make a transfer to Fund 296 for land sale proceeds received at the end of fiscal year 2024.
- 295, 300, 301 & 302- Community Development Department
  - This adjustment reduces the Building Safety Program Reserve (Fund 301) by \$554,002 and the Electrical Program Reserve (Fund 302) by \$160,788 and Increases Transfers Out to the Operating Fund (Fund 295) by the same amounts to establish a Contingency within the Building Safety and Electrical Divisions of Fund 295.
  - Additionally, Contingency in the Operating Fund (Fund 295) is reduced by \$267,000 and Transfers Out to the Community Development Reserve Fund (Fund 300) increased by the same amount to establish a Contingency in Fund 300.
  - These budget adjustments provide sufficient appropriations for CDD as the department navigates seasonal fluctuations, unknown spring permitting trends, and establishes contingencies in the building safety and electrical divisions. Actual transfers will be determined as revenues are collected and expenses occur.

**BUDGET IMPACTS:**

Specific details listed above.

**ATTENDANCE:**

Cam Sparks, Budget & Financial Planning Manager

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

A Resolution Increasing Appropriations \*  
and decreasing FTE within the \* RESOLUTION NO. 2024-059  
2024-25 Deschutes County Budget \*

WHEREAS, the 2024-25 Fiscal Year necessitates increased appropriations within the Deschutes County Budget to account for changes that have occurred since budget adoption, and

WHEREAS, ORS 294.471 and 294.473 allows a supplemental budget adjustment when authorized by resolution of the governing body, and

WHEREAS, ORS 294.463 allows the transfer of Contingency within a fund when authorized by resolution of the governing body, and

WHEREAS, it is necessary to increase or decrease appropriations to accommodate this request, and

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

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

Section 1. That the following revenue be budgeted in the 2023-24 County Budget:

<u>General Fund</u>	
State Grant Revenue – Non-Departmental	\$ 32,621
Transfers In – ARPA	<u>3,619,112</u>
<b>Total General Fund</b>	<b><u>\$ 3,651,733</u></b>

<u>Community Development Fund</u>	
Transfers In	\$ 1,031,030
<b>Total Community Development</b>	<b><u>\$ 1,031,030</u></b>

Health Services Fund

Transfers in - OHP Mental Health	\$ (1,591,853)
Local Grant	(52,701)
Other Revenue	<u>(392,077)</u>
<b>Total Health Services Fund</b>	<b><u>\$ (2,036,631)</u></b>

Section 2. That the following amounts be appropriated in the 2024-25 County Budget:

General Fund

Program Expense – Non-Departmental	\$ 32,621
Program Expense – ARPA	3,198,234
Contingency	<u>420,878</u>
<b>Total General Fund</b>	<b><u>\$ 3,651,733</u></b>

Video Lottery Fund

Program Expense	\$ 95,850
Contingency	<u>(95,850)</u>
<b>Total Video Lottery</b>	<b><u>\$ 0</u></b>

Health Services Fund

Program Expense	\$ 98,035
Transfers Out	(1,556,855)
Contingency	(601,206)
Reserves	<u>23,395</u>
<b>Total Health Services Fund</b>	<b><u>\$ (2,036,631)</u></b>

Community Development Fund

Transfers Out	\$ 1,031,030
Reserves for Future Expenditure	(714,790)
Contingency	<u>714,790</u>
<b>Total Community Development</b>	<b><u>\$ 1,031,030</u></b>

Section 3. That the following position be removed:

Job Class	Position Number	Type	Effective Hiring Date	FTE
Administrative Analyst (9125)	3082	Regular	n/a	1.00
<b>Total FTE</b>				<b>1.00</b>

Section 4. That the Chief Financial Officer make the appropriate entries in the Deschutes County Financial System to show the above appropriations.

Section 5. That the Human Resources Director make the appropriate entries in the Deschutes County FTE Authorized Positions Roster to reflect the above FTE changes.

DATED this \_\_\_\_\_ day of December, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

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

ATTEST:

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

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

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

Deschutes County  
Appropriation of New Grant

REVENUE

Item	Line Number	Project Code	Segment 2	Org	Object	Description	Current Budgeted Amount	To (From)	Revised Budget
1				0019919	334012	State Grant	-	32,621	32,621
2				0019918	391200	Transfer In	-	3,198,234	3,198,234
3				0011150	391200	Transfer In	-	420,878	420,878
4				3003650	391295	Transfer In	-	267,000	267,000
5				2952150	391301	Transfer In	68,628	554,002	622,630
6				2952250	391302	Transfer In	61,412	160,788	222,200
7				2963650	391297	Transfer In	-	49,240	49,240
<b>TOTAL</b>							<b>130,040</b>	<b>4,682,763</b>	<b>4,812,803</b>

APPROPRIATION

Item	Line Number	Project Code	Segment 2	Org	Object	Category (Pers, M&S, Cap Out, Contingency)	Description (Element-Object, e.g. Time Mgmt, Temp Help, Computer Hardware)	Current Budgeted Amount	To (From)	Revised Budget
1				0019919	450920	M&S	Grants & Contributions	749,000	32,621	781,621
2				1650350	501971	Contingency	Contingency	1,122,808	(95,850)	1,026,958
3				1650350	450920	M&S	Grants & Contributions	442,750	95,850	538,600
4				2001850	491463	Transfer Out	ARPA LATCF Transfers	4,622,145	(3,619,112)	1,003,033
5				2001350	491001	Transfer Out	GF ARPA Reserve: Homeless/managed camp	-	1,547,608	1,547,608
6				2001750	491001	Transfer Out	GF ARPA Reserve: ARPA Administration	-	190,658	190,658
7				2001350	491001	Transfer Out	GF ARPA Reserve: DCHS Homeless Outreach Service Team	-	529,662	529,662
8				2001150	491001	Transfer Out	GF ARPA Reserve: DCHS Covid Unit Team; and Public Health Response & Recovery	-	455,306	455,306
9				2001350	491001	Transfer Out	GF ARPA Reserve: Shepherd's House	-	225,000	225,000
10				2001350	491001	Transfer Out	GF ARPA Reserve: General (from CHRO Operations Allocation)	-	250,000	250,000
11				2001150	491001	Transfer Out	Transfer for DA & VA Costs	-	420,878	420,878
12				0019999	501971	Contingency	Contingency	13,308,000	420,878	13,728,878
13	ARPAGF	3.11-GEN		0019918	450920	M&S	GF ARPA Reserve: Homeless/managed camp	-	1,547,608	1,547,608
14	ARPAGF	7.1-GEN		0019918	410101	Personnel	GF ARPA Reserve: ARPA Administration	-	190,658	190,658
15	ARPAGF	3.11-HEALTH		0019918	410101	Personnel	GF ARPA Reserve: DCHS Homeless Outreach Service Team	-	529,662	529,662
16	ARPAGF	1.9-HEALTH		0019918	410101	Personnel	GF ARPA Reserve: DCHS Covid Unit Team; and Public Health Response & Recovery	-	455,306	455,306
17	ARPAGF	3.11-GEN		0019918	450920	M&S	GF ARPA Reserve: Shepherd's House	-	225,000	225,000
18	ARPAGF	UNALLOCATED		0019918	450920	M&S	GF ARPA Reserve: General (from CHRO Operations Allocation)	-	250,000	250,000
19				2963650	450920	M&S	Grants & Contributions	46,500	49,240	95,740
20				2973650	450110	M&S	Fees & Permits	192,000	(49,240)	142,760
21				2973650	491296	Transfer Out	To Fund 296	-	49,240	49,240
22				2950150	491300	Transfer Out	To CDD Reserve Fund 300	-	267,000	267,000
23				3013650	491295	Transfer Out	To CDD Fund 295	68,628	554,002	622,630
24				3023650	491295	Transfer Out	To CDD Fund 295	61,412	160,788	222,200
25				2950150	501971	Contingency	Contingency	915,985	(267,000)	648,985
26				3013650	521851	Reserves	Reserves for Future Expenditure	6,883,372	(554,002)	6,329,370
27				3023650	521851	Reserves	Reserves for Future Expenditure	675,088	(160,788)	514,300
28				3003650	501971	Contingency	Contingency	-	267,000	267,000
29				2952150	501971	Contingency	Contingency	-	554,002	554,002
30				2952250	391302	Contingency	Contingency	-	160,788	160,788
<b>TOTAL</b>							<b>29,087,688</b>	<b>4,682,763</b>	<b>33,770,451</b>	

This is a mid-year budget adjustment to account for unforeseen expenditures and changes that have occurred since budget adoption.

Fund: 

Various
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 Dept: 

Various
---------

  
 Requested by: 

Cam Sparks
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 Date: 

12/18/2024
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Deschutes County  
Supplemental Budget

REVENUE

Item	Project Code	Segment 2	Org	Object	Description	Current Budgeted Amount	To (From)	Revised Budget
1	HSADLTINT	HS2OTHER	2743152	391270	Transfer In-OHP Mental Health	502,701	\$ (302,529)	\$ 200,172
2	HSINTYOUTH	HS2OTHER	2743152	391270	Transfer In-OHP Mental Health	790,853	(790,853)	-
3	HSNOCO	HS2OTHER	2743152	391270	Transfer In-OHP Mental Health	387,725	(279,872)	107,853
4	HSSOCO	HS2OTHER	2743152	391270	Transfer In-OHP Mental Health	218,599	(218,599)	-
5	HSPHDIRECT	HS3OTHER	2743153	338011	Local Government Grants	147,700	(52,701)	94,999
6	HSPREVENT	HS3OIOD	2743153	343013	Other Revenue-Misc	392,077	(392,077)	-
<b>TOTAL</b>						<b>\$ 2,439,655</b>	<b>\$ (2,036,631)</b>	<b>\$ 403,024</b>

APPROPRIATION

Item	Project Code	Segment 2	Org	Object	Category (Pers, M&S, CapEx)	Description (Object, e.g. Time Mgmt, Temp Help)	Current	To (From)	Revised Budget
1			2702250	521874	Reserves	Reserve For OHP Future Expend	26,369,509	\$ 1,591,853	\$ 27,961,362
2			2702250	491274	Transfers	Transfers Out - Health Services	5,858,016	(1,591,853)	\$ 4,266,163
3	HSADMIN	HS1OTHER	2743151	501971	Contingency	Contingency	2,745,535	(66,449)	2,694,997
4	HSADMIN	HS1OTHER	2743151	501971	Contingency	Contingency	2,745,535	(9,302)	2,694,997
5	HSADMIN	HS1OTHER	2743151	501971	Contingency	Contingency	2,745,535	25,213	2,694,997
6	HSADMIN	HS1OTHER	2743151	420101	Personnel	Health-Dental Ins	1,403,679	66,449	1,470,128
7	HSADMIN	HS1SPEC	2743151	501971	Contingency	Contingency	-	9,302	9,302
8	HSALL	HS1OTHER	2743151	501971	Contingency	Contingency	2,471,001	(25,213)	2,445,788
9	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	(55,423)	626,000
10	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	(60,321)	626,000
11	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	(302,529)	626,000
12	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	(148,281)	626,000
13	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	261,752	626,000
14	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	(67,072)	626,000
15	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	(102,038)	626,000
16	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	6,341	626,000
17	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	(159,682)	626,000
18	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	5,944	626,000
19	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	(841,293)	626,000
20	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	1,836	626,000
21	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	(279,872)	626,000
22	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	2,629,307	(262,669)	626,000
23	HSACCESS	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	-	55,423	55,423
24	HSADLTINT	HS2GR17G	2743152	521851	Reserves	Reserve for Future Expenditure	-	60,321	60,321
25	HSADULT	HS2OTHER	2743152	420101	Personnel	Health-Dental Ins	544,660	100,000	644,660
26	HSADULT	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	-	48,281	48,281
27	HSBHGEN	HS2OHPICQ	2743152	501971	Contingency	Contingency	738,235	(261,752)	476,483
28	HSBHGEN	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	-	67,072	67,072
29	HSCRISIS	HS2OTHER	2743152	430312	M&S	Contracted Services	921,810	102,038	1,023,848
30	HSCRISIS	HS3OIOD	2743152	410101	Personnel	Regular Employees	67,964	(6,341)	61,623
31	HSIDDD	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	-	159,682	159,682
32	HSINTEGRAT	HS2OTHER	2743152	410101	Personnel	Regular Employees	538,008	(5,944)	532,064
33	HSINTYOUTH	HS2OTHER	2743152	420101	Personnel	Health Dental Ins	1,315,777	50,440	1,366,217
34	HSMEDICAL	HS2OTHER	2743152	501971	Contingency	Contingency	16,256	(1,836)	14,420
35	HSSOCO	HS2OTHER	2743152	521851	Reserves	Reserve for Future Expenditure	-	44,070	44,070
36	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	(90,363)	1,813,024
37	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	51,692	1,813,024
38	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	33,440	1,813,024
39	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	75,436	1,813,024
40	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	71,690	1,813,024
41	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	(52,701)	1,813,024
42	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	(12,246)	1,813,024
43	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	20,825	1,813,024
44	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	(37,329)	1,813,024
45	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	(5,316)	1,813,024
46	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	(1)	1,813,024
47	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	(427,074)	1,813,024
48	HSPHGEN	HS3OTHER	2743153	501971	Contingency	Contingency	2,185,177	(206)	1,813,024
49	HSCLINICAL	HS3OTHER	2743153	501971	Contingency	Contingency	-	90,363	90,363
50	HSCOMMDIS	HS3OTHER	2743153	301971	Contingency	Contingency	38,954	(38,954)	-
51	HSCOMMDIS	HS3OTHER	2743153	410101	Personnel	Regular Employees	1,317,303	(12,738)	1,304,565
52	HSEMEREPPREP	HS3OTHER	2743153	472274	M&S	Interfund Pmts to Fund 274	-	(33,440)	(33,440)
53	HSENVIRON	HS3OTHER	2743153	472274	M&S	Interfund Pmts to Fund 274	-	(75,436)	(75,436)
54	HSCLINICAL	HS34101N	2743153	472274	M&S	Interfund Pmts to Fund 274	(250,000)	180,566	(69,434)
55	HSCLINICAL	HS34101N	2743153	410101	Personnel	Regular Employees	487,559	(180,566)	306,993
56	HSPREVENT	HS3OTHER	2743153	472274	M&S	Interfund Pmts to Fund 274	-	(71,690)	(71,690)
57	HSPHGEN	HS3OHPICQ	2743153	501971	Contingency	Contingency	1,612,073	12,246	1,624,319
58	HSPHGEN	HS3OTHER	2743153	410101	Personnel	Regular Employees	814,541	(20,825)	793,716
59	HSPREVENT	HS3FT01	2743153	501971	Contingency	Contingency	-	37,329	37,329
60	HSPREVENT	HS3MJTAX	2743153	450410	M&S	Advertising - Promo & Announce	60,000	5,316	65,316
61	HSPREVENT	HS3NOAT	2743153	491001	Transfers	Transfer Out - General Fund	60,703	1	60,704
62	HSPREVENT	HS3OIOD	2743153	491001	Transfers	Transfer Out - General Fund	1,077,939	34,997	1,112,936
63	HSPREVENT	HS3YOUTH	2743153	420101	Personnel	Health-Dental Ins	152,031	206	152,237
<b>TOTAL</b>						<b>\$ 119,070,222</b>	<b>\$ (2,036,631)</b>	<b>\$ 86,423,688</b>	

A supplemental budget to allocate resources and requirements based on programs which started FY25 with lower or higher Beginning Working Capital.

Fund: 270 and 274  
 Dept: Health Services  
 Requested by: Cheryl Smallman  
 Date: 12.18.24



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: December 18, 2024

SUBJECT: Approval of Document No. 2024-866, a Notice of Intent to Award Contract for the DCRD Campus Electrical Upgrades Project

RECOMMENDED MOTION:

Move approval of Chair signature of Document No. 2024-866.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department prepared bid solicitation documents for the DCRD Campus Electrical Upgrades project. The project scope of work includes removal and disposal of old electrical equipment, installation of new contractor furnished electrical equipment, and incidental work to improve and modernize the electrical distribution system for the Road Department campus. The project was advertised in the Daily Journal of Commerce and The Bulletin on November 6, 2024. The Department opened bids at 2:00 P.M. on December 4, 2024.

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

<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>
Kronsberg Electric Inc	\$337,080.00
Apex Mechanical LLC	\$469,590.00
Engineer's Estimate	\$350,000.00

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

BUDGET IMPACTS:

The total contract amount is included in the Road Facility and Equipment Capital Fund (Fund 330) budget for Fiscal Year 2025.

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





## BOARD OF COUNTY COMMISSIONERS

December 18, 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 DCRD Campus Electrical Upgrades

To Whom It May Concern:

On December 18, 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 Kronsberg Electric Inc, with a bid of Three Hundred Thirty Seven Thousand and Eighty Dollars (\$337,080.00).

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) 279C.375. Any entity which believes that they are adversely affected or aggrieved by the intended award of contract set forth in this Notice may submit a written protest within seven (7) calendar days after the issuance of this Notice of Intent to Award Contract to the Board of County Commissioners of Deschutes County, Oregon, at Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703. **The seven (7) calendar day protest period will end at 5:00 PM on December 25, 2024.**

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

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

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

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

Sincerely,

---

Patti Adair, Chair

DCRD CAMPUS ELECTRICAL UPGRADES  
 ELECTRICAL  
 DESCHUTES COUNTY, OREGON  
 PROJECT # W39000

**BID RESULTS**

BID OPENING : 2:00 PM 7/24/2024

ENGINEER'S ESTIMATE		KRONSBURG ELECTRIC, INC PO BOX 1416 REDMOND, OR 97756		APEX MECHANICAL LLC 1507 SE EATON BLVD BATTLE GROUND, WA 98604	
<b>UNIT PRICE</b>	<b>TOTAL</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>	<b>UNIT PRICE</b>	<b>TOTAL</b>
\$350,000.00	\$350,000.00	\$337,080.00	\$337,080.00	\$469,590.00	\$469,590.00
<b>TOTAL = \$350,000.00</b>		<b>TOTAL = \$337,080.00</b>		<b>TOTAL = \$469,590.00</b>	

ITEM	UNIT	QTY
1	LS	1

			<b>UNIT PRICE</b>	<b>TOTAL</b>
			\$350,000.00	\$350,000.00



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** December 18, 2024

**SUBJECT:** Approval of Order No. 2024-050, establishing a designated speed of 30 mph on Cimarron Drive, and Order No. 2024-051, establishing a designated speed of 30 mph on Chaparrel Drive

**RECOMMENDED MOTION:**

Move approval of Order Nos. 2024-050 and 2024-051.

**BACKGROUND AND POLICY IMPLICATIONS:**

Speed limits on all public roads in Oregon are set by state law in the Oregon Vehicle Code. Implementation of a speed zone, which changes the speed limit on a given segment of a public road from the statutory speed limit, requires a speed zone order. Under the Oregon Vehicle Code, the Oregon Department of Transportation (ODOT) is responsible for conducting speed zone investigations to determine a recommended speed limit and for issuing speed zone orders that set a new designated speed that differs from a previously designated speed on county roads. However, under the current Oregon Vehicle Code, ODOT can delegate speed zoning authority to a county for roads under the county's authority with an average daily traffic of less than 400 vehicles per day. A county with this delegated authority is required to conduct speed zone investigations in accordance with ODOT standards.

Cimarron Drive and Chaparrel Drive both provide access to the Cimarron City subdivision from McGrath Road. The current speed limit on Cimarron Drive is 45 miles per hour as set by ODOT Speed Zone Order No. 2997; this order was adopted by ODOT in 1978, prior to the current statute that provides for delegated authority on low volume roads. Road Department records indicate that Road Department staff had made a request to ODOT for a speed zone investigation in 1977 to reduce the 55 mph statutory speed limit on Cimarron Drive in response to a vehicle crash involving a child pedestrian, and ODOT's investigation yielded a recommended speed of 50 mph. Road Department staff objected to this recommendation, indicating that a designated speed of 35 mph seemed prudent, and the Oregon State Speed Control Board ruled for a designated speed of 45 mph with the above-referenced order. Meanwhile, the current speed limit on Chaparrel Drive is the statutory

speed limit of 55 mph.

In recent years, the Road Department has received several requests from Cimarron City residents for reduced speed limits on Cimarron Drive and Chaparrel Drive. In response, Department staff conducted a speed zone investigation on both roads in October 2024; the report from this investigation is attached to both proposed Order Nos. 2024-050 and 2024-051. Based on this investigation, the Department is recommending a designated speed of 30 mph for both Cimarron Drive and Chaparrel Drive.

Both roads are functionally classified as local roads and are 0.94 mile in length each. The roads lie within and provide access to MUA10-zoned lands. The area adjacent to the roads is residential in context, with residents using the paved roadway cross-sections for walking and biking; however, driveway spacing along both roads is not consistent with the statutory definition of a "Residence District", which would provide a statutory designated speed of 25 mph. The recommended speed of 30 mph is consistent with the observed 50<sup>th</sup>-percentile speeds (the speed at or below which 50% of vehicles were observed to be travelling during the study) of 30.1 mph on Cimarron Drive and 33.6 mph on Chaparrel Drive.

Adoption of Order No. 2024- 050 will reduce the speed limit on Cimarron Drive from 45 mph to 30 mph, while adoption of Order No. 2024- 051 will reduce the speed limit on Chaparrel Drive from 55 mph to 30 mph.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Cody Smith, County Engineer/Assistant Road Department Director

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

12/18/2024 Item #7.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Establishing a Designated Speed of 30 Miles Per Hour on Cimarron Drive \*  
\* ORDER NO. 2024-050  
\*

WHEREAS, pursuant to Oregon Revised Statute (ORS) 810.180(5)(f), the Oregon Department of Transportation (ODOT) has delegated its authority under the Oregon Vehicle Code to Deschutes County with respect to establishing designated speeds on low-volume highways under the County’s road authority; and

WHEREAS, under ODOT criteria, low-volume highways are public roads with an average daily traffic of less than 400 vehicles per day; and

WHEREAS, Cimarron Drive is a county road that lies outside the corporate limits of any city and has an average daily traffic volume of 248 vehicles per day; and

WHEREAS, the Deschutes County Road Department conducted an engineering and traffic investigation for Cimarron Drive in accordance with ODOT criteria; the data, facts, and information obtained in connection with said engineering and traffic investigation are given in the attached Exhibit “A”; and

WHEREAS, based on the findings of said engineering and traffic investigation, the Deschutes County Road Department has found that the speed designated in ORS 811.105, ORS 811.111, or any previous order with respect to the designated speed is greater than is reasonable under the conditions found to exist upon Cimarron Drive and has recommended a designated speed on Cimarron Drive of 30 miles per hour (MPH); now, therefore

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

Section 1. That the designated speed for the following highway segment be as follows:

Highway Name: **Cimarron Drive**

LOCATION OF TERMINI

From:	To:	Designated Speed (Miles/Hour)
McGrath Road	Lariat Lane	30

Section 2. That the Deschutes County Road Department shall install appropriate signs giving notice of the designated speed in accordance with ORS 810.180(5)(e).

Section 3. That the signs installed pursuant to this order comply with the provisions of ORS 810.210 and 810.220.

Section 4. That any previous order with respect to the designated speed of the above highway segment which is in conflict with the provisions of this order is hereby rescinded.

Section 5. That this order will remain in effect until and unless rescinded by order of the Board of County Commissioners.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
PATTI ADAIR, CHAIR

ATTEST:

\_\_\_\_\_  
ANTHONY DEBONE, VICE CHAIR

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

\_\_\_\_\_  
PHIL CHANG, COMMISSIONER

EXHIBIT "A"

DESCHUTES COUNTY ROAD DEPARTMENT

Standard Report of Speed Zone Investigation

Cimarron Dr & Chapparel Dr: McGrath Rd to Lariat Ln  
Cimarron City Subdivision  
Deschutes County, Oregon  
October 28, 2024

**Recommendation:** Establish the following speed zoning:

<b>Section Investigated:</b>	<b>Existing</b>	<b>Recommended</b>
<u>Section A:</u> Cimarron Dr Road No. 03233 Segment No. 10	<u>From:</u> McGrath Rd <u>To:</u> Lariat Ln (END)  45 MPH	30 MPH

Historical Background:  
Investigation conducted by: ODOT  
Requested Speed: Unknown

Previous Action:  
Initial Order 2977 established 45MPH in 1978. Region 4 rescinded order and established new order (Order 627) at 45MPH with more clearly defined limits

<u>Section B:</u> Chapparel Dr Road No. 03235 Segment No. 10	<u>From:</u> McGrath Rd <u>To:</u> Lariat Ln (END)  55 MPH (Statutory)	30 MPH
---	--	--------

Historical Background:  
No speed zone order previously established.

Previous Action:  
None

**Investigation**

Section Length, miles  
 Measured 85% Speed, MPH  
 Measured 50% Speed, MPH  
 2020-2022 Crash Rate <sup>1</sup>, crashes/million vehicles  
 2024 Average Daily Traffic, vpd  
 Context  
 Land Use Density  
 Culture Type  
 Horizontal Alignment  
 Vertical Alignment  
 Curve Signs & Speed Riders  
 Existing Posted Speed, MPH  
 Recommended Speed, MPH

**Section A**

0.94  
 38.2 (Avg)  
 NA  
 0.39  
 248  
 Rural Community  
 NA  
 Rural  
 Tangent  
 Mostly Level  
 None  
 45  
 25

**Section B**

0.94  
 39.7 (Avg)  
 NA  
 0  
 363  
 Rural Community  
 NA  
 Rural  
 Tangent  
 Mostly Level  
 None  
 55 (Statutory)  
 25

**Roadway Data**

Surface Type  
 Number of Lanes  
 Width, ft  
 Parking  
 Shoulders  
 Business or Residence District?  
 Maintenance Jurisdiction  
 Intersecting Public Streets <sup>7</sup>  
     Paved  
     Stop-Controlled  
     Signalized or Other Controlled  
 Pedestrian Activity <sup>2</sup>  
 Bicycle Activity <sup>2</sup>  
 Bicycle Lanes or Shoulder Bikeways  
 Sidewalk, % of Section Length  
 Bicycle Lane, % of Section Length  
 Number of Marked Crosswalks  
 Number of Enhanced Crosswalks  
 Number of Transit Stops

**Section A**

AC  
 2  
 26  
 Not Prohibited  
 Unimproved  
 No  
 Deschutes County  
 9  
 9  
 9  
 0  
 Medium  
 Medium  
 No  
 0  
 0  
 0  
 0  
 0  
 0

**Section B**

AC  
 2  
 26  
 Not Prohibited  
 Unimproved  
 No  
 Deschutes County  
 7  
 6  
 7  
 0  
 Medium  
 Medium  
 No  
 0  
 0  
 0  
 0  
 0  
 0

**Crash Data**

Study Period  
 Total Crashes  
     Fatal (K) Crashes  
     Serious Injury (A) Crashes  
     Injury (B) and (C) Crashes  
     No Injury (O) Crashes  
 Section Crash Rate (R), crashes/million vehicles <sup>1</sup>  
 Comparable Crash Rate (r), crashes/million vehicles <sup>3</sup>  
 Crash Rate Deviation (R-r), crashes/million vehicles

**Section A**

2020-2022  
 1  
 0  
 1  
 0  
 0  
 0.39  
 NA  
 NA

**Section B**

2020-2022  
 0  
 0  
 0  
 0  
 0  
 0  
 NA  
 NA

**Spot Speed Data:**

85% Speed, MPH  
 50% Speed, MPH  
 Pace limits <sup>4</sup>  
 % in Pace  
 Maximum Speed, MPH  
 Posted Speed, MPH  
 % Exceeding Posted Speed  
 Computed 85% Speed, MPH <sup>5</sup>  
 Allowable Speed Range, MPH <sup>6</sup>  
 Recommended Speed, MPH

**Section A**

37.4 (Avg)  
 30.1 (Avg)  
 26 to 35  
 72.1 (Avg)  
 60  
 45  
 3.9  
 NA  
 25 to 40  
 30

**Section B**

39.8 (Avg)  
 33.6 (Avg)  
 31 to 40  
 59.8 (Avg)  
 60  
 55  
 0.3  
 NA  
 25 to 40  
 30



**Notes:**

1. Crash rate based on 2020-2022 Crash Data from ODOT TDS Crash Reports and 2024 Traffic Count data collected by Deschutes County.
2. Pedestrian and Bicycle activity based on volume data for study period from Strava Metro and oral testimony from residents.
3. No Comparable Rate Available
4. Ten mile per hour range containing the largest number of sampled vehicles
5. Computed Speed is 85<sup>th</sup>-percentile speed minus Crash Rate Deviation (R-r)
6. Allowable speed computed according to Table 4 of Speed Zone Manual.
7. There are no access limitations for intersecting streets or residential driveways.

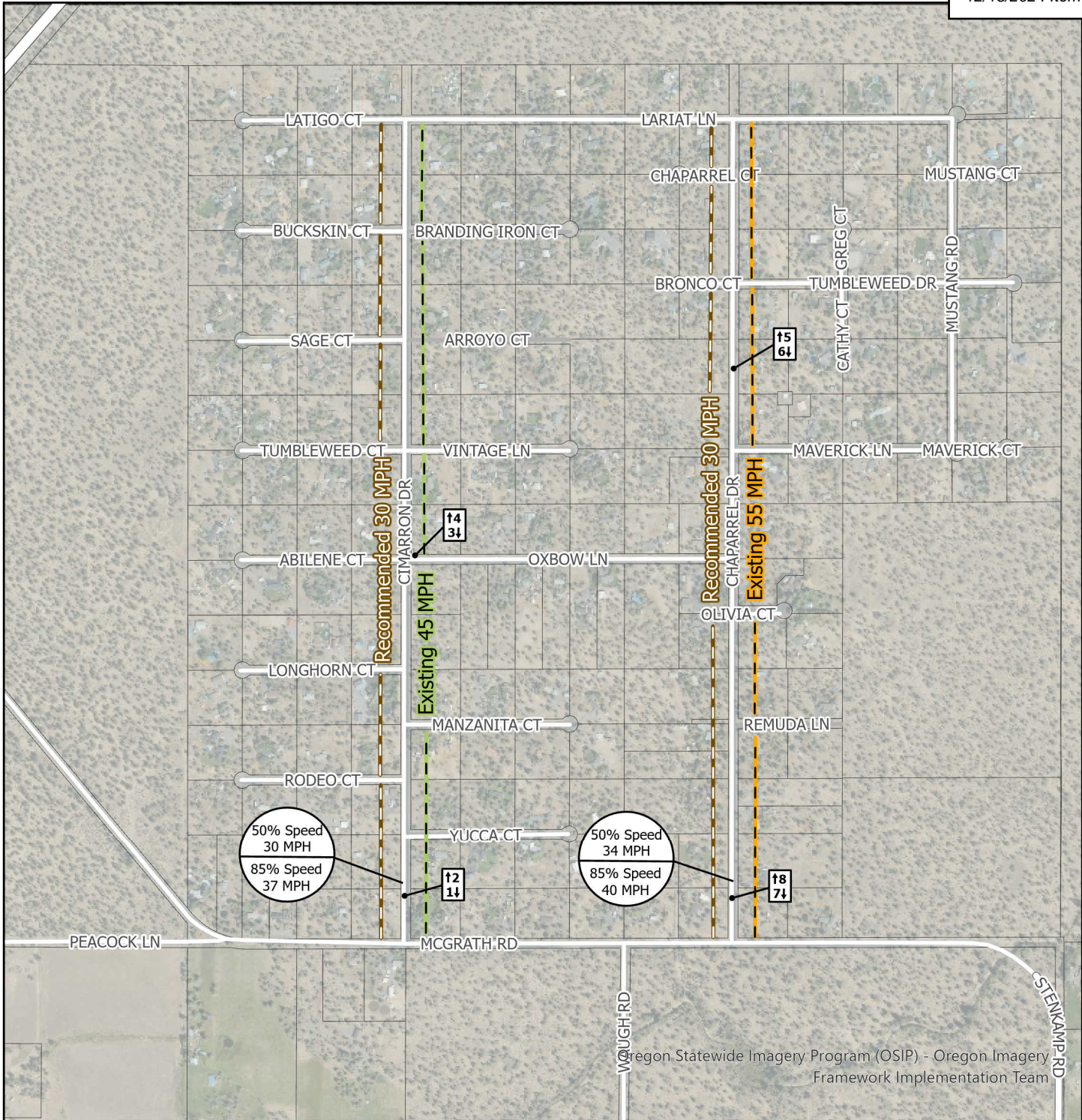
**Factors Influencing Recommendation:****Section A: Cimarron Dr**

- Several complaints have been received from residents of Cimarron City subdivision regarding vehicle speeds.
- Area is residential only and residents use paved roadway cross-section for walking or biking seasonally.
- One crash was observed at the intersection with McGrath Rd but was not speed-involved. Crash data is not influential on the recommended speed posting.
- Driveway and access spacing is not consistent with statutory Residence District definition according to ORS 801.430.
- Recommended speed is consistent with the mean observed speed.

**Section B: Chapparel Dr**

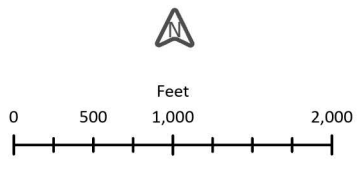
- Several complaints have been received from residents of Cimarron City subdivision regarding vehicle speeds.
- Area is residential only and residents use paved roadway cross-section for walking or biking seasonally.
- No crashes have occurred along the roadway segment and crash data is not influential on the recommended speed posting.
- Driveway and access spacing is not consistent with statutory Residence District definition according to ORS 801.430.
- Recommended speed is consistent with the mean observed speed.





Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team

- Photos
- Spot Speed Check
- County Roads
- Non-County Roads



Z:\ArcGIS\_Projects\Speeds\Cimarron & Chapparel

MPH
20
25
30
35
40
45
50
55
60
65
70



# ROAD DEPARTMENT

TITLE: CIMARRON DR & CHAPPAREL DR SPEED STUDY  
MCGRATH RD TO LARIAT LN

DATE: 10/29/24

SCALE: AS SHOWN

DRAFTER: R. PINKSTON  
REVIEWED BY: C. SMITH



**Site Photos**  
Cimmaron Dr  
Deschutes County  
October 22, 2024



Photo 1: Looking South from approx. 300ft north of McGrath Rd



Photo 2: Looking North from approx. 300ft north of McGrath Rd  
Existing 45mph speed posting pictured

**Site Photos**  
Cimarron Dr  
Deschutes County  
October 22, 2024



Photo 3: Looking South from intersection of Cimarron Dr with Abilene Ct/Oxbow Ln  
Pedestrian activity pictured



Photo 4: Looking North from intersection of Cimarron Dr with Abilene Ct/Oxbow Ln  
Terrain pictured



**Site Photos**  
Chapparel Dr  
Deschutes County  
October 22, 2024



Photo 5: Looking North from 63458 Chapparel Dr



Photo 6: Looking South from 63458 Chapparel Dr  
Terrain pictured

**Site Photos**  
Chapparel Dr  
Deschutes County  
October 22, 2024



Photo 7: Looking South from 63212 Chapparel Dr



Photo 8: Looking North from 63212 Chapparel Dr

**CRASH SUMMARY TABLE**

SECTION: A & B  
 ROADWAY: Cimarron Dr & Chapparel Dr  
 ROAD NO.: 03233 & 03235  
 MAINT. ZONE: Bend  
 COUNTY: Deschutes  
 FROM: McGrath Rd  
 TO: Lariat Ln (End)  
 YEARS: 2020-2022

CODE	COLLISION TYPE														CRASH CLASSIFICATION			
	ANGLE	HEAD-ON	REAR-END	SIDESWIPE-MEETING	SIDESWIPE-OVERTAKING	TURNING MOVEMENT	PARKING MANEUVER	NON-COLLISION	FIXED-OBJECT OR OTHER-OBJECT	PEDESTRIAN	BACKING	MISCELLANEOUS	BICYCLE <sup>1</sup>	ALL CRASHES	FATAL	SERIOUS INJURY	NON-FATAL INJURY	NO INJURY
	1	2	3	4	5	6	7	8	9	0	-	&			K	A	B/C	O
<b>SECTION A - CIMARRON DR</b>																		
YEAR: 2022	1													1			1	
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<i>AVERAGE ANNUAL CRASH RATE</i>														<b>1</b>				

<b>SECTION B - CHAPPAREL DR</b>																		
YEAR: 2022																		
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<i>AVERAGE ANNUAL CRASH RATE</i>														<b>0</b>				

NOTES:  
 1) Bicycle crashes are only counted in crashes in which a pedestrian or bicycle was struck by a motor vehicle, not where they might have been involved but not struck.

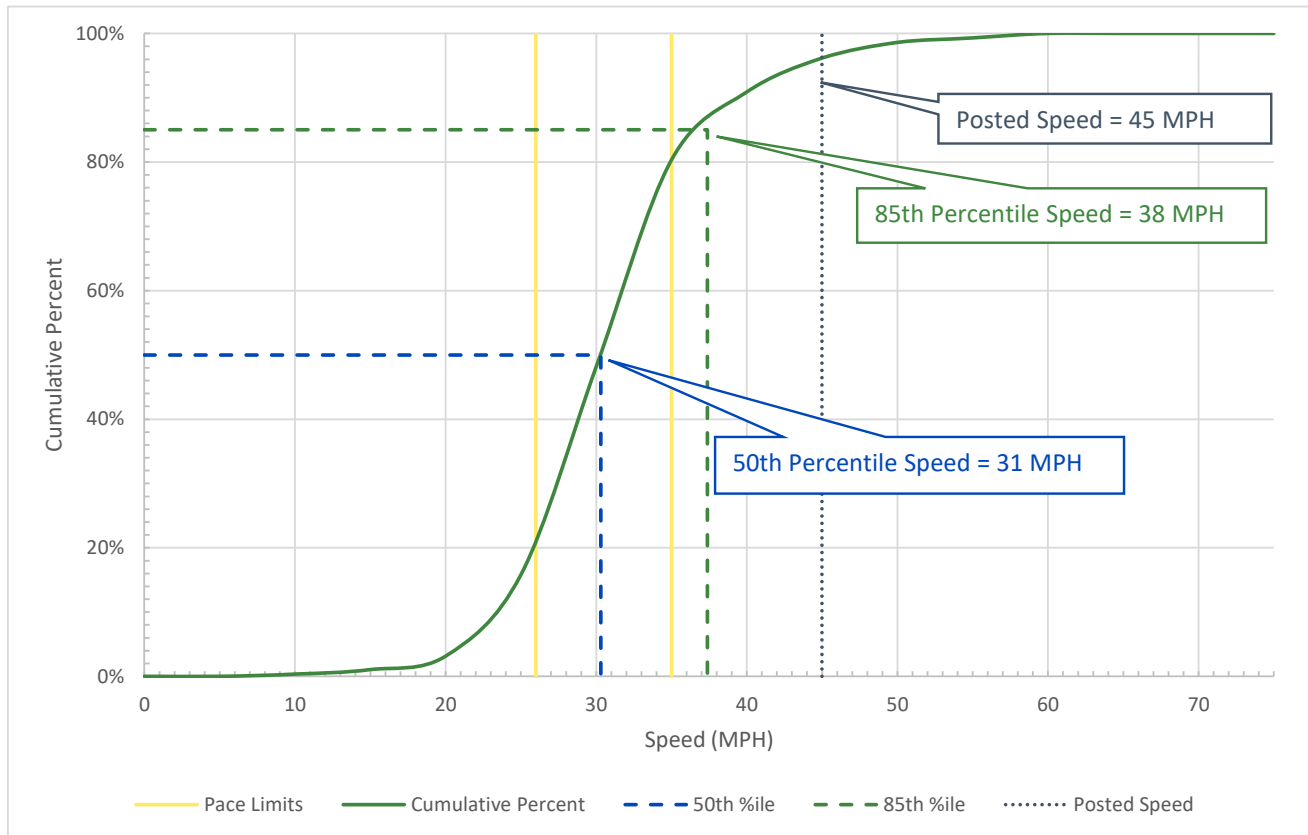
Compiled By: BMW  
 Date: 10/21/2024

# Deschutes County Road Department Spot Speed Measurement Report

## Section A

Roadway	Cimarron Dr	Date	10/8/2024
City	Bend	Time	24hr Count
County	Deschutes	Weather	Clear
Location	Cimarron City Subdivision	Investigator	BW
Direction of Travel	NB/SB	Agency/Company	Deschutes County Road Dept.

### Combined Direction Speed Profile



### Summary Statistics

Direction	NB	SB	Combined
Total # of Vehicles	217	68	285
50th %ile/Median Speed, MPH	32.1	28.7	31.3
85th %ile Speed, MPH	39.3	34.1	38.1
Mean Speed, MPH	32.5	29.4	31.8
Standard Deviation, MPH	6.7	7.6	7.1
Pace Limits, MPH *	26 to 35	26 to 35	26 to 35
% in Pace	64.1%	66.2%	64.6%
Max Speed, MPH	55	60	60
Posted Speed, MPH	45	45	45
% Exceeding Posted Speed	3.7%	4.4%	3.9%

\*10 mph range containing the largest number of sampled vehicles.

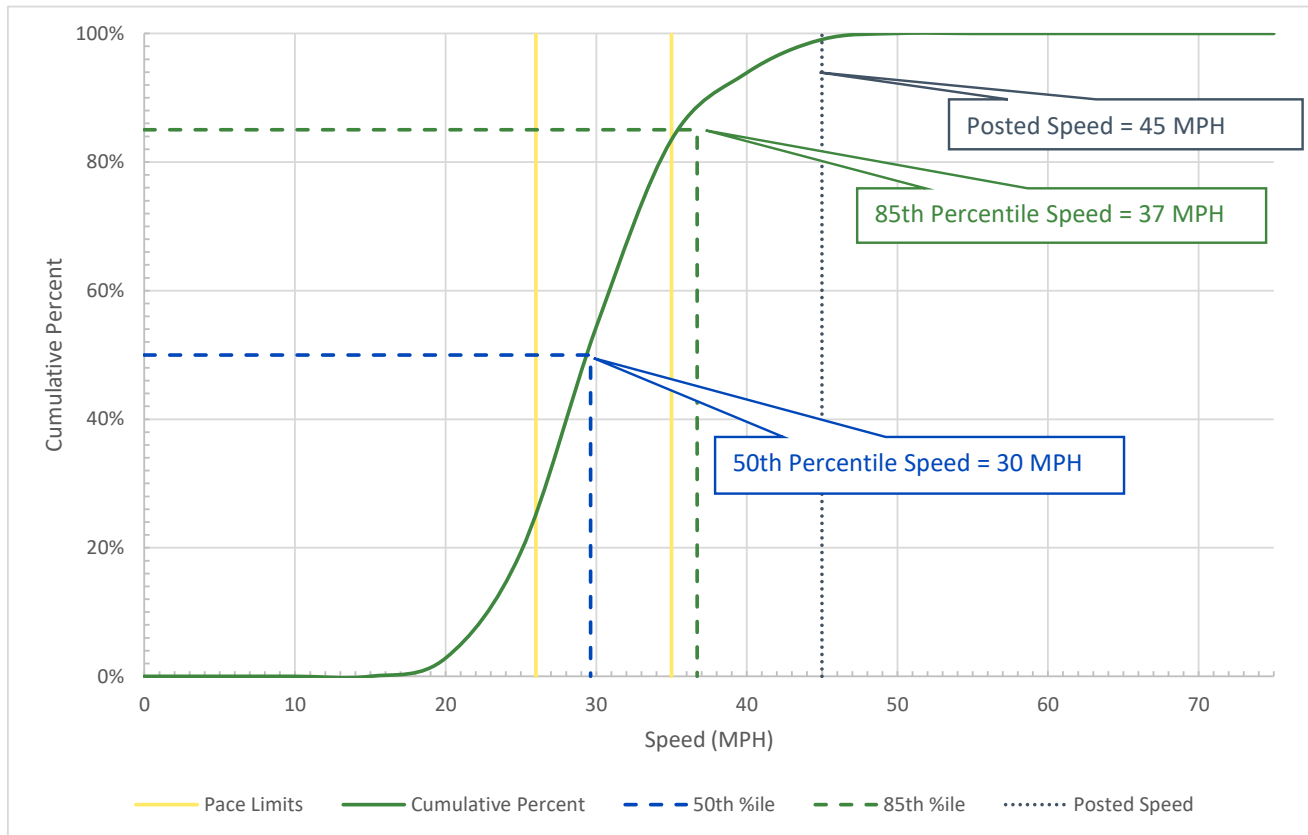


# Deschutes County Road Department Spot Speed Measurement Report

## Section A

Roadway	Cimarron Dr	Date	10/9/2024
City	Bend	Time	24hr Count
County	Deschutes	Weather	Clear
Location	Cimarron City Subdivision	Investigator	BW
Direction of Travel	NB/SB	Agency/Company	Deschutes County Road Dept.

### Combined Direction Speed Profile



### Summary Statistics

Direction	NB	SB	Combined
Total # of Vehicles	163	49	212
50th %ile/Median Speed, MPH	31.2	28.8	30.4
85th %ile Speed, MPH	38.1	33.1	36.6
Mean Speed, MPH	31.3	29.2	30.9
Standard Deviation, MPH	6.4	4.5	6.1
Pace Limits, MPH *	26 to 35	26 to 35	26 to 35
% in Pace	59.5%	79.6%	64.2%
Max Speed, MPH	50	50	50
Posted Speed, MPH	45	45	45
% Exceeding Posted Speed	0.6%	2.0%	0.9%

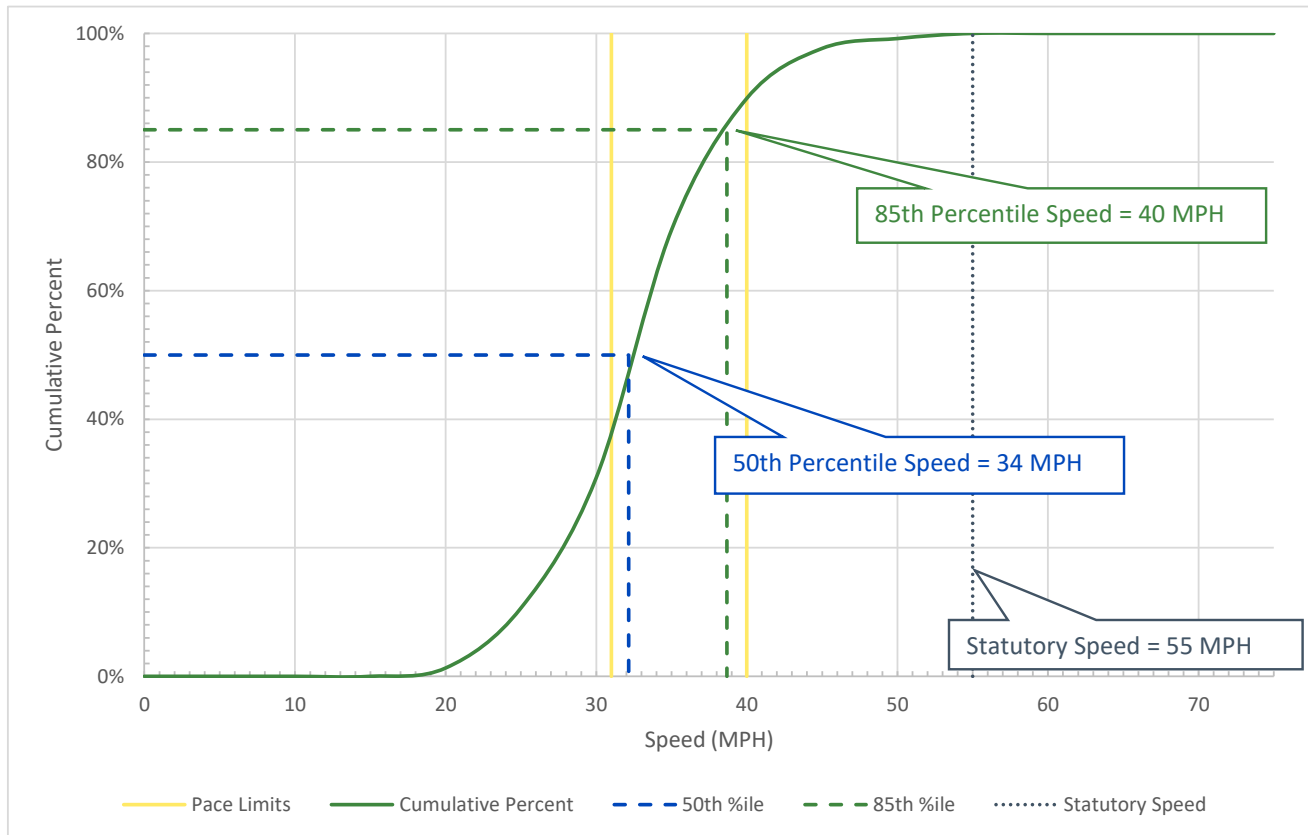
\*10 mph range containing the largest number of sampled vehicles.

# Deschutes County Road Department Spot Speed Measurement Report

## Section B

Roadway	Chapparel Dr	Date	10/8/2024
City	Bend	Time	24hr Count
County	Deschutes	Weather	Clear
Location	Cimarron City Subdivision	Investigator	BW
Direction of Travel	NB/SB	Agency/Company	Deschutes County Road Dept.

### Combined Direction Speed Profile



### Summary Statistics

Direction	NB	SB	Combined
Total # of Vehicles	167	219	386
50th %ile/Median Speed, MPH	33.8	33.1	33.5
85th %ile Speed, MPH	40.2	39.4	39.8
Mean Speed, MPH	34	33.2	33.5
Standard Deviation, MPH	6.5	6.0	6.2
Pace Limits, MPH *	31 to 40	26 to 35	31 to 40
% in Pace	61.1%	61.2%	59.1%
Max Speed, MPH	55	55	55
Statutory Speed, MPH	55	55	55
% Exceeding Statutory Speed	0.0%	0.0%	0.0%

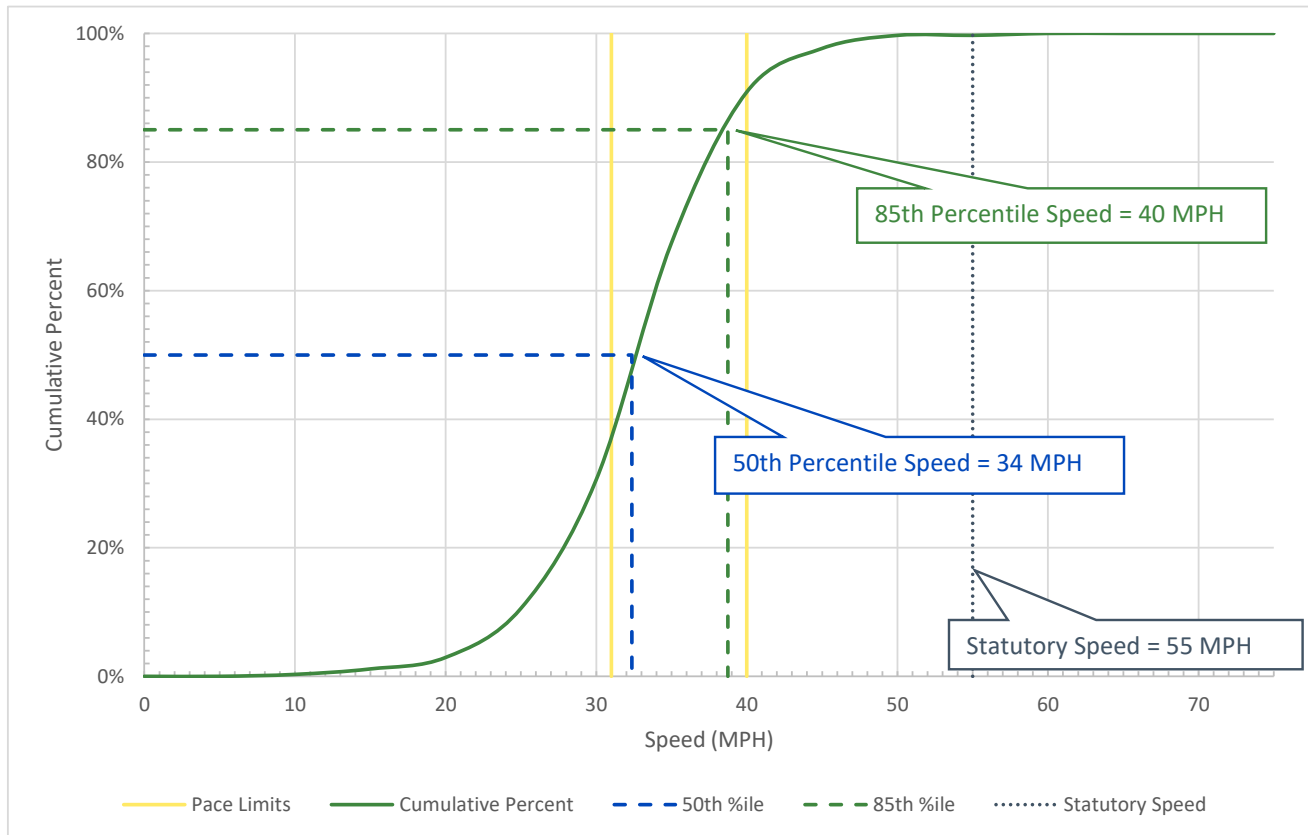
\*10 mph range containing the largest number of sampled vehicles.

# Deschutes County Road Department Spot Speed Measurement Report

## Section B

Roadway	Chapparel Dr	Date	10/9/2024
City	Bend	Time	24hr Count
County	Deschutes	Weather	Clear
Location	Cimarron City Subdivision	Investigator	BW
Direction of Travel	NB/SB	Agency/Company	Deschutes County Road Dept.

### Combined Direction Speed Profile



### Summary Statistics

Direction	NB	SB	Combined
Total # of Vehicles	142	199	341
50th %ile/Median Speed, MPH	34.1	33.2	33.6
85th %ile Speed, MPH	39.8	39.6	39.7
Mean Speed, MPH	33.7	33.3	33.4
Standard Deviation, MPH	6.6	6.5	6.6
Pace Limits, MPH *	31 to 40	26 to 35	31 to 40
% in Pace	65.5%	59.8%	60.4%
Max Speed, MPH	50	60	60
Statutory Speed, MPH	55	55	55
% Exceeding Statutory Speed	0.0%	0.5%	0.3%

\*10 mph range containing the largest number of sampled vehicles.

REVIEWED  
LEGAL COUNSEL

12/18/2024 Item #7.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Establishing a Designated Speed of 30 Miles Per Hour on Chaparrel Drive \* ORDER NO. 2024-051 \* \*

WHEREAS, pursuant to Oregon Revised Statute (ORS) 810.180(5)(f), the Oregon Department of Transportation (ODOT) has delegated its authority under the Oregon Vehicle Code to Deschutes County with respect to establishing designated speeds on low-volume highways under the County’s road authority; and

WHEREAS, under ODOT criteria, low-volume highways are public roads with an average daily traffic of less than 400 vehicles per day; and

WHEREAS, Chaparrel Drive is a county road that lies outside the corporate limits of any city and has an average daily traffic volume of 248 vehicles per day; and

WHEREAS, the Deschutes County Road Department conducted an engineering and traffic investigation for Chaparrel Drive in accordance with ODOT criteria; the data, facts, and information obtained in connection with said engineering and traffic investigation are given in the attached Exhibit “A”; and

WHEREAS, based on the findings of said engineering and traffic investigation, the Deschutes County Road Department has found that the speed designated in ORS 811.105, ORS 811.111, or any previous order with respect to the designated speed is greater than is reasonable under the conditions found to exist upon Chaparrel Drive and has recommended a designated speed on Chaparrel Drive of 30 miles per hour (MPH); now, therefore

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

Section 1. That the designated speed for the following highway segment be as follows:

Highway Name: Chaparrel Drive

LOCATION OF TERMINI

From:	To:	Designated Speed (Miles/Hour)
McGrath Road	Lariat Lane	30

Section 2. That the Deschutes County Road Department shall install appropriate signs giving notice of the designated speed in accordance with ORS 810.180(5)(e).

Section 3. That the signs installed pursuant to this order comply with the provisions of ORS 810.210 and 810.220.

Section 4. That any previous order with respect to the designated speed of the above highway segment which conflicts with the provisions of this order is hereby rescinded.

Section 5. That this order will remain in effect until and unless rescinded by order of the Board of County Commissioners.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
PATTI ADAIR, CHAIR

ATTEST:

\_\_\_\_\_  
ANTHONY DEBONE, VICE CHAIR

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

\_\_\_\_\_  
PHIL CHANG, COMMISSIONER

EXHIBIT "A"

DESCHUTES COUNTY ROAD DEPARTMENT

Standard Report of Speed Zone Investigation

Cimarron Dr & Chapparel Dr: McGrath Rd to Lariat Ln  
Cimarron City Subdivision  
Deschutes County, Oregon  
October 28, 2024

**Recommendation:** Establish the following speed zoning:

<b>Section Investigated:</b>	<b>Existing</b>	<b>Recommended</b>
<u>Section A:</u> Cimarron Dr Road No. 03233 Segment No. 10	<u>From:</u> McGrath Rd <u>To:</u> Lariat Ln (END)  45 MPH	30 MPH

Historical Background:  
Investigation conducted by: ODOT  
Requested Speed: Unknown

Previous Action:  
Initial Order 2977 established 45MPH in 1978. Region 4 rescinded order and established new order (Order 627) at 45MPH with more clearly defined limits

<u>Section B:</u> Chapparel Dr Road No. 03235 Segment No. 10	<u>From:</u> McGrath Rd <u>To:</u> Lariat Ln (END)  55 MPH (Statutory)	30 MPH
---	--	--------

Historical Background:  
No speed zone order previously established.

Previous Action:  
None

**Investigation**

Section Length, miles  
 Measured 85% Speed, MPH  
 Measured 50% Speed, MPH  
 2020-2022 Crash Rate <sup>1</sup>, crashes/million vehicles  
 2024 Average Daily Traffic, vpd  
 Context  
 Land Use Density  
 Culture Type  
 Horizontal Alignment  
 Vertical Alignment  
 Curve Signs & Speed Riders  
 Existing Posted Speed, MPH  
 Recommended Speed, MPH

**Section A**

0.94  
 38.2 (Avg)  
 NA  
 0.39  
 248  
 Rural Community  
 NA  
 Rural  
 Tangent  
 Mostly Level  
 None  
 45  
 25

**Section B**

0.94  
 39.7 (Avg)  
 NA  
 0  
 363  
 Rural Community  
 NA  
 Rural  
 Tangent  
 Mostly Level  
 None  
 55 (Statutory)  
 25

**Roadway Data**

Surface Type  
 Number of Lanes  
 Width, ft  
 Parking  
 Shoulders  
 Business or Residence District?  
 Maintenance Jurisdiction  
 Intersecting Public Streets <sup>7</sup>  
     Paved  
     Stop-Controlled  
     Signalized or Other Controlled  
 Pedestrian Activity <sup>2</sup>  
 Bicycle Activity <sup>2</sup>  
 Bicycle Lanes or Shoulder Bikeways  
 Sidewalk, % of Section Length  
 Bicycle Lane, % of Section Length  
 Number of Marked Crosswalks  
 Number of Enhanced Crosswalks  
 Number of Transit Stops

**Section A**

AC  
 2  
 26  
 Not Prohibited  
 Unimproved  
 No  
 Deschutes County  
 9  
 9  
 9  
 0  
 Medium  
 Medium  
 No  
 0  
 0  
 0  
 0  
 0  
 0

**Section B**

AC  
 2  
 26  
 Not Prohibited  
 Unimproved  
 No  
 Deschutes County  
 7  
 6  
 7  
 0  
 Medium  
 Medium  
 No  
 0  
 0  
 0  
 0  
 0  
 0

**Crash Data**

Study Period  
 Total Crashes  
     Fatal (K) Crashes  
     Serious Injury (A) Crashes  
     Injury (B) and (C) Crashes  
     No Injury (O) Crashes  
 Section Crash Rate (R), crashes/million vehicles <sup>1</sup>  
 Comparable Crash Rate (r), crashes/million vehicles <sup>3</sup>  
 Crash Rate Deviation (R-r), crashes/million vehicles

**Section A**

2020-2022  
 1  
 0  
 1  
 0  
 0  
 0.39  
 NA  
 NA

**Section B**

2020-2022  
 0  
 0  
 0  
 0  
 0  
 0  
 NA  
 NA

**Spot Speed Data:**

85% Speed, MPH  
 50% Speed, MPH  
 Pace limits <sup>4</sup>  
 % in Pace  
 Maximum Speed, MPH  
 Posted Speed, MPH  
 % Exceeding Posted Speed  
 Computed 85% Speed, MPH <sup>5</sup>  
 Allowable Speed Range, MPH <sup>6</sup>  
 Recommended Speed, MPH

**Section A**

37.4 (Avg)  
 30.1 (Avg)  
 26 to 35  
 72.1 (Avg)  
 60  
 45  
 3.9  
 NA  
 25 to 40  
 30

**Section B**

39.8 (Avg)  
 33.6 (Avg)  
 31 to 40  
 59.8 (Avg)  
 60  
 55  
 0.3  
 NA  
 25 to 40  
 30

Notes:

1. Crash rate based on 2020-2022 Crash Data from ODOT TDS Crash Reports and 2024 Traffic Count data collected by Deschutes County.
2. Pedestrian and Bicycle activity based on volume data for study period from Strava Metro and oral testimony from residents.
3. No Comparable Rate Available
4. Ten mile per hour range containing the largest number of sampled vehicles
5. Computed Speed is 85<sup>th</sup>-percentile speed minus Crash Rate Deviation (R-r)
6. Allowable speed computed according to Table 4 of Speed Zone Manual.
7. There are no access limitations for intersecting streets or residential driveways.

**Factors Influencing Recommendation:**

Section A: Cimarron Dr

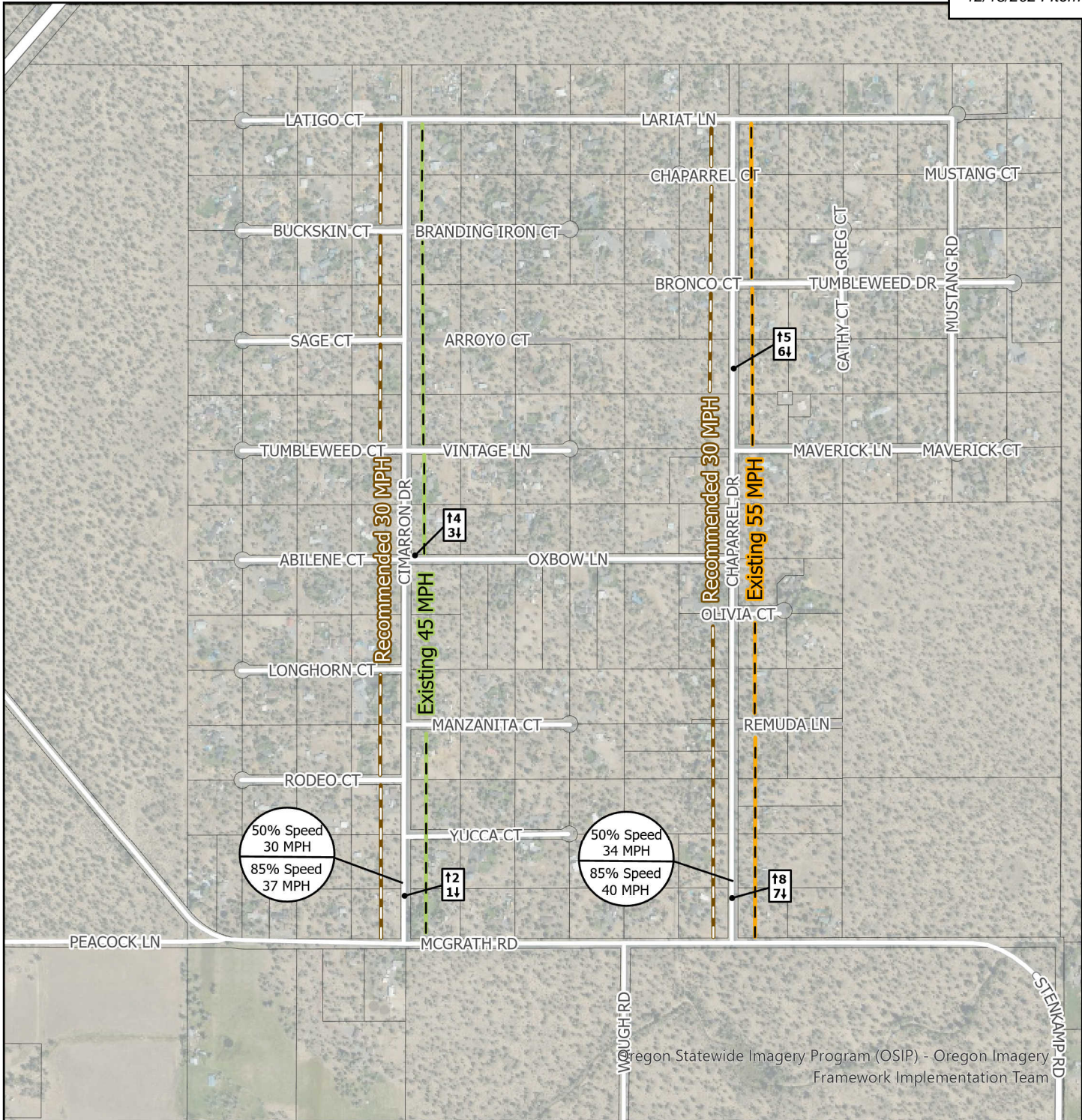
- Several complaints have been received from residents of Cimarron City subdivision regarding vehicle speeds.
- Area is residential only and residents use paved roadway cross-section for walking or biking seasonally.
- One crash was observed at the intersection with McGrath Rd but was not speed-involved. Crash data is not influential on the recommended speed posting.
- Driveway and access spacing is not consistent with statutory Residence District definition according to ORS 801.430.
- Recommended speed is consistent with the mean observed speed.

Section B: Chapparel Dr

- Several complaints have been received from residents of Cimarron City subdivision regarding vehicle speeds.
- Area is residential only and residents use paved roadway cross-section for walking or biking seasonally.
- No crashes have occurred along the roadway segment and crash data is not influential on the recommended speed posting.
- Driveway and access spacing is not consistent with statutory Residence District definition according to ORS 801.430.
- Recommended speed is consistent with the mean observed speed.

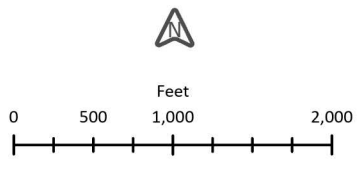






Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team

- Photos
- Spot Speed Check
- County Roads
- Non-County Roads



Z:\ArcGIS\_Projects\Speeds\Cimarron & Chapparel

MPH
20
25
30
35
40
45
50
55
60
65
70



# ROAD DEPARTMENT

TITLE: CIMARRON DR & CHAPPAREL DR SPEED STUDY  
MCGRATH RD TO LARIAT LN

DATE: 10/29/24

SCALE: AS SHOWN

DRAFTER: R. PINKSTON  
REVIEWED BY: C. SMITH



**Site Photos**  
Cimmaron Dr  
Deschutes County  
October 22, 2024



Photo 1: Looking South from approx. 300ft north of McGrath Rd



Photo 2: Looking North from approx. 300ft north of McGrath Rd  
Existing 45mph speed posting pictured

**Site Photos**  
Cimarron Dr  
Deschutes County  
October 22, 2024



Photo 3: Looking South from intersection of Cimarron Dr with Abilene Ct/Oxbow Ln  
Pedestrian activity pictured



Photo 4: Looking North from intersection of Cimarron Dr with Abilene Ct/Oxbow Ln  
Terrain pictured



**Site Photos**  
Chapparel Dr  
Deschutes County  
October 22, 2024



Photo 5: Looking North from 63458 Chapparel Dr



Photo 6: Looking South from 63458 Chapparel Dr  
Terrain pictured

**Site Photos**  
Chapparel Dr  
Deschutes County  
October 22, 2024



Photo 7: Looking South from 63212 Chapparel Dr



Photo 8: Looking North from 63212 Chapparel Dr

**CRASH SUMMARY TABLE**

SECTION: A & B  
 ROADWAY: Cimarron Dr & Chapparel Dr  
 ROAD NO.: 03233 & 03235  
 MAINT. ZONE: Bend  
 COUNTY: Deschutes  
 FROM: McGrath Rd  
 TO: Lariat Ln (End)  
 YEARS: 2020-2022

CODE	COLLISION TYPE														CRASH CLASSIFICATION			
	ANGLE	HEAD-ON	REAR-END	SIDESWIPE-MEETING	SIDESWIPE-OVERTAKING	TURNING MOVEMENT	PARKING MANEUVER	NON-COLLISION	FIXED-OBJECT OR OTHER-OBJECT	PEDESTRIAN	BACKING	MISCELLANEOUS	BICYCLE <sup>1</sup>	ALL CRASHES	FATAL	SERIOUS INJURY	NON-FATAL INJURY	NO INJURY
	1	2	3	4	5	6	7	8	9	0	-	&			K	A	B/C	O
<b>SECTION A - CIMARRON DR</b>																		
YEAR: 2022	1													1			1	
<b>TOTAL</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
<i>AVERAGE ANNUAL CRASH RATE</i>														<b>1</b>				

<b>SECTION B - CHAPPAREL DR</b>																			
YEAR: 2022																			0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<i>AVERAGE ANNUAL CRASH RATE</i>														<b>0</b>					

NOTES:  
 1) Bicycle crashes are only counted in crashes in which a pedestrian or bicycle was struck by a motor vehicle, not where they might have been involved but not struck.

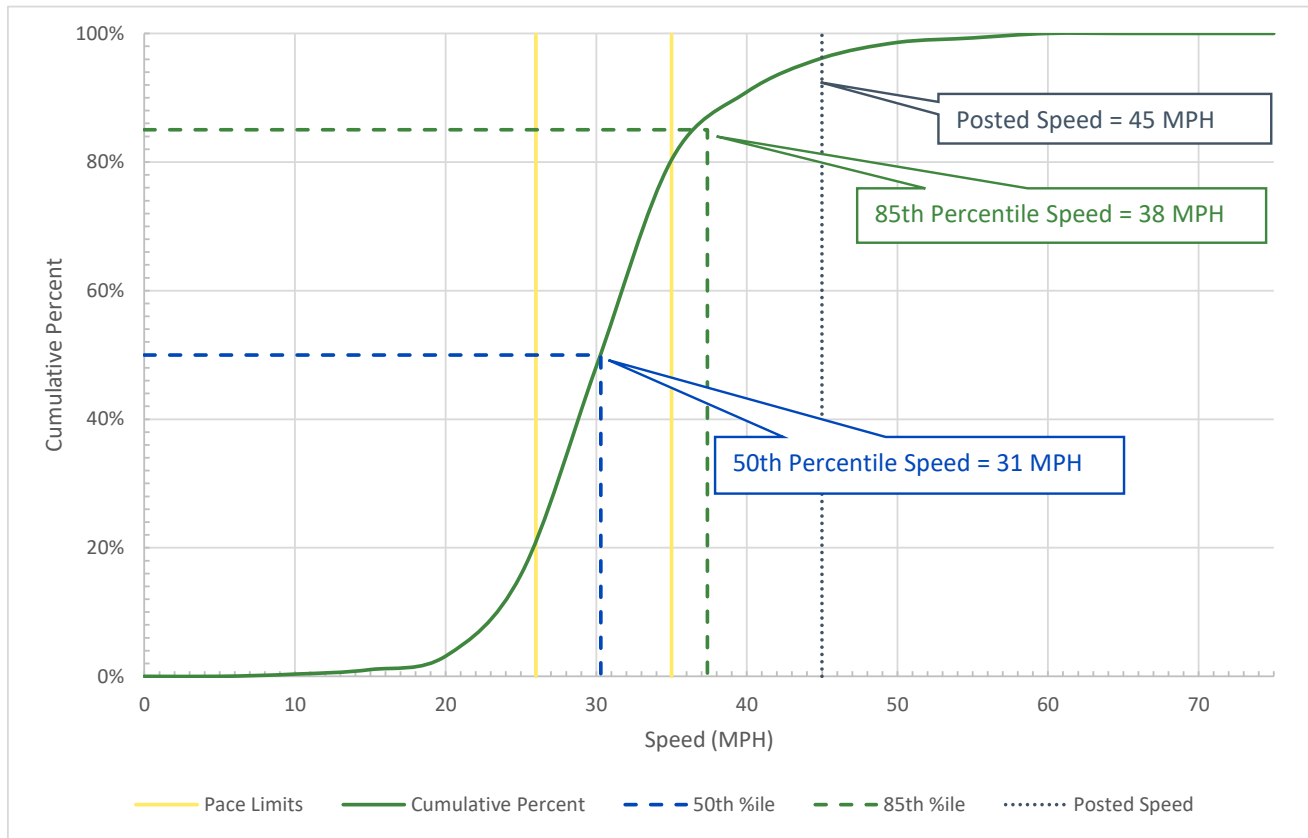
Compiled By: BMW  
 Date: 10/21/2024

# Deschutes County Road Department Spot Speed Measurement Report

## Section A

Roadway	Cimarron Dr	Date	10/8/2024
City	Bend	Time	24hr Count
County	Deschutes	Weather	Clear
Location	Cimarron City Subdivision	Investigator	BW
Direction of Travel	NB/SB	Agency/Company	Deschutes County Road Dept.

### Combined Direction Speed Profile



### Summary Statistics

Direction	NB	SB	Combined
Total # of Vehicles	217	68	285
50th %ile/Median Speed, MPH	32.1	28.7	31.3
85th %ile Speed, MPH	39.3	34.1	38.1
Mean Speed, MPH	32.5	29.4	31.8
Standard Deviation, MPH	6.7	7.6	7.1
Pace Limits, MPH *	26 to 35	26 to 35	26 to 35
% in Pace	64.1%	66.2%	64.6%
Max Speed, MPH	55	60	60
Posted Speed, MPH	45	45	45
% Exceeding Posted Speed	3.7%	4.4%	3.9%

\*10 mph range containing the largest number of sampled vehicles.

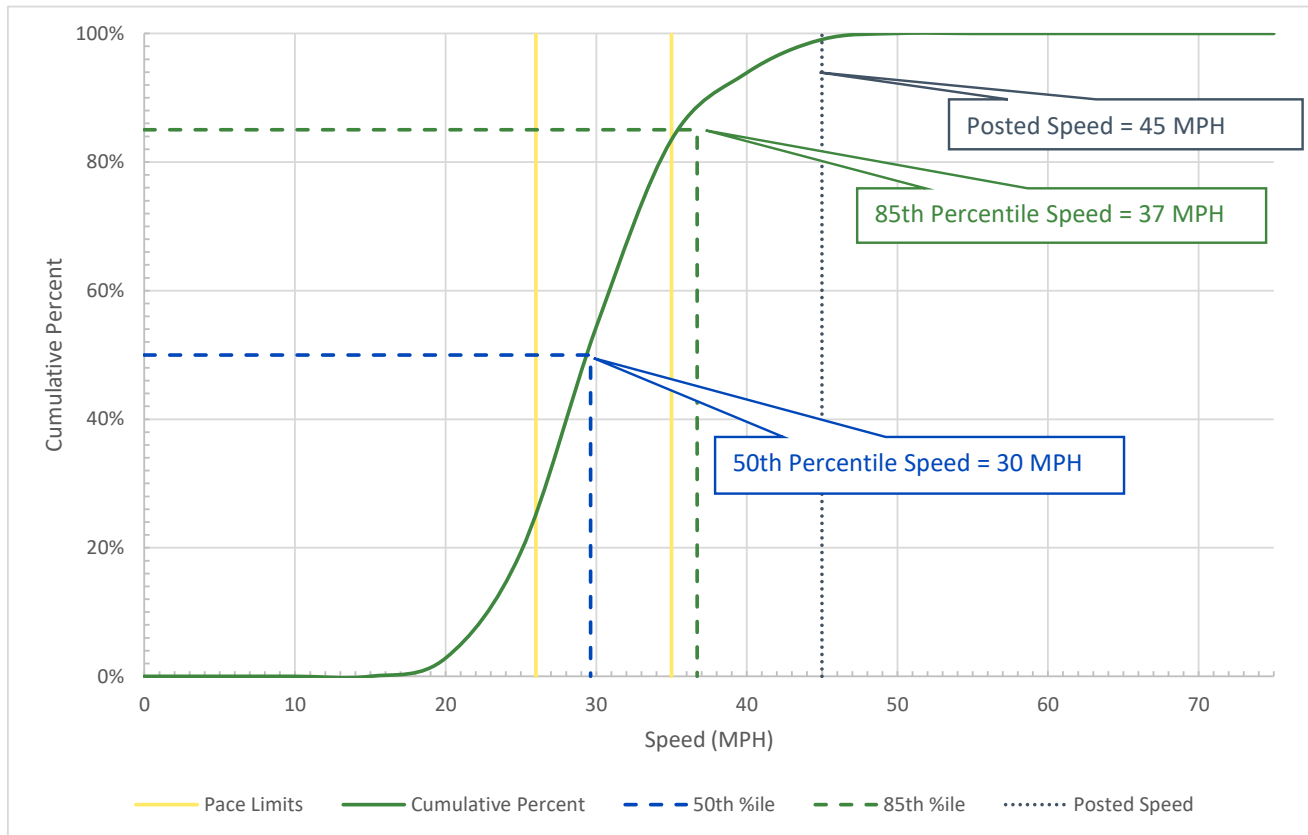


# Deschutes County Road Department Spot Speed Measurement Report

## Section A

Roadway	Cimarron Dr	Date	10/9/2024
City	Bend	Time	24hr Count
County	Deschutes	Weather	Clear
Location	Cimarron City Subdivision	Investigator	BW
Direction of Travel	NB/SB	Agency/Company	Deschutes County Road Dept.

### Combined Direction Speed Profile



### Summary Statistics

Direction	NB	SB	Combined
Total # of Vehicles	163	49	212
50th %ile/Median Speed, MPH	31.2	28.8	30.4
85th %ile Speed, MPH	38.1	33.1	36.6
Mean Speed, MPH	31.3	29.2	30.9
Standard Deviation, MPH	6.4	4.5	6.1
Pace Limits, MPH *	26 to 35	26 to 35	26 to 35
% in Pace	59.5%	79.6%	64.2%
Max Speed, MPH	50	50	50
Posted Speed, MPH	45	45	45
% Exceeding Posted Speed	0.6%	2.0%	0.9%

\*10 mph range containing the largest number of sampled vehicles.

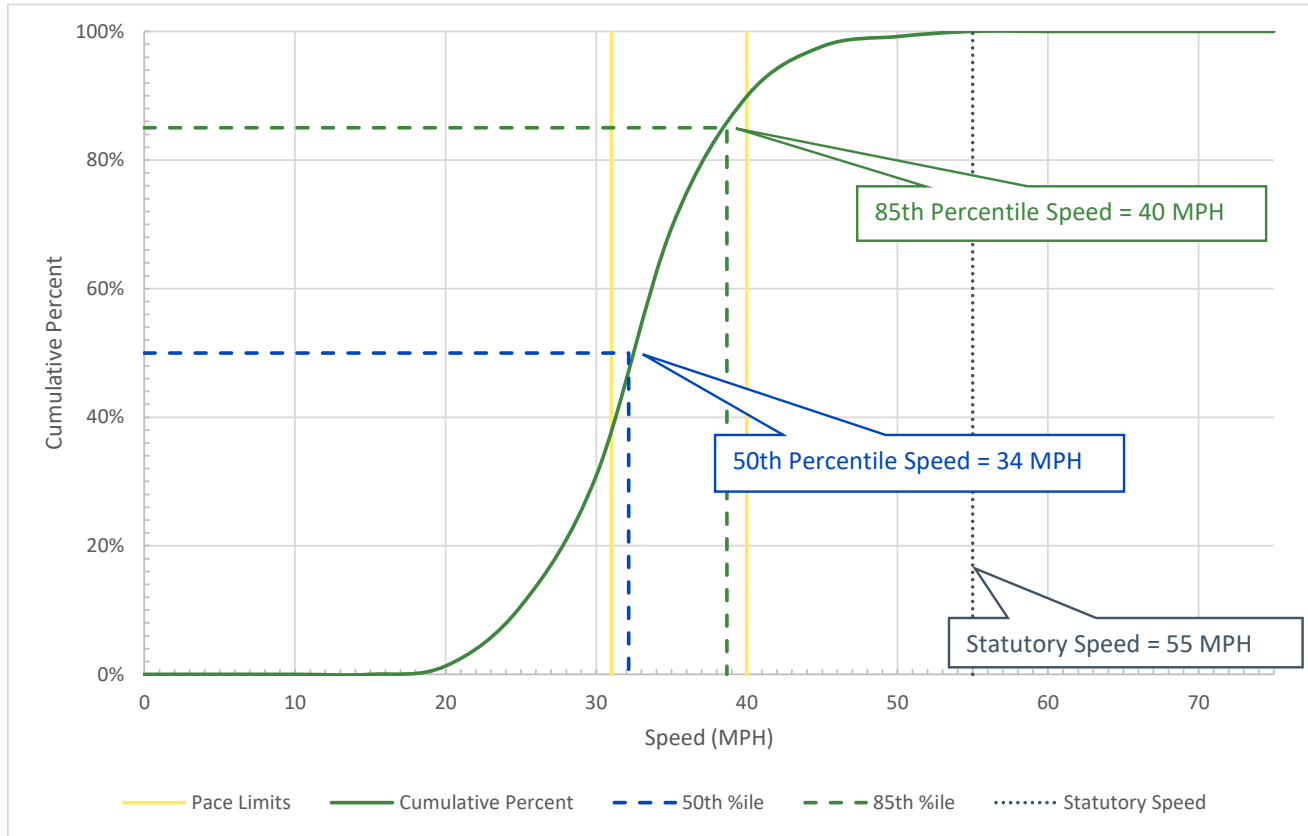


# Deschutes County Road Department Spot Speed Measurement Report

## Section B

Roadway	Chapparel Dr	Date	10/8/2024
City	Bend	Time	24hr Count
County	Deschutes	Weather	Clear
Location	Cimarron City Subdivision	Investigator	BW
Direction of Travel	NB/SB	Agency/Company	Deschutes County Road Dept.

### Combined Direction Speed Profile



### Summary Statistics

Direction	NB	SB	Combined
Total # of Vehicles	167	219	386
50th %ile/Median Speed, MPH	33.8	33.1	33.5
85th %ile Speed, MPH	40.2	39.4	39.8
Mean Speed, MPH	34	33.2	33.5
Standard Deviation, MPH	6.5	6.0	6.2
Pace Limits, MPH *	31 to 40	26 to 35	31 to 40
% in Pace	61.1%	61.2%	59.1%
Max Speed, MPH	55	55	55
Statutory Speed, MPH	55	55	55
% Exceeding Statutory Speed	0.0%	0.0%	0.0%

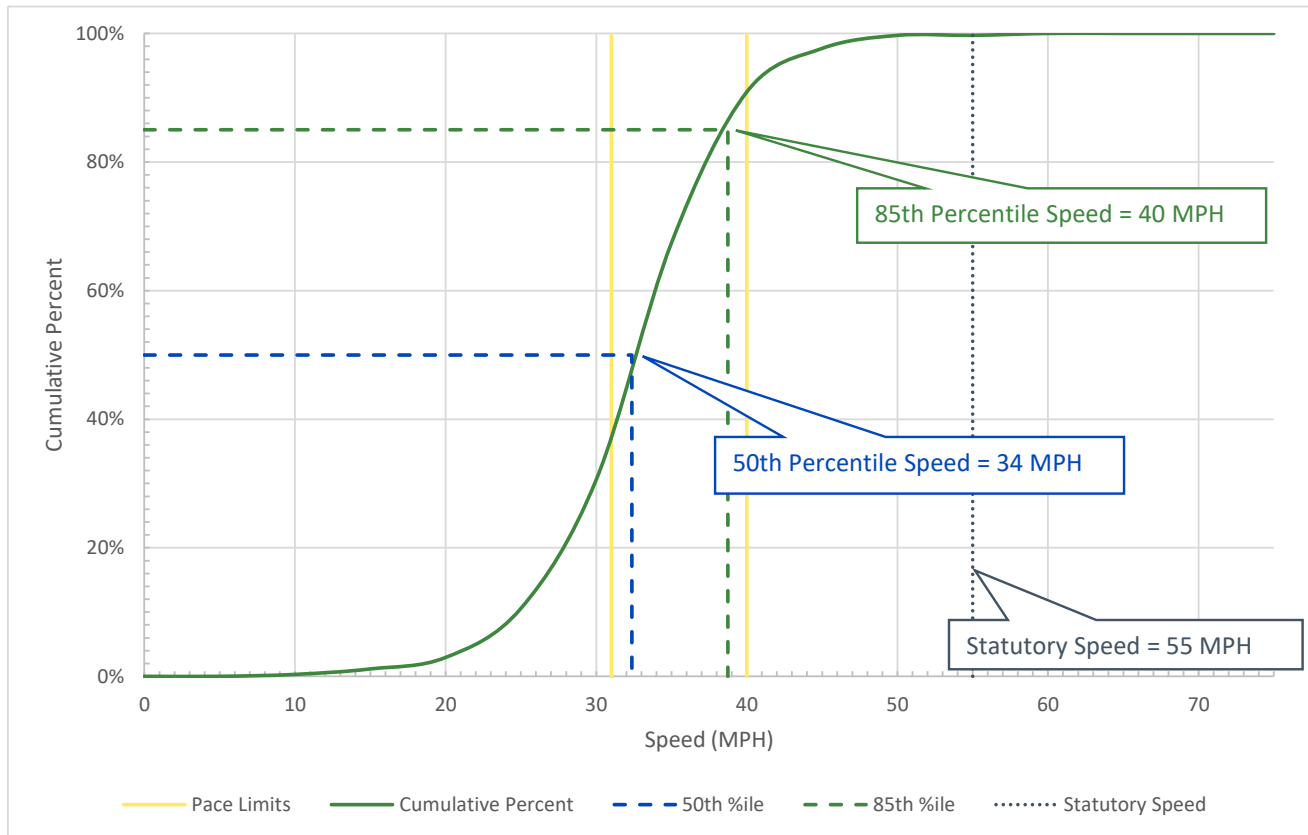
\*10 mph range containing the largest number of sampled vehicles.

# Deschutes County Road Department Spot Speed Measurement Report

## Section B

Roadway	Chapparel Dr	Date	10/9/2024
City	Bend	Time	24hr Count
County	Deschutes	Weather	Clear
Location	Cimarron City Subdivision	Investigator	BW
Direction of Travel	NB/SB	Agency/Company	Deschutes County Road Dept.

### Combined Direction Speed Profile



### Summary Statistics

Direction	NB	SB	Combined
Total # of Vehicles	142	199	341
50th %ile/Median Speed, MPH	34.1	33.2	33.6
85th %ile Speed, MPH	39.8	39.6	39.7
Mean Speed, MPH	33.7	33.3	33.4
Standard Deviation, MPH	6.6	6.5	6.6
Pace Limits, MPH *	31 to 40	26 to 35	31 to 40
% in Pace	65.5%	59.8%	60.4%
Max Speed, MPH	50	60	60
Statutory Speed, MPH	55	55	55
% Exceeding Statutory Speed	0.0%	0.5%	0.3%

\*10 mph range containing the largest number of sampled vehicles.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: December 18, 2024

SUBJECT: Appointment of Kent Vander Kamp as Deschutes County Sheriff for the period of January 1, 2025 until his term of office begins on January 6, 2025

RECOMMENDED ACTION:

Move approval of Board Order No. 2024-049 appointing Sheriff-Elect Kent Vander Kamp as Deschutes County Sheriff for the period of January 1, 2025 through January 5, 2025.

BACKGROUND AND POLICY IMPLICATIONS:

Sheriff-Elect Vander Kamp takes his elective office on January 6, 2025. Sheriff Nelson has designated December 31, 2024 as his last day as Sheriff. Pursuant to ORS 236.210, the Board of County Commissioners shall appoint a person to perform the duties until such time as the Sheriff-Elect's term of office begins on January 6, 2025. Sheriff Nelson is supportive of this appointment, and Sheriff-Elect Vander Kamp has agreed to the appointment.

BUDGET IMPACTS:

None

ATTENDANCE:

Legal

REVIEWED  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Appointing Kent Vander Kamp to the Office of Deschutes County Sheriff \* ORDER NO. 2024-049

WHEREAS, Deschutes County Sheriff Shane Nelson will vacate the Office of Sheriff effective at 11:59pm on December 31, 2024; and

WHEREAS, ORS 236.210 provides that the Board of County Commissioners shall appoint a person to perform the duties of the Office of Deschutes County Sheriff until the vacancy is filled by election; and

WHEREAS, at the general election on November 5, 2024, Kent Vander Kamp was elected to the Office of Deschutes County Sheriff, with a term to begin on January 6, 2025; and

WHEREAS, Kent Vander Kamp has been identified as the most qualified person to perform the duties of the Office of Deschutes County Sheriff until the vacancy is filled by the Sheriff-Elect on January 6, 2025; and

WHEREAS, Kent Vander Kamp meets the requirements for appointment to the Office of Deschutes County Sheriff; now therefore,

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

Section 1. Pursuant to ORS 236.210, effective at 12:00 a.m., on January 1, 2025, Kent Vander Kamp is appointed Deschutes County Sheriff and is charged with performing the duties of the Office until the vacancy is filled by the Sheriff-Elect on January 6, 2025.

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

BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ANTHONY DeBONE, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner



# BOARD OF COMMISSIONERS

## AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** December 18, 2024

**SUBJECT:** Public hearing and consideration of Resolution 2024-050 adopting a supplemental budget and increasing or reducing FY25 Beginning Working Capital and appropriations.

**RECOMMENDED MOTION:**

Following the public hearing, move approval of Resolution 2024-050 increasing or reducing Beginning Working Capital and appropriations within 2024-25 Deschutes County Budget.

**BACKGROUND AND POLICY IMPLICATIONS:**

During the budgeting process, departments calculate an estimate of ending fund balances in February and March. These estimates are based on information known at the time, but often change given the timing and/or final cost of expenditures. This budget adjustment is to increase or reduce Beginning Working Capital (BWC) and appropriations within funds where BWC FY25 actuals are less or greater than budget. Reducing BWC and requirements ensures that a fund does not have appropriations greater than available resources. Increasing BWC and requirements allows a fund to use available resources that were not expended in prior years.

The supplemental budget for the Code Abatement Fund will change budgeted resources by more than 10%; therefore, a public hearing is required.

**BUDGET IMPACTS:**

Adjustment will increase or decrease BWC and appropriations by the same amounts within the following funds:

- General Fund \$ 934,426
- Assessment, Clerk & Tax Reserve \$ 30,251
- Code Abatement \$ (102,404)
- Community Justice Juvenile \$ 214,608
- Economic Development \$ 22,060
- General County Reserve \$ (685,875)
- General County Projects \$ 334,812
- Project Development \$ 507,040

• Law Library	\$	(85)
• Park Acquisition & Development	\$	(132,076)
• PERS Reserve	\$	(6,729)
• Foreclosed Land Sales	\$	12,954
• County School	\$	566
• Special Transportation	\$	(2,652,382)
• Taylor Grazing	\$	30,081
• Transient Room Tax	\$	1,163,809
• Video Lottery	\$	59,809
• American Rescue Plan	\$	298,942
• Joint Office of Houselessness	\$	36,679
• Victims' Assistance	\$	58,515
• County Clerk Records	\$	6,389
• Court Facilities	\$	539
• Communication System Reserve	\$	99,875
• Health Services	\$	8,053,347
• Community Development Department	\$	610,607
• GIS Dedicated	\$	8,417
• Road	\$	1,509,347
• Natural Resource Protection	\$	(139,544)
• Federal Forest Title III	\$	(16,693)
• Surveyor	\$	(5,784)
• Public Land Corner Preservation	\$	(13,744)
• Countywide Transportation SDC Improvement Fee	\$	115,897
• Dog Control	\$	35,991
• Adult Parole & Probation	\$	(173,176)
• Campus Improvement	\$	5,757,894
• Road CIP	\$	141,234
• Solid Waste	\$	1,213,132
• Fair & Expo and RV Park	\$	(20,570)
• Facilities	\$	217,308
• Administrative Services	\$	(19,392)
• Board of County Commissioners	\$	(7,898)
• Finance	\$	71,005
• Legal	\$	13,553
• Human Resources	\$	8,992
• Information Technology	\$	105,156
• Information Technology Reserve	\$	120,923
• Risk Management	\$	168,164
• Health Benefits	\$	(1,230,584)
• Vehicle Maintenance & Replacement	\$	60,402

**ATTENDANCE:**

Cam Sparks, Budget & Financial Planning Manager

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

A Resolution Increasing and \*  
Decreasing Appropriations Within \*  
the 2024-25 Deschutes County Budget \* RESOLUTION NO. 2024-050  
\*

WHEREAS, the Deschutes County Finance department presented to the Board of County Commissioners on 12/18/2024, with regards to increasing or decreasing Beginning Working Capital and appropriations within several funds, and

WHEREAS, ORS 294.471 & 294.473 allows a supplemental budget adjustment when authorized by resolution of the governing body, and

WHEREAS, it is necessary to increase or decrease appropriations to accommodate this request; now, therefore,

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

Section 1. That Beginning Working Capital be increased or decreased in the 2024-25 County Budget within the following funds:

- General Fund \$ 934,426
- Assessment, Clerk & Tax Reserve \$ 30,251
- Code Abatement \$ (102,404)
- Community Justice Juvenile \$ 214,608
- Economic Development \$ 22,060
- General County Reserve \$ (685,875)
- General County Projects \$ 334,812
- Project Development \$ 507,040
- Law Library \$ (85)
- Park Acquisition & Development \$ (132,076)
- PERS Reserve \$ (6,729)
- Foreclosed Land Sales \$ 12,954
- County School \$ 566

- Special Transportation \$ (2,652,382)
- Taylor Grazing \$ 30,081
- Transient Room Tax \$ 1,163,809
- Video Lottery \$ 59,809
- American Rescue Plan \$ 298,942
- Joint Office of Houselessness \$ 36,679
- Victims' Assistance \$ 58,515
- County Clerk Records \$ 6,389
- Court Facilities \$ 539
- Communication System Reserve \$ 99,875
- Health Services \$ 8,053,347
- Community Development Department \$ 610,607
- GIS Dedicated \$ 8,417
- Road \$ 1,509,347
- Natural Resource Protection \$ (139,544)
- Federal Forest Title III \$ (16,693)
- Surveyor \$ (5,784)
- Public Land Corner Preservation \$ (13,744)
- Countywide Transportation SDC Improvement Fee \$ 115,897
- Dog Control \$ 35,991
- Adult Parole & Probation \$ (173,176)
- Campus Improvement \$ 5,757,894
- Road CIP \$ 141,234
- Solid Waste \$ 1,213,132
- Fair & Expo and RV Park \$ (20,570)
- Facilities \$ 217,308
- Administrative Services \$ (19,392)
- Board of County Commissioners \$ (7,898)
- Finance \$ 71,005
- Legal \$ 13,553
- Human Resources \$ 8,992
- Information Technology \$ 105,156
- Information Technology Reserve \$ 120,923
- Risk Management \$ 168,164
- Health Benefits \$ (1,230,584)
- Vehicle Maintenance & Replacement \$ 60,402

Section 2. That Program Expense appropriations be increased or decreased in the 2024-25 County Budget within the following funds:

- Code Abatement \$ (102,404)
- Economic Development \$ 22,060
- Park Acquisition & Development \$ 1,729



- County School \$ 566
- Special Transportation \$ (2,652,382)
- American Rescue Plan \$ 298,942
- Court Facilities \$ 539
- Community Development Department \$ (2,679)

Section 3. That Transfer Out appropriations be increased in the 2024-25 County Budget within the following funds:

- Taylor Grazing \$ 30,081

Section 4. That Contingency appropriations be increased or decreased in the 2024-25 County Budget within the following funds:

- General Fund \$ 934,426
- Community Justice Juvenile \$ 214,608
- Law Library \$ (85)
- Park Acquisition & Development \$ (133,805)
- Foreclosed Land Sales \$ 12,954
- Video Lottery \$ 59,809
- Victims' Assistance \$ 58,515
- County Clerk Records \$ 6,389
- Health Services \$ 423,615
- Community Development Department \$ (247,634)
- GIS Dedicated \$ 8,417
- Road \$ 1,509,347
- Natural Resource Protection \$ (139,544)
- Federal Forest Title III \$ (16,693)
- Surveyor \$ (5,784)
- Public Land Corner Preservation \$ (13,744)
- Countywide Transportation SDC Improvement Fee \$ 115,897
- Dog Control \$ 35,991
- Adult Parole & Probation \$ (173,176)
- Road CIP \$ 141,234
- Solid Waste \$ 1,207,417
- Fair & Expo and RV Park \$ (71,878)
- Facilities \$ 217,308
- Administrative Services \$ (19,392)
- Board of County Commissioners \$ (7,898)
- Finance \$ 71,005
- Legal \$ 13,553
- Human Resources \$ 8,992
- Information Technology \$ 105,156

- Risk Management \$ 168,164
- Health Benefits \$ (1,230,584)
- Vehicle Maintenance & Replacement \$ 60,402

Section 5. That Reserves for Future Expenditures be increased or decreased in the 2024-25 County Budget within the following funds:

- Assessment, Clerk & Tax Reserve \$ 30,251
- General County Reserve \$ (685,875)
- General County Projects \$ 334,812
- Project Development \$ 507,040
- PERS Reserve \$ (6,729)
- Transient Room Tax \$ 1,163,809
- Joint Office of Houselessness \$ 36,679
- Communication System Reserve \$ 99,875
- Health Services \$ 7,629,732
- Community Development Department \$ 860,920
- Campus Improvement \$ 5,757,894
- Solid Waste \$ 5,715
- Fair & Expo and RV Park \$ 51,308
- Information Technology Reserve \$ 120,923

Section 6. That the Chief Financial Officer make the appropriate entries in the Deschutes County Financial System to show the above appropriations:

DATED this \_\_\_\_\_ day of December 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

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

ATTEST:

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

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

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





**BOARD OF  
COMMISSIONERS**

**AGENDA REQUEST & STAFF REPORT**

**MEETING DATE:** December 18, 2024

**SUBJECT:** Public hearing and consideration of Resolution 2024-061 adopting a supplemental budget and increasing revenue and appropriations in the Health Benefits Fund.

**RECOMMENDED MOTION:**

Following the public hearing, move approval of Resolution 2024-061 increasing revenue and appropriations within the 2024-25 Deschutes County Budget.

**BACKGROUND AND POLICY IMPLICATIONS:**

In August the County increased the Health Benefits premium charged to departments by 15% to cover anticipated increased and unbudgeted expenditures. This adjustment recognizes additional estimated premium revenue of \$5,389,356 and increases appropriations by \$5,117,752 and Contingency by \$271,604. To align the budget with current projections for Prescription Rebates, Interest Earnings and Claims Reimbursement, this adjustment will also recognize an additional \$621,646 in revenue and increase Contingency by the same amount.

**BUDGET IMPACTS:**

- **Revenue**
  - o Recognizes \$6,165,802 in additional Program revenue.
  - o Decreases Interest Earnings by \$154,800.
- **Requirements**
  - o Increases Program Expenditures by \$5,117,752.
  - o Increases Contingency by \$893,250; revised Contingency is \$7,895,427.

**ATTENDANCE:**

Cam Sparks, Budget & Financial Planning Manager

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

A Resolution Increasing \*  
Appropriations Within \*  
the 2024-25 Deschutes County Budget \* RESOLUTION NO. 2024-061  
\*

WHEREAS, the Deschutes County Finance department presented to the Board of County Commissioners on 12/18/2024, with regards to increasing Revenue, increasing Program Expense, and increasing Contingency within the Health Benefits Fund, and

WHEREAS, ORS 294.471 & 294.473 allows a supplemental budget adjustment when authorized by resolution of the governing body, and

WHEREAS, it is necessary to increase appropriations to accommodate this request; now, therefore,

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

Section 1. That the following revenue be increased in the 2024-25 County Budget within the following fund:

<u>Health Benefits Fund</u>	
Program Revenue	\$ 6,165,802
Interest Earnings	<u>(154,800)</u>
<b>Total Health Benefits</b>	<b><u>\$ 6,011,002</u></b>

Section 2. That Appropriations be increased in the 2024-25 County Budget within the following fund:

<u>Health Benefits Fund</u>	
Program Expense	\$ 5,117,752
Contingency	<u>893,250</u>
<b>Total Health Benefits</b>	<b><u>\$ 6,011,002</u></b>

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

DATED this \_\_\_\_\_ day of December 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

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

ATTEST:

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

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

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

Deschutes County  
Supplemental Budget

**REVENUE**

Item	Line Number	Project Code	Segment 2	Org	Object	Description	Current Budgeted Amount	To (From)	Revised Budget
1				6753150	370003	Revenue Health Insurance Premium	30,542,182	4,958,987	35,501,169
2				6753150	343305	Revenue COIC Health Premium	2,747,427	344,488	3,091,915
3				6753150	343303	Revenue Employee Co Pay	1,492,623	63,634	1,556,257
4				6753150	343307	Revenue Retiree Health Insurance	969,555	22,247	991,802
5				6753150	346002	Revenue Prescription Rebates	550,000	76,446	626,446
6				6753150	361011	Revenue Interest	366,000	(154,800)	211,200
7				6753150	341032	Revenue Claims Reimbursement	100,000	700,000	800,000
<b>TOTAL</b>							<b>36,767,787</b>	<b>6,011,002</b>	<b>42,778,789</b>

**APPROPRIATION**

Item	Line Number	Project Code	Segment 2	Org	Object	Category (Pers, M&S, Cap Out, Contingency)	Description (Element-Object, e.g. Time Mgmt, Temp Help, Computer Hardware)	Current Budgeted Amount	To (From)	Revised Budget
1				6753150	450243	M&S	TPA - Medical	21,190,737	5,868,635	27,059,372
2				6755850	460160	M&S	Prescriptions and Medications	5,089,694	(791,257)	4,298,437
3				6755250	430310	M&S	Contract Staff	875,090	110,374	985,464
4				6754650	430310	M&S	Contract Staff	119,385	(70,000)	49,385
5				6753150	501971	Contingency	Contingency	7,002,177	893,250	7,895,427
<b>TOTAL</b>							<b>34,277,083</b>	<b>6,011,002</b>	<b>40,288,085</b>	

This is a mid-year budget adjustment to account for unforeseen expenditures and changes that have occurred since budget adoption.

Fund: 675  
 Dept: Health Benefits  
 Requested by: Cam Sparks  
 Date: 12/18/2024



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: December 18, 2024

SUBJECT: Fiscal Year 2026 Preliminary Transient Room Tax Budget Discussion

RECOMMENDED MOTION:

Direct staff to prepare the County's FY 2026 budget with items 1-4 as presented, or with modifications, to contribute to the future financial sustainability in the General Fund and Transient Room Tax funds.

BACKGROUND AND POLICY IMPLICATIONS:

The General Fund is facing a structural imbalance, and long-term projections indicate a potential budget shortfall as early as FY 2027, unless corrective action is taken. In response, Finance and Administration are implementing a series of strategies for the County's FY 2026 budget aimed at achieving long-term sustainability through targeted savings and controlled growth within the General Fund.

While these strategies are projected to ensure operational sustainability, the General Fund won't have the ability to contribute to capital reserves as it has historically. The current forecast assumes transfers from the General Fund to the Capital Reserve Fund will be eliminated in FY 2026. Since the TRT Fund also serves as a source of discretionary funds for the County, staff will transfer any excess TRT funds—approximately \$700K to \$1.0M annually—into the Capital Reserve Fund. Therefore, preserving TRT is crucial, as it is the County's primary means of saving for future capital projects.

Additionally, FY 2025 TRT revenue is slightly lower than FY 2024 revenue, and the assumption for FY 2026 is that TRT will remain flat compared to the FY 2025 budget. For this reason, staff is modeling discretionary allocations remain flat as well, as noted in item 3.

Staff seeks Board direction on the following proposed adjustments and strategies for items related to the TRT fund and General Fund. The Board's direction on these items will help staff to prepare the FY 2026 budget.

- 1. Increase Environmental Health (EH) fees to significantly reduce or eliminate the TRT and prior Video Lottery subsidies, which total \$527,000 (\$250,000 in Video



Lottery funds and \$277,000 in TRT). This cost would be absorbed and built into fees. Public Health staff will provide fee modeling to quantify the impact.

- 2. Dispute Resolution contract of \$20,000/year moved to the Justice Court's budget. This will more accurately show the cost of operating the Justice Court. This cost would shift from General Fund to TRT as Justice Court is subsidized with TRT funds (approximately \$381,000 per year).
- 3. Hold existing TRT allocations flat from FY 2025.
- 4. No new external commitments of the TRT fund.

**BUDGET IMPACTS:**

Approval of these proposed adjustments will help the County achieve long-term financial sustainability.

**ATTENDANCE:**

- Robert Tintle, Chief Financial Officer
- Cam Sparks, Budget & Financial Planning Manager
- Whitney Hale, Deputy County Administrator
- Emily Horton, Health Services Program Manager
- Cheryl Smallman, Health Services Business Officer



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** December 18, 2024

**SUBJECT:** Amendment to Mountain View Community Development ARPA grant agreement

**RECOMMENDED MOTION:**

Move to approve Document No. 2024-658, amending the agreement with Mountain View Community Development for ARPA funds (Document No. 2023-826).

**BACKGROUND AND POLICY IMPLICATIONS:**

At the Board’s December 4th meeting, staff presented a proposed amendment to the ARPA grant agreement with Mountain View Community Development (MVCD) for MVCD’s transitional shelter project. This amendment was prompted by MVCD requesting a use of funds which differs from the original approved allocation. MVCD has requested to use the funds to support feasibility study work, by adding additional language (indicated in bold and underlined) to the scope of work, as follows:

ARPA funds to be used for **research and development of** site work, infrastructure investment, community building, and restroom/laundry outbuildings.

The draft amendment is attached to this memo.

**BUDGET IMPACTS:**

None. The proposed MVCD grant amendment would only revise the grant agreement scope of work and would not affect the amount of the ARPA grant.

**ATTENDANCE:**

Rick Russell, Mountain View Community Development  
Laura Skundrick, Management Analyst

REVIEWED  
LEGAL COUNSEL

For Recording Stamp Only

**DOCUMENT NO. 2024-658  
AMENDING DESCHUTES COUNTY GRANT AGREEMENT NO. 2023-826**

THAT CERTAIN AGREEMENT, Deschutes County Grant Agreement No. 2023-826 dated September 19, 2023, by and between DESCHUTES COUNTY, a political subdivision of the State of Oregon ("County") and Mountain View Community Development ("Grantee"), is amended, effective upon signing of all parties, as set forth below. Except as provided herein, all other provisions of the contract remain the same and in full force.

Contractor certifies that the representations, warranties and certifications contained in the original Contract are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

The above-mentioned contract is amended as follows:

The second bullet point outlined in the Scope of Services Section of Exhibit A: Program/Uses is amended to add the following bolded and underlined language:

- ARPA funds support to be used for **research and development of** site work, infrastructure investment, community building, and restroom/laundry outbuildings.

GRANTEE: MOUNTAIN VIEW COMMUNITY DEVELOPMENT

\_\_\_\_\_  
Authorized Signature

Dated this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_.

COUNTY:

Dated this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
PATTI ADAIR, CHAIR

\_\_\_\_\_  
ANTHONY DeBONE, VICE CHAIR

ATTEST:

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

\_\_\_\_\_  
PHIL CHANG, COMMISSIONER



**BOARD OF  
COMMISSIONERS**

**AGENDA REQUEST & STAFF REPORT**

**MEETING DATE:** December 18, 2024

**SUBJECT:** ARPA: Recategorization of Broadband Infrastructure Funds

**RECOMMENDED MOTION:**

Move to recategorize \$300,000 in ARPA funds from COIC’s Broadband Infrastructure project to the Revenue Replacement category.

**BACKGROUND AND POLICY IMPLICATIONS:**

On October 20, 2021, the Board of Commissioners allocated \$300,000 to COIC for a regional broadband needs assessment and action plan. Staff recently received an inquiry from the U.S. Department of the Treasury that this project may not meet eligibility criteria for the broadband infrastructure category of ARPA funding. Staff has since replied to that inquiry with clarity and backup documentation as to why we believe this project does meet eligibility criteria.

However, out of an abundance of caution with the upcoming obligation deadline on December 31, staff is recommending that the funds be recategorized to the revenue replacement category. This allows the project’s funding to be covered by the General Fund ARPA reserve instead of ARPA funds.

**BUDGET IMPACTS:**

None. The proposed recategorization of COIC grant funds would not require any additional funds from either ARPA or the General Fund.

**ATTENDANCE:**

Robert Tintle, Chief Financial Officer  
Laura Skundrick, Management Analyst



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: December 18, 2024

SUBJECT: First reading of Ordinance 2024-012 changing the Comprehensive Plan map designation and zoning of approximately 65 acres located at 19975 Destiny Court, Bend

RECOMMENDED MOTION:

Move approval of first reading of Ordinance No. 2024-012 by title only.

BACKGROUND AND POLICY IMPLICATIONS:

The subject property is located at 19975 Destiny Court, Bend, OR 97703. Destiny Court Properties, LLC requests to change the Comprehensive Plan Map designation of the subject property from Agricultural (AG) to Rural Residential Exception Area (RREA) and a Zone Change from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA10) (ref. file nos. 247-22-000436-ZC, 247-22-000443-PA, 247-23-000651-MA).

A public hearing before the Board was held on July 24, 2024, after which the Board voted 2-1 to approve the applicant’s request.

BUDGET IMPACTS:

None

ATTENDANCE:

Anthony Raguine, Principal Planner

REVIEWED \_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

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

ORDINANCE NO. 2024-012

WHEREAS, Destiny Court Properties, LLC (“Applicant”), applied for changes to both the Deschutes County Comprehensive Plan Map (247-22-000443-PA) and the Deschutes County Zoning Map (247-22-000436-ZC), to change the Comprehensive Plan designation of the subject property from Agricultural (AG) to Rural Residential Exception Area (RREA), and a corresponding Zone Change from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10); and

WHEREAS, the Applicant filed a Modification of Application (247-23-000651-MA) on September 1, 2023, to incorporate changes associated with a property line adjustment (247-23-000653-LL) that reconfigured the subject property after the Comprehensive Plan Amendment and Zone Change applications were initiated; and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on February 27, 2024, before the Deschutes County Hearings Officer and, on April 26, 2024, the Hearings Officer recommended approval of the Comprehensive Plan Amendment and Zone Change;

WHEREAS, pursuant to DCC 22.28.030(C), on July 24, 2024, the Board of County Commissioners (“Board”) heard *de novo* the applications to change the Comprehensive Plan designation of the subject property from Agricultural (AG) to Rural Residential Exception Area

(RREA) and a corresponding Zone Change from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10); now, therefore,

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

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

Section 2. AMENDMENT. DCC Title 18, Zoning Map, is amended to change the zone designation from EFU to MUA-10 for certain property described in Exhibit "A" and depicted on the map set forth as Exhibit "C", with both exhibits attached and incorporated by reference herein.

Section 3. AMENDMENT. DCC Section 23.01.010, Introduction, is amended to read as described in Exhibit "D" attached and incorporated by reference herein, with new language underlined.

Section 4. AMENDMENT. Deschutes County Comprehensive Plan Section 5.12, Legislative History, is amended to read as described in Exhibit "E" attached and incorporated by reference herein, with new language underlined.

Section 5. FINDINGS. The Board adopts as its findings in support of this Ordinance the Decision of the Board of County Commissioners as set forth in Exhibit "F" and incorporated by reference herein. The Board also incorporates in its findings in support of this decision, the Recommendation of the Hearings Officer, attached as Exhibit "G".

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

Dated this \_\_\_\_\_ of \_\_\_\_\_, 202\_\_

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

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

ATTEST:

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

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

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

Date of 2<sup>nd</sup> Reading: \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Record of Adoption Vote:

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

Effective date: \_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST

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



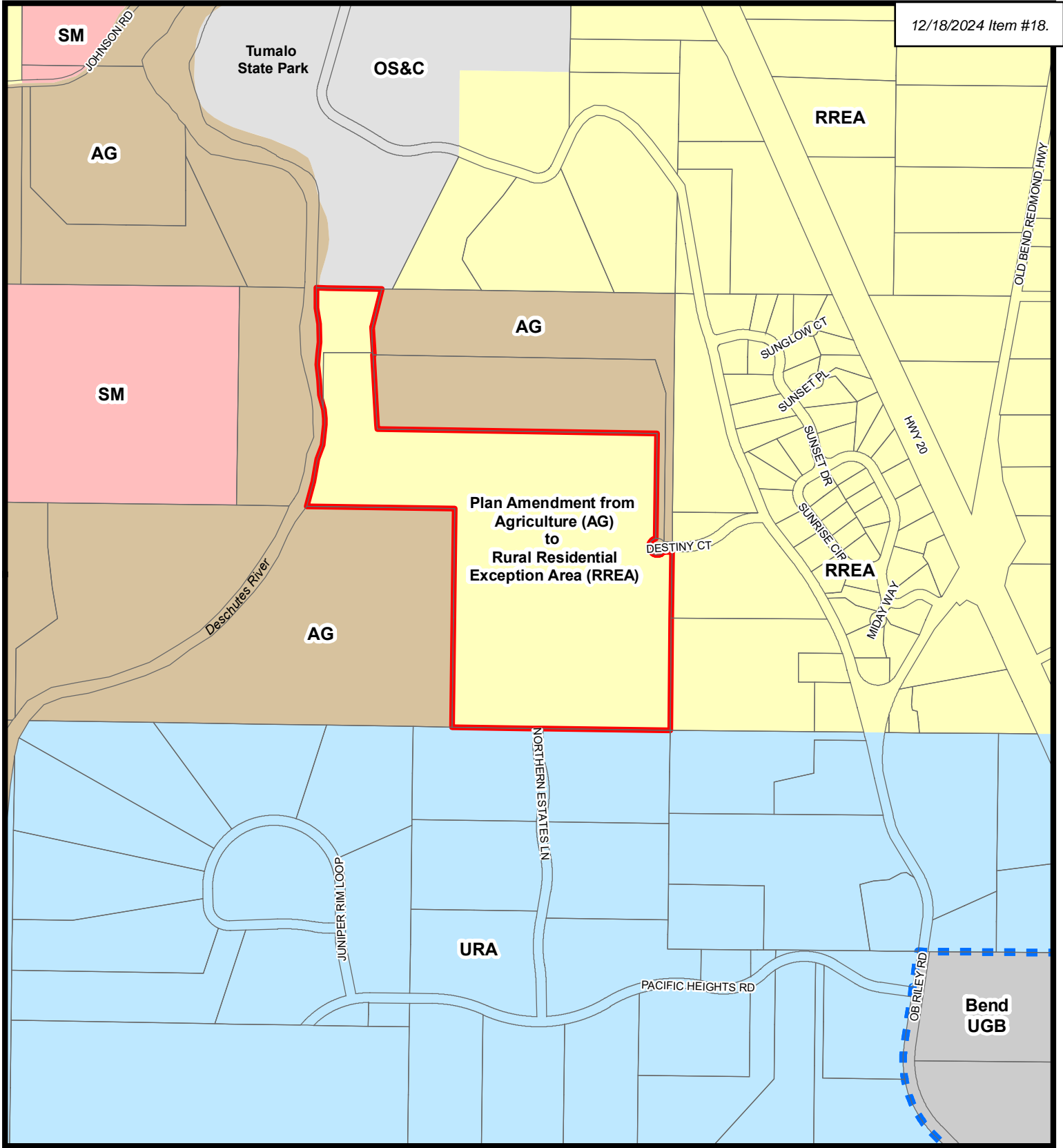
## Exhibit "A" To Ordinance 2024-012

### Legal Description of Subject Property

A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO DESTINY COURT PROPERTIES, LLC, AN OREGON LIMITED LIABILITY COMPANY, IN DOCUMENT NO. 2021-61291, DESCHUTES COUNTY OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID DESTINY COURT PROPERTIES, SAID NORTHWEST CORNER BEING ON THE CENTERLINE OF THE DESCHUTES RIVER AND BEARING, ALONG THE NORTH LINE OF SAID SECTION 7, S89°35'43"E 432.83 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE CONTINUING ALONG SAID NORTH LINE, S89°35'43"E 425.47 FEET TO A POINT; THENCE DEPARTING SAID NORTH LINE, S13°11'48"W 239.62 FEET TO A POINT; THENCE S3°48'59"E 152.39 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE S89°52'26"W 298.75 FEET TO A POINT; THENCE S0°00'00"E 366.21 FEET TO A POINT; THENCE S5°57'50"W 178.47 FEET TO A POINT; THENCE S11°00'43"W 127.94 FEET TO A POINT; THENCE S15°48'44"W 92.60 FEET TO A POINT ON SAID DESCHUTES RIVER CENTERLINE; THENCE ALONG SAID CENTERLINE, S16°08'19"W 179.19 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE ALONG SAID SOUTH LINE, S89°38'02"E 914.03 FEET TO THE NORTHEAST SIXTEENTH (NE1/16) CORNER OF SAID SECTION 7; THENCE ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4 NE1/4) OF SAID SECTION 7, S0°12'11"W 1320.01 FEET TO THE CENTER EAST SIXTEENTH CORNER (CE1/16) OF SAID SECTION 7; THENCE ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 7, S89°37'30"E 1318.35 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 7, BEING THE SOUTHEAST CORNER OF PARCEL C OF PARTITION PLAT 1996-55; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL C THE FOLLOWING COURSES: N0°08'26"E 1080.22 FEET; THENCE N89°37'33"W 50.00 FEET; THENCE 193.64 FEET ALONG THE ARC OF A 50-FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 221°53'48" (THE CHORD OF WHICH BEARS N32°08'04"W, 93.39 FEET); THENCE N0°07'29"E 634.22 FEET TO A POINT ON THE EASTERLY LINE OF SAID DESTINY COURT PROPERTIES, LLC TRACT; THENCE ALONG SAID EASTERLY LINE, N89°36'12"W 1684.60 FEET; THENCE N3d48'59"W 461.08 FEET THE **TRUE POINT OF BEGINNING**.

CONTAINING A TOTAL AREA OF 65.11 ACRES, MORE OR LESS.



Plan Amendment Boundary

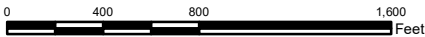
Bend Urban Growth Boundary

**Comprehensive Plan Designation**

- AG - Agriculture
- OS&C - Open Space & Conservation
- URA - Urban Reserve Area
- SM - Surface Mining
- RREA - Rural Residential Exception Area

**PROPOSED  
PLAN AMENDMENT**

Exhibit "B"  
to Ordinance 2024-012



December 5, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

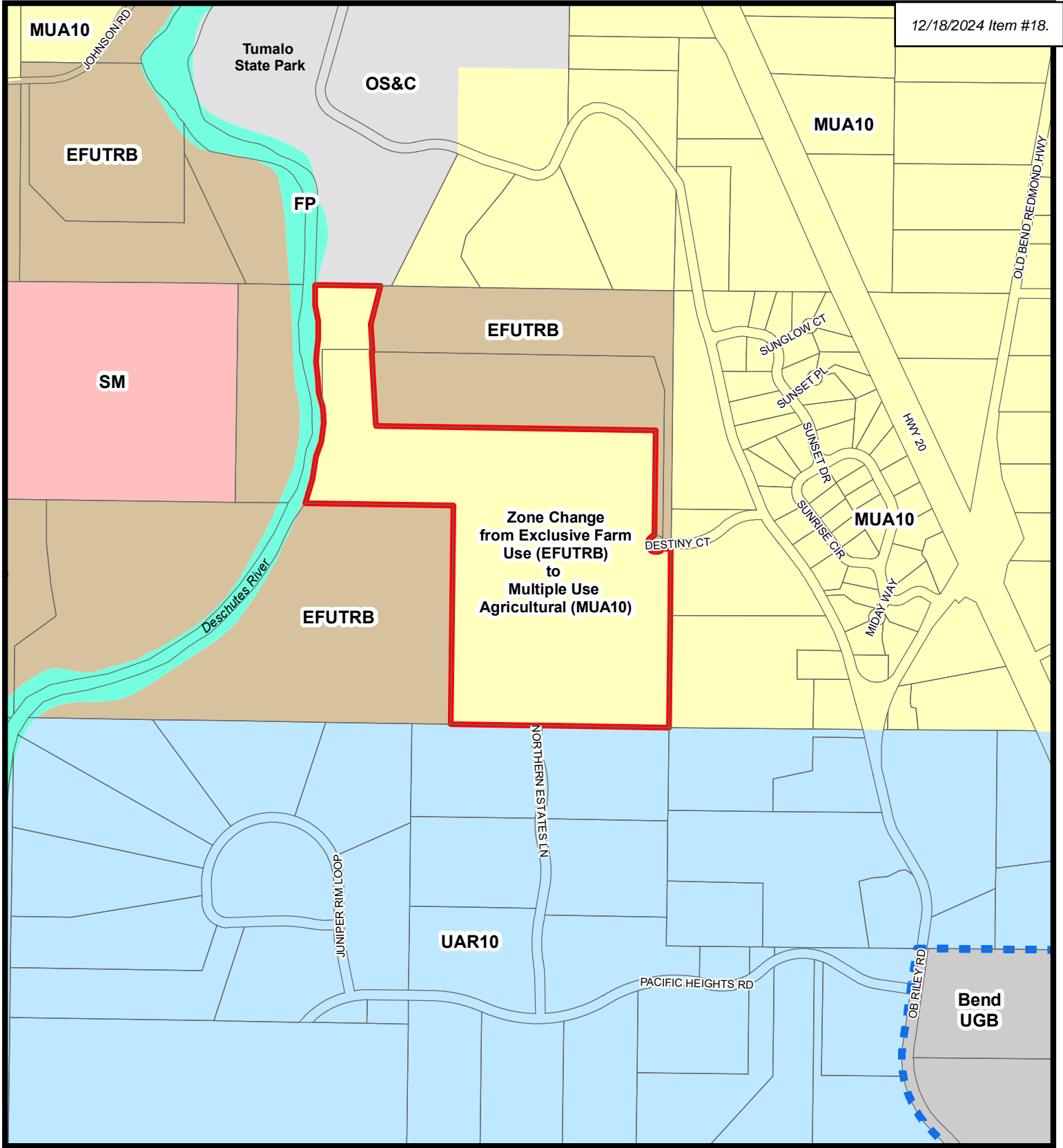
\_\_\_\_\_  
Anthony DeBone, Vice Chair

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



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

Dated this \_\_\_\_\_ day of \_\_\_\_\_







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



**Zone Change  
from Exclusive Farm  
Use (EFUTRB)  
to  
Multiple Use  
Agricultural (MUA10)**

-  Zone Change Boundary
-  Bend Urban Growth Boundary

**County Zoning**

-  EFUTRB - Tumalo/Redmond/Bend Subzone
-  FP - Flood Plain
-  MUA10 - Multiple Use Agricultural
-  OS&C - Open Space and Conservation
-  SM - Surface Mining
-  UAR10 - Urban Area Reserve

**PROPOSED  
ZONING**

Exhibit "C"  
to Ordinance 2024-012



December 5, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

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

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

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

Dated this \_\_\_\_ day of \_\_\_\_

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

**Exhibit “D” to Ordinance 2024-012 – Comprehensive Plan Section 23.01**

**TITLE 23 COMPREHENSIVE PLAN**

**CHAPTER 23.01 COMPREHENSIVE PLAN**

- A. [Repealed by Ordinance 2024-007]
- B. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2011-027, are incorporated by reference herein.
- C. [Repealed by Ordinance 2013-001, §1]
- D. [Repealed by Ordinance 2023-017]
- E. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-012, are incorporated by reference herein.
- F. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-016, are incorporated by reference herein.
- G. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-002, are incorporated by reference herein.
- H. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-009, are incorporated by reference herein.
- I. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-012, are incorporated by reference herein.
- J. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-007, are incorporated by reference herein.
- K. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-005, are incorporated by reference herein.
- L. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-006, are incorporated by reference herein.
- M. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-012, are incorporated by reference herein.
- N. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-021, are incorporated by reference herein.
- O. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-027, are incorporated by reference herein.
- P. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-021, are incorporated by reference herein.
- Q. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-029, are incorporated by reference herein.

**Exhibit “D” to Ordinance 2024-012 – Comprehensive Plan Section 23.01**

- 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.

**Exhibit “D” to Ordinance 2024-012 – Comprehensive Plan Section 23.01**

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.

**Exhibit “D” to Ordinance 2024-012 – Comprehensive Plan Section 23.01**

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

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

BC. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-013, are incorporated by reference herein. (supplemented and controlled by Ord. 2024-010)

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

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

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

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

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

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

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

BK. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-003, are incorporated by reference herein.

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

BM. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-010, are incorporated by reference herein.

BN. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-017, are incorporated by reference herein.

BO. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-016, are incorporated by reference herein.

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

**Exhibit “D” to Ordinance 2024-012 – Comprehensive Plan Section 23.01**

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

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



# Section 5.12 Legislative History

## **Background**

This section contains the legislative history of this Comprehensive Plan.

## **Table 5.12.1 Comprehensive Plan Ordinance History**

EXHIBIT “E” TO ORDINANCE 2024-012

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

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2013-016	10-21-13/10-21-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Sisters Urban Growth Boundary
2014-005	2-26-14/2-26-14	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2014-012	4-2-14/7-1-14	3.10, 3.11	Housekeeping amendments to Title 23.
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
2014-027	12-15-14/3-31-15	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Industrial
2015-021	11-9-15/2-22-16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Surface Mining.

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2015-029	11-23-15/11-30-15	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Tumalo Residential 5-Acre Minimum to Tumalo Industrial
2015-018	12-9-15/3-27-16	23.01.010, 2.2, 4.3	Housekeeping Amendments to Title 23.
2015-010	12-2-15/12-2-15	2.6	Comprehensive Plan Text and Map Amendment recognizing Greater Sage-Grouse Habitat Inventories
2016-001	12-21-15/04-5-16	23.01.010; 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial (exception area)
2016-007	2-10-16/5-10-16	23.01.010; 5.10	Comprehensive Plan Amendment to add an exception to Statewide Planning Goal 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

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2017-007	10-30-17/10-30-17	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-002	1-3-18/1-25-18	23.01, 2.6	Comprehensive Plan Amendment permitting churches in the Wildlife Area Combining Zone
2018-006	8-22-18/11-20-18	23.01.010, 5.8, 5.9	Housekeeping Amendments correcting tax lot numbers in Non-Significant Mining Mineral and Aggregate Inventory; modifying Goal 5 Inventory of Cultural and Historic Resources
2018-011	9-12-18/12-11-18	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-005	9-19-18/10-10-18	23.01.010, 2.5, Tumalo Community Plan, Newberry Country Plan	Comprehensive Plan Map Amendment, removing Flood Plain Comprehensive Plan Designation; Comprehensive Plan Amendment adding Flood Plain Combining Zone purpose statement.
2018-008	9-26-18/10-26-18	23.01.010, 3.4	Comprehensive Plan Amendment allowing for the potential of new properties to be designated as Rural Commercial or Rural Industrial

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2019-002	1-2-19/4-2-19	23.01.010, 5.8	Comprehensive Plan Map Amendment changing designation of certain property from Surface Mining to Rural Residential Exception Area; Modifying Goal 5 Mineral and Aggregate Inventory; Modifying Non-Significant Mining Mineral and Aggregate Inventory
2019-001	1-16-19/4-16-19	1.3, 3.3, 4.2, 5.10, 23.01	Comprehensive Plan and Text Amendment to add a new zone to Title 19: Westside Transect Zone.
2019-003	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the Large Lot Industrial Program
2019-004	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the expansion of the Deschutes County Fairgrounds and relocation of Oregon Military Department National Guard Armory.
2019-011	05-01-19/05-16/19	23.01.010, 4.2	Comprehensive Plan Map Amendment to adjust the Bend Urban Growth Boundary to accommodate the refinement of the Skyline Ranch Road alignment and the refinement of the West Area Master Plan Area I boundary. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.

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2019-006	03-13-19/06-11-19	23.01.010,	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2019-016	11-25-19/02-24-20	23.01.01, 2.5	Comprehensive Plan and Text amendments incorporating language from DLCD’s 2014 Model Flood Ordinance and Establishing a purpose statement for the Flood Plain Zone.
2019-019	12-11-19/12-11-19	23.01.01, 2.5	Comprehensive Plan and Text amendments to provide procedures related to the division of certain split zoned properties containing Flood Plain zoning and involving a former or piped irrigation canal.
2020-001	12-11-19/12-11-19	23.01.01, 2.5	Comprehensive Plan and Text amendments to provide procedures related to the division of certain split zoned properties containing Flood Plain zoning and involving a former or piped irrigation canal.

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



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

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

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

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2024-003	2-21-24/5-21-24	23.01.010, 5.8	Comprehensive Plan Map Amendment, changing designation of certain property from Surface Mining (SM) to Rural Residential Exception Area (RREA); Modifying Goal 5 Mineral and Aggregate Inventory
2024-007	10-02-24/12-31-24	23.01(A)(repealed) 23.01(BK) (added)	Repeal and Replacement of 2030 Comprehensive Plan with 2040 Comprehensive Plan
2024-010	10-16-24/01-14-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2024-011	11-18-24/02-17-25	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Redmond Urban Growth Area (RUGA)
<u>2024-012</u>	<u>XX-XX-XX/XX-XX-XX</u>	<u>23.01.010</u>	<u>Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)</u>

**Exhibit "F" to Ordinance 2024-012**

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

**FILE NUMBERS:** 247-22-000436-ZC, 247-22-000443-PA, 247-23-000651-MA

**SUBJECT PROPERTY/**

**OWNER/** DESTINY COURT PROPERTIES, LLC  
**APPLICANT:** Map and Taxlot: 171207A000100  
Account: 113037  
Situs Address: 19975 DESTINY CT, BEND, OR 97703

**APPLICANT'S**

**ATTORNEY:** Elizabeth Dickson, Dickson Hatfield LLP

**STAFF PLANNER:**

Caroline House, Senior Planner  
Anthony Raguine, Principal Planner

**REQUEST:**

Comprehensive Plan Amendment from Agricultural to Rural Residential Exception Area and Zone Change from Exclusive Farm Use to Multiple Use Agricultural Zone.

**I. SUMMARY OF DECISION**

In this decision, the Board of County Commissioners ("Board") considers whether to approve the proposed Comprehensive Plan Amendment and Zone Change. Hearings Officer Frank recommended approval in his April 26, 2024, recommendation, after a Public Hearing held on February 27, 2024. No appeals were filed. Land Use File Numbers 247-22-000436-ZC, 247-22-000443-PA and 247-23-000051-MA contain the Hearings Officer's Recommendation ("Recommendation") and related documents as referenced herein. The Board considered the applications *de novo*, incorporating the Record below, and a public hearing before the Board was held on July 24, 2024.

On October 9, 2024, following deliberation, the Board voted 2-1 finding the applicant had met their burden of proof, and moved to uphold the Recommendation and approving the Comprehensive Plan Amendment and Zone Change applications on the subject property.

The Recommendation dated April 26, 2024, is hereby incorporated as part of this decision, including any and all interpretations of the County's code, and modified as follows. In the event of conflict, the findings in this decision control.

**II. BASIC FINDINGS OF FACT:**

The Board adopts and incorporates by reference the code interpretations, findings of fact, and conclusions of law in the Recommendation as set forth in Section I, Applicable Criteria, and Section II, Basic Findings. The Recommendation is attached as Exhibit G to the Board's Decision. The following additions are made to the basic findings in the Recommendation.

- A. PROCEDURAL HISTORY:** A public hearing was held before a Hearings Officer on February 27, 2024, and the Recommendation was issued on April 26, 2024. The Board conducted a *de novo* hearing on July 24, 2024. The Board left the record open until August 7, 2024, for all parties to submit written legal argument; until August 14, 2024, for all parties to submit rebuttal; and until August 21, 2024, for applicant's final argument. The Board rendered its oral decision after deliberations on October 9, 2024, affirming the Recommendation and modifying the findings as described herein. This written Decision memorializes that decision.
- B. REVIEW PERIOD:** The applications were submitted on May 27, 2022. Planning Division deemed the applications incomplete on June 24, 2022. Applicant submitted First Supplement on November 23, 2022, a Second Supplement and Modification of Application on September 1, 2023. The 150-day clock does not apply to the applications for the Comprehensive Plan Amendment and Zone Change.

The Board takes note that the subject property achieved its current configuration via property line adjustment approval 247-23-000653-LL.

- C. PUBLIC COMMENTS:** Planning Division received three comments from the public between the issuance of the Recommendation and the close of the Public Record for public comment after the Board Public Hearing on August 14, 2024. The Planning Division also received one comment from a public agency, Department of Land Conservation and Development ("DLCDC"), on August 7, 2024, in response to the Planning Division's inquiry about applicability of a recent statute adopted to allow Accessory Dwelling Units ("ADUs"). The Cherrie Brooks comment dated July 16, 2024, did not address relevant criteria to the application. Consequently, the Board did not consider these comments. Carol Macbeth filed two comments on behalf of Central Oregon Land Watch, one on July 24, 2024, and a second comment on August 8, 2024. Both contained arguments regarding subjects raised before the Hearings Officer below, and introduced additional facts. Applicant addressed all relevant arguments

raised within the allowed time periods for rebuttal, submitting supplemental evidence where needed. The Board considered all arguments raised in deliberations, finding the Macbeth arguments unpersuasive.

Planning Division's inquiry to DLCD addressed whether ADUs could be allowed on the Subject Property if it were rezoned. DLCD entered a comment into the Record on the afternoon of the last day of the Open Comment Period, noting that the unusual circumstances of the proposed rezone make the approval of ADUs "entirely up to the county...." [underline original]. Applicant, in rebuttal period, addressed the possibility of the rezone impact with additional evidence and argument. The Board considered the argument in deliberations, finding Applicant addressed the issue to the Board's satisfaction.

### III. **FINDINGS**

This Board adopts the Recommendation for Approval, as supplemented by noted Findings related to matters which arose after the Recommendation was issued.

#### **1. Subject Property as "Agricultural Land" with respect to Soils**

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

**FINDING:** The Board adopts the Recommendation unanimously, finding that the Subject Property is predominantly NRCS Class VII and VIII soils, and consequently is not Agricultural Land.

#### **2. Subject Property as "Agricultural Land" with respect to Factors**

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

This rule analyzes what constitutes "Agricultural Land" as referenced in Statewide Planning Goal 3. One of those factors is "existing and future availability of water for farm irrigation purposes." At the time of the Public Hearing before Hearings Officer Frank and in the Open Record period leading up to draft of the Recommendation by Hearings Officer Frank, confirmation from Swalley Irrigation District was not available to verify the status of irrigation water appurtenant to the Subject Property. The Hearings Officer's Findings noted on Page 46, paragraph 2, that irrigation rights did exist at the Subject Property. He went on to note that existence may be suggestive of agricultural land, but standing alone, did not determine that the land was agricultural land.

On August 7, 2024, Applicant submitted Exhibit 42 into the Record before the Board. That Exhibit conclusively determined by letter from Swalley Irrigation District dated August 1, 2024, that there are no longer any Swalley water rights on the Subject Property.

**FINDING:** The Board adopts the Recommendation regarding “Agricultural Land” where it is determined that the Subject Property is not properly characterized as Agricultural Land. By correction, the Board finds that no irrigation water rights exist at the Subject Property, as evidenced by Exhibit 42 in the Record, Swalley Letter of No Appurtenant Water Rights. This does not change the Hearings Officer’s conclusion that the Subject Property is not Agricultural Land.

The Board adopts the Recommendation by a vote of 2 to 1, finding that the Subject Property is not Agricultural Land when considering factors established by the Goal, the Administrative Rules, Oregon Revised Statutes, and relevant common law.

**3. Subject Property as “Agricultural Land” when considering Adjacent or Nearby Agricultural Lands**

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

**FINDING:** The Board unanimously adopts the Recommendation, finding no adjacent or nearby agricultural lands and no evidence to suggest that a nearby farm would benefit from agricultural use of the Subject Property including use as a storage or maintenance facility.

**4. Goal 14 Exception Requirement**

Statewide Planning Goal 14

**FINDING:** The Board adopts the Recommendation by a vote of 2 to 1, finding that the Plan Amendment / Zone Change proposed will not result in urbanization such that an exception to Goal 14 is required.



## 5. Allowance of Accessory Dwelling Units under ORS 215.495, ORS 215.501 on Rural Lands, such as Subject Property

Transportation Planning Rule, OAR 660-012-0060, DCC 18.116.310(E)(4)

A question posed by a member of the public at a public hearing preceding the subject application on July 24, 2024, raised the issue of whether ADUs would be allowed on rural lands rezoned without necessity of exception to Statewide Planning Goals under ORS 215.495 and ORS 215.501, recently effective. Such additional use could pose concerns related to increased density on rural lands and rural roadways. Planning Division staff addressed the question to the DLCD. DLCD's response was received and submitted into the Record on August 7, 2024. The Department's response was inconclusive, noting that "[t]he department concludes approved rezones of resource land could result in the development of ADUs if the county permits rural ADUs on non-resource lands."

Applicant subsequently submitted Transight Consulting Transportation's Errata, providing an analysis of possible ADU impacts resulting from approval of the subject rezone. It is entered into the Record as Exhibit 43. It concludes that the additional ADU-related trips would not violate applicable standards.

**FINDING:** The Board finds unanimously that ADUs, if allowed on the Subject Property, are not foreseen to reduce operation levels on OB Riley Road and Destiny Court to an unacceptable level of service, based on the expected trip generation for 14 ADUs. The Board further finds ADUs would not change the functional classification of existing roads, change standards implementing a functional classification system, or result in types of travel that are inconsistent with the functional classification of existing roads. For purposes of the Transportation Planning Rule (OAR 660-012-0060) a significant impact does not occur with or without the inclusion of ADUs on the Subject Property.

### IV. **DECISION:**

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

**Exhibit G to Ordinance No. 2024-012**

**HEARINGS OFFICER RECOMMENDATION**

**FILE NUMBERS:** 247-22-000436-ZC / 247-22-000443-PA / 247-23-000651-MA

**HEARING:** February 27, 2023, 6:00 p.m.  
Zoom & Barnes & Sawyer Rooms

**SUBJECT PROPERTY APPLICANT/OWNER:** Mailing Name: DESTINY COURT PROPERTIES LLC (“Applicant”)  
Maps and Tax Lots: 1712070000100<sup>1</sup>  
Accounts: 113037  
Situs Address: 19975 DESTINY CT, BEND, OR 97703  
 (“Subject Property”)

***Note:** The Subject Property has been recently reconfigured as part of a property line adjustment.*

**APPLICANT’S ATTORNEY:** Elizabeth Dickson (“Dickson”), Dickson & Hatfield LLP

**REQUEST:** The Applicant requested a Deschutes County Comprehensive Plan Amendment to change the designation of the Subject Property from Agricultural (“AG”) to Rural Residential Exception Area (“RREA”); and a Zone Change to rezone the Subject Property from Exclusive Farm Use – Tumalo/Redmond/Bend Subzone (“EFU”) to Multiple Use Agricultural (“MUA”).

***Note:** The Applicant also applied for conditional use and tentative plan approval for a 14-lot residential Planned Unit Development (“PUD”). The development proposal request is **not a part of this review.***

**STAFF PLANNER:** Caroline House, Senior Planner  
[Caroline.House@deschutes.org](mailto:Caroline.House@deschutes.org)

**RECORD:** Record items can be viewed and downloaded from:  
<https://www.deschutes.org/cd/page/247-22-000436-zc-247-22-000443-pa-destiny-court-properties-llc-comprehensive-plan-amendment>

**I. APPLICABLE CRITERIA**

- Deschutes County Code (“DCC”)
  - Title 18, Deschutes County Zoning Ordinance
    - Chapter 18.04, Title, Purpose, and Definitions
    - Chapter 18.16, Exclusive Farm Use Zones (“EFU”)
    - Chapter 18.32, Multiple Use Agricultural (“MUA10”)
    - Chapter 18.56, Surface Mining Impact Area Combining Zone (“SMIA”)
    - Chapter 18.84, Landscape Management Combining Zone (“LM”)
    - Chapter 18.136, Amendments

<sup>1</sup> The Deschutes County Assessor’s Office updated the tax map between the mailing of the Notice of Public Hearing and the release of The County Planning Staff Report. The Subject Property is now identified as a singular tax lot and account (ref. TL 100 / 113037).

Title 22, Deschutes County Development Procedures Ordinance  
Chapter 22.20.055, Modification of Application

Deschutes County Comprehensive Plan (“DCCP”)  
Chapter 2, Resource Management  
Chapter 3, Rural Growth Management  
Appendix C, Transportation System Plan

Oregon Administrative Rules (“OAR”) Chapter 660  
Division 6, Forest Lands  
Division 12, Transportation Planning  
Division 15, Statewide Planning Goals  
Division 33, Agricultural Land

**II. BASIC FINDINGS**

**LOT OF RECORD:** The Subject Property is one (1) legal lot of record (County file no. 247-22-000433-LR) and its current configuration reflects a recently perfected property line adjustment (County file no. 247-23-000653-LL). The Hearings Officer incorporates as additional findings for this section the Applicant’s comments (Supplemental Rebuttal, 11/23/2022, pages 3 – 4) and the decisions rendered in 247-22-000433-LR/247-23-000653-LL.

**ZONING:** The Subject Property is zoned EFU-TRB subzone and is partially located in the LM and SMIA Combining Zones. The recently perfected property line adjustment removed all Flood Plain (“FP”) zoned areas on the Subject Property (County file no. 247-23-000653-LL) and the Applicant filed a Modification of application to incorporate the changes associated with the reconfigured property (County file no. 247-23-000651-MA).

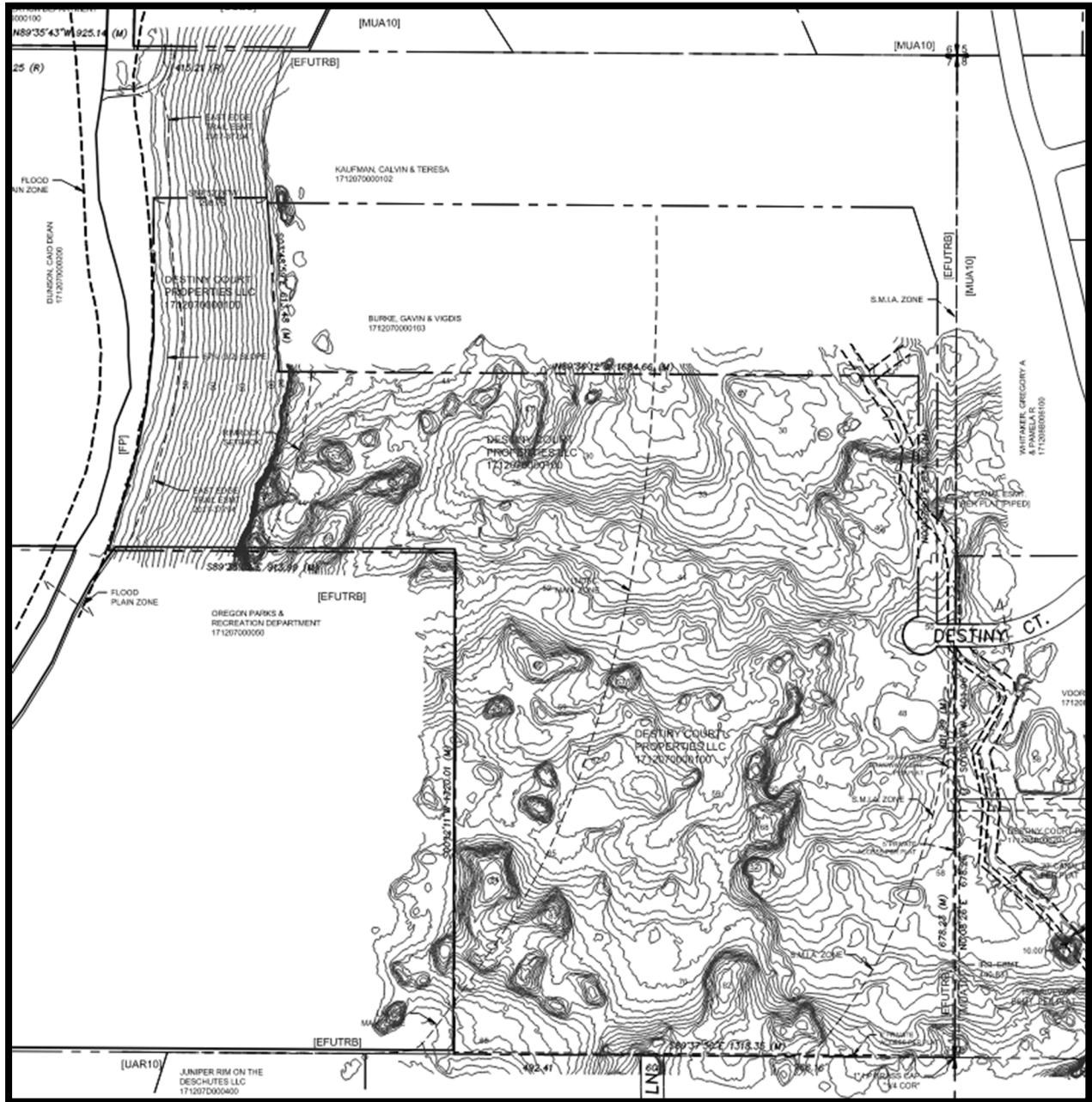
**SITE DESCRIPTION:** According to the Applicant’s materials, the Subject Property is +/-65.1 acres in size, irregularly shaped, and there are no structures or improvements on the Subject Property except for a small pond adjacent to the eastern property line and near the terminus of Destiny Court. Some areas of the Subject Property have been previously used for raising livestock and/or horses. Irrigation water rights (Swalley Irrigation District), once existing at the Subject Property but may have been transferred. The Subject Property is not currently being used for farming purposes. The remaining undisturbed areas of the Subject Property consist of native vegetation and rock outcroppings.

Destiny Court, a paved County Road<sup>2</sup>, terminates at the northeastern Subject Property line and Northern Estates Lane, a paved Local Access Road<sup>3</sup>, terminates at the southern Subject Property line. As shown in *Figure 1* below, grade varies across the property with the most dramatic changes along the northwestern corner of the Subject Property, which consists of rimrock along the Deschutes River canyon. The nearest boundary for the City of Bend’s Urban Growth Boundary (“UGB”) is located approximately 2,000 feet to the southeast of the Subject Property.

<sup>2</sup> Per DCC 12.04.060, "County Road" means a public road under the jurisdiction of a county that has been designated as a county road under ORS 368.016 and maintained by Deschutes County.

<sup>3</sup> Per DCC 12.04.060, "Local Access Road" means any public street or road which is not maintained by the County but over which the County has jurisdictional authority.

Figure 1 – Topographical Map of the Subject Property



**SOILS:** The Natural Resources Conservation Service (“NRCS”) map shown on the County’s DIAL GIS mapping program identifies three (3) soil complex units on the Subject Property: 38B, Deskamp-Gosney complex, 0 to 8 percent slopes, 58C, Gosney-Rock outcrop-Deskamp complex, 0-15 percent slopes, and 106E, Redslide Licksillet complex, 30-50 percent slopes.

An Agricultural Soils Capability Assessment (Order 1 Soil Survey – referred to by the Hearings Officer as the “Site-Specific Study”) was conducted by Brian T. Rabe, CPSS, WWS, for the majority of the Subject Property and found the following<sup>4</sup>:

*“Cascade Earth Sciences (CES) was retained to conduct a site-specific soil survey on a substantial portion*

<sup>4</sup> Ref. Applicant’s Exhibit 3 and Exhibit 24.

*of the above referenced parcels (Site) consisting of approximately 63 acres. The subject acreage is zoned Exclusive Farm Use Tumalo Redmond Bend (EFUTRB). Those areas not specifically evaluated generally consisted of steeper slopes with rocky soils leading into the adjacent Deschutes River canyon. We understand that an application to Deschutes County is being prepared to request a zone change to a non-resource designation (rural residential). The soil-related criteria for this process is contained in Oregon Administrative Rules (OAR) 660-033. Parcels need to consist predominately of soils in land capability classes VII and VIII to be considered for a non-resource designation.*

...

**SUMMARY AND CONCLUSIONS**

*The purpose of this report is to present the results of an assessment to verify and, where necessary, refine the soils, map units, and boundaries mapped on the Site and to determine whether the soils on the Site meet the land capability classification criteria for a non-resource zoning designation. The published soil survey information was reviewed and direct observations of soil conditions were made at representative locations across the Site. CES has determined that the information from the published soil survey was generally consistent with observations on the ground with boundary refinements limited to delineating components of the complexes mapped by the NRCS. CES has determined that 41.35 acres, or 65.8 percent, of the Site consists of Class VII and Class VIII soils. Since the Site is predominantly Class VII and Class VIII soils and does not otherwise meet the criteria for further consideration as agricultural land, the Site meets the soils criteria for consideration of a non-resource zoning designation.”*

Further discussion regarding soils is found in the findings related to DCC 18.04.030 and Statewide Planning Goal 3 below.

**LAND USE HISTORY:**

- **LR-94-42:** The County approved a Lot of Record Verification.
- **MP-94-29:** The County approved a three-parcel partition. The Subject property was originally platted as a part of Parcel 1 (ref. PP1995-05).
- **CU-95-68:** The County conditionally approved a non-farm dwelling on Parcel 1 of MP-94-29.
- **MP-96-07/FPA-96-39:** The County approved a three-parcel partition. The Subject Property was platted as a part of Parcel C (ref. PP1995-05).
- **V-97-3/LL-97-10:** The County approved a minor variance and a lot line adjustment between the Subject Property and properties identified on Assessor’s Map 17-12-07, as tax lots 102 and 103.
- **E-97-16:** The County approved a 1-year extension of CU-95-68.
- **E-98-28:** The County approved a 2-year extension of CU-95-68.
- **E-99-26:** The County approved a second 2-year extension of CU-95-68.
- **LM-00-195/SMA-00-33:** Site plan approval for the previously approved non-farm dwelling in the Landscape Management and Surface Mining Impact Area Combining Zones. However, the non-farm dwelling use was never initiated and the approvals expired.
- **247-22-000433-LR:** The County found the Subject Property is recognized as one legal lot of record.
- **247-23-000653-LL:** The County approved a property line adjustment between the Subject Property and a property identified on Assessor’s Map 17-12-07, as tax lot 200.

**SURROUNDING LAND USES:** Staff (Staff Report, pages 5 - 6) provided the following descriptive summary of surrounding uses and zoning:

*North: The two closest properties to the north are zoned EFU-TRB and are developed with non-farm dwellings. Beyond these two properties is Tumalo State Park and other residentially developed MUA10 zoned properties. Tumalo State Park is zoned Open Space & Conservation Zone “(OS&C)”, FP, MUA10, and EFU-TRB.*

*East: The properties to the east are zoned MUA10 and are predominantly developed with residential uses. The lot sizes vary from less than one (1) acre to 16 acres. State Highway 20 is approximately 1,700 feet to the east.*

*South: The properties to the south-southwest are platted 10-acre residential lots in the Pacific Cascade Heights and Juniper Rim subdivisions. These properties are zoned Urban Area Reserve Zone (“UAR10”). The properties to the south-southeast are also residentially developed and zoned UAR10. However, these lots are not part of a recorded subdivision or partition and range in size from +/- .96 acres to +/- 17.84 acres. Further to the south is a large UAR10-zoned tract of land owned by the Elkins Revocable Trust and Bend Metro Parks & Recreation District’s Riley Ranch Reserve. As noted above, the City of Bend’s UGB is approximately 2,000 feet to the southeast and properties within the UGB are in the City of Bend’s zoning jurisdiction.*

*West: The Oregon Parks & Recreation Department owns the abutting land to the west-southwest. The Deschutes River crosses this property and continues generally in a north-south direction. This Oregon Parks & Recreation Department property is zoned EFU-TRB and FP and appears to be undeveloped. However, there is a public trail along the banks of the Deschutes River connecting Tumalo State Park, to the north, and Riley Ranch Reserve, to the south. Abutting the northwest corner of the property is a privately owned EFU and FP zoned property that is developed residentially and also includes a segment of the publicly accessible trail connecting Tumalo State Park and Riley Ranch Reserve. Further to the west is Surface Mining Site No. 303, which Oregon Department of Geology and Mineral Industries (“DOGAMI”) identifies as a “permitted”<sup>5</sup> surface mine, and privately owned EFU-TRB zoned properties.*

Applicant provided additional comments related to the site description in its March 19, 2024 record submission. The Hearings Officer incorporates the Applicant March 19, 2024 (pages 6 – 10) surrounding property descriptions as additional findings for this section. See also the Hearings Officer’s findings for Section 2.7, Open Spaces, Scenic Views and Sites Open Space and Scenic View Designations and Protections.

**PUBLIC AGENCY COMMENTS:** The Planning Division mailed notice on June 3, 2022, and September 9, 2023, to several public agencies and received the following comments:

Bend Fire & Rescue, Jason Bolen

A three-page letter was submitted by Bend Fire & Rescue and is incorporated herein by reference.

STAFF REPORT COMMENT: The Bend Fire & Rescue comments appear to be related to the Fire Department standards that apply to the 14-lot PUD. This request is not a part of this review.

Deschutes County Addressing Coordinator, Tracy Griffin

Addresses and street names for this proposed subdivision will be determined and approved during the tentative plat phase of this development.

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<sup>5</sup> DOGAMI’s *Mining Permit & Status Code Reference* defines “permitted” as Certificate, Exemption, or Permit has been approved and issued - does not necessarily indicate site is active.

Deschutes County Building Division, Randy Scheid

NOTICE: The Deschutes County Building Safety Divisions code mandates that Access, Egress, Setbacks, Fire & Life Safety, Fire Fighting Water Supplies, etc. must be specifically addressed during the appropriate plan review process with regard to any proposed structures and occupancies.

Accordingly, all Building Code required items will be addressed, when a specific structure, occupancy, and type of construction is proposed and submitted for plan review.

Deschutes County Onsite Wastewater Division, Todd Cleveland

Prior to final plat approval, each proposed residential lot must have a complete approved site evaluation.

Deschutes County Road Department, Cody Smith

I have reviewed the application materials for the above-referenced file numbers, proposing 14-lot PUD subdivision of Tax Lots 100 and 101 on County Assessor’s Tax Map 17-12-07 and Tax Lot 6201 on County Assessor’s Tax Map 17-12-08B. The subject property is accessed by Destiny Court, which presently terminates at the eastern boundary of the subject property, and Northern Estates Lane, which presently terminates at the southern boundary of the subject property. Road Department records indicate that both roads have the following attributes where they abut or provide access to the subject property:

Destiny Court

- Road Status: County Road
- Surface Type: Asphalt Concrete
- Surface Width: 28 feet
- Functional Classification: Rural Local
- Right of Way Width: 60 feet
- Right of Way Instrument: Partition Plat No. 1995-5

Northern Estates Drive

- Road Status: Local Access Road
- Surface Type: Asphalt Concrete
- Surface Width: 28 feet
- Functional Classification: Rural Local
- Right of Way Width: 60 feet
- Right of Way Instrument: Partition Plat No. 1995-5

Where they provide access to or abut the subject property, Destiny Court and Northern Estates Drive meet or exceed the minimum rural local road standards given in Deschutes County Code (DCC) 17.48A

The applicant has proposed an interior private road system that would be an extension of both Destiny Court and Northern Estates Drive. Staff note that the site traffic report submitted with the application materials recommends that “All internal streets should be constructed within a dedicated public access easement.” State law and DCC do not differentiate between “public access easements” and “public rights of way”; they are one and the same. Road Department staff assume that the applicant’s intent is to build public internal roads to the private road standard.

Deschutes County Road Department requests that approval of the proposed land uses be subject to the following conditions:

Prior to construction of road improvements:

- Applicant shall submit road improvement plans and stormwater drainage report to Road Department for approval prior to commencement of construction pursuant to DCC 17.40.020 and 17.48.060. The roads shall be designed to the minimum road standard given in 17.48.160, 17.48.180, and 17.48A. Stormwater drainage shall be designed in accordance with DCC 17.48.190 and the latest edition of the Central Oregon Stormwater Manual. Road improvement plans shall be prepared in accordance with all applicable sections of DCC 17.48.

Prior to final plat approval by Road Department:

- Applicant shall complete road improvements according to the approved plans and all applicable sections of DCC 17.48. Improvements shall be constructed under the inspection of a registered professional engineer consistent with ORS 92.097 and DCC 17.40.040. Upon completion of road improvements, applicant shall provide a letter from the engineer certifying that the improvements were constructed in accordance with the approved plans and all applicable sections of DCC 17.48.
- Applicant shall complete road improvements according to the approved plans and all applicable sections of DCC 17.48. Improvements shall be constructed under the inspection of a registered professional engineer consistent with ORS 92.097 and DCC 17.40.040. Upon completion of road improvements, applicant shall provide a letter from the engineer certifying that the improvements were constructed in accordance with the approved plans and all applicable sections of DCC 17.48.
- If roads are dedicated to the public, applicant shall dedicate internal road rights of way to provide for the minimum standard rural local road right of way width of 60 ft. pursuant to DCC 17.16.105, 17.36.040, 17.36.060, and 17.48A. Dedication shall be by plat declaration.
- All easements of record or existing rights of way shall be noted on the final plat pursuant to DCC 17.24.060(E),(F), and (H).
- The surveyor preparing the plat shall, on behalf of Applicant, submit information showing the location of the existing roads in relationship to the rights of way to Deschutes County Road Department. This information can be submitted on a worksheet and does not necessarily have to be on the final plat. All existing road facilities and new road improvements are to be located within legally established or dedicated rights of way. In no case shall a road improvement be located outside of a dedicated road right of way. If research reveals that inadequate right of way exists or that the existing roadway is outside of the legally established or dedicated right of way, additional right of way will be dedicated as directed by Deschutes County Road Department to meet the applicable requirements of DCC Title 17 or other County road standards. This condition is pursuant to DCC 17.24.060(E),(F), and (G) and 17.24.070(E)(8).
- Applicant shall submit as-constructed improvement plans to Road Department pursuant to DCC 17.24.070(E)(1).
- Applicant shall submit plat to Road Department for approval pursuant to DCC 17.24.060(R)(2), 100, 110, and 140.

STAFF REPORT COMMENT (page 8): Most of the comments above appear to be related to DCC standards that apply to the 14-lot residential PUD. This request is not a part of this review.

Deschutes County Senior Transportation Planner, Peter Russell (June 23, 2022)

I have reviewed the transmittal materials for 247-22-000346-ZC/438-TP/439-CU/443-PA/433-LR/434-LR/435-LR for properties totaling approximately 83 acres to change the Comprehensive Plan designation from Agriculture to Rural Residential Exception Area (RREA) and the zoning from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10). The properties lie in the Exclusive Farm Use (EFU), Surface Mining



Impact Area (SMIA), Landscape Management (LM) and Flood Plain (FP) zones and add a 14-lot Planned Unit Development (PUD) at 19975 and 19995 Destiny Ct., aka County Assessor's Maps 17-12-07, Tax Lots 100 and 101 and 17-12-08B, Tax Lot 6201. For reasons discussed below, staff finds more information is needed to address the Transportation Planning Rule (TPR).

Deschutes County Code (DCC) 18.116.310(4) requires a 20-year analysis for zone changes. The application has submitted what in essence is a trip generation memo from Transight, the applicant's traffic engineer, that is dated Sept. 15, 2021. The memo does not have any operational analysis regarding performance of affected intersections. Staff therefore cannot determine compliance with the TPR at Oregon Administrative Rule (OAR) 660-012-0060 for significant effect. The applicant needs to provide operational analysis of the affected intersections pre-zone change and post-zone change. Staff does agree with the consultant that the difference in trip generation between EFU and MUA-10 is negligible. Historically, staff has used single-family home as its base case for reasonable worst-case scenario for uses in the EFU zone. The outright permitted uses are listed at DCC 18.16.020. The most recent edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual lists Single Family Detached Home (Land Use 210) has having 9.43 weekday trips. Staff has also reviewed the outright permitted uses in the MUA-10 at DCC 18.32.020 as well as the outright permitted uses listed in Oregon Revised Statute (ORS) 215.213(1) and 215.283(1).

The property accesses Destiny Court, a public road maintained by Deschutes County, and functionally classified as a local. The property has an access permit approved by Deschutes County (#247-SW1403) and thus complies with the access permit requirements of DCC 17.48.210(A).

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$4,757 per p.m. peak hour trip. As the plan amendment/zone change by itself does not generate any traffic, no SDCs apply at this time. SDCs will be assessed based on development of the property. When development occurs, the SDC is due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.

THE PROVIDED SDC RATE IS ONLY VALID UNTIL JUNE 30, 2022. DESCHUTES COUNTY'S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS PULLED.

BEGINNING JULY 1, 2022, THE SDC RATE WILL INCREASE TO \$5,080 PER PEAK HOUR TRIP AND LAST UNTIL JUNE 30, 2023. AGAIN, THIS IS INFORMATIONAL ONLY AS SDCS ARE NOT ASSESSED UNTIL DEVELOPMENT OCCURS.

STAFF REPORT COMMENT (page 9): In response to Mr. Russell's comments above, the Applicant submitted a supplemental transportation memorandum dated August 8, 2022<sup>6</sup>.

<sup>6</sup> Ref. 2023-09-15 E. Dickson - Destiny Transportation Analysis Response.

Deschutes County Senior Transportation Planner, Tarik Rawlings, October 17, 2023

I have reviewed the transmittal materials for 247-23-000651-MA, 652-MA, 653-LL which modifies original files 247-22-000436-ZC/438-TP/439-CU/443-PA/433-LR/434-LR/435-LR for properties totaling approximately 83 acres to change the Comprehensive Plan designation from Agriculture (AG) to Rural Residential Exception Area (RREA) and the zoning from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10). The properties lie in the Exclusive Farm Use (EFU), Surface Mining Impact Area (SMIA), Landscape Management (LM) and Flood Plain (FP) zones and add a 14-lot Planned Unit Development (PUD) at 19975 and 19995 Destiny Ct. recognized on County Assessor's Maps 17-12-07 as Tax Lots 100 and 101 and 17-12-08B as Tax Lot 6201. For reasons discussed below, originally stated in response to the initial Plan Amendment/Zone Change/Tentative Plat application, staff finds that the additional information provided by the applicant and their traffic engineer addresses the requests made in the County Transportation Planner's original June 23, 2022 comment.

I have reviewed Mr. Bessman's August 8, 2023, Site Traffic Report/TPR Analysis related to the subject application and I agree with the assumptions, methodology, and conclusions contained therein. As Mr. Bessman utilizes the 2040 planning horizon year (reflective of the most recent data included in the County's forthcoming Transportation System Plan update) this analysis appears to comply with relevant criteria. Mr. Bessman utilizes the acceptable road segment standard of 13,900 Average Daily Trips (ADT) which is incorporated into the County's most recent 2020-2040 Transportation System Plan. The analysis and references therein related to peak hour trips (16 to 22 total weekday p.m. peak hour trips) are adequate. Staff agrees with Mr. Bessman's summary of Transportation Planning Rule (TPR) Compliance and finds that relevant TPR provisions appear to be satisfied through the submittal of this additional information.

The property accesses Destiny Court, a public road maintained by Deschutes County, and functionally classified as a local. The property has an access permit approved by Deschutes County (#247-SW1403) and thus complies with the access permit requirements of DCC 17.48.210(A).

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$5,603 per p.m. peak hour trip. As the plan amendment/zone change by itself does not generate any traffic, no SDCs apply at this time. SDCs will be assessed based on development of the property. When development occurs, the SDC is due prior to issuance of certificate of occupancy; if a certificate of occupancy is not applicable, then the SDC is due within 60 days of the land use decision becoming final.

THE PROVIDED SDC RATE IS ONLY VALID UNTIL JUNE 30, 2024. DESCHUTES COUNTY'S SDC RATE IS INDEXED AND RESETS EVERY JULY 1. WHEN PAYING AN SDC, THE ACTUAL AMOUNT DUE IS DETERMINED BY USING THE CURRENT SDC RATE AT THE DATE THE BUILDING PERMIT IS PULLED.

BEGINNING JULY 1, 2024, THE SDC RATE WILL INCREASE AND LAST UNTIL JUNE 30, 2025. AGAIN, THIS IS INFORMATIONAL ONLY AS SDCS ARE NOT ASSESSED UNTIL DEVELOPMENT OCCURS.

Oregon Department of Land Conservation & Development, Hilary Foote

DLCD has reviewed a soil assessment as requested by Ron Cochran for QRR Properties LLC. Attached are the soil assessment, DLCD completeness review, and DLCD application form.

In accordance with OAR 660-033-0045(6)(a), the Department of Land Conservation and Development (DLCD) finds that this soils assessment is complete. DLCD has reviewed the soils assessment for

completeness only and has not assessed whether the parcels qualify as agricultural land as defined in OAR 660-033-0020(1) and 660-033-0030.

The county may make its own determination as to the accuracy and acceptability of the soils assessment.

Oregon Parks and Recreation Department, Fiona Noonan

Based on the information in this Notice of Application, tax lots 1712070000100, 1712070000101, and 1712070000200 are all within the Middle Deschutes State Scenic Waterway. To my understanding, no structural development has been proposed here yet, but please correct me if I'm wrong. If/when the relevant property owners wish to build or remodel any structures, remove/alter vegetation, or conduct other similar activities, they will need to submit a Notification of Intent Application to the State Scenic Waterway Program. If possible, please have them reach out to me directly beforehand.

The following agencies did not respond to the notice: 911, Bend Metro Parks & Recreation, Deschutes County Assessor, Deschutes County Sheriff, Deschutes County Surveyor, Oregon Department of Agriculture – Land Use Planning Coordinator, Oregon Department of Environmental Quality, Oregon Department of Fish & Wildlife, Oregon Water Resources Department (Watermaster – District 11), and Swalley Irrigation District.

**PUBLIC COMMENTS:** The Planning Division mailed notice of the application to all property owners within 750 feet of the Subject Property on June 3, 2022, and September 9, 2023. The Applicant also complied with the posted notice requirements of Section 22.24.030(B) of Title 22. The Applicant submitted a Land Use Action Sign Affidavit indicating the Applicant posted notice of the land use action on June 15, 2022. Eleven (11) public comments were received. Staff, in the Staff Report, provided the following summary of the public comments:

1. *Road and traffic impacts*
2. *Design consistency of roads between developments*
3. *Damage to Northern Estates Lane during construction or development*
4. *Small Lot sizes*
5. *Lots should be at least 10 acres*
6. *Loss of natural habitat*
7. *Impacts on rural character of the area*
8. *Concerns the applications are incomplete*
9. *Need for the County to require a Road Maintenance Agreement*
10. *Comments in support of the PA/ZC request, but opposed to the 14-lot Planned Development*
11. *Need for equitable sharing of road maintenance costs*
12. *Concerns the applicable criteria are generally not met*
13. *Increased traffic impacts on O.B. Riley Road*
14. *Desire for a "peaceful wilderness environment" near Tumalo State Park*
15. *Spatial restrictions/5-acre minimum lot sizes associated with the LM Combining Zone*
16. *Open space acreage requirements*
17. *Cluster Development standards not being met*
18. *Lot of Record issues*
19. *Need for Goal 14 Exception*
20. *Establishment of "neighborhood-style subdivision housing" outside of the UGB*
21. *Need for fire gates between the proposed subdivision and Pacific Cascade Heights to reduce road maintenance, trespassing, vagrants, houseless, camping, speed contests, etc.*

STAFF REPORT COMMENT (page 12): *Most of the comments above appear to apply standards that will be evaluated during the review of the 14-lot residential PUD. As part of the County's review of those applications,*

*staff or the hearings body will address these comments and their relevancy to the applicable standards. Compliance with the applicable rural growth and transportation standards for a comprehensive Plan Amendment and Zone Change are addressed below. Staff notes the Lot of Record issue has been resolved as part of files nos. 247-22-000433-LR / 247-22-000435-LR / 247-23-000653-LL. The subject property is recognized as one (1) lot of record.”*

The Hearings Officer concurs with the Staff characterizations and conclusions set forth in the above “Staff Comment.” The Hearings Officer addresses, in the context of findings for relevant approval criteria, concerns related to less than 10 acres (#5 above), rural character (#7 above), application incomplete (#8 above), lot of record (#18 above) and Goal 14 (#19 above) above in the findings for relevant approval criteria.

**HEARING NOTICE:** On January 19, 2024, the Planning Division mailed a Notice of Public Hearing to all property owners within 750 feet of the Subject Property, public agencies, and parties. A Notice of Public Hearing was also published in the Bend Bulletin on Sunday, January 21, 2024. Notice of the first evidentiary hearing was submitted to the Department of Land Conservation and Development (“DLCD”) on January 19, 2024.

**REVIEW PERIOD:** According to Deschutes County Code 22.20.040(D), the review of the proposed quasi-judicial Plan Amendment and Zone Change application is not subject to the 150-day review period.

**III. FINDINGS & CONCLUSIONS**

**A. PRELIMINARY FINDINGS**

**1. Purpose of the Preliminary Findings**

The Hearings Officer, in these Preliminary Findings, responds to issues raised by Central Oregon LandWatch (“COLW”) and the Staff. General public comments also raised one issue, also raised by COLW (Goal 14), addressed below. These Preliminary Findings are intended to provide an overview of the COLW issues, discussion of the relevant laws/rules related to those issues and the Hearings Officer’s legal interpretation of various sections of the DCC and State statutes/regulations relevant to the COLW issues. The Hearings Officer incorporates these Preliminary Findings as additional findings for relevant approval criteria.

**2. Scope of this Recommendation**

This recommendation focuses solely upon the Applicant requests to change the comprehensive plan designation and zone change designation for the Subject Property. For context, the Applicant initially requested approval for a Comprehensive Plan Amendment, Zone Change, Conditional Use/Tentative Plan (14-lot residential Planned Unit Development – PUD). Applicant removed the Conditional Use/Tentative Plan request. Approval criteria related to the Conditional Use/Tentative Plan request are **not** relevant approval criteria in this case.

Applicant also modified its proposal. In summary, the modification removed from the original application areas of the property zoned FP which reconfigured/reduced the area included in the Comprehensive Plan and Zone Change requests. The Hearings Officer will address criteria related to Applicant’s modification in the findings below.

### 3. Overview of Issues Raised by COLW

COLW (9/14/2024 email to Staff) raised “concerns” about Staff’s processing of the applications in this case. COLW expressed multiple concerns related to Applicant’s proposed site plan. These concerns related to Applicant’s initial request for conditional use/tentative plan approval. As noted in the Scope of Review section above, the Applicant removed the Conditional Use/Tentative Plan request from consideration in this case. COLW’s site plan concerns, as expressed in its 9/14/2024 email, are not relevant to the Hearings Officer’s decision in this case.

COLW, in the 9/14/2024 email, also expressed concerns related to tax lot 101; whether tax lot 101 is a lot of record (“Lot of Record Issue”) and raised concerns related to the applications in this case meeting Goal 14 (“Goal 14 Issue”). The Hearings Officer addressed above, in the findings set forth in Section II. Basic Findings, Lot of Record, COLW’s Lot of Record issue.

McBeth testified at the February 27, 2024 public hearing on behalf of COLW. McBeth, during her hearing testimony, suggested that the Planning Staff processing of the applications in this case “violated county process and procedures.” McBeth, during her hearing testimony, also argued that Statewide Planning Goals 3, 5 and 14 were applicable and that the applications did not adequately address those Goals. COLW, in an open-record submission (March 26, 2024), expanded upon its Goal 3 and 14 arguments.

### 4. Oregon Statewide Planning Goal 14

COLW argued that Applicant, in this case, failed to properly address Statewide Planning Goal 14. COLW, in a February 27, 2024 (page 4) record submission, stated the following:

*“Goal 14 obligates local governments to establish urban growth boundaries that ‘identify and separate urbanizable land from rural land.’ The policy of Goal 14 is to contain urbanization within acknowledged UGBs. 1000 Friends of Oregon v. LCDC, 301 Or 447, 451-452 n3, 724 P2d 268 (1986) (Curry County). Goal 14 prohibits development that will undermine the effectiveness of an established UGB. Id. at 474.*

*This land is outside the Bend UGB. Deschutes County may not adopt a development pattern that conflicts with Goal 14 and its implementing rules. Sandy v. Clackamas County, 3 LCDC 139, 149-50 (1979) (‘If this development is allowed, then there may as well not be urban growth boundaries. [This] ...is a perfect example of how Goal 14 may, little by little, case by case, be rendered ineffective and useless in controlling urban sprawl.’).*

*The applicant’s Burden of Proof explained:*

*‘Applicant proposes a planned development of fourteen approximately 1.75 acre lots on the newly zoned MUA-10 lands, grouped together and appropriately set back beyond the rimrock above the Deschutes River on the current Tax Lot 100.’*

*One dwelling per 1.75 acres is an urban density. This land outside the Bend UGB cannot be developed to an urban density without an exception to Goal 14.*

*In order to allow land use which any goal would prohibit, a local government must take an “exception” to that goal. Conversion of rural land to urban uses must be supported either by compliance with the requirements of Goal 14, or by an exception to that goal. Curry County, 301 Or at 477.*

*The Supreme Court has held that local governments must support any exceptions to Goal 14 by demonstrating that it is impracticable to allow any rural uses in the exception area. Id. at 489. It is not impracticable to allow*

any rural uses on the subject property. As explained above, the property could be used for a riding school or other farm uses.

*The integrity of the planning system depends on local governments starting from the assumption that lands will be used in compliance with the goals, unless specific circumstances justify departure from the state policy embodied in a particular goal.*

*The application does not demonstrate that it is impracticable to allow any rural uses on the subject property. No exception to Goal 14 has been proposed, and if it were, the application would not qualify. Therefore the application must be denied.”*

COLW, in a March 26, 2024 submission (pages 1 – 2) stated the following:

*“The policy embodied in Goal 14 is that land cannot be converted to urban uses prior to inclusion within an acknowledged urban growth boundary. The purpose of the goal is to provide for an orderly and efficient transition from rural to urban land use. Perkins v. City of Rajneeshpuram, 300 Or 1, 12 n. 15, 706 P2d 949 (1985).*

*The developer is mistaken that the density planned for the property is irrelevant. March 19, 2024 letter, p. 13. The record shows the applicant's objective is to develop a subdivision with 1.75- acre lots. The 2022 Burden of Proof refers to the 1.75-acre lot subdivision at pages 13, 24, 26, 32, 40, 44, 46, 47, 48, and 64. This objective is not denied by the developer.*

*In the unlikely event that the applicant prevails in this proceeding while denying it plans a subdivision with 1.75-acre lots on the property, the applicant will be estopped from requesting a subdivision with 1.75-acre or similar lots on the property in the future. Moreover such denial would raise the issue of candor toward the tribunal.*

*The decision in this case must be based on evidence in the record. The record shows the applicant's intent is a subdivision with small lot sizes at an urban density. Urban land uses in Oregon are restricted to lands inside an urban growth boundary. The applicant has not met its burden of showing compliance with Goal 14.”*

The Hearings Officer finds that COLW raised a number of Goal 14 issues that must be addressed in this section of the Preliminary Findings. The Hearings Officer concurs with COLW that consideration of Goal 14, in this case, is relevant. *1000 Friends of Oregon v. Josephine County*, LUBA No. 2023-022 (2023) citing *Hess v. City of Portland*, 23 OR LUBA 343, 345 (1992). The Hearings Officer also notes that LUBA, in the *1000 Friends of Oregon v. Josephine County* opinion, stated that

*“a petitioner who alleges that a decision violates Goal 14 by allowing conversion of rural land to urban uses must explain what urban use the decision allows.”* citing *Wood v. Crook County*, 55 Or LUBA 165, 176-77 (2007)

The Hearings Officer interprets COLW’s above-quoted statements as asserting that the application in this case violates Goal 14 by (1) proposing a lot size of 1.75 acres (or, per Applicant’s final argument 1.7 acres), (2) failing to request a Goal 14 exception, (3), if an exception to Goal 14 was requested by Applicant it must demonstrate that it is impracticable to allow any rural uses in the exception area and (4) undermining the effectiveness of an established UGB. The Hearings Officer addresses these concerns in the findings below.

The first COLW Goal 14 issue relates to the possibility of Applicant utilizing a planned development type approach to develop the Subject Property. This possibility resulted in an application by the Applicant for conditional use and tentative plan approval for a 14-lot residential planned development. The conditional use/tentative plan

applications are not part of this case; this recommendation is limited to addressing approval criteria relevant to the comprehensive Plan Amendment and Zone Change applications. As such the Hearings Officer cannot consider specific lot sizes proposed in separate applications.

The Applicant seeks to change the comprehensive plan map designation from Agricultural (“AG”) to Rural Residential Exception Area (“RREA”) and the zoning map from Exclusive Farm Use (“EFU”) to Multiple Use Agricultural (MUA”). The Hearings Officer takes official notice that the current Deschutes County Comprehensive Plan (“DCCP”) has been acknowledged by the Oregon Department of Land Conservation and Development (“DLCD”). The Hearings Officer finds that DLCD’s acknowledgment is properly interpreted to mean that the current Deschutes County Comprehensive Plan met/satisfied all relevant Statewide Planning Goals including Goal 14.<sup>7</sup>

The Hearings Officer finds COLW did not argue that the comprehensive plan RREA designation or the zoning MUA zoning designation, per se, conflict with Goal 14. If COLW believes it did make such argument then the Hearings Officer finds that COLW argument was not sufficiently developed to allow the Hearings Officer to authoritatively respond.

The Hearings Officer finds that the MUA zoning (DCC 18.32.040 A) provides for various development alternatives. The Hearings Officer finds that each of the MUA alternative development alternative complies with Goal 14. Therefore, the Hearings Officer finds all allowed densities provided for in DCC 18.32.040 A comply with Goal 14. The Hearings Officer finds no Goal 14 exception is required for an application seeking a development alternative allowed by DCC 18.32.040 A.

The Hearings Officer finds Applicant did not seek an exception to Goal 14. The Hearings Officer finds it would be speculative and impermissible to, as part of this recommendation, to assess the likelihood of approval of a Goal 14 exception.

COLW argued (February 27, 2024, page 5) that the Oregon Supreme Court, in *1000 Friends of Oregon v. Land Conservation and Development Commission (Curry County)* 310 Or 447 @ 489 (1986) must demonstrate “that it is impracticable to allow any rural uses in the *exception area*.” [emphasis added by Hearings Officer]

The Hearings Officer finds that the COLW “impracticable” argument is not sufficiently described to allow the Hearings Officer, or a participant in this case, to authoritatively respond. Also, the Hearings Officer finds that there is no evidence in the record that the Subject Property is in an “exception area” and therefore COLW’s *Curry* reference to “exception area” is either inappropriate or misleading. In the alternative, the Hearings Officer responds to COLW’s “impracticable” argument by finding that the proposed RREA and MUA designations are rural uses (not urban uses); therefore, the Applicant’s proposal in fact involves rural uses.

The last COLW argument (as summarized by the Hearings Officer above) suggests that approval of the proposals in this case should be denied because they “undermine the UGB.” The Hearings Officer finds that this COLW argument is not sufficiently developed to allow the Hearings Officer, or any participant in this case, to authoritatively respond.

Additionally, the Hearings Officer finds that the purpose of the requested MUA zone is

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<sup>7</sup> *Central Oregon LandWatch v. Deschutes County*, LUBA 2023-006 (2023) (hereafter referred to as the “710 Properties Decision”): “The DCCP provides that the RREA comprehensive plan designation is implemented by the RR-10 and Multiple Use Agriculture (MUA) zones. We have no reason to believe that DLCD’s acknowledgment of the 2015 amendments as consistent with Goal 14 was premised on anything other than the conclusion that the RREA plan designation facially does not allow urban uses of rural land...We similarly conclude that the board of commissioners did not err in relying on DLCD’s acknowledgment of the 2016 amendments to conclude that the RR-10 zone facially complies with Goal 14.”

*“to preserve the rural character of various areas of the County while permitting development consistent with that character.”*

The MUA zone also is intended to “provide for an orderly and efficient transition from rural to urban land use.” (See DCC 18.32.010). The Hearings Officer finds, based upon this quoted language, is properly interpreted to mean that the MUA zone allows (current) rural uses in anticipation of (future) urban uses; a transitional zone.

The Hearings Officer takes note that the Subject Property is relatively close to the City of Bend UGB. However, that fact does not imply that a MUA level development of the Subject Property is somehow an urban use. Developing the Subject Property, consistent with the MUA zoning requirements, will result in a rural use and not an urban use.

Applicant, in its May 27, 2022 Burden of Proof, March 19, 2024 open-record submission and April 2, 2024 final argument set forth evidence and argument related to the so-called *Curry/Shaffer* urban versus rural determination factors. The Hearings Officer adopts those Goal 14 related Applicant comments as additional findings for this Preliminary Finding. The Hearings Officer finds the *Curry/Shaffer* factors are satisfied in this case and that the RREA plan designation and MUA zone allow rural and not urban uses. Further, the Hearings Officer reiterates that LUBA, in the *710 Properties Case (Central Oregon LandWatch v. 1000 Friends of Oregon, LUBA 2023-006)* clearly stated that the Deschutes County RREA plan designation and MUA zone designation, as acknowledged by DLCD, are rural designations and a site-specific *Curry/Shaffer* analysis is not necessary.

In conclusion, the Hearings Officer finds COLW’s Goal 14 legal arguments are not persuasive.

## **5. Oregon Statewide Planning Goal 3**

Staff (Staff Report, pages 39 to 49) addressed various aspects of Goal 3 in the context of the evidence in the record for this case. Staff requested the Hearings Officer to address a number of Goal 3 issues. COLW raised Goal 3 issues in record submissions (February 27, 2024 and March 26, 2024) and in testimony offered at the public hearing.

### **a. Past Use of Subject Property**

COLW (February 27, 2024, page 2) stated the following:

*“The applicant’s materials indicate the property has been used for the raising of irrigated crops, a farm use. Thus the property meets the definition of ‘agricultural land.’ It is impossible to find that land that has already been in farm use cannot be put to farm use.”*

COLW proffered the “past farming” argument in the past. *Central Oregon LandWatch v. Deschutes County, LUBA No. 2023-049* (hereafter the “*Marken Decision*”). COLW, in the *Marken Decision*, argued that there was evidence in the record that the property in that case was used (2005 to 2023) for growing hay and other crops which the owner received income. LUBA, in the *Marken Decision*, concluded:

*“We agree with intervenor that petitioner has not established that photographic evidence of crops growing on a property is conclusive evidence that a property is ‘suitable for farm use,’ given that the definition of farm use includes farm activities undertaken ‘for the primary purpose of obtaining a profit,’ where other evidence demonstrates that growing crops did not generate a profit. OAR 660-033-0020(1)(a)(B); ORS 215.203(2)(a).”*



The Hearings Officer rejects COLW's argument that evidence of past farming practices on a property conclusively determines that a property is "agricultural land" under relevant Oregon law. The Hearings Officer, consistent with the *Marken Decision* finds that the Hearings Officer should consider past farming of the Subject Property in the context of all evidence contained in the record.

**b. Irrigation Rights**

COLW (March 26, 2024, page 3) asserted that the Subject Property has irrigation rights and those rights have been used in the past for crop production. COLW concluded that the existence and use of irrigation water rights constitutes "*irrefutable evidence that the land can be put to farm use for the production of irrigated crops.*" The Hearings Officer, for the reasons stated above in the "past farming" findings, disagrees with this COLW argument. The Hearings Officer finds that the existence of irrigation rights and the past use of those irrigation rights for crop production must be considered in the context of all evidence contained in the record.

**c. Profitability**

COLW (March 26, 2024, page 3) provided the following statement related to "profitability":

*"The applicant misinterprets the applicable law in arguing that profitability in its March 19, 2024 letter. Profit is not a consideration in the definition of agricultural land use in Deschutes County. DCC 18.04.030 (land put to the listed farm uses meets the definition of agricultural use 'whether for profit or not.')*"

DCC 18.04.030 defines "agricultural land" as follows:

*"... lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominately Class I-VI soils, and other lands in different soil classes which are suitable for farm use, taking into consideration soil fertility, suitability for grazing and cropping, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, and accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands shall be included as agricultural lands in any event."*

The Hearings Officer agrees with COLW that the word "profit" is not included in the above-quoted definition. However, this section of the DCC is essentially the same as OAR 660-033-0020(1); COLW references OAR 660-033-0020(1) in its February 27, 2024 record submission in the context of Goal 3.

The standard analysis of Goal 3 starts with the text of Goal 3 and OAR 660-033-0030 and then references OAR 660-033-0020(1)(A). DCC 18.04.030 (definition of "agricultural land") and OAR 660-033-0020 (1)(A) both reference "accepted farming practices" which has consistently been interpreted to incorporate the definition of "farm use" found in ORS 215.203(2)(a). See *Marken Decision and 710 Properties Decision*.<sup>8</sup>

LUBA has consistently considered profitability in the context of ORS 215.203 and OAR 660-033-0020. What weight to be given to profitability, on the other hand, has been the subject of significant debate. The Hearings Officer disagrees with COLW's statement that profitability is not a factor to be considered in determining whether the Subject Property is, or is not, agricultural land.<sup>9</sup>

<sup>8</sup> *Central Oregon LandWatch v. 1000 Friends of Oregon*, LUBA Nos. 2023-006, & 2023-009 (2023) (the *710 Properties LUBA Decision* stated "...OAR 660-033-0020(1)(a)(B) defines "agricultural land" to include land that is 'suitable for farm use' based on a number of factors, and ORS 215.203(2)(a) defines 'farm use' to include farm activities that are undertaken 'for the primary purpose of obtaining a profit in money.'"

<sup>9</sup> See DCC 18.04.030 definition of "Farm Use" does include the word "profit."

#### **d. Multiple (Alternative) Farm Uses**

COLW suggests that multiple farm uses should, and perhaps must, be considered when determining whether the Subject Property is “agricultural land.” COLW referenced uses such as poultry, grapes, goats, honeybees, training of equines and riding lessons as examples of alternative farm uses. The Hearings Officer conceptually agrees that considering multiple farm related uses, such as suggested by COLW, may be appropriate on one or more properties in Deschutes County. The Hearings Officer notes that any alternative use must be considered in the context of the DCC 18.04.030 and OAR 660-033-0020(1)(a)(B) factors. The Hearings Officer finds that mere speculation of possible alternative uses is not sufficient to, standing alone, demonstrate that the Subject Property is “agricultural land.”

The Hearings Officer discusses the “multiple (alternative) farm uses” issue, in greater detail, in the findings for OAR 660-033-030.

#### **e. Open Space**

COLW provided the following comments (March 3, 2024, page 3) related to “open space” and “agricultural land:”

*“The definition of agricultural land in Oregon is purposefully broad to meet the objectives of the states agricultural land use policy. ORS 215.243. While the legislature protects farmland primarily to protect Oregon’s agricultural sector, it has also declared that open space protected for agricultural use is ‘an important physical, social aesthetic and economic asset to all of the people of the state.’ ORS 215.243(1)”*

The Hearings Officer finds that COLW failed to describe its “open space” argument with sufficient specificity as to allow the Hearings Officer, or any participant, the ability to meaningfully respond.

### **6. Modification of Application**

COLW, through hearing testimony of McBeth, suggested that Applicant’s Modification application and the County’s handling of that application was somehow improper. The Hearings Officer reviewed McBeth’s testimony and concludes that COLW failed to identify any specific legal problem with the modification process. The Hearings Officer finds COLW’s modification argument was not presented with sufficient legal or factual specificity to allow the Hearings Officer, or any participant, the ability to authoritatively respond. COLW did not provide relevant law, code or relevant approval criteria potentially offended by Applicant’s Modification proposal or the County’s response to such application.

In the alternative, the Hearings Officer adopts as findings for this recommendation, Applicant’s comments contained in its March 19, 2024 record submission (pages 1 – 3, section titled “Application Compliance with Modification Law”).

### **7. 710 Properties Decision**

Staff (Staff Report, pages 41 – 44) expressed concern about issues raised and decided in the *710 Properties Decision*. Staff provided the following comments:

*“...since the subject request was received, LUBA remanded a locally approved Plan Amendment and Zone Change request back to Deschutes County for failing to fully address the requirements under OAR 660-033-0020(1)(a)(B) and OAR 660-033-0020(1)(a)(C).*

LUBA reached the following conclusions in their Final Opinion and Order for *Central Oregon Landwatch et al v. Deschutes County* (LUBA Nos. 2023-006/2023-07, July 28, 2023)<sup>10</sup>:

*'[T]he Board of commissioners erroneously concluded (1) that it need not consider whether forage grown on-site can be supplemented by feed imported from off-site, (2) that land is suitable for the construction and maintenance of equipment and facilities used for farm activities only if those farm activities occur on the same land, and (3) that it need not consider nearby or adjacent land at all.*

...

*On Remand, the board of commissioners must consider the ability to use the subject property for farm use in conjunction with other property, including the Keystone property, and may not limit its review to the profitability of farm use of the subject property as an isolated unit. The board of commissioners must consider the ability to import feed for animals and may not limit its consideration to the raising of animals where adequate food may be grown on the subject property. The board of commissioners must also consider whether the subject property is suitable for farm use as a site for construction and maintenance of farm equipment. Furthermore, the board of commissioners must consider the evidence and adopt findings addressing the impacts of redesignation of the property related to water, wastewater, and traffic and whether retaining the property's agricultural designation is necessary to permit farm practices on adjacent or nearby lands.'*

*Staff asks the Hearings Officer to determine if the Applicant has sufficiently addressed the requirements of OAR 660-033-0020(1)(a)(B) and make detailed findings on this issue."*

The Hearings Officer finds LUBA was clear, in the *710 Properties Decision*, that it is necessary and integral, when assessing whether a property is "agricultural land," to consider nearby and adjacent lands. Restated, LUBA clearly held that limiting analysis solely to the property subject to a plan amendment/zone change application is not appropriate. Less clear to this Hearings Officer is "how" such consideration of the various LUBA identified factors are to be analyzed.

LUBA, in the *710 Properties Decision*, addressed "source of feed," "on-site construction and maintenance of equipment and facilities," and "necessity of retaining the current Subject Property planning/zoning designations to permit farm practices on adjacent or nearby lands" as factors to be considered in the context of "nearby and/or adjacent" properties. The Hearings Officer finds the "source of feed" and "on-site construction and maintenance of equipment and facilities" are best analyzed in the context of the OAR 660-033-0020 evaluation factors (discussed above and later in relevant Goal 3 findings) and what use(s) is/are made of nearby and adjacent land parcels. The Hearings Officer finds the necessity of retaining the current planning/zoning designation analysis should also focus on the use characteristics of the nearby/adjacent properties and the transportation connections between the Subject Property and the nearby/adjacent properties. Finally, the Hearings Officer finds that all of the *710 Properties Decision* issues discussed above should be considered in the context of whether a reasonable farmer would have an expectation of obtaining a profit in money from growing crops or engaging in some other farm use on the Subject Property.

<sup>10</sup> The Oregon Court of Appeals has affirmed LUBA's Final Order and Opinion and at this time it is unknown if a Petition for Judicial Review has been filed to the Oregon Supreme Court. [this footnote is part of the above-quoted Staff Report comments]

**Title 18, Deschutes County Zoning Ordinance**

**Chapter 18.136, Amendments**

Section 18.136.010, Amendments

***DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.***

**FINDING:** The Applicant requested a quasi-judicial Plan Amendment and filed the applications for a Plan Amendment and Zone Change. The Applicant filed the required Planning Division’s land use application forms for the proposal. The application will be reviewed utilizing the applicable procedures contained in Title 22 of the DCC.

Section 18.136.020, Rezoning Standards

***The applicant for a quasi-judicial rezoning must establish that the public interest is best served by rezoning the property. Factors to be demonstrated by the applicant are:***

***A. That the change conforms with the Comprehensive Plan, and the change is consistent with the plan's introductory statement and goals.***

**FINDING:** The DCCP’s introductory statement explains land use must comply with the statewide planning system and sets out the legal framework set by State law. It also summarizes the Statewide Planning Goals and explains the process the County used to adopt the current DCCP. Prior Deschutes County quasi-judicial zoning approvals, some of which have been affirmed by LUBA and other appellate courts<sup>11</sup>, have found that the introductory statement of the Comprehensive Plan is aspirational in nature and not necessarily approval criteria and it is appropriate to only respond to the DCCP goals that apply to a particular request.

The Applicant identified applicable DCCP provisions on pages 10-15 of their Burden of Proof. Staff (Staff Report, page 13) requested that the Hearings Officer consider, in greater depth, DCCP provisions related to protected Goal 5. The Hearings Officer addresses conformance with the DCCP and consistency with the applicable DCCP provisions in the Preliminary Findings and in subsequent findings for this recommendation.

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

**FINDING:** The Applicant provided the following response to this provision (Burden of Proof, pages 15 – 16):

*“The proposed zone change from EFU to MUA-10 is consistent with the purpose and intent of the MUA zone classification. Per DCC 18.60, the stated purposes of the MUA-10 zone are:*

*‘The purposes of the Multiple Use Agricultural Zone is to preserve the rural character of various areas of the County while permitting development consistent with that character and with the capacity of the natural resources of the area to preserve and maintain agricultural lands not sited to full-time commercial farming for diversified or part-time agricultural uses; to conserve forest*

<sup>11</sup> *Central Oregon Landwatch v. Deschutes County*, 75 Or LUBA 441 (Aceti II), aff’d, 288 Or App 378, 405 P3d 197 (2017), *Central Oregon Landwatch v. Deschutes County*, 79 Or LUBA 253 (Aceti III), aff’d, 298 Or App 375, 449 P3d 534 (2019), *Central Oregon Landwatch v. Deschutes County*, \_\_\_ Or LUBA \_ (LUBA No 2021-028, June 18, 2021) (Aceti IV), aff’d, 315 Or App 673, 501 P3d 1121 (2021), and *Central Oregon Landwatch v. Deschutes County*, (LUBA No 2022-075, December 6, 2022) (Aceti V).

*lands for forest uses; to conserve open spaces and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; to establish standards and procedures for the use of those lands designated unsuitable for intense development by the Comprehensive Plan, and to provide for an orderly and efficient transition from rural to urban land use.'*

*The MUA-10 zone is the optimal county zone to transition the Subject Property to a rural residential use. As detailed above and incorporated herein by reference, the subject property is not suited for agricultural use. This property is more appropriately zoned MUA-10. The Subject Property is currently zoned Exclusive Farm Use (EFU) likely due to general classification as undeveloped, rather than consideration of the agricultural capability of the land. The Property has never been successfully used for farming or pasture, despite repeated attempts over many years. Agricultural uses are also not practical or compatible with the existing residential uses surrounding the similar property, already zoned MUA-10.*

*This Comprehensive Plan Map and Zoning Map Amendment request will resolve the incorrect classification of the subject properties. Because most surrounding properties are used as MUA-10 properties, there is an incompatibility between the presently zoned EFU permitted uses and the adjacent, surrounding lands developed or committed for urban and residential uses. The requested Comprehensive Plan Map and Zoning Map amendments will result in a zoning assignment that is compatible with neighboring properties and the realities of the site, rather than the current EFU zoning, which poses potential conflict with established residential uses.*

*Rezoning of the Subject Property from EFU to MUA-10 will resolve the latent conflict between EFU permitted uses and the immediately adjacent rural residential uses. Furthermore, the Comprehensive Plan Map and Zone Map change will serve the interests of the northwest Bend residents, surrounding neighborhoods, and public investments in public facilities and services. This development will allow infrastructure to go "to and through" the subject property, connecting the development to the south with Destiny Court, giving better connectivity to the neighborhood, rather than a series of dead-ends and inaccessible lots.*

*The requested Rural Residential Comprehensive Plan Map designation is also sought at this time promote a logical transition for inclusion in a future expansion of the Bend UGB and/or in the designation of urban reserves. This request to re-designate and re-assign the Comprehensive Plan and Zoning Maps from Agriculture to Rural Residential and MUA-10, respectively, will allow this site to be developed in a transitional use.*

*The requested MUA-10 zone emphasizes the conservation of open spaces and the protection of natural and scenic resources. While the subject property is not suitable for agriculture, it does represent a significant planned open space area. The MUA-10 zone will encourage that preservation and protection while also maintaining consistency with the MUA-10 lands in the vicinity.*

*By allowing for single family dwellings as an outright permitted use (DCC 18.32.020(8)), the MUA-10 zone recognizes that rural lands may sometimes be better suited for residential use than agricultural uses, depending on their resource value. Other non-resource land uses are conditionally permitted; any nonresource land development proposal on the property other than a single family dwelling would not be allowed unless it was found to be consistent with the surrounding properties and the applicable conditional use evaluation standards. Therefore, the proposed change in zoning is consistent with the intent and purpose of the MUA-10 zone, and will be compatible with surrounding properties."*

The Hearings Officer finds the Applicant’s above-quoted statements are credible and adequately address this provision. The Hearings Officer finds the Applicant demonstrated the change in classification is consistent with the purpose and intent of the MUA Zone.

**C. That changing the zoning will presently serve the public health, safety and welfare considering the following factors:**

**1. The availability and efficiency of providing necessary public services and facilities.**

**FINDING:** The Applicant provided the following response related to this provision (Burden of Proof, page 16):

*“The proposed change from EFU will not require the extension of new public services to the subject property, other than expansion of the existing road system in the area. The site is already adjacent to urban infrastructure (Destiny Court and Northern Estates Lane). The site will be served by Avion Water Co. and on-site septic systems, accommodated by planned patterns of development. Thus, public facilities are available and can be efficiently provided to the site.*

*There are no known deficiencies in public services or facilities that would negatively impact public health, safety, or welfare. Development of the property under MUA-10 zoning would need to comply with applicable requirements of the DCC, including land use permits, building permits, and sewage disposal permit processes. Through these development review processes, assurance of adequate public services and facilities will be verified.”*

The Applicant also provided the following response as part of their modification application (Applicant’s Second Supplemental Submittal, page 10):

*“Public Facilities and Services demand will still be able to accommodate the proposal’s impacts, including Bend’s high school systems which added Caldera High School in the fall of 2021.”*

The Subject Property is located in the Bend Rural Fire Protection District, Bend La Pine School District, and police services are provided by the Deschutes County Sheriff’s Office. Adjacent and nearby properties to the north, east, and south contain dwellings. These properties are served by Avion Water Company or onsite wells, onsite sewage disposal systems, electrical service, telephone service, and the regional public service providers noted above. No issues have been identified in the record regarding service provision to the surrounding area. The southeast corner of the Subject Property is located +/-2,000 feet from the City of Bend’s UGB.

The Hearings Officer finds that the close proximity to urban development will likely result in efficiency of providing necessary public services. The application materials include will-serve letters indicating electrical service and water service are available to the subject property. There are no known deficiencies in public services or facilities that would negatively impact public health, safety, or welfare. Prior to development of the Subject Property, the Applicant will be required to comply with the applicable requirements of the DCC, including approval of required land use, building, and onsite wastewater disposal permits. Through the review of these development permits, assurance of adequate public services and facilities will be verified. The Hearings Officer finds this provision is met.

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

**FINDING:** The Applicant provided the following response related to this provision (Burden of Proof, pages 16-17):

*“The relevant goals of the Comprehensive Plan are implemented through the MUA-10 purpose statement in the zoning ordinance, as set forth above. The zone is unique in that it serves as a transition between EFU*

*lands with productive soils and other rural lands that are "not suited to full time commercial farming" and are more appropriately suited for "diversified or part time agricultural uses." The MUA-10 zone retains consistency with EFU lands by allowing a limited array of rural uses and mandating a 10-acre minimum lot size (except in planned developments, in which the smaller lot sizes are offset by the 65% open space requirement). There are only a limited number of uses allowed in the MUA-10 zone that are not also allowed in the EFU zone. Further, the majority of the different non-resource land uses in the MUA-10 zone are conditional, thereby ensuring that potential impacts on surrounding land uses will be further reviewed by the County during each site specific land use application.*

*In summary, the MUA-10 zone remains a rural zone devoted to a mix of part-time agricultural and residential uses. This minimizes potential impacts on surrounding lands. The MUA-10 zoning would emphasize the continued protection of the open space and wildlife values of the property with the planned development design proposed, which distances homesites from the river's rim as well as surrounding uses."*

In addition to the above-quoted comments, the Applicant provided specific findings for specific goals and policies contained within the DCCP, which are addressed below. DCCP goals and policies related to protected Goal 5 resources are addressed in the Preliminary Findings and relevant approval criteria later in this recommendation. Based upon the Preliminary Findings and subsequent findings related to Goal 5 the Hearings Officer finds that the Applicant demonstrated the impacts on surrounding land use will be consistent with all the relevant goals and policies contained within the DCCP.

***D. That there has been a change in circumstances since the property was last zoned, or a mistake was made in the zoning of the property in question.***

**FINDING:** The Applicant proposed to rezone the Subject Property from EFU to MUA. The Applicant provided the following response to this provision (Burden of Proof, page 17):

*"Circumstances have changed since the zoning of the property. When the property was first given an EFU zoning assignment, it was in the early days of Oregon zoning, approximately half a century ago. Much of our undeveloped and unirrigated lands were zoned EFU, for lack of a better zone or label, even though these parcels were dry and not farmable. If they weren't forest or already developed in a denser pattern, they were zoned farm by default. This property was zoned without detailed or site specific consideration given to its soil, geologic, and topographic characteristics. Now that a certified soils scientist has conducted a detailed Soils Investigation (See Exhibit 3), it is documented that the parcels do not qualify as farmland. The change in circumstance is the soil study. It also evidences a mistake of sorts in classifying poor soil as farmland.*

*In summary, the County's zoning of agricultural lands has been a process of refinement since the 1970s. The Subject Property has never been suitable for agriculture and has never been actively farmed successfully due to its poor soil. Although it was assigned EFU zoning, this property likely should not have been originally zoned EFU due to its location, soils, and geology. Therefore, the parcels should be rezoned to MUA-10, consistent with the zoning of adjacent rural-residential uses. The MUA-10 zoning assignment supports logical, compatible, and efficient use of the land."*

The Hearings Officer finds that the Applicant demonstrated there has been a change in circumstances since the property was zoned to warrant rezoning the Subject Property from EFU to MUA.

**Title 22, Deschutes County Development Procedures Ordinance**

**Chapter 22.20, Review of Land Use Action Applications**

Section 22.20.055, Modification Of Application

**A. An applicant may modify an application at any time during the approval process up until the close of the record, subject to the provisions of DCC 22.20.052 and DCC 22.20.055.**

**FINDING:** The Applicant filed a Modification on September 1, 2023, which was 462 days following the submittal of the original applications and prior to the close of the record. Compliance with the remaining requirements of DCC 22.20.052 is addressed below.

The Hearings Officer incorporates, as additional findings for DCC 22.20.055 A, B, C and D, the Applicant’s comments contained in its March 19, 2024 record submission (pages 1-3). The Hearings Officer also incorporates the Preliminary Findings (III.A.3 - **Overview of Issues**) as additional findings for DCC 22.20.055 B, C and D.

**B. The Planning Director or Hearings Body shall not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application (as that term is defined in DCC 22.04) unless the applicant submits an application for a modification, pays all required modification fees and agrees in writing to restart the 150-day time clock as of the date the modification is submitted. The 150-day time clock for an application, as modified, may be restarted as many times as there are modifications.**

**FINDING:** The Applicant applied for a Modification, paid all required modification fees, and agreed in writing to restart the 150-day time clock as of the date the Modification was submitted. The Plan Amendment and Zone Change are not subject to the 150-day clock. The Hearings Officer finds this criterion is met.

**C. The Planning Director or Hearings Body may require that the application be re-noticed and additional hearings be held.**

**FINDING:** Notice of the Modification was mailed to all parties on September 8, 2023. The initial hearing was held on February 27, 2024. The Hearings Officer finds that no additional hearings are necessary beyond what is required for a Plan Amendment and Zone Change request pursuant to DCC Title 22.

**D. Up until the day a hearing is opened for receipt of oral testimony, the Planning Director shall have sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Hearings Body shall make such determinations. The Planning Director or Hearings Body's determination on whether a submittal constitutes a modification shall be appealable only to LUBA and shall be appealable only after a final decision is entered by the County on an application.**

**FINDING:** The initial hearing occurred on February 27, 2024. The Planning Director determined the Applicant’s submittal constitutes a modification. DCC 22.04.020 establishes the following definition:

**"Modification of application" means the applicant's submittal of new information after an application has been deemed complete and prior to the close of the record on a pending application that would modify a development proposal by changing one or more of the following previously described components: proposed uses, operating characteristics, intensity, scale, site lay out (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or**



***pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence that merely clarifies or supports the pending application.***

The Hearings Officer incorporates the Preliminary Findings (III.A.3 - **Overview of Issues**) related to COLW's concern related to Applicant's Modification as additional findings for this section. The Hearings Officer takes note of Applicant's open-record submission (Dickson, March 19, 2024, pages 1-3). The Hearings Officer finds Applicant's open-record submission is credible and correctly characterizes Applicant's Modification actions in the context of relevant County law (DCC 20.20).

The Modification changes the site lay out in a manner that would require the findings of fact to be changed. The Modification removed the FP Zoned areas of the property and reconfigured/reduced the area included in the subject Plan Amendment and Zone Change request, which requires the findings of fact to be changed. To the extent a party wishes to challenge the County's decision to require a modification of application, it is appealable only to LUBA and shall be appealable only after a final decision is entered by the County on an application.

The Hearings Officer finds Applicant's Modification proposal met/satisfied relevant County law.

**Deschutes County Comprehensive Plan ("DCCP")**

**Chapter 2, Resource Management**

Section 2.2, Agricultural Lands

***Goal 1, Preserve and maintain agricultural lands and the agricultural industry.***

**FINDING:** The Applicant provided the following response to this provision (Burden of Proof, page 11):

*"As discussed below, the Applicant's soil study, NRCS soil data, and the submitted burden of proof effectively demonstrate that the subject property is not suitable for designation as Agriculture in the Comprehensive Plan. It does not contain the soils required for agricultural use. See Soil Study attached as Exhibit 3. These properties are not "agricultural" as defined by state statute and administrative rules. They are properly rezoned to exception land in accordance with their character."*

The Applicant submitted into the record (Exhibit 24) a copy of the DLCD Soil Assessment Completeness Review, deeming said analysis complete. Applicant also provided supplementary evidence (March 19, 2024) and argument (April 2, 2024) addressing this section. The Hearings Officer finds the Applicant's Burden of Proof, March 19, 2024 evidentiary submission, and April 2, 2024 final argument are credible and persuasive with respect to this Goal. The Hearings Officer also incorporates, as additional findings for this section, Preliminary Findings for Goal 3 (III.A.5. – Oregon Statewide Planning Goal 3) and the Goal 3 findings set forth later in this recommendation. The Hearings Officer finds nothing in the record to dispute the Applicant's evidence and legal conclusions that soils are predominantly Class VII and VIII.

The Hearings Officer finds, based upon the evidence in the record and the incorporated findings that the Subject Property is not "agricultural land." The Hearings Officer also finds, based upon the record and incorporated findings, that approval of the requested Plan Amendment and Zone Change will not negatively impact the agricultural industry.

**Policy 2.2.2 Exclusive Farm Use sub-zones shall remain as described in the 1992 Farm Study and shown in the table below, unless adequate legal findings for amending the sub-zones are adopted or an individual parcel is rezoned as allowed by Policy 2.2.3.**

**FINDING:** The Applicant is not seeking to amend the subzone that applies to the Subject Property; rather, the Applicant requests a change under Policy 2.2.3 and has provided evidence to support rezoning the Subject Property to MUA.

**Policy 2.2.3 Allow comprehensive plan and zoning map amendments, including for those that qualify as non-resource land, for individual EFU parcels as allowed by State Statute, Oregon Administrative Rules and this Comprehensive Plan.**

**FINDING:** The Hearings Officer incorporates the Preliminary Findings related to Goal 3 (III.A.5 – **Oregon Statewide Planning Goal 3**) and the findings set forth later in this recommendation related to Goal 3 (including, Goal 2, Land Use Planning, PART I – PLANNING, EXCEPTIONS, PART III -- USE OF GUIDELINES, Goal 3, Agricultural Lands and Division 33 - Goal 3 - Agricultural Lands and OAR 660-015-0000) as additional findings for this policy.

Applicant requested approval of a Plan Amendment and Zone Change to re-designate the property from AG to RREA and rezone the property from EFU to MUA. The Applicant does not seek an exception to Goal 3 – Agricultural Lands, but rather to demonstrate that the Subject Property does not meet the state definition of “agricultural land” as defined in Statewide Planning Goal 3 (OAR 660-033-0020).

The Applicant provided the following response related to this Policy (Burden of Proof, page 11):

*“The Applicant has applied for a Zone Change to rezone Tax Lots 100 and 101 from EFU(TRB) to MUA-10. The Applicant has also applied for a Plan Amendment to support this Zone Change, which would designate the approximately 69 acres as Rural Residential rather than Agricultural. Rather than pursuing an exception to Goal 3, which would ordinarily be the method of effectuating such a change, the Applicant has attempted to demonstrate that the subject property does not meet the state definition of “Agricultural Land”, as defined in Statewide Planning Goal 3 (OAR 660-033-0020). Neither of the tax lots are in farm production of any type and are unirrigated. It should be noted that farm production has been repeatedly attempted and has consistently failed. Now that the soil study has been performed, this result is understandable.*

*The Land Use Board of Appeals (LUBA) allowed this approach in Wetherell v. Douglas County, 52 Or LUBA 677 (2006). The County Hearings Officer also accepted this method in file PA-10-5 (Rose & Associates) and in Wetherell v. Douglas County, LUBA states at pp. 678-679:*

*‘As we explained in DLCD v. Klamath County, 16 Or LUBA 817, 820 (1988), there are two ways a county can justify a decision to allow nonresource use of land previously designated and zoned for farm use or forest uses. One is to take an exception to Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands). The other is to adopt findings which demonstrate the land does not qualify either as forest lands or agricultural lands under the statewide planning goals. When a county pursues the latter option, it must demonstrate that despite the prior resource plan and zoning designation, neither Goal 3 or Goal 4 applies to the property. Caine v. Tillamook County, 25 Or LUBA 209, 218 (1993); DLCD v. Josephine County, 18 Or LUBA 798,802 (1990).’*

*The facts pertinent to the subject application are sufficiently similar to those in PA-10-5 to allow the Applicant to attempt to show that the subject property is not agricultural land, rather than seeking an exception to Goal 3 under state law. This criterion is satisfied.”*

Additionally, the Applicant submitted the following as part of their Incomplete Letter Response titled Supplemental Submittal dated November 23, 2022:

*“The Applicant has applied for a Zone Change to rezone Tax Lots 100 and 101 from EFU(TRB) to MUA-10. The Applicant has also applied for a Plan Amendment to support this Zone Change, which would designate the approximately 69 acres as Rural Residential rather than Agricultural.*

*Applicant submits to the record with this submittal a copy of the DLCD Soil Assessment Completeness Review, deeming said analysis complete, as Exhibit 24. Applicant submits to the record with this submittal an Affidavit by Mr. and Mrs. Ferguson attesting to their attempts to farm the subject property of the PA/ZC, and their failure to succeed. This is submitted as Exhibit 25.”*

Staff agreed (Staff Report, page 21) that the evidence and argument presented by the Applicant in their Burden of Proof are similar to those in the *Wetherell* decisions and in the aforementioned Deschutes County Plan Amendment and Zone Change decision. Based upon the Applicant’s Burden of Proof (quoted above), supplemental discussion (quoted above), the Preliminary Findings for Goal 3 and the findings later in this recommendation related to Goal 3, the Hearings Officer finds that the Applicant has adequately demonstrated that the Subject Property is not “agricultural land” and does not require an exception to Goal 3 under state law.

***Policy 2.2.4 Develop comprehensive policy criteria and code to provide clarity on when and how EFU parcels can be converted to other designations.***

**FINDING:** The Applicant provided the following response to this Policy (Burden of Proof, page 12):

*“This provides direction to Deschutes County to develop new policies to provide clarity when EFU parcels can be converted to other designations. In the findings for the previous Plan Amendment and Zone Change for the subject property, the County found that this policy does not impose a moratorium on requests for applications of this type, and that nothing in this policy prohibits the conversion of EFU parcels to other designations (see PA-1 1-7, also 247 -16-000318-PA, PA-10-5, PA-07-1). Previous determinations and the proposal are consistent with this policy.”*

The Hearings Officer concurs with the Applicant’s analysis of prior decisions by the County and finds the requested Plan Amendment and Zone Change proposal is consistent with this policy.

***Goal 3, Ensure Exclusive Farm Use policies, classifications and codes are consistent with local and emerging agricultural conditions and markets.***  
***Policy 2.2.13 Identify and retain accurately designated agricultural lands.***

**FINDING:** The Hearings Officer incorporates the Preliminary Findings related to Goal 3 (III.A.5 – **Oregon Statewide Planning Goal 3**) and the findings set forth later in this recommendation related to Goal 3 (including, Goal 2, Land Use Planning, PART I – PLANNING, EXCEPTIONS, PART III -- USE OF GUIDELINES, Goal 3, Agricultural Lands and Division 33 - Goal 3 - Agricultural Lands and OAR 660-015-0000) as additional findings for this policy.

This DCCP policy requires the County to identify and retain agricultural lands that are accurately designated. The Applicant argued the Subject Property was not accurately designated as demonstrated by the soil study and record submissions (Burden of Proof, March 19, 2024 and April 2, 2024). Further discussion on the soil analysis is detailed under the OAR Division 33 criteria below.

Section 2.5, Water Resources Policies

**Goal 6, Coordinate land use and water policies.**

**Policy 2.5.24 Ensure water impacts are reviewed and, if necessary, addressed for significant land uses or developments.**

**FINDING:** In *Aceti IV* (247-20-000438-PA, 439-ZC), the Hearings Officer and the Board of County Commissioners ("BOCC") adopted the following finding:

*"The Hearings Officer found in Aceti 1 that this policy is directed at the County. In said decision, the Hearings Officer cited a previous decision of Hearings Officer Green for file nos. PA-14-2 and ZC-14-2 that stated, "Nevertheless, in my decision in NNP I held it is not clear from this plan language what "water impacts" require review -- impacts to water supplies from use or consumption on the subject property, or Impacts to off-site water resources from development on the subject property." The Applicant has not proposed any particular land use or development, and any subsequent applications for development of the subject property would be reviewed under the County's land use regulations that include consideration of a variety of on- and off-site impacts.*

*The Hearings Officer finds it is premature to review "water impacts" because the Applicant has not proposed any particular land use or development. Thus, there are no "significant land uses or developments" that must be reviewed or addressed in this decision. Any subsequent applications for development of the subject property will be reviewed under the County's land use regulations, which include consideration of a variety of on- and off-site impacts. Notwithstanding this statement, the Hearings Officer includes the following findings.*

*The Applicant's requested zone change to RI would allow a variety of land uses on the subject property. The land east of the subject property (57 acres) is zoned RI and developed with a variety of rural industrial uses. Consequently, it is likely that similar development may occur on the property if it were re-designated and rezoned to RI. In light of existing uses in the surrounding area, and the fact that Avion Water Company provides water service in the Deschutes Junction area, and a 12-inch diameter Avion water line and two fire hydrants are already installed on site, future development of the subject property with uses permitted in the RI Zone will have water service.*

*The subject property has 16 acres of irrigation water rights and, therefore, the proposed plan amendment and zone change will result in the loss or transfer of water rights unless it is possible to bring some irrigated water to the land for other allowed beneficial uses, such as irrigated landscaping. As stated in the Applicant's Burden of Proof, the 16 acres of irrigation water rights are undeliverable and are not mentioned in the property deed. The Applicant has not grown a crop on the subject property or effectively used his water right since the overpass was constructed in 1998.*

*The Hearings Officer finds that the proposal will not, in and of itself, result in any adverse water impacts. The proposal does not request approval of any significant land uses or development."*

The Applicant is not proposing a specific development application as part of the application requests to be decided in this case. The Hearings Officer finds, consistent with the analysis in *Aceti IV* (247-20-000438-PA, 439-ZC), the Applicant is not required to demonstrate the water impacts associated with development. Rather, the Applicant will be required to address this criterion during a development application for the Subject Property. A subsequent development application would be reviewed under any necessary land use review process for the Subject Property (i.e., conditional use and tentative plan approval).

A County Hearings Officer made, and the BOCC adopted, similar findings in the *LBNW, LLC* decisions (County planning files 247-23-000398-A, 247-21-000881-PA, 882-ZC). The Hearings Officer in this case finds that the above-referenced findings are relevant and applicable to this recommendation.

Section 2.7, Open Spaces, Scenic Views and Sites

***Open Space and Scenic View Designations and Protections***

...

***Scenic view protection is implemented through the Landscape Management Combining Zone regulations, with the list of landscape management roads and rivers in the Goal 5 resource list in Chapter 5 of this Plan.***

***Goal and Policies***

***Goal 1, Coordinate with property owners to ensure protection of significant open spaces and scenic view and sites.***

***Policy 2.7.3 Support efforts to identify and protect significant open spaces and visually important areas including those that provide a visual separation between communities such as the open spaces of Bend and Redmond or lands that are visually prominent.***

***Policy 2.7.5 Encourage new development to be sensitive to scenic views and sites.***

**FINDING:** The Applicant provided the following response to these policies (Burden of Proof, page 12):

*“The subject property is not within the Open Space and Conservation (OS&C) Zone. The properties are located within a Landscape Management (LM) Combining Zone associated with designated scenic highways, roads, rivers, and streams.*

*It should be noted that no actual development of the property is proposed at this time.”*

The western portion of the Subject Property is located within the LM Combining Zone associated with the Deschutes River scenic corridor. The standards associated with the LM Combining Zone are generally reviewed for compliance when a new structure or substantial alternation of an existing structure is proposed.

LUBA recently held in *Central Oregon Landwatch v. Deschutes County* (LUBA No. 2023-008, April, 24 2023)(the “*LBNW Decision*”) the following:

*“Goal 5 is ‘[t]o protect natural resources and conserve scenic and historic areas and open spaces.’ OAR 660-023-0250(3) provides:*

*‘Local governments are not required to apply Goal 5 in consideration of a PAPA [Post-Acknowledgement Plan Amendment] unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:*

*\* \* \* \**

*“(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list[.]’ Footnote 11*

*Footnote 11 – If Goal 5 applies, then the local government is required to comply with OAR 660-023-0040 and OAR 660-023-0050.”*

The BOCC addressed this issue in their remand decision for *LBNC Decision* (ref. files nos. 247-23-000398-A, 247-21-000881-PA, 882-ZC). The Applicant for the *LBNC Decision* case also requested a Plan Amendment and Zone Change for a property located in a LM Combining Zone and the BOCC in that case found:

*“As stated within OAR 660-023-0030(1), this rule’s purpose is ‘to compile or update a list of significant Goal 5 resources in a jurisdiction.’ Importantly here, the inventory process has already been completed. Accordingly, the Board finds that Section 5.5 of the Deschutes County Comprehensive Plan (‘DCCP’) entitled Goal 5 Inventory: Open Spaces, Scenic Views and Sites identifies an area extending ¼-mile on either side of the centerline of certain roadways, including Highway 97 between the Bend and Redmond Urban Growth Boundaries (‘UGBs’), as a Goal 5 scenic view resource.*

...

*[T]he Board finds that the LUBA Decision already ‘identified conflicting uses’ in this case, i.e., the first step as set forth in OAR 660-023-0040(1)(a) and further identified in OAR 660-023-0040(2). The Board unanimously finds that those ‘identified conflicting uses’ are those uses allowed outright or conditionally under the RI zone on the subject Properties that would not have otherwise been allowed under the current EFU zoning. Accordingly, these findings focus on the second, third, and fourth steps in the ESEE [Economic, Soil, Environmental & Energy] Decision Process as further detailed by OAR 660-023-0040(3) through (5).*

...

*The Board accepts and agrees with the identification of the conflicting uses as identified in the LUBA Decision, as those uses allowed outright or conditionally under the RI zone on the Subject properties that would not have otherwise been allowed under the current EFU zoning.*

...

*The Board presumes that the Applicant initially suggested such a limited impact area because of the second sentence in OAR 660-023-0040(3) stating that that the impact area should ‘include only the area in which allowed uses could adversely affect the identified resources.’*

...

*As understood by the Board, this ‘impact area’ disagreement between the Applicant and COLW [Central Oregon LandWatch] stems from the Applicant focusing on the second sentence set forth in OAR 660-023-0040(3) and COLW focusing on the third sentence. The Board further notes that it is hard to reconcile what appears to be contradictory direction provided by those two sentences. Nevertheless, the Board does not need to resolve that issue presently because the Applicant’s July 19 rebuttal submittal and July 26 final legal argument both proposed an expanded impact area to address COLW’s concerns. Consistent with the Applicant’s aforementioned submittals, the Board unanimously finds that the appropriate impact area in this case includes ‘those properties to the west of Highway 97 and within the existing LM Zone (i.e., within ¼-mile of the centerline of Highway 97) between the 61st Street intersection to the north and the Tumalo Road off ramp to the south.’ The Board favors this expanded impact area for three reasons.*

...

*As understood by the Board, every ESEE analysis is intended to be context specific, and the Board is “afforded fairly broad discretion in considering potential impacts from allowing or prohibiting a particular use \* \*\*.” See *Central Oregon LandWatch v. Deschutes County*,\_\_ Or LUBA \_\_ (LUBA No 202-019, March 22, 2021) (internal citations omitted). Pursuant to OAR 660-023-0040(1), the Board again notes that an “ESEE analysis need not be lengthy or complex but should enable the reviewers to gain a clear understanding of the conflicts and the consequences to be expected.” In this case, the majority of the Board () finds that the Updated ESEE Analysis provides a “clear understanding of the conflicts and consequences to be expected” if the RI uses are allowed on the subject Properties.”*

DCCP Section 5.5 also identifies Goal 5 scenic view resources as the 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. This would include the area of the Subject Property located within the LM Combining Zone is an inventoried Goal 5 scenic view resource associated with the Deschutes River.

Applicant provided an open-record evidentiary submission (March 19, 2024, pages 10-12) comparing uses allowed in the EFU zone to those uses allowed under the proposed MUA zoning. The Hearings Officer finds that the Applicant’s March 19, 2024 record submission addressed the primary LUBA concern raised in the *LBNC Decision*; would approval of a plan designation change and zone change allow “new uses” (compared the existing plan/zone) that “could conflict with Goal 5 resources.”

Applicant, in its Final Argument (April, 2, 2024, pages 7-9), provided a legal analysis of the Goal 5 evidence already in the record. The Hearings Officer sets forth the Applicant’s Goal 5 legal analysis, in full, below:

*“The Deschutes River scenic corridor runs along the western side of the subject property (though not bordering most of it as a result of the 2024 4-acre sale to the adjoining property owner, Dunson, **Exhibit 36**). Approximately ½ of the subject property is located within the LM Combining Zone as protection for the corridor. New structures within the view area of the river are commonly regulated by this standard. It is a designated Goal 5 resource. LUBA recently broadened previous interpretations of how a PA/ZC or PAPA should be analyzed when Goal 5 lands are involved.*

*The Site 303 “Pink Pit” is also an inventoried Goal 5 resource. Approximately 2/3 of the subject property is overlaid with the Combining Zone for this protected use. Because the same analysis and caselaw applies to both resources, the compliance analysis is combined here in summary.*

*Aceti V, discussed above, is an illustration of this broadened analysis. A more recent application of the Aceti V analysis of Goal compliance was made by LUBA in *Central Oregon Landwatch v. Deschutes County and LBNW LLC*, (LUBA No 2023-008, April 24, 2023)(“LBNW”). LUBA remanded Deschutes County’s first approval in Ordinance No. 2022-011 on March 14, 2022. **Goal 5 Compliance** was central to LUBA’s remand, finding that Deschutes County misconstrued the applicable law because it did not evaluate “whether the new RI zoning allows uses on the subject property that were not allowed under the previous EFU zoning and whether those uses could conflict with protected **Goal 5** resources.” (LBNW, Page 35). LUBA went on to find that because the approval “allows new uses that could conflict with inventoried Goal 5 resources. . .the county is required to comply with OAR 660-023-0250(3).” (LBNW, Page 36).*

*OAR 660-023-0250 is part of LCDC’s rules governing “Procedures and Requirements for Complying with Goal 5” as addressed in prior submittals. See Applicant’s March 19, 2024 Open Record Submittal, Pages 10-12.*

*(3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a **Goal 5** resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:  
\*\*\*\**

*(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list. . .”*

*Applicant’s March 19, 2024 Open Record Submittal provided the allowed, conditional, and special uses for both EFU and MUA-10 zones. See **Exhibit 41**. These allow for the analysis of the change of uses proposed, comparing the two zones. Impactful uses include:*

EFU Uses (Non-HV Farmland)  
Outright: 18, including 2 dwelling types  
Special: 11, including 2 dwelling types  
Cndnl: 37, including 5 dwelling types,

MUA-10 Uses  
Outright: 11, including 2 dwelling types  
Special: None  
Cndnl: 34, including 5 dwelling types,

*res. facilities, agri-tourism, equine,  
guest dog, aquatic species farms*

*lodge, bed & breakfast*

*EFU zoning allows significantly more uses than MUA-10 as summarized above and detailed in previously submitted Exhibit 41. The specific resource zones on the subject property, mineral and river, have been analyzed for potential conflicts in the change to MUA-10 zoning and Rural Residential Exception Area plan designation as required by recent caselaw interpretation of the OAR.*

*The Site 303 "Pink Pit" and the Deschutes River are the Protected Goal 5 Resources impacting the TL 100 Subject Property. Exhibit 23 was submitted with Supplemental Submittal dated November 23, 2022, and is described in the narrative on page 5. The 1989 ESEE Findings and Decision identifies on Page 0457 that site characteristics include "residential acreages" including 40-acre residential acreages to the south, residential property between the mine and the river, and Tumalo Rim subdivision within a half mile to the north on ½ acre lots. The Land Use Conflicts analysis that follows starting on page 0459-0461 notes that the existing residential uses in the area, "[s]pecifically, the residential uses in the nearby 40-lot Tumalo Rim Drive subdivision to the North and the adjacent residence to the East would be subject to noise near the subdivision and possible dust impacts." The first paragraph on Page 0461 closes with this comment on the subject property, "The site would be most visible from the undeveloped land to the East." That finding was likely based on viewing the Pink Pit from the high rim of the subject property overlooking the Deschutes River ravine. Current setback rules and Scenic River visual setbacks would preclude any construction along the viewable (or viewing) rim, but instead would be set back, similar to the layout proposed in Applicant's Tentative Plan.*

*Despite these conflicts identified with 1989 and future uses, the Deschutes County Board of Commissioners decided in 1989 to classify the area as "SM" or Surface Mining, concluding that the different uses between the nearby residential uses and the Goal 5 resource were not sufficiently significant to preclude that the two uses could co-exist though different, and determining that the mineral resource was properly protected by a Goal 5 designation. It is reasonable to conclude that now that the site is largely inactive and possibly depleted to preclude further profitable extraction and processing, the potential conflict between the mineral resource and MUA-10 uses would be significantly less than it was in 1989, when such uses were allowed in conjunction with an active and resource-rich mining site. Even if fully active as it was at that time, the area MUA-10 and other rural residential uses did not obstruct use of the mining resource. The allowed uses under MUA-10 zoning do not pose a potential conflict different from the existing EFU use conflicts, except that perhaps there will be fewer of them.*

*The Deschutes River scenic corridor is a designated scenic view resource. Its views are protected from structural changes by setback review which is not relevant to a PA/ZC analysis where no structural changes are proposed. The changes in uses identified in Exhibit 41, analyzed in Applicant's Open Record submittal on March 19, 2024, and the impactful uses compared above, show no potentially conflicting uses to the scenic corridor, where all proposed uses under the MUA-10 zone would be subject to setback review and could be located back from the rim without being seen from the Deschutes River below."*

The Hearings Officer finds that the above-quoted Applicant final argument statement references credible and substantial evidence previously submitted into the record of this case and the evidence and argument fairly reflects the intent of Goal 5 and related administrative rules. The Hearings Officer finds that Applicant did undertake a thorough review of the EFU and MUA zoning code provisions related to allowed, special and conditional uses.

The Hearings Officer finds the two identified Goal 5 resources, in this case, are the Deschutes River (with associated public ownership) and the surface mining property referred to as the "Pink Pit." The Hearings Officer takes note that building setback requirements limit the visibility of any EFU or MUA allowed use from the



Deschutes River. The Hearings Officer finds uses allowed in the EFU zone are more varied and potentially more impactful than MUA allowed residential uses. As a practical matter lawful development of the Subject Property under the current EFU zone or proposed MUA zone will not negatively impact the Deschutes River Goal 5 resource.

The Hearings Officer finds that residential use is allowed in the EFU zone and MUA zone and that there will be no new use, if this application is approved, that will impact the Goal 5 identified “Pink Pit” resource.

The Hearings Officer adopts, as additional findings for this section, the Applicant’s above-quoted final argument statements. The Hearings Officer finds, based upon the November 23, 2022 Supplemental Submittal, March 19, 2024 open-record submission and April 2, 2024 final argument that this policy is satisfied.

Section 2.10, Surface Mining

**Goal 1, Protect and utilize mineral and aggregate resources while minimizing adverse impacts of extraction, processing and transporting the resource.**

**Policy 2.10.3 Balance protection of mineral and aggregate resources with conflicting resources and uses.**

**FINDING:** The Hearings Officer incorporates the findings for Section 2.7, 2.73 and 2.75, as set forth immediately above as additional findings for this policy. The Subject Property, except for the southeast corner, is located within the SMIA Combining Zone associated with Surface Mining Site No. 303 (the “Pink Pit”). This mining site is approximately 400 feet to the west and County records indicate pumice and aggregate can be extracted from approximately 30 acres of the 80-acre Surface Mine (“SM”) zoned property.

The Hearings Officer finds that Applicant did conduct a review of EFU and MUA uses to determine if any new uses would be introduced that would conflict with the Pink Pit surface mining Goal 5 resource. The Hearings Officer concurs with Applicant’s conclusion reached in its November 23, 2022 Supplemental Submittal, March 19, 2024 open-record submission and April 2, 2024 final argument documents that approval of the MUA zone would not add any new use that would conflict with the Pink Pit surface mining Goal 5 resource.

**Chapter 3, Rural Growth Management**

Section 3.2, Rural Development

**Growth Potential**

**As of 2010, the strong population growth of the last decade in Deschutes County was thought to have leveled off due to the economic recession. Besides flatter growth patterns, changes to State regulations opened up additional opportunities for new rural development. The following list identifies general categories for creating new residential lots, all of which are subject to specific State regulations.**

- ...
- **2009 legislation permits a new analysis of agricultural designated lands**
- **Exceptions can be granted from the Statewide Planning Goals**
- **Some farm lands with poor soils that are adjacent to rural residential uses can be rezoned as rural residential**

**FINDING:** This section of the DCCP does not contain goals or policies but does provide the guidance above. The Applicant provided the following response to this provision (Burden of Proof, page 13):

*"The County Comprehensive Plan notes that "Some farm lands with poor soils that are adjacent to rural residential uses can be rezoned as rural residential." The requested Plan amendment is based on the results of the submitted Soils Investigation which has demonstrated that the subject property is made up of "poor soils" so does not constitute "agricultural lands" as defined in the Goal, based upon a site-specific soils study conducted by a certified, professional soil scientist (Brian Raby). Therefore, the proposal is consistent with this section of the Comprehensive Plan, given that the subject property has been determined to be non-resource land, so appropriate for rural residential development.*

*It should also be noted that the MUA-10 Zone is a rural residential zone and as discussed above, there are many adjacent and surrounding properties that are zoned MUA-10. This proposal fits well with this criterion."*

The MUA Zone is a rural residential zone and as discussed in the Basic Findings above. Adjacent and nearby properties to the east, northeast, and north are zoned MUA. This guidance text also references poor soil quality as a consideration, which is discussed in more detail under the OAR Division 33 criteria below.

Section 3.3, Rural Housing

**Rural Residential Exception Areas**

***In Deschutes County most rural lands are designated for farms, forests or other resources and protected as described in the Resource Management chapter of this Plan. The majority of the land not recognized as resource lands or Unincorporated Community is designated Rural Residential Exception Area. The County had to follow a process under Statewide Goal 2 to explain why these lands did not warrant farm or forest zoning. The major determinant was that many of these lands were platted for residential use before Statewide Planning was adopted.***

***In 1979 the County assessed that there were over 17,000 undeveloped Rural Residential Exception Area parcels, enough to meet anticipated demand for new rural housing. As of 2010 any new Rural Residential Exception Areas need to be justified through initiating a nonresource plan amendment and zone change by demonstrating the property does not meet the definition of agricultural or forest land, or taking exceptions to farm, forest, public facilities and services and urbanization regulations, and follow guidelines set out in the OAR.***

**FINDING:** The Applicant provided the following response to this provision (Burden of Proof, page 14):

*"To the extent that the quoted language above represents a policy, it appears to be directed at a fundamentally different situation than the one presented in this application. The quoted language addresses conversions of "farm" or "forest" land to rural residential use. In those cases, the language indicates that some type of exception under state statute and DLCD rules will be required in order to support a change in Comprehensive Plan designation. See ORS 197.732 and OAR 660, Division 004.*

*That is not what this application seeks to do. The analysis below explains that the Applicant has been successful in demonstrating that the subject property is composed predominantly of nonagricultural soil types and is unirrigated. It is not "agricultural." Therefore, it is permissible to conclude that the property is not "farmland" as defined under state statute, DLCD rules, and that it is not correctly zoned for exclusive farm use.*

*It is important to distinguish that this application does not seek to convert "agricultural land" to rural residential use. If the land is demonstrated to not be composed of agricultural soils, then there is no*

*"exception" to be taken. There is no reason that the Applicant should be made to demonstrate a reason, developed or committed exception under state law because the subject property is not composed of the type of preferred land which the exceptions process was designed to protect. For all these reasons, Applicant should not be required to obtain an exception to Goal 3. It is reasonable to conclude that the requirement of an Exception is not applicable here."*

Staff (Staff Report, page 29) noted that prior Deschutes County Hearings Officer and BOCC interpretations have found the above language is not a policy and does not require an exception to the applicable Statewide Planning Goal 3. The Hearings Officer, in this case, concurs.

The Applicant has provided evidence in the record addressing whether the Subject Property qualifies or does not qualify as agricultural or forest land. The Hearings Officer incorporates the Preliminary Findings related to Goal 3 (III.A.5 – **Oregon Statewide Planning Goal 3**) and the findings set forth later in this recommendation related to Goal 3 (including, Goal 2, Land Use Planning, PART I – PLANNING, EXCEPTIONS, PART III -- USE OF GUIDELINES, Goal 3, Agricultural Lands and Division 33 - Goal 3 - Agricultural Lands and OAR 660-015-0000) as additional findings for this section.

The Hearings Officer finds, based upon Applicant’s above-quoted statements and Staff comments and the incorporated findings that the proposed RREA plan designation is the appropriate plan designation to apply to the Subject Property assuming the applicable standards identified in this recommendation are met.

Section 3.7, Transportation

***The Transportation System was adopted in Ordinance 2012-005 and is hereby incorporated into this Plan as Appendix C. The Deschutes County Transportation System 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 Comprehensive Plan.***

***DCCP Appendix C – Transportation System Plan  
Executive Summary***

...

***ARTERIAL AND COLLECTOR ROAD PLAN***

...

***Goal 4. Establish a transportation system, supportive of a geographically distributed and diversified economic base, while also providing a safe, efficient network for residential mobility and tourism.***

...

***Policy 4.4 Deschutes County shall consider roadway function, classification and capacity as criteria for plan map amendments and zone changes. This shall assure that proposed land uses do not exceed the planned capacity of the transportation system.***

**FINDING:** Staff noted (Staff Report, page 29) the heading for this section of the Transportation System Plan (“TSP”) is titled “Arterial and Collector Road Plan.” Staff (Staff Report, page 29) suggested that it is unclear whether the goals and policies included in this section of the TSP apply to properties without frontage or clear impacts on a roadway classified as an arterial or collector. Staff noted that prior Hearings Officer recommendations and Board decisions have included the following finding for similarly situated properties without frontage on an arterial or collector:

*“This policy applies to the County and advises it to consider the roadway function, classification and capacity as criteria for plan amendments and zone changes. The County will comply with this direction by*

*determining compliance with the Transportation Planning Rule (“TPR”), also known as OAR 660-012, as described below in subsequent findings.”*

The Subject Property does not have frontage on an arterial or collector. The Subject Property abuts Destiny Court (County Road) and Northern Estates Drive (Local Access Road). Additionally, the Traffic Reports and TPR Analysis submitted by the Applicant do not identify any impacts on any arterial or collector roadway.

The Hearings Officer concurs generally with the above-quoted statement. The Hearings Officer finds that while the section is titled “Arterial and Collector Road Plan” Policy 4.4 describes the transportation system more holistically; not limited to just arterial and collector roads. The Hearings Officer policy 4.4 is a relevant consideration in this case.

The Hearings Officer incorporates the findings for Division 12 -Transportation Planning as additional findings for this section. Further, the Hearings Officer finds, for the purposes of a plan amendment/zone change application, the Applicant’s Site Traffic Report/TPR analysis addresses affected roadway function, classification, and capacity. The Hearings Officer finds County transportation planning staff reviewed Applicant’s transportation submittals and concurred with Applicant that proposed plan and zoning designations do not exceed the planned capacity of the transportation system. The Hearings Officer finds this policy is met.

**OAR Chapter 660, Land Conservation and Development Department**

**Division 6, Forest Lands**

OAR 660-006-0005, Definitions

- (7) “Forest lands” as defined in Goal 4 are those lands acknowledged as forest lands, or, in the case of a plan amendment, forest lands shall include:**
  - (a) Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and**
  - (b) Other forested lands that maintain soil, air, water and fish and wildlife resources.**

**FINDING:** The Applicant provided the following response to this provision (Burden of Proof, page 18):

*“The subject property is not zoned for forest lands, nor are any of the surrounding properties. The property does not contain merchantable timber and there is no evidence in the record that the property has been employed for forestry uses historically. None of the soil units comprising the parcel are rated for forest uses according to NRCS data. The property does not appear to qualify as forest land and there is no evidence of it ever having been zoned as such. This standard is not applicable.”*

The Hearings Officer finds that the Subject Property is not zoned for forest lands, nor are any of the properties zone for forest lands within a 1.5-mile radius. The Subject Property does not contain merchantable tree species and there is no evidence in the record that the Subject Property has been employed for forestry uses historically. Additionally, none of the soil units comprising the parcel are rated for forest uses according to NRCS data. The Hearings Officer finds the Subject Property does not qualify as forest land.

**Division 12, Transportation Planning**

OAR 660-012-0060, Plan and Land use Regulation Amendments

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:***
  - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
  - (b) *Change standards implementing a functional classification system; or***
  - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.***
    - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;***
    - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or***
    - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.***

**FINDING:** This above language is applicable to the proposal because it involves an amendment to an acknowledged comprehensive plan. The proposed Plan Amendment would change the comprehensive plan designation of the Subject Property from AG to RREA and change the zone from EFU to MUA. The Applicant is not proposing any land use development of the Subject Property as a part of this review request.

The Applicant submitted a Site Traffic Report/TPR analysis dated September 15, 2021, and prepared by Joe Bessman of Transight Consulting LLC. As noted in the Agency Comments section above, the County’s Senior Transportation Planner identified deficiencies with the submitted STR and TPR analysis and requested additional information. The Applicant then submitted a memorandum, dated August 8, 2022, and prepared by Joe Bessman, to supplement the information provided in the original STR/TPR analysis.

The memorandum was reviewed by the County’s Senior Transportation Planner who agreed with the Applicant’s updated traffic report conclusions. The County Senior Transportation Planner found that the proposed Plan Amendment and Zone Change would be consistent with the identified function, capacity, and performance standards of the County’s transportation facilities in the area. The County Senior Transportation Planner found that the proposed Zone Change would not change the functional classification of any existing or planned transportation facility or change the standards implementing a functional classification system. Regarding the memorandum dated August 8, 2022, the County’s Transportation Planner provided the following comments in an email dated October 17, 2023:

*“I have reviewed Mr. Bessman’s August 8, 2023, Site Traffic Report/TPR Analysis related to the subject application and I agree with the assumptions, methodology, and conclusions contained therein. As Mr. Bessman utilizes the 2040 planning horizon year (reflective of the most recent data included in the County’s forthcoming Transportation System Plan update) this analysis appears to comply with relevant criteria. Mr. Bessman utilizes the acceptable road segment standard of 13,900 Average Daily Trips (ADT) which is incorporated into the County’s most recent 2020-2040 Transportation System Plan. The analysis and references therein related to peak hour trips (16 to 22 total weekday p.m. peak hour trips) are adequate. Staff agrees with Mr. Bessman’s summary of Transportation Planning Rule (TPR) Compliance and finds that relevant TPR provisions appear to be satisfied through the submittal of this additional information.”*

Based on the County Senior Transportation Planner’s comments and the traffic study from Transight Consulting LLC, the Hearings Officer finds compliance with the Transportation Planning Rule has been effectively demonstrated.

**Division 15, Statewide Planning Goals and Guidelines**

OAR 660-015, Division 15, Statewide Planning Goals and Guidelines

**FINDING:** The Statewide Planning Goals and the Applicant’s findings are quoted below:

**Goal 1, Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

**RESPONSE:** Deschutes County has adopted and publicized a program for citizen involvement in policy formulation and implementation. This program complies with this goal as part of an acknowledged Comprehensive Plan. In this case, the public in the area will be mailed notices, a notice will be published in the local newspaper, and a sign was posted on the Subject Property. In addition, at least two public hearings will be held on the proposed plan amendment before it can be approved - one before the Hearings Officer and one before the Deschutes County Board of Commissioners. The citizenry will have notice and opportunity to be involved in the process that is the subject of this application. This program, as practiced, complies with this goal.

**Goal 2, Land Use Planning.**

**PART I -- PLANNING To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

**PART II – EXCEPTIONS**

**PART III -- USE OF GUIDELINES**

**RESPONSE:** Deschutes County's land use planning process and policy framework are acknowledged. The processes rely on factual offerings of proof from knowledgeable and verified sources on which to base quasi-judicial and legislative decisions.

An exception to one of the Goals is not requested by this application.

Deschutes County's guidelines comply with state law as required.

This application complies with Deschutes County's Code regarding land use planning. Deschutes County's land use planning system and implementation comply with this Goal. Therefore, this application complies with the Goal.

**Goal 3, Agricultural Lands. To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.**

**RESPONSE:** The Hearings Officer incorporates the Preliminary Findings related to Goal 3 (III.A.5 – **Oregon Statewide Planning Goal 3**) and *710 Properties Decision* (III.A.7. – **710 Properties Decision**) as additional findings for this Goal 3 section. The Hearings Officer also incorporates the findings for **Deschutes County Comprehensive Plan (“DCCP”), Chapter 2, Resource Management, Section 2.2, Agricultural Lands** as additional findings for this section.

Applicant asserts that the Subject Property is not Goal 3 “agricultural land” and therefore no exception from Goal 3 is required. Applicant provided, in its Burden of Proof and subsequent record submissions, evidence and argument in support of its conclusion that the Subject Property is not “agricultural land” as defined in relevant sections of the DCC, ORS, OAR as interpreted by LUBA and the courts.

The Hearings Officer finds the Applicant included in the record a site -specific soil analysis of the Subject Property and the site-specific study concluded that soils on the Subject Property are predominately Class VII and VIII (65.8%). The Hearings Officer finds no persuasive evidence in the record to dispute credibility of the site-specific soil study conclusion that the Subject Property is predominately Class VII and VIII soils. The Hearings Officer finds the soil characteristics standard set forth in OAR 660-033-0020(1)(a)(A) defines “agricultural land” to be (Eastern Oregon) predominately Class I through and including VI. The Hearings Officer finds, based on the site-specific soil study, that the Subject Property is not “agricultural land” under the OAR 660-033-0020(1)(a)(A) test.

OAR 660-033-0020 (1)(a)(B) & (C) necessitate additional analysis. OAR 660-033-0020(1)(a)(B) is often referred to as the “suitable for farm use” test or standard.

OAR 660-033-0020(1)(a)(B) requires consideration of the following:

- \* Soil suitability for grazing; and
- \* Climatic conditions; and
- \* Existing and future availability of water for farm irrigation purposes; and
- \* Existing land use patterns; and
- \* Technological and energy inputs required; and
- \* Accepted farming practices.

OAR 660-033-0020(1)(a)(C) requires consideration of adjacent or nearby agricultural lands to determine if the Subject Property is necessary to permit farm practices on those adjacent or nearby lands.

The Hearings Officer finds that it is important that the Hearings Officer accurately reflect the evidence in the record related to the “agricultural land” issue. The Hearings Officer, therefore, includes below the entire Applicant March 19, 2024 Goal 3 open-record submission. The Hearings Officer will address relevance and credibility issues related to Applicant submission in later findings.

Applicant’s Goal 3 (March 19, 2024, pages 3 - 10) submission follows:

*“Two separate issues have been raised regarding Goal 3. These are:*

- A. Compliance with Goal 3
- B. Need for an Exception to Goal 3

These shall be addressed separately below.

A. Compliance with Goal 3

ORS 197.175 (2)(a) requires local governments to comply with LCDC goals as part of Plan Amendments. Goal 3 is one of LCDC's goals.

Goal 3: Agricultural Lands OAR 660-015-0000(3)  
To preserve and maintain agricultural lands.

**Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land policy expressed in ORS 215.243 and 215.700.**

Recent caselaw has focused on the definition of "Agricultural Land" and has seemingly broadened long standing and established legal interpretations, at least in the cases decided at LUBA and the Court of Appeals. What is meant by "Agricultural Land" is pivotal to understanding the Goal's proper implementation.

The Statewide Planning Goal defines Agricultural Land in eastern Oregon as follows:

*[I]n eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils... and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.*

Here's the administrative rule definition, which notes the above definition also applies:

**Division 33 Agricultural Land  
660-033-0020**

**For purposes of this division, the definitions in ORS 197.015, the Statewide Planning Goals, and OAR chapter 660 shall apply. In addition, the following definitions shall apply:**

**(1)(a) "Agricultural Land" as defined in Goal 3 includes:**

**(A) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class... I-VI soils in Eastern Oregon;**

**(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns, technological and energy inputs required; and accepted farming practices; and**



**(C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.**

**(b) Land in capability classes other than...I-VI that is adjacent to or intermingled with lands in capability classes... I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed....**

**RESPONSE:** Since the OAR definition is different from the Goal definition, and the OAR definition expressly notes that the Goal definition is also valid, we address elements of both.

Soil Classification Method: Exhibit 3 is the Site-Specific Soil Survey of the Subject Property. Figure 4 is the site-specific soils map. 62.87 acres were evaluated (excluding most of rock ravine, which was too steep to be sampled). See pages 4-5. In summary, 34.2% tested as Class VI or less, leaving 65.8% soils testing as Class VII-VIII. It is reasonable to conclude that under either definition, the "predominantly Class VI (or less) soils" of the Goal, or the (1)(a)(A) definition of the OAR, the Subject Property does not qualify as "Agricultural Land" by soil classification.

Other Lands Analysis

The Goal identifies "other lands which are suitable" based on other factors. These are:

**Soil Fertility**

The Subject Property was studied for soil fertility in the Site-Specific Soil Survey Report, Exhibit 3. The Page 5 summary notes 'These soils are predominantly shallow with sandy textures (low clay content) and low organic matter content. These conditions result in a low Cation Exchange Capacity (CEC) that limits the ability of these soils to retain nutrients. Fertilizer must be applied to achieve optimum yields. Proper management requires that fertilizers be applied in small doses on a frequent basis. The revenue from most locally adapted crops are not expected to cover the cost of inputs and management.'

These scientists concluded that the soils do not contain sufficient nutrients and do not have the capacity to retain artificially applied nutrients in the form of fertilizers. Attempts to irrigate and grow pasture have also failed, as described in the Ferguson affidavit, Exhibit 25, described in more detail in the next section. It is reasonable to conclude that this tract does not have sufficient soil fertility to qualify as "agricultural land."

**Suitability for Grazing**

The CEC Site-Specific Soil Survey Report (Exhibit 3) also evaluated this factor on Pages 5-6. In summary, the scientists found that forage production potential, at 912.5 pounds of dry matter needed to feed a cow and calf pair for one month (animal unit month -AUM), the Subject Property 'does not represent a sufficient number of AUM for a commercially viable livestock operation.'

The scientific conclusion is verified by actual site experience. In 2012, Applicant Member Manager Ron Cochran leased the Subject Property to Mark and Cathy Ferguson to graze 12 head of cattle over the summer season. Two small pivots were positioned to water about 28 of the 62 acres. This was 'the only real area with enough soil to support pasture' according to the Ferguson affidavit, Exhibit 25. Even the best area proved to be too uneven and rocky. The Fergusons gave up after a month, and Mr. Cochran, convinced they'd made best efforts, released them from the agreement.

*By both scientific analysis and actual site experience, it is reasonable to conclude that the Subject Property is not suitable for grazing as a means to qualify as 'agricultural land'*

**Climatic Conditions**

*The nearest urban area tracking climate data is the city of Bend, less than a mile to the south. Bend averages 3,623' elevation. Average snowfall is 33 inches per year. The last spring frost averages on June 14 and first fall frost averages on September 12, leaving approximately 89 days on average for a traditional growing season. This is considered to be a 'short' growing season and precludes successful farming of most commercial crops.*

*The CEC Site-Specific Soils Analysis, Exhibit 3, summarizes Climatic Conditions on Page 6. The report also notes an approximately three-month growing period and goes on to note that the region receives less than 12 inches of annual rainfall, 'with very little falling during the growing season.' Native rangeland grasses "are the only realistic crop" without irrigation. As noted above in the Ferguson affidavit, irrigation isn't productive due to the uneven and rocky nature of the site. The CEC report concludes 'the Site would not support a commercial livestock operation.'*

*It is reasonable to conclude that climatic conditions on the site are such that it would not qualify as 'agricultural land' under this definitional category.*

**Existing and future availability of Water for farm irrigation purposes**

*Irrigation water is available to the site. Irrigation has been tried on the site by both the current owner and at least one previous owner. See Ferguson Exhibit 25. Current irrigation water supplies provided to the Subject Property are delivered by Swalley Irrigation District, a district that stores its reserves in the Crane Prairie Reservoir and delivers to the north Bend area through the Deschutes River main diversion. The Riley sublateral stubs out in the area of the Subject Property. Swalley is part of a basin-wide push to pipe all canals, laterals, and sub laterals and eliminate wasteful deliveries to meet conservation goals by returning water to the Deschutes River for habitat conservation as part of a Federal agreement, and in keeping with Oregon Water Resources Department administrative rules.*

*Irrigation water delivery facilities do exist to the site. However, irrigating the site has proven to waste a precious resource, while yielding little to no productive growth to justify the expense and resource waste. Going forward, surface water in the entire Deschutes Basin is expected to be scrutinized for efficiency and productivity, since surface and groundwater are deemed by the USGS to be commingled in the Basin, and demand for potable water is projected to increase exponentially in the coming years with population growth.*

*In summary, water is available for now, but both science and experience have proven that irrigating the Subject Property won't improve it sufficiently to qualify it as 'agricultural land.'*

**Existing Land-use Patterns**

*Deschutes County tracks land-use patterns and provides reports over 1 mile radius around the Subject Property. A packet prepared for the Subject Property and surrounds is submitted as Exhibit 37. It contains the following information relevant to surrounding land-use patterns:*

- *EFU-zoned parcels (list and map) -Pages 1, 2*

*There are 3 other parcels zoned EFU on the same side of the Deschutes River ravine as the subject property. The two to the north, TLs 102 and 103 belonging to Kaufman and Burke respectively, are not in farm-deferral,*

are both less than 20 acres (23 acres is the minimum EFU TRB zoned tract allowed to allow for profitable agricultural use) and are not farmed. The tract to the south, TL 502, was traded by Deschutes County to the Oregon State Parks and Recreation Department. It is part of a contiguous tract bordering the Deschutes River ravine. It is not farmed or cultivated in any way. None of the parcels west of the ravine are in farm deferral for 1600 feet, or approximately 1/3 mile.

It is reasonable to conclude that no tracts within 1 mile of the Subject Property on the east side of the Deschutes River ravine are zoned EFU and actually being farmed.

■ *Soils (NRCS Classification) Map- Page 3*

As noted above, the site-specific analysis provided as Exhibit 3 provides data that is superior for the Subject Property. The 1-Mile Packet Map shows a total of 5 general soil classifications on the east side of the ravine in the 1-mile radius. Based on the Map Unit Description Table, these are mostly Class VII soils, but 38B can be Class VI in some circumstances. Across the ravine to the west, 13 soil classifications are mapped, indicating a different soil set. This is also the area where there is some farm deferral land in the 1-mile study area. These are 1/3 mile from the Subject Property or more and separated by the deep ravine and the Deschutes River. See Exhibit 38, previously submitted into the Record.

■ *Properties in Tax Deferral Map - Page 4*

While tax deferral is not a clear indicator of lands being used for commercial agriculture, it is generally accepted that owners looking to make an agricultural profit will seek out property tax deductions to improve the profit margin, and are more likely to qualify for it. As the map shows, there is no property in tax deferral on the east side of the ravine, indicating there are no owners using lands for commercial agriculture on the Subject Property side of the river.

■ *EFU-zoned parcels by acreage Map - Page 5*

Parcel size is another indicator of land use. Larger parcels are needed to make farming profitable, in keeping with Deschutes County's 23 acre minimum for EFU-TRB tracts. The Map indicates that the larger parcels, apart from the Subject Property, are those owned by Oregon State Parks and Recreation Department. (Ownership by tract is listed in the table on Page 1 of the packet). Even the nearest tax deferred tract is approximately 17 acres. This is not an area of commercially productive agricultural tracts based on acreages.

■ *Year Built (1900-1978, 1979-1992, 1993-Present) Map-Page 6*

The 'Year Built' map can provide data that's useful to understand development trends in the 1- mile area. This specific data is questionable, since the subdivision to the south of the subject property has undergone extensive development in recent decades but is not shown. We have included it as part of the packet provided, but do not cite to it for guidance as it appears unreliable in understanding development patterns in all but the EFU zoned tracts, and lands to the south and west are not zoned EFU.

■ *Last Conditional Use Permit (non-traditional EFU) Map - Page 7*

Similar to the map on Page 6, a map of 'Last Conditional Use Permit' indicates where uses have been applied that do not fit squarely within the outright uses allowed in the respective zone. As shown, most of the surrounding tracts have received conditional use permits, indicating non-traditional uses within that zone. The legend confirms all are EFU-zoned properties.

■ *Last Administrative Determination Map - Page 8*

*This map is included as part of the packet, but is not a likely indicator of agricultural uses in the area.*

■ *1985 Aerial Photo showing cleared land (farm, desert, or mining) - Page 9*

*This aerial photo, taken almost 40 years ago, when compared to current tax lot maps included in the packet, shows extensive development has taken place to the south as the City of Bend's UGB expanded considerably in a northerly direction. What was undeveloped is now developed to the north, west, and south of the Subject Property. The Urban Area Reserve is now right on the southern boundary of the Subject Property. Development is moving in the direction of the instant tract, and surrounds it already on 3 sides.*

■ *NRCS estimated soil classifications (not site-specific) - Pages 10-17*

*This general data is a starting point in determining farmability of area soils. As the aerial shows, there are no crop circles or irrigated fields in the color photo on or near the Subject Property. It appears there is one possibly irrigated field to the north near Highcroft Road, but it is not well defined or well irrigated.*

*The remainder of the packet sheets through page 17 are intended to provide soil classification data used by NRCS. These are general, and not as reliable as the site-specific analysis provided by the CES scientists in Exhibit 3.*

*The County 1-Mile Packet (Exhibit 37), read together, provides detailed and site-specific data to yield the following conclusions about existing land use patterns:*

- ▶ *No commercial farming is conducted on the east side of the ravine within the 1 mile radius of the Subject Property.*
- ▶ *Soils on the east side of the ravine are not predominantly Class VI or better, so agricultural use is not likely to be viable in the future.*
- ▶ *Tax deferral maps show the nearest commercial agricultural land use is approximately 1/3 mile away, and that is across the ravine.*
- ▶ *Tract sizes have already been divided below EFU minimums to make farming impracticable, with the exception of Oregon State Parks Recreation Department tracts which are reserved for recreational use.*
- ▶ *Most EFU parcels near the Subject Property have developed with conditional uses (not traditional agricultural uses)*
- ▶ *Development since 1985 around the Subject Property on three sides has been residential development, not agricultural development, indicating a trend going forward.*

**Technological and Energy Inputs Required**

*The CES Survey Report (Exhibit 3) analyzes this factor on Page 6-7. The scientific analysis concludes "[t]here is nothing that has been revealed during the course of this investigation that would suggest there is any technological or energy-related reason to retain the subject property in an agricultural classification." It is reasonable to conclude that this factor does not indicate the Subject Property is properly agricultural land.*

**Accepted Farming Practices**

*The Deschutes County 1-Mile Packet includes a table of "Common Farm Practices" used within the entire County (Exhibit 37, Pages 18-21). The practices listed are mostly not feasible on the Subject Property, due to soils, rocks, topography, and short growing season, according to the CES Analysis (Exhibit 3). The remainder*

would not be profitable, per CES. Potential for conflicts is also analyzed by CES, and the report concludes on Page 7 that "[s]ince the Site is surrounded by parcels that are not managed for farm use and there does not appear to be any recent history of farm use, the re-zoning of this parcel is not likely to represent any significant increase in the potential for conflicts with accepted agricultural practices.

This detailed analysis of the factors identified in both the Goal and the related OAR indicate that this tract does not qualify as Agricultural Land.

The OAR goes on to identify additional factors that may contribute to a tract qualifying as 'Agricultural Land.'

**(A) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.**

Analysis of this factor requires identifying 'adjacent or nearby agricultural lands.' In summary, based on the Exhibit 37 1-Mile Packet Data discussed above, there are none on the eastern side of the ravine within one mile of the Subject Property. On the western side of the ravine, there appears to be one 17 acre parcel in tax deferral and zoned EFU, but it's 1/3 mile away in aerial distance (Exhibit 38) and the ravine is not crossable by a motor vehicle in the area, since the ravine is very deep and there are no public bridges in the area between the Subject Property and the EFU lot. The nearest route would require travelling north on O.B. Riley Road to a bridge which intersects with Johnson Road, travelling southwest to the 17 acre parcel. This is a distance of approximately 2.5 miles. See Exhibit 40, incorporated by this reference.

Applied to the language of the rule above, "adjacent or nearby" does not identify any qualified farm parcels that meet this definition. If there are no 'adjacent or nearby' agricultural lands, it is logical to conclude this land is not "necessary to permit farm practices" on such lands.

**(b) Land in capability classes other than... I-VI that is adjacent to or intermingled with lands in capability classes... I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed....**

This factor similarly requires identification of qualifying categories to perform the analysis required. The Subject Property contains Class VI, VII, and VIII soils, though the VII and VIII soils are predominant (Exhibit 3). 'Adjacent or intermingled Class I-VI soils' do exist on the Subject Property, but are so erratically interspersed and difficult to irrigate as to be unfarmable. As noted in the Ferguson Affidavit and discussed below, it has been tried. See Figure 4, Site Specific Soils Map, within Exhibit 3. See Page 4, last paragraph, Discussion of Observations and Results. 'Of the 62.87 acres evaluated, 21.52 acres or 34.2 percent are represented by Deskamp (Class VI) soils, in 14 irregularly shaped delineations ranging in size from 0.12 to 4.14 acres.'

The Deskamp soil is included in the area that Ferguson tried to irrigate for pasture production. See Exhibit 25. He was unsuccessful, despite use of two pivots covering 28 acres of the 'only real area with enough soil to support pasture.' He notes in his affidavit that the "uneven nature of the land and rock outcroppings [sic] caused the pivot to frequently get out of line and would automatically shut down. Even where irrigation covered the ground not enough grass grew to support the herd. The soil was just too thin and would support only one or two animals. We ended the agreement after a month or so because it was obvious to both of us that the 62 acres wouldn't grow enough to support grazing.' The Ferguson affidavit packet includes the Lease Agreement, evidence of lease payment, and liability insurance on the Subject Property (last address listed on Policy Declaration sheet).

The "adjacent or intermingled" factor has been carefully analyzed by the CES scientists and found to be so interspersed as to be unfarmable. The reality of the Subject Property has been tested by Ferguson, and his

*conclusions align with the CES Site-Specific Soil Survey Report. It is reasonable to conclude that even with approximately 35% of the soil qualifying as Class VI, it is so far apart and in such small sections and mixed with such uneven topography and rock as to make it not suitable as Agricultural Land.*

*All factors identified as possible qualifiers for Agricultural Land have been analyzed carefully and evidence - has been introduced into the Record to prove that the Subject Property does not qualify as Agricultural Land as defined in the Goal and the applicable administrative rule.*

**B. Need for an Exception to Goal 3**

*Applicant's original Burden of Proof Statement, submitted on May 27, 2022, analyzes the need for a Goal 3 Exception on Pages 18-20. That reasoning still applies. Recent caselaw has broadened the definition of 'Agricultural Land.' Applicant has addressed the new interpretation in the analysis above, proving that even under the new standards, the Subject Property does not meet the legal definition of 'Agricultural Land.'*

*Because the Subject Property is not legally 'Agricultural Land,' the regulatory nature of Goal 3 does not apply the Subject Property. As a result, no exception to it is required."*

**[End of Applicant's March 19, 2024 Goal 3 quoted material]**

As noted earlier in the findings for Goal 3 the Hearings Officer found the Applicant's site-specific soil study (Applicant Exhibit 3) to be credible and persuasive. The Hearings Officer found that the Subject Property soils were predominately Class VII and VIII.

The Hearings Officer next addresses the OAR 660-033-0020(1)(a)(B) factors:

- \* soil fertility,
- \* suitability for grazing,
- \* climatic conditions,
- \* existing and future availability of water for farm irrigation purposes,
- \* existing land use patterns, technological and energy inputs required and accepted farming practices).

The Hearings Officer, relying upon Applicant's site-specific soil study and the quoted comments above, finds that the Subject Property does not have sufficient soil fertility to qualify as "agricultural land."

The Hearings Officer notes that the Applicant's site-specific soil study evaluated the "suitability for grazing" factor. Further, Applicant included a statement by individuals who attempted to graze 12 head of cattle on the Subject Property during a summer season. These individuals utilized irrigation water. These individuals abandoned the grazing use of the Subject Property after only one month concluding that the Subject Property was not economically feasible to use for grazing. (See Applicant's Exhibit 25, pages 1 – 2). There is no evidence in the record indicating that the Subject Property is "agricultural land" for "grazing of livestock." The Hearings Officer finds, based upon Applicant's site-specific soil study grazing analysis and the statement by individuals who attempted to use the Subject Property for grazing, that the Subject Property is not "suitable for grazing."

The Hearings Officer finds consideration of "climatic conditions," as an independent "agricultural land" review factor, to be challenging. Generally, the climate for Deschutes County, is relatively dry and allows for a short growing season. No evidence is in the record to suggest that the Subject Property is located in a micro-climate area which distinguishes the Subject Property location from the Deschutes County climate as a whole. The Hearings Officer finds that "climatic conditions" (relatively little rainfall and short growing season) suggest the

Subject Property could possibly be “agricultural land” depending upon other OAR 660-033-0020(1)(a)(B) factors. However, the Hearings Officer finds that “climatic conditions,” standing alone, is not a determinative independent factor leading to a conclusion that the Subject Property is “agricultural land.”

The Hearings Officer finds irrigation rights do exist at the Subject Property (Applicant admission, March 19, 2024, page 6). The Hearings Officer finds that the existence of water for farm irrigation purposes at the Subject Property is suggestive that the Subject Property is “agricultural land.” However, similar to the Hearings Officer’s findings related to “climatic conditions,” the Hearings Officer finds that the availability of water for farm purposes at the Subject Property, standing alone, is not determinative that the Subject Property is “agricultural land.”

The individuals who attempted to farm the Subject Property utilizing irrigation water concluded, after one month, “grazing livestock,” even with irrigation water, was not feasible. Those individuals commented (Applicant Exhibit 25, letter dated June 25, 2022) that irrigation water failed to enhance the soils at the Subject Property sufficiently to profitably farm because of the “uneven nature of the land” and the “existence of rock outcroppings.” Those individuals stated that the “soil was just too thin and would only support one or two animals.” The Hearings Officer finds that the site-specific soil study (Applicant Exhibit 3) and letter (Applicant Exhibit 25, letter dated June 25, 2022) from the above-referenced individuals constitute substantial evidence that the Subject Property is not suitable for grazing even with the existence of water for farm irrigation purposes.

Applicant (quoted comments above) provided a thorough inventory and analysis of existing land use patterns in the vicinity of the Subject Property. The Hearings Officer finds the Applicant’s inventory and analysis of existing land use patterns to be credible and constitutes substantial and persuasive evidence relating to the OAR 660-033-0020(1)(a)(B) “existing land use patterns” factor. The Hearings Officer concurs with Applicant’s summary of land use patterns in the vicinity of the Subject Property (March 19, 2024, page 8). The Hearings Officer finds existing land use patterns in the vicinity of the Subject Property suggest that the Subject Property is not “agricultural land.”

The Hearings Officer agrees with Applicant’s above-quoted discussion and conclusion that there is nothing in the record to suggest that additional, alternative or supplementary technology or energy related inputs would improve the prospects for the Subject Property to be considered “agricultural land.” The Hearings Officer finds, based upon the record of this case, that additional technology or energy inputs would not make up for the poor quality of soil and the topographical limitations existing at the Subject Property.

Applicant’s site-specific soil study discussed “accepted farming practices” at the Subject Property. Applicant’s site-specific soil study concluded that utilizing “accepted farming practices” would not offset the poor soil quality, rocks, topography and short growing season at the Subject Property. The Hearings Officer also takes note of the letter from the only individuals who did attempt to farm (Applicant Exhibit 25, letter dated June 25, 2022). These individuals concluded that grazing livestock, even utilizing the irrigation water rights, was not economically viable. The Hearings Officer finds, based upon the evidence in the record, that the Subject Property is not “agricultural land” based upon a review of the OAR 660-033-0020(1)(a)(B) factors.

OAR 660-033-0020(1)(a)(C) requires analysis of the Subject Property in the context of adjacent and nearby properties. Applicant, in the above-quoted comments, addressed this factor/standard. The Hearings Officer finds no adjacent properties being farmed (used as “agricultural land”). Applicant did note (April 2, 2024, page 6) the following:

*“There are 3 other parcels zoned EFU on the same side of the Deschutes River ravine as the subject property. The two to the north, Tls 102 and 103 belonging to Kaufman and Burke respectively, are not in farm-deferral, are both less than 20 acres (23 acres is the minimum EFU-TRB zoned tract to allow profitable agricultural use) and are not farmed. The tract to the south, TL 502, was traded by Deschutes County to the Oregon State Parks and Recreation Department. It is part of a contiguous tract bordering the Deschutes River ravine. It is not*

*farmed or cultivated in any way. None of the parcels west of the ravine are in farm deferral for 1600 feet, or approximately 1/3 mile. It is reasonable to conclude that no tracts within 1 mile of the Subject Property on the east side of the Deschutes River ravine are zone EFU and actually being farmed."*

Based upon the record in this case the Hearings Officer finds that the Subject Property is not necessary to permit farm practices to be undertaken or maintained on adjacent or nearby agricultural lands; there simply are no adjacent farm uses or adjacent "agricultural lands." The Hearings Officer also finds that there is no evidence in the record suggesting that a nearby farm use would benefit from the "agricultural use" of the Subject Property; including, but not limited to, providing additional feed resources to the Subject Property or the use of the Subject Property to locate storage or maintenance facilities for the nearby properties.

Finally, the Hearings Officer addresses COLW's "alternative farm uses" argument (February 27, 2024, pages 2 – 3 and March 26, 2024, page 3). The Hearings Officer believes, as suggested by COLW, that consideration of ORS 215.203(2)(a) is a good analysis starting point. ORS 215.203(2)(a) lists/defines "farm use" to include significant number of farm related activities including (COLW listed many of these potential farm uses as alternative uses at the Subject Property):

- \* poultry,
- \* lambs,
- \* mules,
- \* donkeys,
- \* fur-bearing animals,
- \* honeybees,
- \* eggs,
- \* hogs,
- \* pigs,
- \* dairying,
- \* other horticultural uses,
- \* animal husbandry,
- \* preparation, storage and disposal products raised on such land,
- \* stabling or training equines,
- \* propagation, cultivation, harvesting of aquatic, bird and animal species under the jurisdiction of the State Fish and Wildlife Commission,
- \* the on-site construction and maintenance of equipment and facilities used for farm use activities.

This Hearings Officer does not believe every listed "farm use" in ORS 215.203(2)(a) needs to be individually/independently analyzed as part of every Goal 3 "agricultural land" determination process. The Hearings Officer finds it is unnecessary for the Applicant to demonstrate (provide documentation and analysis) that the Subject Property is not "agricultural land" because it is not feasible to use the property, for example, to use that property as a dairy or for the propagation and harvest of aquatic species. The Hearings Officer finds that requiring every listed OAR 215.203(2)(a) potential farm use to be analyzed in every case does not represent the spirit and intention of ORS 215.203 or associated OAR's. The Hearings Officer finds that the goal of ORS 215.213 and associated OAR's is to thoughtfully consider what a reasonable farmer would consider when assessing a particular property's ability to be profitably farmed.

The Hearings Officer finds that there are common agricultural uses in every geographical area of Oregon and that the viability of a specific farm use of any property is dependent upon the factors set forth in OAR 660-033-0020. The Hearings Officer believes that a reasonable farmer is going to consider such factors as soils, topography, orientation to the sun, transportation access and water access when assessing potential farm uses of a particular



property. The Hearings Officer does not, however, believe a reasonable farmer would take the list of potential farm uses set forth in ORS 215.203(2)(a) and pragmatically consider the pros and cons of every one of those activities on a particular Deschutes County property. The reasonable farmer may consider one or more use not listed in ORS 215.203(2)(a) or fewer uses depending on the site characteristics of a particular property.

LUBA, in *Friends of the Creek v. Jackson County*, 36 Or LUBA 562 (1999) stated “we do not believe the legislature intended, by requiring that the land be currently employed ‘for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops,’ to require an inquiry into the primary actual motivation of particular land owners.” (See also *Cox v. Polk County*, 39 Or LUBA 1 (2000)). LUBA concluded, in the *710 Properties Decision*, that the appropriate test is “whether a reasonable farm would be motivated to put the land to agricultural use, for the primary purpose of obtaining a profit in money.”

The Hearings Officer finds the “objective” reasonable farmer approach is relevant in the context of answering the question: How does a reasonable farmer analyze what potential farm uses are to be considered for a particular property? The Hearings Officer finds that what use a reasonable farmer would make of the Subject Property is best demonstrated by historical use of that particular property, the historical uses of nearby and adjacent properties and general farming trends in the area.

COLW (February 27, 2024, page 2) argues that many of the ORS 215.203(2)(a) listed farm uses “are not dependent on any particular soil type” and therefore those uses need to be considered. Again, the Hearings Officer believes the LUBA findings related to the “reasonable farmer” standard would infuse some level of common sense into the ORS 215.203(2)(a) and OAR 660-033-0020 “agricultural land” analysis. It is conceivable and possible, for example, that a honeybee farmer or grape grower might find a particular property located in central Oregon to be appropriate for honeybee/grape farming. However, as a practical matter how long does a property owner have to wait for a honeybee or grape farmer to “discover” a particular property? Evidence in the record shows that only one farmer attempted to use the Subject Property as “agricultural land;” that was in 2012 for one month. There is no evidence that a honeybee farmer, wine grower, or any other person/entity desiring to make use of the Subject Property for any ORS 215.203(2)(a) use ever expressed interest in farming the Subject Property beyond the 2012 livestock grazing user.

The Hearings Officer finds that the Applicant in this case was not required to consider all uses listed in ORS 215.203 (2)(a) or by COLW. Rather, the Hearings Officer finds that the Applicant is required to consider only uses that a “reasonable farmer” for the Subject Property would consider in light of the OAR 660-033-0020(1)(a)(B) factors. The Hearings Officer does not believe that the Applicant in this case is obligated to independently/individually analyze and assess each and every one of the ORS 215.203 (2)(a) or COLW listed possible uses.

The Hearings Officer finds it is important to note that OAR 660-033-0021(1)(a)(B) does list one “farm use” that is required to be considered; “livestock grazing.” The Hearings Officer finds that “livestock grazing” is a farm use that must be considered during each and every “agricultural land” analysis. Further, the Hearings Officer finds that “livestock grazing” is a farm use that is common in Deschutes County. The Hearings Officer finds “livestock grazing” to be a use that a reasonable farmer might consider at the Subject Property. The Hearings Officer finds, in this case, the Applicant provided persuasive evidence that a reasonable farmer would not consider “livestock grazing” to be a “farm use” that would be entered into for the primary purpose of obtaining a profit in money.

The Hearings Officer, based upon the Preliminary Findings, the evidence and argument in the record, concludes that the Subject Property is not “agricultural land” and no Goal 3 exception is required.

**Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources. To protect natural resources and conserve scenic and historic areas and open spaces.**

**RESPONSE:** The Hearings Officer incorporates the findings for DCCP Policies 2.2.3 and 2.7 as additional findings for this section. The Hearings Officer reiterates that this recommendation relates only to Applicant's request for a comprehensive plan designation change and a zone change; not to any specific development proposal.

The Hearings Officer notes a parcel of land to the west of the Subject Property has been removed from the proposal in this case. The removed parcel fronts the Deschutes River with a trail running along the river in this location. The removal of the parcel reduces potential Goal 5 related impacts (i.e., scenic views and trail interference) that could potentially be created by approval of the application in this case.

The Hearings Officer finds that the proposed comprehensive plan designation and zone are consistent with preservation of open space, as well as protection of both uses and views of the Deschutes River, while recognizing that the true "highest and best use" of the Class VII and VIII land is not farmland.

**Goal 6, Air, Water and Land Resources Quality. To maintain and improve the quality of the air, water and land resources of the state.**

**RESPONSE:** As specified in Goal 6, the Plan buffers potential residential uses allowed in the MUA zone from residential uses. The proposal is consistent with Goal 6 because it will not result in any adverse impact on air or water quality and land resources.

**Goal 7, Areas Subject to Natural Disasters and Hazards. To protect people and property from natural hazards.**

**RESPONSE:** Statewide Planning Goal 7 focuses on natural hazard areas and accommodations needed for them. In Central Oregon, these are most likely wildfires and steep slopes. Deschutes County has devoted planning to both. On the Subject Property, the rimrock issue is relevant. Construction along rimrock is protected with setbacks and no construction is allowed in this area. This Goal has been considered, and future development must be planned accordingly.

**Goal 8, Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

**RESPONSE:** The Deschutes River is located to the west of the Subject Property. The river has carved a deep canyon into this portion of the County, creating steep rimrock ledges. Future development must be located back and away from the rim, allowing the river and riverbanks to be preserved in their natural state, without visual infringement by private homes.

A dedication to the Oregon State Game Commission for foot travel "adjacent to the east side of the Deschutes River and between said trail and the center of the Deschutes River" has been defined and perpetually protected through a dedication by Ronald Cochran, member manager of Applicant. See Exhibit 6, including both the 2017-37794 surveyed dedication of trail easement, and the 1957 prior dedication. Dedications to OPRD, provides more recreational benefit to Oregon's citizens, and allows more recreational access to the river without reducing the visual enjoyment of this resource as a recreational center of the County. The application is consistent with this Goal.

**Goal 9, Economy of the State. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

**RESPONSE:** The proposal is consistent with Goal 9 because it will not adversely impact economic activities in the state. Deschutes County development does not generally involve economic development and the commercial and industrial development at its core, but it can, with a little vision. Applicant, in its Burden of Proof, addressed these concerns in the following comments:

*“Economic stability is central to this Goal. Trend analysis shows the City of Bend is growing quickly and the current urban area reserve is immediately south and east of the subject property. This is a factor somewhat unique to this County site. It is foreseeable that future Bend UGB expansion will include the subject property. It is currently approximately 1500 feet from the SE corner of the subject property, and the Urban Reserve Area is on the southern property line of the subject property. The property is not comprised of “agricultural land”, so rezoning to MUA-10 is a logical transition of classification of use. Further, by arranging the homesites in a “T” formation, future development may fill around the homesites as urban needs for density dictate. This form of transition lends predictability, and so stability to land use patterns in keeping with concerns of Goal 9.*

*Goal 9 implementation requires that plans should take such regional conditions into account. Coordinating regional and local economic plans and programs is an essential part of good governance, as applied to land use decisions on a case-by-case basis. In this instance, where the EFU zoning designation is error now that soil classifications are known, a transition to non-resource designation is good economic planning as envisioned by Statewide Planning Goal 9.”*

The Hearings Officer concurs with the above-quoted Applicant comments.

**Goal 10, Housing. To provide for the housing needs of citizens of the state.**

**RESPONSE:** Like Goal 9, Deschutes County does not traditionally focus on Goal 10 Housing. However, there are facets of the goal that merit consideration while considering this Application. Applicant, in its Burden of Proof, provided the following comments:

*“Buildable lands for residential use are a particular concern in these times of housing shortages. This proposal will provide 14 new homesites on land that is currently underutilized because it is improperly zoned. Deschutes County’s Board of County Commissioners and Planning Commission have devoted time and resources to the search for more buildable lands. This application is an example of using critical thinking to identify mis-zoned properties that can be opened up for residential use.”*

The Hearings Officer concurs with the above-quoted Applicant comments.

**Goal 11, Public Facilities and Services. To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

**RESPONSE:** The proposal is consistent with Goal 11 because the proposed plan amendment and zone change will have little impact upon the provision of public facilities and services to the subject property. As a rural development pattern, Avion Water Co. and septic systems will serve the parcels proposed under the MUA zone; consistent with rural lands.

When City of Bend urban density demands reach the Subject Property, transition will be customary to provide public facilities and services at that time.

**Goal 12, Transportation. To provide and encourage a safe, convenient and economic transportation system.**

**RESPONSE:** Deschutes County's Transportation System Plan, incorporated into the Comprehensive Plan and adopted as Exhibit C to it, is part of the acknowledged County Plan. The proposal is consistent with that plan, complying with County Level of Service standard D. The proposal is compliant with the TPR as well, and therefore is also consistent with Goal 12 as demonstrated by the attached, professionally prepared Transportation Analysis. See Exhibit 4.

**Goal 13, Energy Conservation. To conserve energy.**

**RESPONSE:** No known sources of non-renewable energy exist on the Subject Property. Any proposed development, under the MUA zone will be required to address energy conservation strategies. The proposal is consistent with this goal because it will have no negative impact on energy use or conservation.

**Goal 14, Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.**

**RESPONSE:** The Hearings Officer incorporates the Preliminary Findings related to Goal 14 (III.A.4 – **Oregon Statewide Planning Goal 14**) and the Division 15, Statewide Planning Goals and Guidelines findings related to Goal 14. Further, the Hearings Officer also finds the following Staff (Staff Report, page 37) comments to be credible and persuasive and adopts these Applicant statements as additional findings for this section.

*“Like Goals 9 and 10, this Goal doesn't traditionally utilize significant portions of County Planning resources. And like Goals 9 and 10, population growth in the County and the cities within it, is changing that focus. Portland State University's (PSU) Oregon Population Forecast Program provided its latest datum in March, 2022. That forecast predicted a continued annual growth rate of 1-zyo, in contrast to the national Average Annual Growth Rate ("AAGR") which has been generally declining since 1980. Deschutes County's population in 2022 is 207,921, at a growth rate of 2.2%. Using conservative growth rates, Deschutes County's 2050 forecast population is 308,894, over 100,000 its current population, and almost double what it is now.*

*Bend's population is also forecast to grow, despite shrinking nationwide trends. Bend's 2022 population is calculated to be 106,062. In 2047, it is conservatively forecast to have 164,835 people, over half again as many as it has today. Bend is now 51% of Deschutes County's population. In 2047, it will be 55.1%.*

*Forecasting housing needs, both Bend and Deschutes County will need more housing. Because this property is approximately 1500 feet from the northeast edge of Bend's UGB and right on the boundary of Bend's URA, it's likely to be part of Deschutes County's growth in the immediate future, then part of Bend's growth after the next legislative UGB expansion. Either way, it's much needed based on the PSU forecasts.*

*Statewide Planning Goal 14 focuses not only on housing supply, but also "an orderly and efficient transition from rural to urban. . . ." This site's optimal location, just outside of Bend's current urban boundary, makes it an excellent candidate for rezoning, particularly where we now know the soil is not suitable for farming. It's not really "agricultural land." It is properly exception land, ideally developed in a less sprawled configuration in preparation for a more dense housing pattern in the future. These factors make it an excellent candidate for planned development in MUA-10 zoning.*

*This proposal meets the needs set out in Statewide Planning Goal 14. In summary, the proposal is consistent with Goal 14 for the following reasons:*

1. *The proposal does support a likely, though not certain, eventual transition from rural to urban land use that responds to identified needed lands;*
2. *The proposal represents an orderly growth pattern that eventually will efficiently enhance and utilize public facilities and services;*
3. *The proposal will ultimately result in the maximum efficiency of land uses on the fringe of the existing urban area;*
4. *The subject property has been found to be not predominantly agricultural land as defined in OAR 660-033-0020; and*
5. *The proposal will promote compatibility with surrounding urban uses and will not adversely impact any nearby commercial agricultural uses because there are none.*

*The Applicant's responses demonstrate compliance with the applicable Goals."*

The Hearings Officer finds Goal 14 has been satisfactorily addressed by Applicant and that the Applicant’s proposal is consistent with Goal 14 and no exception is required/necessary.

**Division 33 - Goal 3 - Agricultural Lands**

OAR 660-015-0000, Purpose Statewide Planning Goals and Guidelines #1 through #14

***(3) To preserve and maintain agricultural lands.***

***Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.***

***For purposes of this division, the definitions in ORS 197.015, the Statewide Planning Goals, and OAR Chapter 660 shall apply. In addition, the following definitions shall apply:***

***(1)(a) "Agricultural Land" as defined in Goal 3 includes:***

- (A) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon<sup>12</sup>;***
- (B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and***
- (C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.***

**FINDING:** The Hearings Officer incorporates the Preliminary Findings related to Goal 3 (III.A.5 – **Oregon Statewide Planning Goal 3**) and *710 Properties Decision* (III.A.7. – **710 Properties Decision**) as additional findings for this Goal 3 section. The Hearings Officer also incorporates the findings for **Deschutes County Comprehensive Plan (“DCCP”), Chapter 2, Resource Management, Section 2.2, Agricultural Lands** as additional findings for this section.

<sup>12</sup> OAR 660-033-0020(5): "Eastern Oregon" means that portion of the state lying east of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the Counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

The Applicant’s basis for not requesting an exception to Goal 3 is that the Subject Property is not “agricultural land.” The Hearings Officer concurred with Applicant that the Subject Property is not “agricultural land.”

- (b) Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;**

**FINDING:** The Hearings Officer incorporates the Preliminary Findings related to Goal 3 (III.A.5 – **Oregon Statewide Planning Goal 3**) and *710 Properties Decision* (III.A.7. – **710 Properties Decision**) as additional findings for this Goal 3 section. The Hearings Officer also incorporates the findings for **Deschutes County Comprehensive Plan (“DCCP”), Chapter 2, Resource Management, Section 2.2, Agricultural Lands** as additional findings for this section. While the Applicant did not provide a specific response to this subsection of OAR 660-033-0020 the Applicant did provide a listing of nearby and adjacent lands in the context of uses made of those lands. There is no evidence in the record of this case indicating that the Subject Property was used along with or intermingled as a farm unit with any adjacent or nearby land. The Hearings Officer finds that the Subject Property is **not** intermingled with lands in capability classes I – VI as a “farm unit.”

- (c) “Agricultural Land” does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.**

**FINDING:** The Subject Property is not within an acknowledged urban growth boundary or land within acknowledged exception areas for Goals 3 or 4.

OAR 660-033-0030, Identifying Agricultural Land

- (1) All land defined as “agricultural land” in OAR 660-033-0020(1) shall be inventoried as agricultural land.**
- (2) When a jurisdiction determines the predominant soil capability classification of a lot or parcel it need only look to the land within the lot or parcel being inventoried. However, whether land is “suitable for farm use” requires an inquiry into factors beyond the mere identification of scientific soil classifications. The factors are listed in the definition of agricultural land set forth at OAR 660-033-0020(1)(a)(B). This inquiry requires the consideration of conditions existing outside the lot or parcel being inventoried. Even if a lot or parcel is not predominantly Class I-IV soils or suitable for farm use, Goal 3 nonetheless defines as agricultural “lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands”. A determination that a lot or parcel is not agricultural land requires findings supported by substantial evidence that addresses each of the factors set forth in 660-033-0020(1).**
- (3) Goal 3 attaches no significance to the ownership of a lot or parcel when determining whether it is agricultural land. Nearby or adjacent land, regardless of ownership, shall be examined to the extent that a lot or parcel is either “suitable for farm use” or “necessary to permit farm practices to be undertaken on adjacent or nearby lands” outside the lot or parcel.**

**FINDING:** The Hearings Officer incorporates the Preliminary Findings related to Goal 3 (III.A.5 – **Oregon Statewide Planning Goal 3**) and *710 Properties Decision* (III.A.7. – **710 Properties Decision**) as additional findings for this Goal 3 section. The Hearings Officer also incorporates the findings for **Deschutes County Comprehensive Plan (“DCCP”), Chapter 2, Resource Management, Section 2.2, Agricultural Lands** as additional findings for this section.

- (5)(a) More detailed data on soil capability than is contained in the USDA Natural Resources Conservation Service (NRCS) soil maps and soil surveys may be used to define agricultural land.**

However, the more detailed soils data shall be related to the NRCS land capability classification system.

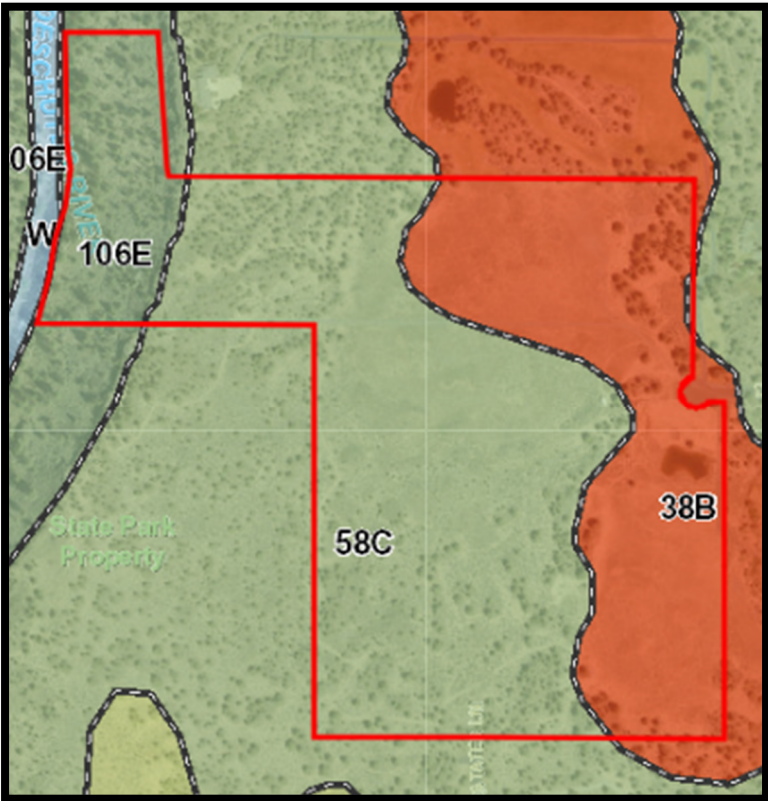
- (b) If a person concludes that more detailed soils information than that contained in the Web Soil Survey operated by the NRCS as of January 2, 2012, would assist a county to make a better determination of whether land qualifies as agricultural land, the person must request that the department arrange for an assessment of the capability of the land by a professional soil classifier who is chosen by the person, using the process described in OAR 660-033-0045.

**FINDING:** The Hearings Officer incorporates the Preliminary Findings related to Goal 3 (III.A.5 – Oregon Statewide Planning Goal 3) and 710 Properties Decision (III.A.7. – 710 Properties Decision) as additional findings for this Goal 3 section. The Hearings Officer also incorporates the findings for Deschutes County Comprehensive Plan (“DCCP”), Chapter 2, Resource Management, Section 2.2, Agricultural Lands as additional findings for this section. The Hearings Officer also finds the Staff Report statements/comments/maps below are credible and relevant to this section. The Hearings Officer incorporates the following Staff (Staff Report, page 44) statements/comments/maps as additional findings for this section:

*“The soil study prepared by Brian T. Rabe, CPSS, WWS of Cascade Earth Sciences, provides more detailed soils information than contained in the NRCS Web Soil Survey. NRCS sources provide general soils data for large units of land. The soil study provides detailed and accurate information about individual parcels based on numerous soil samples taken from the subject property. The soil study is related to the NCRS Land Capability Classification (“LLC”) system that classifies soils class I through VIII. An LCC rating is assigned to each soil type based on rules provided by the NRCS.*

The NRCS mapping for the subject property is shown below in Figure 2. According to the NRCS Web Soil Survey tool, the subject property contains +/- 31 percent 38B soils, +/-58 percent 58C soils, and +/- 11 percent 106E soils.

Figure 2 – NRCS Soil Mapping for Subject Property



The soil study finds the soil types on the subject property vary from the NRCS identified soil types. Staff notes the soil study was prepared before the most recent property line adjustment. For this reason, the study area doesn't include the northwestern corner of the property (+/-3 acres). Nevertheless, the topography of this area appears to match the area directly south<sup>13</sup>, which Mr. Rabe classified as "rock outcrop – major" with a Class VIII rating in the soil study. Given the similarities of the terrain shown in the Applicant's topographical map, staff believes it is reasonable to presume this area does not need further review as part of an amended soil study.

The soil types described in the soil study are shown below as Figure 3. Additionally, the Summary and Conclusions sections of the soil study states:

*'The purpose of this report is to present the results of an assessment to verify and, where necessary, refine the soils, map units, and boundaries mapped on the Site and to determine whether the soils on the Site meet the land capability classification criteria for a non-resource zoning designation. The published soil survey information was reviewed and direct observations of soil conditions were made at representative locations across the Site. CES has determined that the information from the published soil survey was generally consistent with observations on the ground with boundary refinements limited to delineating components of the complexes mapped by the NRCS. CES has determined that 41.35 acres or 65.8 percent, of the Site consists of Class VII and Class VIII soils. Since the Site is predominantly Class VII and Class VIII soils and does not otherwise meet the criteria for further consideration as agricultural land, the Site meets the soils criteria for consideration of a non-resource zoning designation.'*

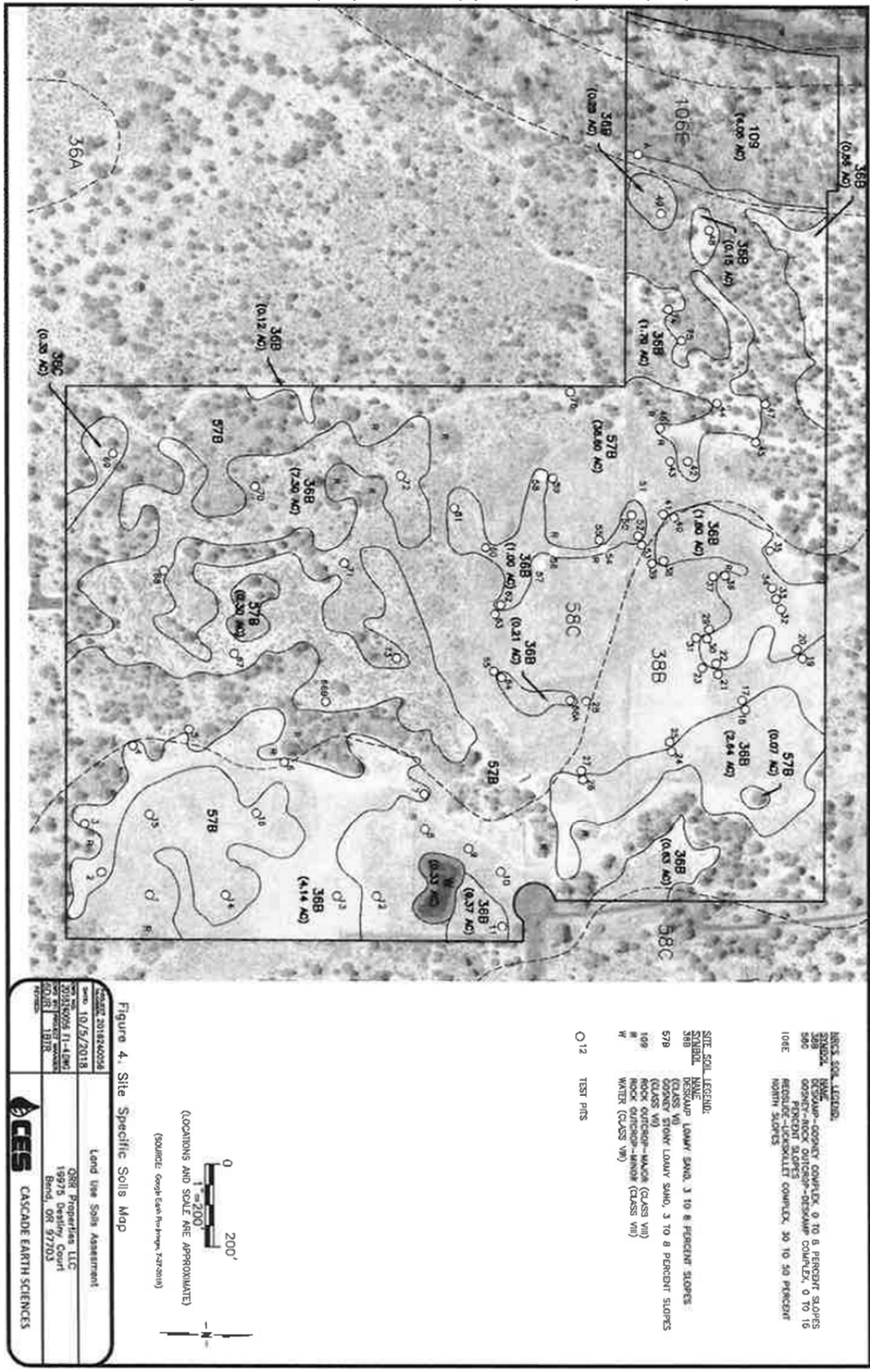
The soil study concludes that 65.8% of +/-63 acres of the subject property consists of Class VII and Class VIII soils. As noted above, staff believes it is reasonable to assume the northwestern corner of the property is also comprised of Class VII and Class VIII soils, which potentially increases the percentage of Class VII and Class VIII soils to 66.6%. The submitted soil study is accompanied in the submitted application materials by correspondence from DLCD. The DLCD correspondence confirms that the soil study is complete and consistent with the reporting requirements for agricultural soils capability as dictated by DLCD. Based on Mr. Rabe's qualifications as a certified Soil Scientist and Soil Classifier, staff finds the submitted soil study to be definitive and accurate in terms of site-specific soil information for the subject property.

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<sup>13</sup> Ref. Figure 1 above.



Figure 3 – Site Specific Soils Map for the Subject Property



- (c) ***This section and OAR 660-033-0045 apply to:***
  - (A) ***A change to the designation of land planned and zoned for exclusive farm use, forest use or mixed farm-forest use to a non-resource plan designation and zone on the basis that such land is not agricultural land; and***

**FINDING:** The Hearings Officer incorporates the Preliminary Findings related to Goal 3 (III.A.5 – **Oregon Statewide Planning Goal 3**) and *710 Properties Decision* (III.A.7. – **710 Properties Decision**) as additional findings for this Goal 3 section. The Hearings Officer also incorporates the findings for **Deschutes County Comprehensive Plan (“DCCP”), Chapter 2, Resource Management**, Section 2.2, Agricultural Lands as additional findings for this section. The Applicant requested approval of a non-resource plan designation on the basis that the Subject Property is not defined as agricultural land. In prior findings the Hearings Officer concluded, based upon the evidence in the record, that the Subject Property is not “agricultural land.”

- (d) ***This section and OAR 660-033-0045 implement ORS 215.211, effective on October 1, 2011. After this date, only those soils assessments certified by the department under section (9) of this rule may be considered by local governments in land use proceedings described in subsection (c) of this section. However, a local government may consider soils assessments that have been completed and submitted prior to October 1, 2011.***

**FINDING:** The Applicant submitted a soil study dated December 19, 2018. The soils study was submitted following the ORS 215.211 effective date. The Applicant also submitted acknowledgement from Hilary Foote, Farm/Forest Specialist with the DLCD, dated November 14, 2022, that the soil study is complete and consistent with DLCD’s reporting requirements. The Hearings Officer finds this criterion to be met based on the submitted soil study and confirmation of completeness and consistency from DLCD.

- (e) ***This section and OAR 660-033-0045 authorize a person to obtain additional information for use in the determination of whether land qualifies as agricultural land, but do not otherwise affect the process by which a county determines whether land qualifies as agricultural land as defined by Goal 3 and OAR 660-033-0020.***

**FINDING:** The Applicant has provided a DLCD certified soil study as well as NRCS soil data. The Hearings Officer finds the Applicant has demonstrated compliance with this provision.

**IV. CONCLUSION & RECOMMENDATION**

The Hearings Officer finds that the application to change the Comprehensive Plan designation from AG to RREA and Zoning for the Subject Property from EFU to MUA complies with all relevant approval criteria. The Hearings Officer recommends approval of the Applicant’s requested Comprehensive Plan and Zone change requests.

**DESCHUTES COUNTY HEARINGS OFFICER**



Gregory J. Frank  
Deschutes County Hearings Officer



**BOARD OF  
COMMISSIONERS**

## AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** December 18, 2024

**SUBJECT:** Administrative Services Budget and County Internal Audit Office Recruitment

**RECOMMENDED MOTION:**

Options:

1. Move approval of initiating a recruitment for 1.0 Performance Auditor.
2. Move approval of initiating a recruitment for 0.5 Performance Auditor.

On December 6, 2024, the County Audit Committee passed a motion (with one abstaining and one member not in attendance) to “formally advise County Administration and the Board of Commissioners to prioritize the internal audit function and to look for other areas to cut or additional revenues to make in order to balance the budget.”

The County Administrator recommends the Board adopt option 2.

**BACKGROUND AND POLICY IMPLICATIONS:**

The General Fund is structurally imbalanced, meaning expenditures are growing at a faster rate than revenues with a projected budget shortfall occurring by Fiscal Year 2027 (FY27), unless corrective action is taken.

The County’s Finance and Administration Departments are implementing a budget framework for FY26 with the goals of resetting the expenditure curve by lowering the projected growth rate (“Limited Growth”) and targeted savings (“Focused Savings”) to ensure financial sustainability of the County. In FY 2026, the Limited Growth and Focused Savings framework will limit the growth of General Fund supported departments to 3.3% and Internal Service Fund departments to 8%.

The projected FY26 General Fund Budget, including all estimated staffing-costs and increases must be reduced by approximately \$2.5 million; the County overall must reduce expenses by over \$3 million. On Monday, Dec. 2, the Board approved \$1 million in savings from the General Fund through a series of actions.

The Administrative Services Department (9.75 FTE) FY26 budget will be limited to 8% growth. Developing a budget that meets this target will require reductions of more than \$130,000. Administrative Services is reducing costs to achieve the limited growth target by implementing a series of actions, including holding open the Human Resources Director and Manager positions and eliminating other projects and corresponding expenses. However, saving \$130,000 in FY26 can only be achieved by reducing a full or partial FTE.

The County Administrator made the difficult decision to reduce the County's Performance Auditor position to .5 FTE, effective January 1, 2025. The reasons for this decision, including the timing of this decision, are to minimize impacts to County operations within the small Administrative Services team, and to offer the Performance Auditor the opportunity to maintain full-time employment with the County by moving to the Risk Management program with a retirement occurring on Dec. 31, 2024. The Performance Auditor has accepted this opportunity.

On December 6, 2024, the Audit Committee convened a special meeting to discuss County Administrator proposed changes to the Audit Office budget, and specifically the FTE reduction from 1.0 to 0.5 FTE. Following a robust discussion among Audit Committee members and attendees, the **Committee passed a motion (with one abstaining and one member not in attendance) to "formally advise County Administration and the Board of Commissioners to prioritize the internal audit function and to look for other areas to cut or additional revenues to make in order to balance the budget."**

**The County Administrator recommends** initiating a recruitment for a 0.5 FTE Performance Auditor in January 2025.

**BUDGET IMPACTS:**

The Administrative Services budget must be reduced by more than \$130,000 in FY26. If the Board supports filling the Performance Auditor position at .5 FTE, the Audit Office work plan will decrease by at least 25% as the Office's 2.0 FTE would be reduced to 1.5 FTE, and perhaps by 50% if the position is not filled. If the Board supports filling the Performance Auditor position at 1.0 FTE, Administrative Services will present and discuss other budget and operational impacts to the BOCC to achieve the necessary savings.

**ATTENDANCE:**

Nick Lelack, County Administrator  
 Elizabeth Pape, County Internal Auditor  
 Daryl Parrish, Audit Committee Chair (remote attendance)

Daryl Parrish  
Chair of the Deschutes County Audit Committee

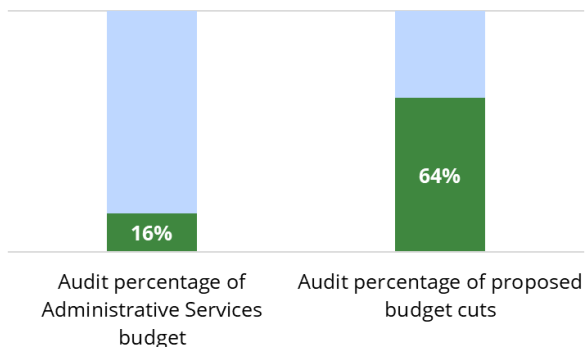
December 11, 2024

Deschutes County Board of Commissioners:

I am writing to you on behalf of the Deschutes County Audit Committee. Our committee includes a Deschutes County Board of Commissioners member, two department head members, and six public members appointed by the Board to advise the Board and County Administrator on significant audit matters including increases and decreases to the budget for the internal audit program.

The County Administrator notified the committee of a proposed change to the internal audit budget reducing staff from two full-time equivalents to one and a half full-time equivalents effective January 1, 2025. The Administrative Services Department, which includes the Office of Internal Audit, was tasked with proposing \$130,000 in savings for Fiscal Year 2026. Internal audit is only one of many functions performed by Administrative Services whose responsibilities also include oversight of the Video Lottery, Economic Development, Taylor Grazing and Coordinated Houseless Response Office Funds. In addition to these funds, the Department provides staff support for communications and community engagement for County departments and offices, support several Board of County Commissioners appointed Committees, including the Audit Committee, manages legislative affairs, applies for grants and manages contracts, etc.

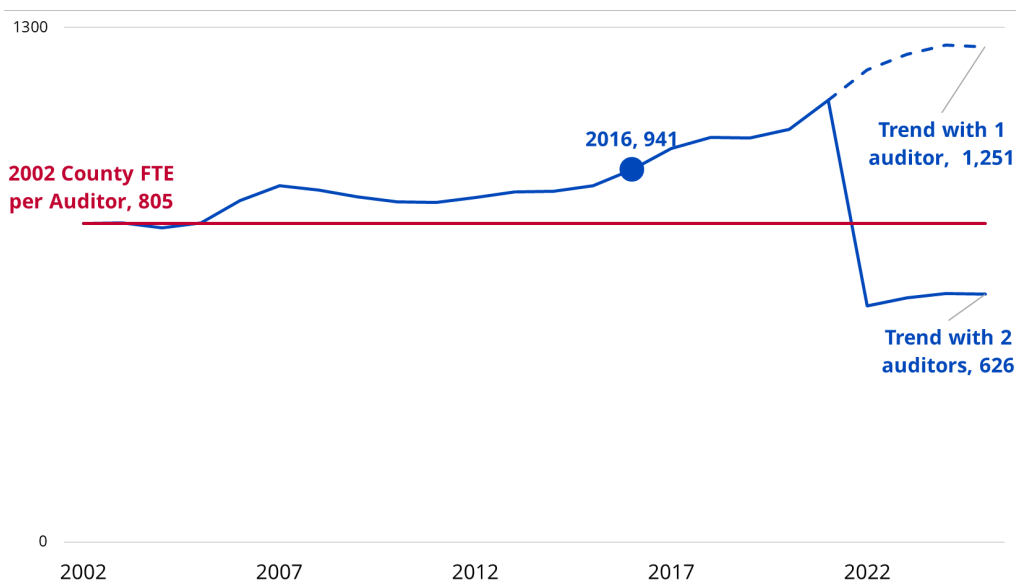
In Fiscal Year 2025 internal audit comprised 16 percent of Administrative Services' \$2.5 million budget. Reducing the Performance Auditor to part-time will save \$83,000; 64 percent of the \$130,000 savings Administrative Services was tasked with proposing.



Changing the Performance Auditor position to half of a full-time equivalent is really a full-time position cut. Historically, it has been difficult to recruit and impossible to get value from part-time performance auditors. Contract staff proved to be unreliable with frequent schedule conflicts. There are also significant continuing education requirements associated with government auditing which increases the cost for using staff who don't work full-time.

Given the difficulty internal audit experienced in the past with hiring part-time staff, this is really a cut of the entire Performance Auditor position.

Since 2016, the Audit Committee has identified a need for more resources and recognized that the demand for work outpaced staffing. The amount of work to be done has only grown since then. Eliminating the position will not only mean that the Office has lost the ground it gained with the addition of the Performance Auditor position, it leaves the Office in a worse position than 2016. In 2016 there was one auditor for every 941 County full-time equivalents. With this reduction there will be one auditor for every 1,251 full-time equivalents.



The proposed budget cut will mean the Auditor will not be able to complete the important work we tasked her with doing. This year, the Auditor reported on high-risk topics like custom developed software which exposed the County to cyber security risks and the health benefits program which was rapidly draining reserves. There are four audits remaining on the schedule to be completed including recruitment and retention, election controls, the houselessness response, and Sheriff's Office body cameras. With the loss of a position, we will have to choose which of these important topics to remove from the plan. In future years, we will not be able to review critical County risks.

One-person shops are not common because quality auditing requires collaboration and review. The proposed cut will make this the only one-person shop among Oregon peers. Having a second person in Office exponentially expands the value of the function. It doesn't just allow for more work. The quality of the work is improved. Auditing standards require extensive review for quality control. Audits are better quality because of the second set of eyes. In a single person shop, there is no opportunity for collaboration. The audit function must remain independent and



so can't share ideas with other county employees. Without a second employee there is not an opportunity to bounce ideas around or brainstorm.

This cut not only means the audit function will not be able to complete the audit workplan. It also means fewer resources dedicated to oversight and discovering opportunities for improvement. The audit function might even compensate for its cost to the budget by uncovering government waste and potential cost savings.

On December 6, 2024, at an Audit Committee meeting, our committee passed a motion to "formally advise County Administration and the Board of Commissioners to prioritize the internal audit function and to look for other areas to cut or additional revenues to make in order to balance the budget." The motion passed with seven members voting yes, one member abstaining, and one member not attending.

We request that you identify other savings. The \$83,000 has a significant impact on the audit function but is small in the context of the County budget for the General Fund. The Office of Internal Audit should not be the first place to look for budget cuts. Given the value that the Office of Internal Audit brings to the county in identifying performance improvements, uncovering government waste, and increasing public trust in the community, we ask that you task the County Administrator with identifying other places to save the money associated with moving the Performance Auditor position to part-time.

Sincerely



Daryl Parrish

Chair of the Deschutes County Audit Committee



**BOARD OF  
COMMISSIONERS**

## **AGENDA REQUEST & STAFF REPORT**

**MEETING DATE:** December 18, 2024

**SUBJECT:** Fortify a portion of the Swalley canal located on County-owned property at Juniper Ridge

**RECOMMENDED MOTION:**

Move approval to proceed with utilizing funds to fortify a section of the main Swalley canal located on County-owned property at Juniper Ridge.

**BACKGROUND AND POLICY IMPLICATIONS:**

A portion of the main Swalley Irrigation District (district) canal spanning approximately 1,200 linear feet is situated on County-owned property at Juniper Ridge.

At the request of the district, staff met in October to discuss the district's concerns with vehicles crossing over the buried canal, which was not designed or engineered for vehicles. Continual vehicle traffic is deteriorating soil covering the buried canal pipe and creates a significant risk of damaging or breaching canal infrastructure.

With the recent Board decision to utilize a portion of the Juniper Ridge property for the Temporary Safe Stay Area, vehicle traffic will continue to pose a threat to the canal. To help mitigate risk, staff has drafted a plan to fortify or create a barrier around the canal and its easement area by installing concrete barriers or "eco-blocks."

It is estimated the project will require +/- 340 eco-blocks to secure the canal and easement area, which will include placing the blocks to the east and south of the canal, and along a portion of Hwy 97. Additionally, 1-2 gates will be required to provide access to first responders, and Swalley for ongoing infrastructure inspection and maintenance.

Further, due to continual unauthorized vehicle traffic utilizing a privately owned drive known as Beech Craft Lane to access Juniper Ridge, staff recommends also fortifying the south property line adjacent to the private drive.



Option 1

**Canal**

340 eco-blocks at \$55/each: \$18,700  
Delivery at \$180 for every 15 blocks: \$4,080  
2 gates at \$5,000/each: \$10,000  
Subtotal: \$32,780

**Beech Craft Lane**

210 eco-blocks at \$55/each: \$11,550  
Delivery at \$180 for every 15 blocks: \$2,520  
Subtotal: \$14,070

**20% contingency: \$9,370**

**Total: \$57,000 (rounded up)**

Option 2

**Canal**

340 eco-blocks at \$55/each: \$18,700  
Delivery at \$180 for every 15 blocks: \$4,080  
2 gates at \$5,000/each: \$10,000  
Subtotal: \$32,780

**Beech Craft Lane**

Utilize boulders as made available by Solid Waste  
Delivery and placement to be determined; \$5,000 placeholder  
Subtotal: \$5,000

**20% contingency: \$7,556**

**Total: \$46,000 (rounded up)**

Though there are several logistics to work through, Swalley has agreed to place the eco-blocks, which creates a substantial savings to this project.

**BUDGET IMPACTS:**

Fiscal impacts shown on previous page.

Funding options include:

1. Utilize reallocated ARPA funds reserved for homelessness
2. Utilize funds from Fund 090 Project Development & Debt Service
3. Other?

**ATTENDANCE:**

Erik Kropp, Deputy County Administrator

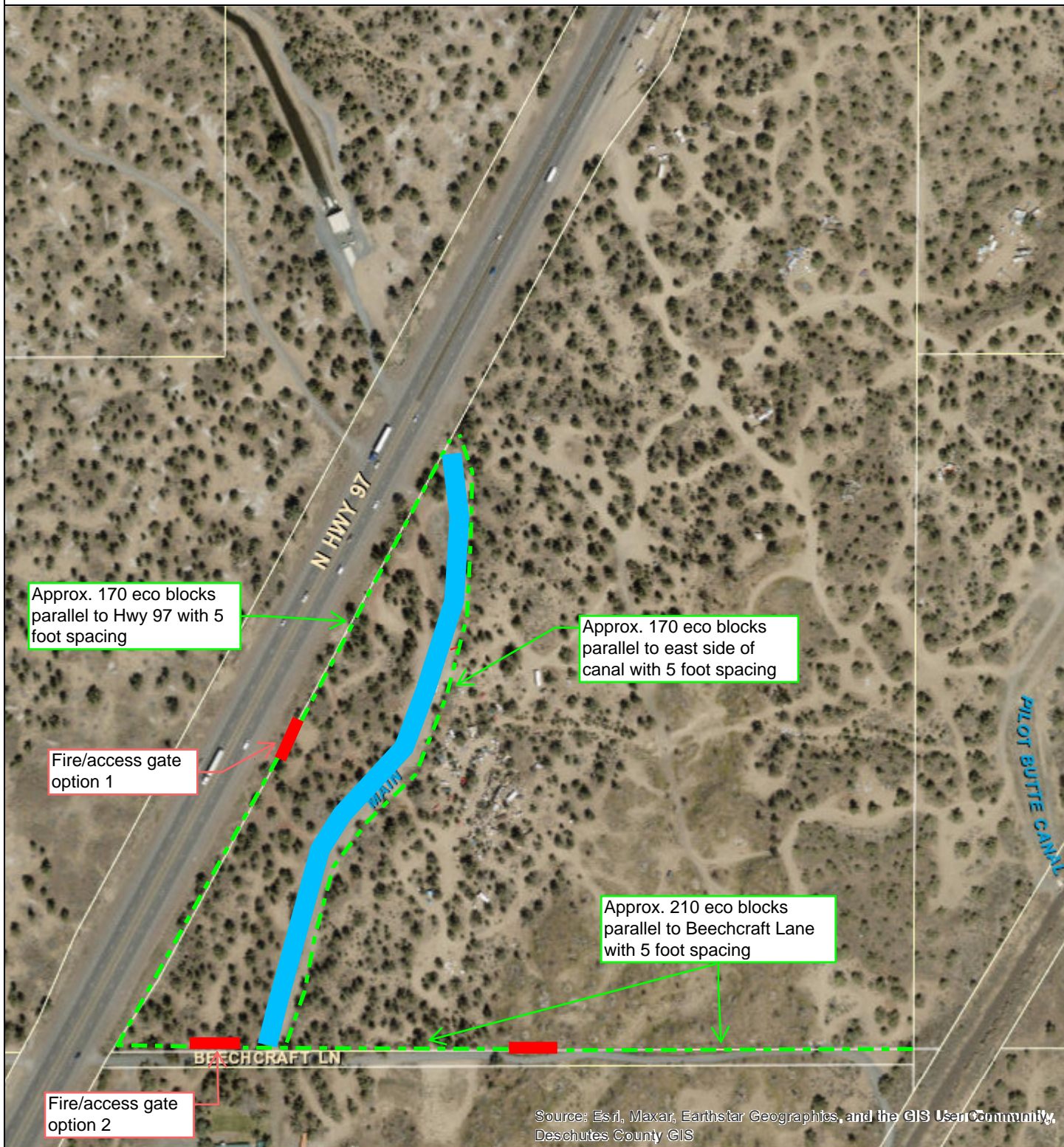
Kristie Bollinger, Property Manager

**DRAFT**

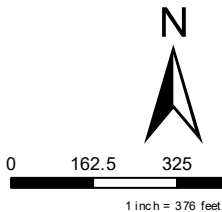
# County-owned Property

**DRAFT**

## 1712030000800 -SW Area Adjacent to Swalley's Canal



Date: 11/1/2024



Red lines= potential fire access gates  
 Green dashed line=potential eco-blocks  
 Blue line=Swalley Canal





**BOARD OF  
COMMISSIONERS**

**AGENDA REQUEST & STAFF REPORT**

**MEETING DATE:** December 18, 2024

**SUBJECT:** Discussion on Format for Weekly Legislative Updates Meeting – 2025 Legislative Session

**RECOMMENDED MOTION:** None

**BACKGROUND AND POLICY IMPLICATIONS:**

Beginning in January 2025, the County will commence weekly legislative updates meetings with the Board, department heads, and County lobbyist Doug Riggs. Staff is checking in with the Board to determine the preferred day and time for these weekly check-ins. Additionally, Riggs will recommend ways to engage with the County’s legislative delegation throughout the session.

**BUDGET IMPACTS:** None

**ATTENDANCE:**

Jen Patterson, Strategic Initiatives Manager  
Doug Riggs, County Lobbyist



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** December 18, 2024

**SUBJECT:** Continued Deliberations – RVs as Rental Dwellings Text Amendments

**RECOMMENDED MOTION:**

If the Board determines that additional deliberations are necessary, staff will work with the Board to schedule a future meeting for continued deliberations. If the Board concludes their deliberations during this meeting, the Board may then vote on whether to approve the proposal. If the Board votes to approve the proposed amendments, staff will coordinate with the Board to return at a future meeting during which an ordinance and exhibits will be presented and a first reading of the ordinance initiated.

**BACKGROUND AND POLICY IMPLICATIONS:**

On December 11, 2024, staff will continue deliberations with the Deschutes County Board of Commissioners (Board) concerning a legislative text amendment to consider allowing recreational vehicles (RVs) as rental dwellings (File No. 247-23-000700-TA) under Senate Bill 1013.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Tanya Saltzman, Senior Planner  
Will Groves, Planning Manager





## COMMUNITY DEVELOPMENT

### MEMORANDUM

**TO:** Deschutes County Board of Commissioners

**FROM:** Tanya Saltzman, AICP, Senior Planner  
Will Groves, Planning Manager

**DATE:** December 4, 2024

**SUBJECT:** Continued Deliberations – RVs as Rental Dwellings

On December 18, 2024, staff will continue deliberations with the Deschutes County Board of Commissioners (Board) concerning a legislative text amendment to consider allowing recreational vehicles (RV) as rental dwellings (File No. 247-23-000700-TA) under Senate Bill 1013. The entirety of the record can be found at [www.deschutes.org/rvamendments](http://www.deschutes.org/rvamendments).

#### I. PROCEDURAL BACKGROUND

Staff submitted a Post-Acknowledgement Plan Amendment notice to the Department of Land Conservation and Development on October 4, 2023. Staff presented information on the proposed amendments at a Planning Commission work session on October 12, 2023.<sup>1</sup> The Planning Commission held an initial public hearing on November 9, 2023,<sup>2</sup> which was continued to December 14, 2023.<sup>3</sup> At that time, the hearing was closed, and the written record was held open until December 28 at 4:00 p.m. The Planning Commission began deliberating on January 11, 2024<sup>4</sup> and elected to continue the discussion to January 23 to form a complete recommendation to forward to the Board. After deliberating, the Planning Commission voted 4-3 to **not** recommend adoption by the Board. In addition, the Planning Commission chose to provide recommendations concerning the draft amendments if the Board chooses to move forward with adoption.

Staff provided a summary of the amendments and the process thus far at a February 28 work session<sup>5</sup> to the Board and followed up with additional information on several topics on March 27,<sup>6</sup> at which time the Board directed staff to proceed with a public hearing. A public hearing was held before the Board on

<sup>1</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-41>

<sup>2</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-40>

<sup>3</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-43>

<sup>4</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-44>

<sup>5</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-157>

<sup>6</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-161>

May 8, 2024. At that time, the public hearing was closed, and the written record was held open until 4 p.m. on May 29.<sup>7</sup>

Staff met with the Board on June 10<sup>8</sup> to begin the deliberative process, orient the Board to issues raised in the record, and receive feedback on areas of Board interest or concern. During that meeting, the Board directed staff to further research issues relating to fire protection and associated resources, and to gather information about the status of other counties regarding SB 1013 before proceeding with further deliberations.

On August 14, staff returned to the Board to request that the record be reopened in order to receive additional information, most notably from the fire districts, which were occupied at the time during the height of fire season. The Board signed Order No. 2024-029, directing staff to reopen the record until November 1, 2024. Staff returned to the Board on November 13<sup>9</sup> to summarize the additional testimony received and request Board direction concerning matters raised in the record, including concerns from the Building Safety Official and testimony from the fire districts. The Board directed staff to return for continued deliberations.

## II. ISSUES FOR DELIBERATION

Issues for deliberation are provided below. In each case, options are presented to the Board with additional context as necessary. Attachment 3 provides the draft code that was presented to the public for the Board public hearing. For specific code language relating to the options provided in this section, please refer to Attachment 1.

### 1. Minimum lot size

While SB 1013 provides no required minimum lot size, the initial draft code in this proposal utilizes a 1-acre minimum. Lot size can serve as a regulating factor for many of the issues brought up in testimony, by effectively controlling the total number of and density of properties eligible for RV rental dwellings. The Planning Commission, for instance, did not recommend approval of this proposal in part due to the large number of eligible properties. Increasing the minimum lot size would reduce the number of eligible properties and therefore the potential impact on neighbors, traffic, wildlife, and rural character. On the other hand, reducing the number of eligible properties reduces opportunities for this housing type. Attachment 2 provides maps to illustrate eligible parcels with the acreage options below.

#### A. 1-acre minimum lot size (original draft)

Approximately 13,000 properties in Deschutes County would be eligible using the baseline criteria of zone, lot size, and presence of a single-family dwelling.

#### B. 2-acre minimum lot size except for areas of South County, which would have a minimum of 5 acres

<sup>7</sup> The record, which contains all memoranda, notices, and written testimony received, is available at the following website: [www.deschutes.org/rvamendments](http://www.deschutes.org/rvamendments)

<sup>8</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-175>

<sup>9</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-203>

This would follow the same criteria utilized for accessory dwelling units, which aims to protect areas of South County with groundwater issues by requiring larger lots. Approximately 7,590 properties would be eligible.

**C. 5-acre minimum lot size**

This option would create the smallest number of eligible properties (approximately 3,450), which would minimize the impacts but also present fewer opportunities for this type of housing. This standard could also be used to create a “pilot program” with fewer eligible properties, with the possibility of revisiting this requirement in the future when implementation data is available.

**2. Placement/setbacks**

The location of an RV on a property can affect the potential impact on neighboring properties in terms of noise, light, and other compatibility issues. The ten-foot requirement is only designed to address issues relating to structural fires.

**A. RV must be 10 feet from any structure; setbacks for dwellings in the underlying zone are applied to RVs (original draft)**

**B. All of Option A and RV must be located within 100 feet of the primary dwelling**

The 100-foot siting envelope is the same as the criteria utilized for ADUs; Clackamas County also has this siting requirement. Keeping the RV close to the primary dwelling aims to cluster the potential impacts together rather than spreading them out across the property. This can also provide efficiencies for septic and driveways.

**C. All of Option B and RV must be set back 100 feet from any adjacent land zoned for farm or forest use**

The 100-foot setback from resource lands is the same as the criteria utilized for ADUs. It helps minimize residential conflicts with adjacent farm and forestry practices.

**D. Other combination from above options**

**3. Defensible space**

There are currently no standards in the original draft for defensible space, nor are there requirements in SB 1013. These options aim to provide clear requirements that require a minimum of discretion. Staff recommends incorporating Option A at minimum, with consideration of additional options of B or C.

**A. The property owner must maintain 20-foot radius around the RV of non-combustible ground cover of gravel, concrete, asphalt, grass mowed to 4 inches, or some combination of these.**

Testimony from some fire districts supported a non-combustible ground cover radius as easy to enforce and implement.

**B. Require the firebreak standards utilized for ADUs: 10-foot primary firebreak, 20-foot secondary firebreak, fuel break 100 feet from secondary firebreak**

Testimony from some fire districts requested the wildfire-related criteria from the ADU code. As staff noted, this is not entirely possible as many of the requirements are only applicable to areas surrounding structures and not RVs. However, the language offered for this option (see Attachment 1) utilizes similar language to the ADU code option without having to refer to the statewide defensible space requirements.

As previously noted, structural defensible space standards under Senate Bill 762 (2021), updated by Senate Bill 80 (2023) would not apply to RVs. County staff site visits for inspection and enforcement of these fire/fuel breaks would likely need to be included in permitting costs.

**C. The property owner must consult with the applicable fire district to develop appropriate firebreaks and defensible space.**

Like Option B, this option is in response to the request from the fire districts to apply the requirements of ADUs to RVs. The ADU code language requires either the fuel break standards listed in Option B above or this consultation option.<sup>10</sup> It is unclear if the resources are available from the fire districts to perform these consultations in the absence of additional funding.

**D. No defensible space requirements**

**4. Emergency access**

The fire districts and Deschutes County 9-1-1 have expressed concerns in their testimony about the ability of emergency services to be able to identify and reach RV rental dwellings. Part of this is addressed in an amendment to DCC 16.12, Address Numbering, specifically identifying RV rental dwellings as subject to the same address numbering standards as other single-family dwellings. The options below relate to physical access to the RV. If the Board chooses to regulate emergency access, staff recommends requiring compliance with either Option A or B, similar to the ADU requirements.

**A. Driveway standards: 12 feet wide, horizontal clearance of 20 feet, vertical clearance of 13.5 feet, all-weather surface (full standards in Attachment 1)**

These standards are the same criteria utilized for ADUs.

**B. Driveway standards: receive written confirmation from a fire protection service provider**

This standard is the second option in the criteria utilized for ADUs.

**C. No emergency access requirements**

**III. OTHER ISSUES**

As discussed at the November 13 Board meeting, developing a mechanism to generate additional funding to support the resources that provide inspection or enforcement of this new type of housing is largely out of the purview of the Community Development Department. To reiterate the issues discussed:

1. CDD can be prepared to work with fire districts in the event that they develop a fee/SDC system amongst themselves via a singular governing body, but CDD cannot initiate such a fee.

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<sup>10</sup> These options are required for ADUs if the Statewide Wildfire Hazard Map has not been approved. DCC 18.116.355(B)(13)(b).



- 2. Business license: A funding mechanism could theoretically be developed that is tied to a business license. This program currently does not exist in the County, but was discussed previously during consideration of regulating short-term rentals. The idea of regulating both uses with a business license program was suggested in the November 13 meeting in order to provide efficiencies associated with starting a brand new business license program. Such an effort would require Board direction and would likely entail revisiting the short-term rental dwelling approach as a whole.
  
- 3. Lack of capacity in Code Enforcement was noted by the department itself as well as public testimony. If the proposed amendments are adopted, permit fees would likely initially be captured in an existing category until such time as the fee schedule is modified annually, at which time a specific RV Rental Dwelling Fee(s) could be established. The Board may want to consider if fees should be developed for RV rental dwellings that could help address capacity issues in the future.

**IV. NEXT STEPS**

If the Board determines that additional deliberations are necessary, staff will work with the Board to schedule a future meeting for continued deliberations. If the Board concludes their deliberations during this meeting, the Board may then vote on whether to approve the proposal. If the Board votes to approve the proposed amendments, staff will coordinate with the Board to return at a future meeting during which an ordinance and exhibits will be presented and a first reading of the ordinance initiated.

Attachments

- 1. Deliberation Options Code Language
- 2. Eligibility Maps for Proposed Acreage Options
- 3. Draft Amendments – Hearing Version
- 4. Draft Findings

## RV Deliberation Options Code Language

### 1. Minimum lot size

- a. 1 acre (current draft):

*DCC 18.116.095(D)(1)(c): The lot area is at least one acre in size;*

- b. 2 acres, with 5 acres in South County:

*DCC 18.116.095(D)(1)(c): The lot area is at least two acres in size, with the exception of those unsewered areas between Sunriver and the Klamath County border, defined as those unincorporated portions of Deschutes County contained in Townships 19S, 20S, 21S, and 22S and Ranges 9E, 10E and 11E. Within these exception areas, the lot area is at least five acres in size.*

- c. 5 acres:

*DCC 18.116.095(D)(1)(c): The lot area is at least five acres in size;*

### 2. Placement/setbacks

- a. 10 feet from any structure; setbacks from underlying zone (current draft):

*DCC 18.116.095(D)(1)(e): The recreational vehicle shall maintain a setback of at least 10 feet from other structures;*

- b. Option A plus RV must be located within 100 feet of primary dwelling:

*DCC 18.116.095(D)(1)(e): The recreational vehicle shall maintain a setback of at least 10 feet from other structures and must be located no farther than 100 feet from the primary dwelling to the RV. This distance shall be from the closest portion of each.*

- c. Option B plus minimum setback of 100 feet from adjacent farm or forest-zoned properties:

*DCC 18.116.095(D)(1)(e): The recreational vehicle shall maintain a setback of at least 10 feet from other structures and must be located no farther than 100 feet from the primary dwelling. This distance shall be from the closest portion of each. The recreational vehicle must have a minimum setback of 100 feet from adjacent properties zoned F-1, F-2, or EFU.*

### 3. Defensible space:

- a. 20-foot non-combustible ground cover surrounding RV:

*DCC 18.116.095(D)(1)(h): The property owner shall maintain a 20-foot radius of non-combustible ground cover consisting of gravel, concrete, asphalt, grass mowed to less than four inches, or a combination of these.*

b. Firebreak standards per ADU code:

*DCC 18.116.095(D)(1)(h): Prior to the siting of an RV on the property, the property owner(s) shall construct and maintain the following firebreaks on land surrounding the recreational vehicle that is owned or controlled by the owner:*

- i. Primary Firebreak. 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; and*
- ii. Secondary Firebreak. A secondary firebreak of not less than 20 feet wide 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; and*
- iii. 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; and*
- iv. No portion of a tree or any other vegetation shall extend to within 15 feet of the outlet of a stovepipe or chimney.*

c. Consultation with fire district:

*DCC 18.116.095(D)(1)(h): Prior to the siting of an RV on the property, the property owner(s) shall construct and maintain defensible space and fuel breaks as developed in consultation with local fire protection service providers who have received training or certification described in ORS 181A.410. Applicable defensible space and fuel breaks shall be on land surrounding the recreational vehicle on land that is owned or controlled by the owner.*

#### **4. Emergency access**

a. Driveway/access standards from ADU code:

*DCC 18.116.095(D)(1)(i): Access to the recreational vehicle must be provided by a continuous, minimum 12-foot width onsite driveway with an unobstructed horizontal clearance of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet, designed and maintained as follows:*

- a. Composed of an all-weather surface including asphalt or concrete; or*
  - b. Designed and maintained to support a minimum gross vehicle weight (GVW) of 75,000 lbs as certified by a Professional Engineer, registered in Oregon;*
- b. Written confirmation from fire districts:

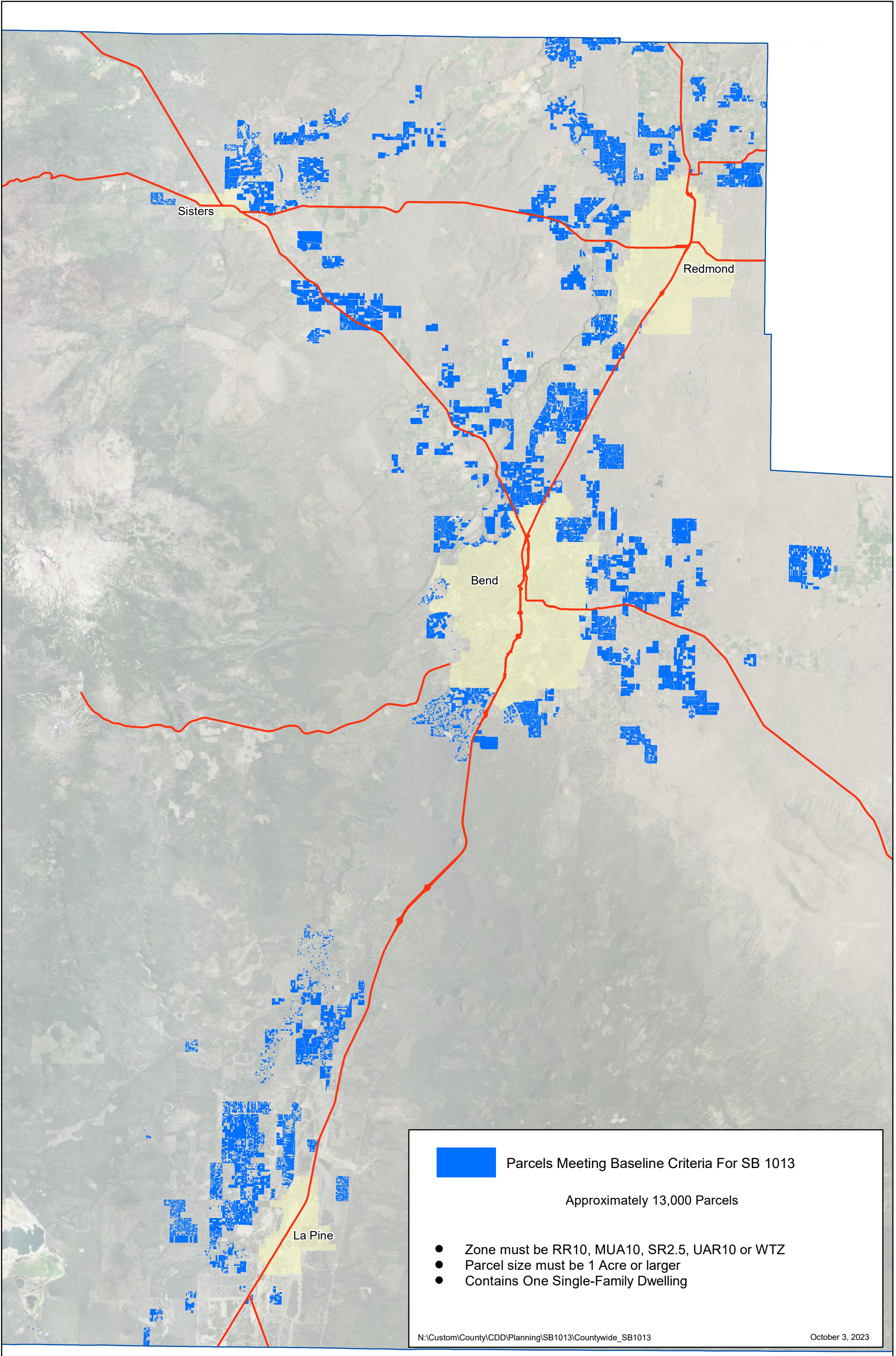
*DCC 18.116.095(D)(1)(i): The property owner shall provide written confirmation from a fire protection service provider with professionals who have received training or certification described in ORS 181A.410, on a form prepared by Deschutes County, that access to the RV meets minimum fire district requirements to provide emergency services to the property.*





1" = 3.5 Miles

# Parcels Meeting Baseline Criteria for RVs as Residential Tenancies per SB 1013



Parcels Meeting Baseline Criteria For SB 1013

Approximately 13,000 Parcels

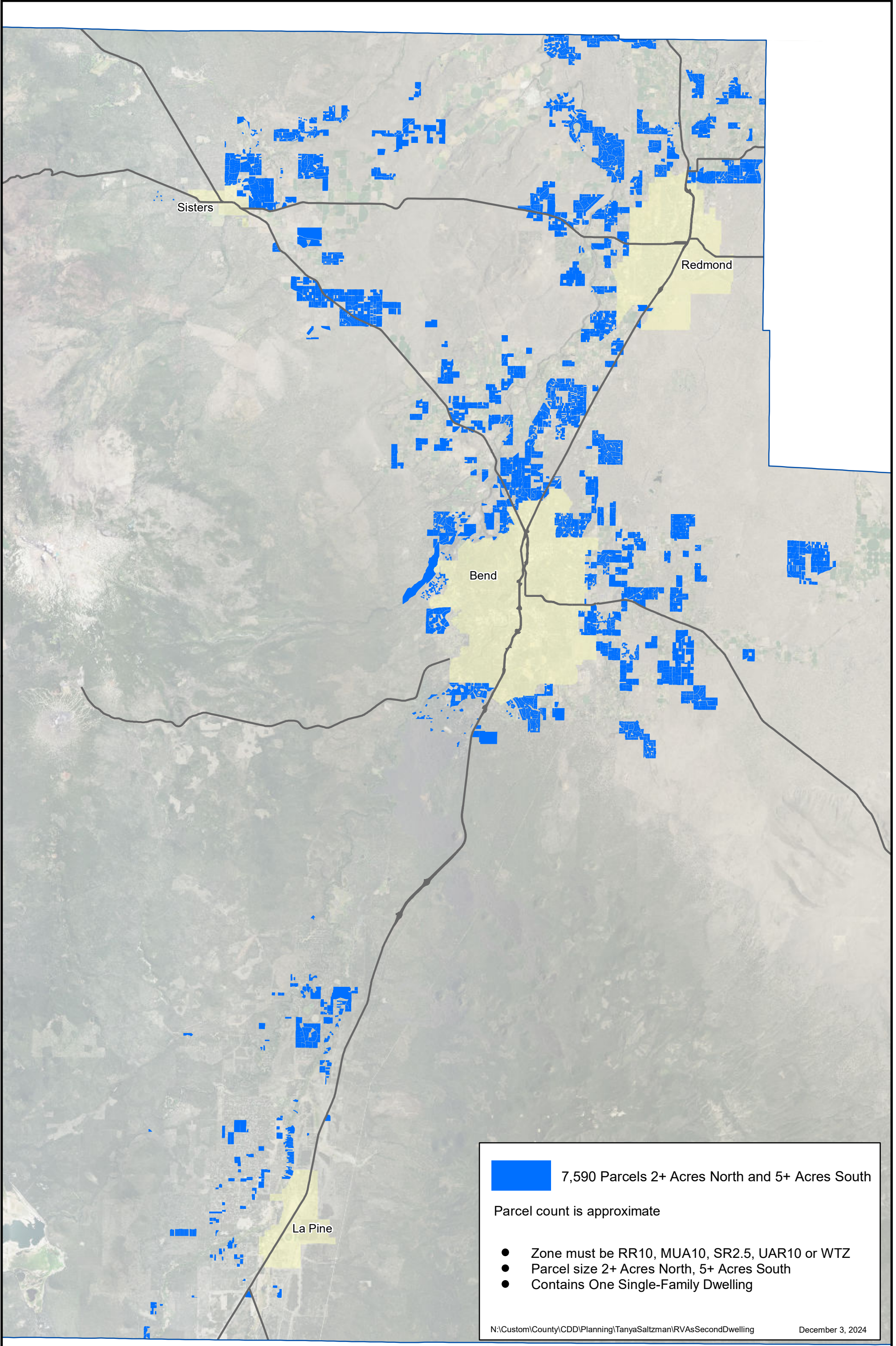
- Zone must be RR10, MUA10, SR2.5, UAR10 or WTZ
- Parcel size must be 1 Acre or larger
- Contains One Single-Family Dwelling





1" = 3.5 Miles

# Parcels Meeting Baseline Criteria for RVs as Rental Dwellings 2 Acre Minimum North 5 Acre Minimum South

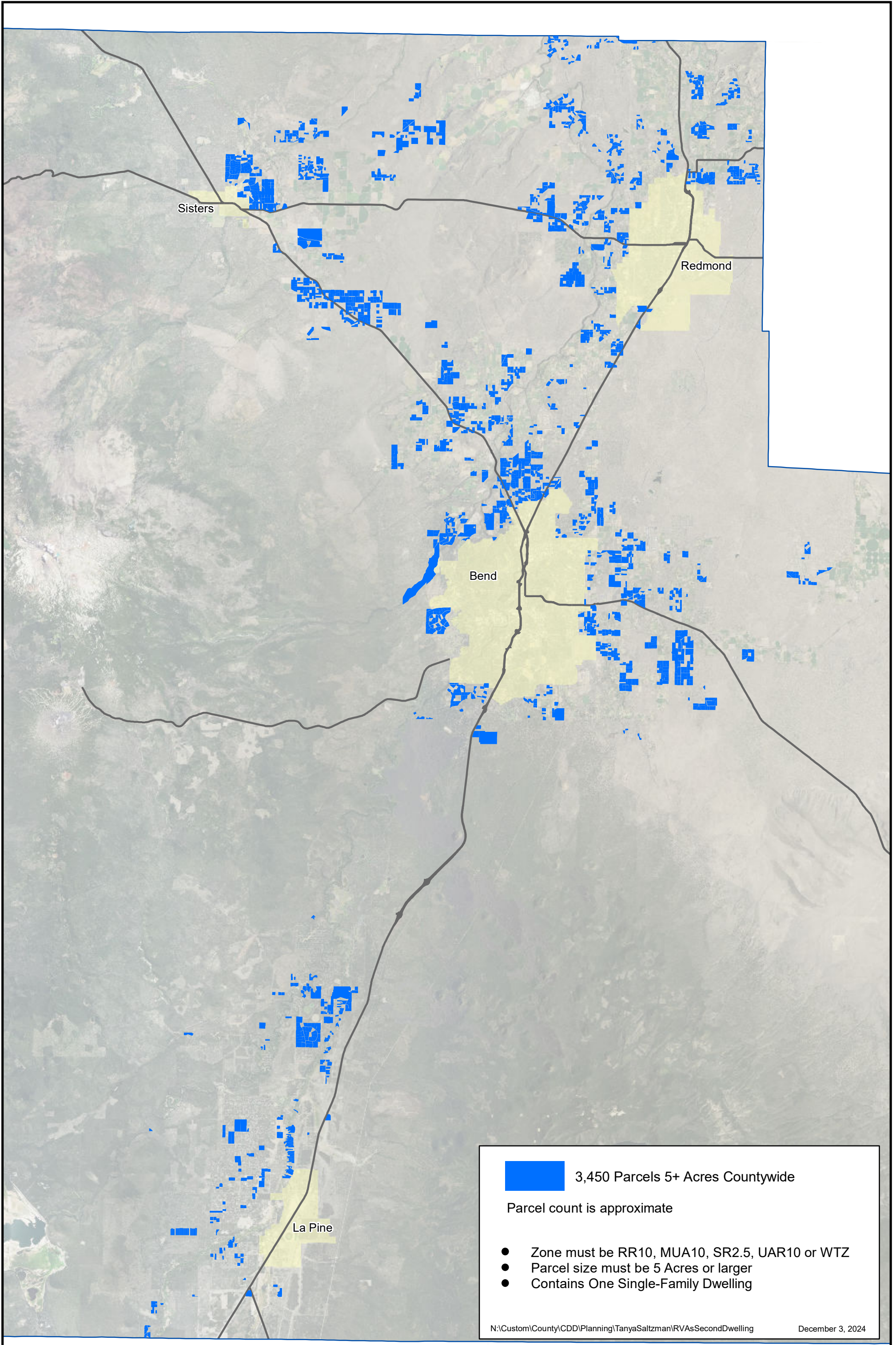







1" = 3.5 Miles

# Parcels Meeting Baseline Criteria for RVs as Rental Dwellings 5 Acres or More Countywide



 3,450 Parcels 5+ Acres Countywide

Parcel count is approximate

- Zone must be RR10, MUA10, SR2.5, UAR10 or WTZ
- Parcel size must be 5 Acres or larger
- Contains One Single-Family Dwelling

N:\Custom\County\CDD\Planning\TanyaSaltzman\RVAsSecondDwelling December 3, 2024

**CHAPTER 16.12 ADDRESS NUMBERING**

[16.12.020 Procedures And Standards For Assigning New Address Numbers](#)

[16.12.030 Procedures And Standards For Changing Existing Address Numbers](#)

[16.12.040 Posting Of Address Numbers](#)

\* \* \*

**16.12.020 Procedures And Standards For Assigning New Address Numbers**

The procedures for assigning new address numbers are as follows:

- A. When a building permit is issued for a new dwelling or other structure on a lot or parcel that does not have an address, the Community Development Department shall assign an address number based on the street location of the structure's access and its location in the Deschutes County Grid System.
- B. A new dwelling or structure with its access point on a North/South road will be assigned an address number based on its relationship to the grid system and where the access meets the road.
- C. A new dwelling or structure with its access point on an East/West road will be assigned an address number based on its relationship to the grid system and where the access meets the road.
- D. A new dwelling or structure with access on a North/South road will have an even address number assigned to it if it is on the East side of the road, and an odd address number assigned to it if it is on the West side of the road.
- E. A new dwelling or structure with access on an East/West road will have an even address number assigned to it if it is on the North side of the road, and an odd address number assigned to it if it is on the South side of the road.
- F. The numbers assigned to new dwellings or structures shall increase sequentially going North on a North/South road, and shall increase sequentially going East on an East/West road.
- G. New dwellings or structures on cul-de-sacs shall be numbered in a consecutive alternating sequence with even and odd numbers, as illustrated in [Appendix "B,"](#) attached hereto.
- H. New dwellings or structures on circles or loops shall be numbered as illustrated in [Appendix "C,"](#) attached hereto.
- I. Each new single-family dwelling or recreational vehicle as rental dwelling shall have one address number.
- J. New duplexes, triplexes and four-plexes shall be given an address number for each living unit.



- K. New apartment complexes, mobile home parks and other multi-unit complexes shall be given an address number as one dwelling. The owner of each such multi-unit establishment shall assign unit address numbers in a manner that is acceptable to the Community Development Department.
- L. After the effective date of Ordinance 2011-009, for the areas served by Redmond Fire and Rescue:
  - 1. A new dwelling or structure with access on an East/West road will have an odd number assigned to it on the North side of the road, and an even number assigned to it on the South side of the road, to the extent possible, consistent with existing addresses in the immediate area; and
  - 2. The addresses shall increase going north of Antler Avenue and shall increase going south of Antler Avenue.
  - 3. Numbers shall increase going east of 1st Street, and shall increase going west of 1st Street.

HISTORY

*Adopted by Ord. [89-010](#) §1 on 12/20/1989*  
*Amended by Ord. [2012-009](#) §2 on 5/2/2012*  
*[Amended by Ord. 2024-xxx §x on x/x/2024](#)*

**16.12.030 Procedures And Standards For Changing Existing Address Numbers**

The provisions of DCC 16.12.020 shall apply. In addition, the following procedures and standards shall apply to the changing of existing address numbers.

- A. The changing of an existing address number may be initiated by the Community Development Department, or by application by the property owner or any public agency that may be affected by the address number.
- B. All changes in address numbers shall conform to the County Grid System and the standards for address numbers set forth in DCC 16.12.020. Any application or proposed change not in conformance with these standards shall be denied.
- C. An existing address number may be changed by the Community Development Department if it is not in conformance with the County Grid System and the standards for address numbers set forth in DCC 16.12.020. Proposed address number changes shall be carried out pursuant to the procedures set forth in DCC 16.12.030(F) through (I).
- D. An application to change an address number shall be made to the Community Development Department and shall include, at a minimum, the following:
  - 1. Name of applicant;
  - 2. Location of dwelling or structure;

3. Existing address number;
  4. Reason for address number change; and
  5. Fee, if any, as established by the Board.
- E. The Community Development Department shall evaluate any proposed change to determine whether it conforms to the standards set forth in DCC 16.12.020. If it does not, the application shall be denied. If the Community Development Department determines that the application is consistent with the standards set forth in DCC 16.12.020, it shall proceed consistent with the procedures set out in DCC 16.12.030(F) through (I).
- F. Notice of a proposed address number change shall be provided to the property owner and occupant. The notice shall inform the property owner and occupant of the County's intent to change the subject address 30 days from the date of the notice and the reason for the change. The property owner and occupant shall be given 10 days from the date of the notice to comment in writing on the proposal.
- G. The proposed address change shall become effective 30 days from the date of the notice provided for in DCC 16.12.030(F), unless the County determines from the comments received in response to the notice provided under DCC 16.12.030(F) that the proposed change does not conform to the standards set forth herein.
- H. Within 10 days of receipt of timely comments, notice shall be sent to commenting owners or occupants informing them of whether the proposed address number change was corrected in response to their comments. In cases where proposed address number changes are corrected in response to comments, the corrected address number shall become effective as of the effective date proposed in the original notice of proposed address change, unless the corrected address is the address already in use by the owner or occupant.
- I. The Community Development Department shall notify the offices of the County Clerk, County Assessor, Road Department, Postmaster and any affected public safety departments of a changed address number within 30 days of the date the new number becomes effective. In addition, on a monthly basis, the Community Development Department shall publish a list of changed address numbers in a newspaper of general circulation designated for the purpose by the Board.

**HISTORY**

*Adopted by Ord. [89-010](#) §1 on 12/20/1989*

**[16.12.040 Posting Of Address Numbers](#)**

- A. General Requirements.
1. All property located outside the incorporated cities of Bend, Redmond and Sisters on which a structure is located shall display an address number.
  2. Such address numbers shall be permanently affixed in a location on 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 upon or affixed to the dwelling or

structure in a contrasting and visible color, and shall comply with zoning or other ordinance standards for signs.

- 3. In cases where the dwelling or structure is not visible from the access road and where the mailbox is not located at the end of the access driveway, the applicable fire district or emergency services agency, if any, shall be contacted to determine another location for address display so that emergency vehicles can quickly locate the house or building.
  - 4. All construction sites or structures under construction shall display a street address number. The numbers as displayed shall conform to the requirements in DCC 16.12.040(B) and (C), except that the numbers may be affixed to a sign visible from the road used as the basis for numbering.
  - 5. Every owner or commercial lessee of any structure shall be responsible for having the address number displayed thereon in conformance with the requirements of DCC 16.12.040(A).
- B. Assigned or Changed Address Numbers. Address numbers assigned or changed by the County under DCC 16.12 shall comply with the requirements of DCC 16.12.040 in addition to the requirements of DCC 16.12.040(B)(1).
- 1. Address numbers assigned or changed by the County must be displayed within 30 days from the date on which construction begins or on which the address becomes effective, as provided in DCC 16.12.030(G), except that address numbers assigned to sites with new construction shall be displayed from the start of construction on site.
  - 2. Address numbers assigned by the County to structures erected after the effective date of DCC Title 16 must be permanently displayed before occupancy or use. At the time of final inspection of a new structure, the building official or his designee shall verify that assigned address numbers have been affixed as required above.
  - 3. Every owner or commercial lessee shall be responsible for ensuring that the address number as assigned or changed by the County is displayed in accordance with the requirements of DCC 16.12.040(B).
- C. Failure to display an address number in conformance with the requirements set forth in DCC 16.12.040, or the display of an address number other than one assigned or changed in accordance with the provisions of DCC 16.12, shall be a violation.

HISTORY

Adopted by Ord. [89-010](#) §1 on 12/20/1989

**CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS**

**18.04.030 Definitions**

**18.04.030 Definitions**

\* \* \*

"Recreational vehicle" means a vehicle with or without motive power that is designed for human occupancy and as further defined, by rule, by the Director of Transportation, at OAR 735-022-0140.

~~mobile unit which is designed for temporary human occupancy and licensed as a motor home, recreational trailer or camper by the Oregon Motor Vehicles Division or similar units licensed by another state. This mobile unit is designed to be:~~

- ~~A. self propelled or permanently towable by a light duty truck;~~
- ~~B. built on a single chassis; and~~
- ~~C. 400 square feet or less when measured at the largest horizontal projection~~

**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. [88-030](#) §4 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. [2023-001](#) §2 on X/XX/2023  
Amended by Ord. 2024-xxx §x on X/XX/2024

**CHAPTER 18.116 SUPPLEMENTARY PROVISIONS**

18.116.095 Recreational Vehicle As A Residence On An Individual Lot

\* \* \*

**18.116.095 Recreational Vehicle As A Residence On An Individual Lot**

- A. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel in a manufactured dwelling park, mobile home park or recreational vehicle park, consistent with ORS 197.493(1), provided that:
  - 1. The recreational vehicle is occupied as a residential dwelling; and
  - 2. The recreational vehicle is lawfully connected to water and electrical supply systems and a sewage disposal system.
  
- B. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel not containing a dwelling unit and not within in a manufactured dwelling park, mobile home park or recreational vehicle park and used as a temporary dwelling unit:
  - 1. For a period totaling not more than 30 days in any consecutive 60-day period without obtaining a land use permit from the Deschutes County Planning Division; or
  - 2. For a total period not to exceed six months in a calendar year by obtaining a temporary use permit under the terms of DCC 18.116.095 from the Deschutes County Planning Division. A temporary use permit may be renewed annually for use of a recreational vehicle under the terms of DCC 18.116.095 on the same lot or parcel.
  
- C. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel containing a manufactured dwelling or single-family dwelling, where such dwelling is uninhabitable due to damages from natural disasters, including wildfires, earthquakes, flooding or storms, until no later than the date:
  - 1. The dwelling has been repaired or replaced and an occupancy permit has been issued;
  - 2. The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
  - 3. Twenty-four months after the date the dwelling first became uninhabitable.
  
- D. In the RR-10 and MUA-10 Zones, a single recreational vehicle, as defined in DCC Title 18, may be established as a rental dwelling provided the following requirements are met:
  - 1. Prior to locating any recreational vehicle as a rental dwelling on a lot or parcel, the property owner must obtain County siting approval for the area of the lot or parcel upon which the recreational vehicle will be located and demonstrate compliance with the following standards:
    - a. The subject lot or parcel contains a single-family dwelling or manufactured dwelling that is occupied as the primary residence of the property owner;

- i. As used in this section, “siting approval” includes County approval and/or property owner application for review of the proposed area for a recreational vehicle as a rental dwelling;
  - ii. As used in this section, “primary residence” means a dwelling occupied by the property owner on a long-term or permanent basis.
- b. The property is not within an area designated as an urban reserve in the Deschutes County Comprehensive Plan;
- c. The lot area is at least one acre in size;
- d. There are no other dwelling units, guest houses, or occupied recreational vehicles on the property and no portion of the manufactured dwelling or single-family dwelling is rented for residential tenancy. This prohibition does not apply to RVs under 18.116.095(C).
- e. The recreational vehicle shall maintain a setback of at least 10 feet from other structures;
- f. The property owner will provide essential services to the recreational vehicle space including:
  - i. Sewage disposal, frost protected water supply, electrical supply and, if required by applicable law, any drainage system, all installed with permits and to applicable codes;
  - ii. Any other service or habitability obligation imposed by the rental agreement or ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition), the lack or violation of which creates a serious threat to the tenant’s health, safety or property or makes the rented space unfit for occupancy; and
  - iii. A letter confirming that the supplier of water is “Willing and Able to Serve” the recreational vehicle shall be provided if the recreational vehicle is to be served by any water source other than an onsite domestic well.
- g. The property owner shall provide a parking pad for the recreational vehicle with a surface material of compacted gravel with a minimum thickness of 4”, concrete with a minimum thickness of 3.5”, or asphalt with a minimum thickness of 3”;
- h. If the recreational vehicle will be located within a structure, the structure shall be entirely open on two or more sides;
- i. For properties located in the Wildlife Area Combining Zone, a recreational vehicle approved under this section is subject to DCC 18.88.060(B); and



j. For properties located in the Surface Mining Impact Area Combining Zone, a recreational vehicle approved under this section is subject to DCC 18.56.

2. Prior to siting any recreational vehicle as a rental dwelling, the property owner must obtain County approval for each recreational vehicle used as a rental dwelling and demonstrate compliance with the following standards:

- a. The recreational vehicle rental dwelling is subject to a written residential rental agreement as defined in ORS 90.100(39);
- b. The recreational vehicle shall be owned or leased by the tenant;
- c. The recreational vehicle shall include an operable toilet and sink;
- d. The recreational vehicle has not been rendered structurally immobile; and
- e. The recreational vehicle shall be titled with a Department of Transportation.

E. Prior to issuance of a Building Division permit, the property owner shall sign and record with the County Clerk a restrictive covenant stating a recreational vehicle unit allowed under this section cannot be used for vacation occupancy, as defined in DCC 18.116.095(E)(1) and consistent with ORS 90.100, or other short-term uses.

1. "Vacation occupancy" means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

- a. The occupant rents the unit for vacation purposes only, not as a principal residence; and
- b. The occupant has a principal residence other than at the unit; and
- c. The period of authorized occupancy does not exceed 45 days.

~~D.F.~~ All necessary permits shall be obtained from the Deschutes County Building Safety Division before connecting a recreational vehicle to sewer, water and/or electric utility services.

~~E.G.~~ A permit shall be obtained from the Deschutes County Onsite Wastewater Environmental Health Division before disposing any wastewater or sewage on-site.

~~F.H.~~ A recreational vehicle ~~used as a residential dwelling unit or temporary dwelling unit~~ shall meet the same setbacks required of a manufactured dwelling or single-family dwelling on the subject lot.

~~G.I.~~ A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions.

~~H.J.~~ As identified in this section, a single-recreational vehicle located within a special flood hazard area is subject to the standards and criteria established by DCC 18.96.

HISTORY

Amended by Ord. 91-038 §3 on 9/30/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [98-062](#) §1 on 12/9/1998

Amended by Ord. [2007-019](#) §4 on 9/28/2007

Amended by Ord. [2023-001](#) §16 on 5/30/2023

Amended by Ord. 2024-0XX §XX on X/XX/2024

DRAFT

**CHAPTER 18.120 EXCEPTIONS**

**18.120.020 Nonconforming Lot Sizes**

\* \* \*

**18.120.020 Nonconforming Lot Sizes**

- A. Any parcel of land or portion thereof which is to be dedicated to a public or other entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by DCC Title 18.
- B. Whereas land sections in the County are affected by survey adjustments, minimum requirements relative to lot sizes, where applicable, shall be considered as standard metes and bounds land section division, (i.e., 160 acres, 80 acres, 40 acres, 20 acres, etc.); lot sizes, therefore, may be reasonably smaller than set forth by DCC Title 18 if a total section acreage reduction is due to a survey adjustment or other man made barriers over which the applicant has had no control.
- C. Any lot or parcel that is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone provided that:
  - 1. The lot or parcel is a lot of record, as defined in DCC 18.04.030, Lot of record.
  - 2. The use conforms to all other requirements of that zone.
  - 3. If there is an area deficiency, residential use shall be limited to a single dwelling unit.
    - a. For residential uses with minimum acreage standards specified elsewhere in Title 18, those standards shall prevail.
  - 4. All necessary permits are obtained.
- D. Lots or parcels within the Rural Residential Zone (RR-10) that are separated by an arterial right of way created after June 30, 1993, shall be exempt from the minimum lot dimension of 10 acres in size. Such parcels may be partitioned only as separated by the right of way and shall not be smaller than one acre.

**HISTORY**

*Adopted by Ord. [PL-15](#) §6.020 on 11/1/1979*  
*Amended by Ord. [87-015](#) §§1 and 2 on 6/10/1987*  
*Amended by Ord. [93-034](#) §2 on 6/30/1993*  
*Amended by Ord. [2017-015](#) §2 on 11/1/2017*  
*[Amended by Ord. 2024-xxx §x on x/x/2024](#)*

**CHAPTER 19.04 TITLE, COMPLIANCE, APPLICABILITY AND DEFINITIONS**

**19.04.040 Definitions**

**19.04.040 Definitions**

\* \* \*

“Recreational vehicle” means a vehicle with or without motive power that is designed for human occupancy and as further defined, by rule, by the Director of Transportation, at OAR 735-022-0140.

**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. [2013-013](#) §1 on 7/25/2013*  
*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-xxx](#) §x on x/x/2024*

**CHAPTER 19.76 SITE PLAN REVIEW**

**19.76.020 Site Plan Requirements**

\* \* \*

**19.76.020 Site Plan Requirements**

In all zones, except for a single-family dwelling, accessory dwelling unit, duplex or triplex unit on one lot, all new uses, buildings, recreational vehicles as rental dwellings, outdoor storage or sales areas and parking lots or alterations thereof shall be subject to the provisions of DCC 19.76.020. Site plan approval shall not be required where a proposed alteration of an existing building does not exceed 25 percent of the size of the original structure unless the Planning Director finds the original structure or proposed alteration does not meet the requirements of DCC Title 19 or other ordinances of the County.

**HISTORY**

*Adopted by Ord. PL-11 on 7/11/1979*  
*Repealed & Reenacted by Ord. 90-038 §1 on 10/3/1990*  
*Amended by Ord. 2024-0XX §XX on X/XX/2024*

**CHAPTER 19.92 INTERPRETATIONS AND EXCEPTIONS**

**19.92.170 Recreational Vehicles as Rental Dwellings In UAR-10, SR-2 ½, And WTZ Zones**

\* \* \*

19.92.170 Recreational Vehicles as Rental Dwellings In UAR-10, SR-2 ½, And WTZ Zones

A. In the UAR-10, SR 2 ½, and WTZ Zones, a single recreational vehicle, as defined in DCC 19.04, may be established as a rental dwelling provided the following requirements are met:

1. Prior to locating any recreational vehicle as a rental dwelling on a lot or parcel, the property owner must obtain County siting approval for the area of the lot or parcel upon which the recreational vehicle will be located and demonstrate compliance with the following standards:

- a. The subject lot or parcel contains a single-family dwelling or manufactured dwelling that is occupied as the primary residence of the property owner;
  - i. As used in this section, “siting approval” includes County approval and/or property owner application for review of the proposed area for a recreational vehicle as a rental dwelling;
  - ii. As used in this section, “primary residence” means a dwelling occupied by the property owner on a long-term or permanent basis.
- b. The property is not within an area designated as an urban reserve in the Deschutes County Comprehensive Plan;
- c. The lot area is at least one acre in size;
- d. There are no other dwelling units, guest houses, or occupied recreational vehicles on the property and no portion of the manufactured dwelling or single-family dwelling is rented for residential tenancy;
- e. The recreational vehicle shall maintain a setback of at least 10 feet from other structures;
- f. The property owner will provide essential services to the recreational vehicle space including:
  - i. Sewage disposal, frost protected water supply, electrical supply and, if required by applicable law, any drainage system, all installed with permits and to applicable codes; and
  - ii. Any other service or habitability obligation imposed by the rental agreement or ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition), the lack or

violation of which creates a serious threat to the tenant's health, safety or property or makes the rented space unfit for occupancy.

- iii. A letter confirming that the supplier of water is "Willing and Able to Serve" the recreational vehicle shall be provided if the recreational vehicle is to be served by any water source other than an onsite domestic well.
  - g. The property owner shall provide a parking pad for the recreational vehicle with a surface material of compacted gravel with a minimum thickness of 4", concrete with a minimum thickness of 3.5", or asphalt with a minimum thickness of 3"; and
  - h. If the recreational vehicle will be located within a structure, the structure shall be entirely open on two or more sides.
2. Prior to siting any recreational vehicle as a rental dwelling, the property owner must obtain County approval for each recreational vehicle used as a rental dwelling and demonstrate compliance with the following standards:
- a. The recreational vehicle rental dwelling is subject to a written residential rental agreement as defined in ORS 90.100(39);
  - b. The recreational vehicle shall be owned or leased by the tenant;
  - c. The recreational vehicle shall include an operable toilet and sink;
  - d. The recreational vehicle has not been rendered structurally immobile; and
  - e. The recreational vehicle shall be titled with a Department of Transportation.
3. Prior to issuance of a Building Division permit, the property owner shall sign and record with the County Clerk a restrictive covenant stating a recreational vehicle unit allowed under this section cannot be used for vacation occupancy, as defined in DCC 19.92.170(A)(3)(a) and consistent with ORS 90.100, or other short-term uses.
- a. "Vacation occupancy" means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:
    - i. The occupant rents the unit for vacation purposes only, not as a principal residence; and
    - ii. The occupant has a principal residence other than at the unit; and
    - iii. The period of authorized occupancy does not exceed 45 days.
4. All necessary permits shall be obtained from the Deschutes County Building Safety Division before connecting a recreational vehicle to sewer, water and/or electric utility services.

- 5. A permit shall be obtained from the Deschutes County Onsite Wastewater Division before disposing any wastewater or sewage on-site.
- 6. A recreational vehicle shall meet the same setbacks required of a manufactured dwelling or single-family dwelling on the subject lot.
- 7. A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions.
- 8. As identified in this section, a recreational vehicle located within a special flood hazard area is subject to the standards and criteria established by DCC 19.72.

HISTORY

Adopted by Ord. 2024-00x §x on [date]

DRAFT





## FINDINGS

### I. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning, and Title 19, Bend Urban Growth Boundary Zoning Ordinance. The primary purpose of the amendments is to allow RVs as rental dwellings subject to certain criteria per the adoption of SB 1013. The proposal creates two new subsections (effectively the same but pertaining to different zones in Titles 18 and 19) that govern the criteria for RVs as rental dwellings.

### II. BACKGROUND

#### A. Senate Bill 1013

The Oregon Legislature adopted SB 1013 into law on July 23, 2023; the law becomes effective January 1, 2024. SB 1013 authorizes a county 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 outlined below. SB 1013 does not obligate a county to allow RVs as rental dwellings. SB 1013 shares some criteria with recent rural ADU legislation in SB 391, such as the requirement to provide sewage disposal, and differs in other ways—for instance, no fire hardening requirements are written into SB 1013.

Rural residential exception areas and their corresponding zones exist throughout Oregon. By definition, rural residential zones exist outside of urban growth boundaries (UGBs) but are excluded from the state’s resource land (farm and forest zone) protections. With certain exceptions, those protections allow residential uses only in conjunction with a farm or forest use. However, in rural residential zones, a dwelling can be a primary use of the land. State law allows counties to permit an additional dwelling on a property containing a house built prior to 1945 and SB 391 more generally allows accessory dwelling units in rural residential areas. However, unlike in urban zones, rural residential zones do not have any other by-right accessory dwelling options, making inter-generational and alternative housing options difficult to achieve.

SB 1013 only authorizes RVs as rental dwellings in “rural areas.” For the purposes of SB 1013, a rural area has two definitions: either an area zoned for rural residential use as defined in ORS 215.501, or land that is within the urban growth boundary of a metropolitan service district, but not within the jurisdiction of any city, and zoned for residential use. Deschutes County’s jurisdiction only includes lands outside of UGBs, so only the first component of the definition applies. Areas zoned for rural residential use are defined by ORS 215.501 to mean “land that is not located inside a UGB as defined in ORS 195.060 (Definitions) and that is subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.” The applicable zoning designations in Deschutes

County for these lands are Multiple Use Agricultural (MUA-10), Rural Residential (RR-10), Suburban Low Density Residential (SR 2.5), Urban Area Reserve (UAR-10), and Westside Transect Zone (WTZ).

**B. Deschutes County Residential RV Amendments**

In addition to only applying to lands recognized as rural residential exception areas, SB 1013 also contains minimum criteria that must be met for a lot or parcel to qualify for an RV residential dwelling. As noted above, SB 1013 shares some similarities with SB 391, which allows for rural accessory dwelling units. In certain cases, the proposed amendments echo components of the zoning code developed in Deschutes County for rural ADUs. Lastly, the proposed amendments also contain additional criteria not included in SB 1013, for reasons of safety as well as compatibility.

Table 1 provides a summary of each provision of the amendments that are required by SB 1013.

**Table 1 - SB 1013 Requirements**

Topic	SB 1013 Requirements	Comment
<b>Single Family Dwelling</b>	SB 1013 Section 2(2)(b) requires one single-family dwelling that is occupied as the primary residence to be located on the lot or parcel.	DCC 18.116.095(D)(1)(a) and DCC 19.92.170(A)(1)(a) are consistent with SB 1013.
<b>Urban Reserve Area</b>	SB 1013 Section 2(2)(a) requires that the lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137.	DCC 18.116.095(D)(1)(b) and DCC 19.92.170(A)(1)(b) are consistent with SB 1013.
<b>Vacation Occupancy</b>	SB 1013 Section 2(2)(d) prevents an RV allowed in this law from being used for vacation occupancy as defined in ORS 90.100 or other short-term uses.	DCC 18.116.095(E) and DCC 19.92.170(A)(3) are consistent with SB 1013.  Both require a restrictive covenant be recorded to ensure compliance.
<b>Other Dwelling Units</b>	SB 1013 Section 2(2)(c) requires that there are no other dwelling units on the property and no portion of the single-family dwelling is rented as a residential tenancy.	DCC 18.116.095(D)(1)(d) and DCC 19.92.170(A)(1)(d) are consistent with SB 1013.
<b>RV Ownership</b>	SB 1013 Section 2(2)(e) requires the RV to be owned or leased by the tenant.	DCC 18.116.095(D)(2)(b) and DCC 19.92.170(A)(2)(b) are consistent with SB 1013. The RV may either be owned by the tenant or leased by the tenant from the property owner.
<b>Essential Services</b>	SB 1013 Section 2(2)(f) requires that the property owner provides essential services to the RV space, as defined in ORS 90.100(13)(b).  ORS 90.100(13)(b) defines "essential services" as: "For a tenancy consisting of rental space for a manufactured dwelling, floating home or recreational vehicle owned by the tenant or	DCC 18.116.095(D)(1)(f) and DCC 19.92.170(A)(1)(f) are consistent with SB 1013.  In addition, these sections require the water supply to be frost protected and for a "Will Serve" letter to be provided if the recreational vehicle is to be

Topic	SB 1013 Requirements	Comment
	<p>that is otherwise subject to ORS 90.505 (Definitions for ORS 90.505 to 90.850) to 90.850 (Owner affidavit certifying compliance with requirements for sale of facility):</p> <p>(A) Sewage disposal, water supply, electrical supply and, if required by applicable law, any drainage system; <b>and</b></p> <p>(B) Any other service or habitability obligation imposed by the rental agreement or ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition), the lack or violation of which creates a serious threat to the tenant’s health, safety or property or makes the rented space unfit for occupancy.”</p>	<p>served by any water source other than an onsite domestic well.</p>

Topic	SB 1013 Requirements	Comment
<p><b>Reasonable appearance, repair, inspection, or siting standards</b></p>	<p>SB 1013 Section 2(3)(d) allows counties to require that the RV complies with any reasonable appearance, repair, inspection, or siting standards adopted by the county.</p>	<p>DCC 18.116.095(D) and DCC 19.92.170(A) contain the following appearance, repair, inspection, or siting standards developed at the local level:</p> <p>DCC 18.116.095(D)(1)(c) and DCC 19.92.170(A)(1)(c) require the lot area to be at least one acre in size.</p> <p>DCC 18.116.095(D)(2)(c) and DCC 19.92.170(A)(2)(c) require that the recreational vehicle include an operable toilet and sink.</p> <p>DCC 18.116.095(D)(1)(h) and DCC 19.92.170(A)(1)(h) require that if the recreational vehicle is located within a structure, the structure must be entirely open on two or more sides.</p> <p>DCC 18.116.095(D)(1)(e) and DCC 19.92.170(A)(1)(e) require that the recreational vehicle maintains a setback of at least 10 feet from the primary residence.</p> <p>DCC 18.116.095(D)(1)(g) and DCC 19.92.170(A)(1)(g) require that the property owner provide a parking pad for the recreational vehicle.</p> <p>DCC 18.116.095(D)(1)(e) requires that for properties located within the Wildlife Area Combining Zone, recreational vehicles are considered a structure and therefore must comply with the siting standards in 18.88.060(B).</p>

Using the baseline eligibility criteria of SB 1013 plus the lot size criteria suggested by staff, approximately 12,410 properties meet the zoning requirement, are at least one acre in size, and already have a single-family dwelling on the property. An additional 2,909 properties are currently vacant but meet the other baseline criteria.

**III. REVIEW CRITERIA**

Deschutes County lacks specific criteria in DCC Titles 18, 19, 22, or 23 for reviewing a legislative 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 its existing Comprehensive Plan.

#### IV. FINDINGS

##### CHAPTER 22.12, LEGISLATIVE PROCEDURES

###### Section 22.12.010.

###### ***Hearing Required***

**FINDING:** This criterion will be met because a public hearing was held before the Deschutes County Planning Commission and Board of County Commissioners.

###### 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 will be met as notice was published in the Bend Bulletin newspaper for the Planning Commission public hearing, and the Board of County Commissioners' public hearing.

- B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.***

**FINDING:** Posted notice was determined by the Planning Director not to be necessary.

- C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.***

**FINDING:** Given the proposed legislative amendments do not apply to any specific property, no individual notices were sent.

- D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.***

**FINDING:** Notice was provided to the County public information official for wider media distribution. This criterion is met.

Section 22.12.030 Initiation of Legislative Changes.

***A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.***

**FINDING:** The application was initiated by the Deschutes County Planning Division at the direction of the Board of County Commissioners and has received a fee waiver. This criterion is met.

Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
  - 1. The Planning Commission.***
  - 2. The Board of County Commissioners.***
  
- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

**FINDING:** The Deschutes County Planning Commission held the initial public hearing on November 9. The Board then held a public hearing on [DATE TBD]. These criteria are 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 No. [number TBD] upon approval and adoption by the Board of County Commissioners. This criterion will be met.

**B. Statewide Planning Goals and Guidelines**

Goal 1: Citizen Involvement: The amendments do not propose to change the structure of the County's citizen involvement program. Notice of the proposed amendments was provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning: This goal is met because ORS 197.610 allows local governments to initiate post acknowledgments plan amendments (PAPA). An Oregon Land Conservation and Development Department 35-day notice was initiated on October 4, 2023. The Planning Commission held a public hearing on November 9, 2023 and the Board of County Commissioners held a public hearing on [DATE TBD]. The Findings document provides the adequate factual basis for the amendments.

Goal 3: Agricultural Lands: No changes related to agricultural lands are proposed as part of the text amendments. This goal does not apply.

Goal 4: Forest Lands: No changes related to forest lands are proposed as part of the text amendments. This goal does not apply.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: By adopting SB 1013 in 2023, the Oregon Legislature added a new use, recreational vehicle as residential tenancy (or rental dwelling), to rural residential exception areas. Local governments can choose to allow this use by amending their zoning codes and complying with SB 1013's development standards. Goal 5 does not apply.

However, to the extent it is determined that Goal 5 does apply, local governments apply Goal 5 to a PAPA when the amendment allows a new use and the new use could be a conflicting use with a particular Goal 5 resource site on an acknowledged resource list. Certain areas in rural Deschutes County, zoned MUA-10 and RR-10, contain Goal 5 resources because they are overlaid with a Wildlife Area Combining Zone. These two zones are being amended to allow RVs as rental dwellings and are therefore subject to an ESEE Analysis. No other changes to the code warrant specific ESEE Analysis as they are not adding new uses that conflict with Goal 5 resources. The ESEE analysis is included in *Appendix A* which is attached to this document.

Goal 6: Air, Water and Land Resources Quality: The proposed text amendments do not propose changes to the County's Comprehensive Plan policies or implementing regulations for compliance with Goal 6, and therefore are in compliance. However, it is worth noting that the amendments require a minimum lot size of 1 acre in an effort to protect sensitive groundwater resources that can be further stressed by the wastewater disposal of denser development patterns. To further protect these resources, SB 1013 requires that the property owner provide sewage disposal, and applicants must receive a permit from Deschutes County Onsite Wastewater Division before disposing any wastewater or sewage on-site.

Goal 7: Areas Subject to Natural Disasters and Hazards: The proposed text amendments do not propose to change the County's Comprehensive Plan or implementing regulations regarding natural disasters and hazards; therefore, they are in compliance.

Goal 8: Recreational Needs: Recreational vehicles as rental dwellings are not a recreational use or need, but rather are intended to provide housing. This goal does not apply.

Goal 9: Economic Development: Recreational vehicles as rental dwellings are not primarily economic in nature. This goal does not apply.

Goal 10: Housing: This goal is not applicable because unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.

Goal 11: Public Facilities and Services: Recreational vehicles as rental dwellings in the rural county typically rely on domestic wells and onsite wastewater treatment systems. A Goal 11 exception would be required for a centralized sewer system and would need to be applied on a property specific, needs related basis. This goal does not apply.

Goal 12: Transportation: By adopting SB 1013 in 2023, the Oregon Legislature added a new use, recreational vehicles as rental dwellings, to rural residential exception areas. Local governments can choose to allow this use by amending their zoning codes and complying with SB 1013's development standards. Staff does not anticipate that the addition of recreational vehicles as rental dwellings on approximately 12,410 currently eligible lots will create a significant or adverse effect to the County transportation system and thus complies with the TPR.

Goal 13: Energy Conservation: The proposed text amendments do not propose to change the County's implementing regulations regarding energy conservation. This goal does not apply.

Goal 14: Urbanization: The purpose of Goal 14 is to direct urban uses to areas inside UGBs. As the proposed amendments do not seek to allow urban uses on rural land, nor do they seek to expand an existing urban growth boundary, this goal does not apply.

Goals 15 through 19: Deschutes County does not contain any of the relevant land types included in Goals 15-19. Therefore, these goals do not apply.

**C. Deschutes County Comprehensive Plan**

**Chapter 3, Rural Growth**

Section 3.3, Rural Housing

*Goal 1 Maintain the rural character and safety of housing in unincorporated Deschutes County.*

*Policy 3.3.5 Maintain the rural character of the County while ensuring a diversity of housing opportunities, including initiating discussions to amend State Statute and/or Oregon Administrative Rules to permit accessory dwelling units in Exclusive Farm Use, Forest and Rural Residential zones.*

**FINDING:** Implementing SB 1013, which allows recreational vehicles as rental dwellings to be sited in rural residential exception areas, is consistent with Policy 3.3.5, providing a needed housing option in the rural county.

**V. CONCLUSION:**

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments to allow an owner of a lot or parcel within a rural residential exception area to site a recreational vehicle as rental dwelling subject to certain restrictions and limitations.



# Recreational Vehicles as Rental Dwellings Text Amendment

## Appendix A: ESEE Analysis Document to File No. 247-23-000700-TA

Deschutes County Community Development

October 4, 2023

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## References

- Attachment 1 – Deschutes County Goal 5 Inventory Summary Table
- Attachment 2 – Inventory Site Maps

# Chapter 1: Overview of Goal 5 and ESEE Analyses

## Introduction

This appendix report was prepared to supplement the findings document associated with File No. 247-22-000700-TA. Deschutes County is amending Deschutes County Code (DCC), Titles 18 and 19 to allow recreational vehicles (RV) as rental dwellings consistent with Senate Bill (SB) 1013 (2023) in Multiple Use Agricultural (MUA-10), Rural Residential (RR-10), Suburban Low Density Residential (SR 2.5), Urban Area Reserve (UAR-10), and Westside Transect Zones (WTZ). DCC Chapter 18.88 is the Wildlife Area (WA) Combining Zone, which recognizes four Goal 5 inventories: Antelope Range, Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. Certain areas in rural Deschutes County, zoned MUA-10 and RR-10, are overlaid with a Deer Migration Corridor, Deer Winter Range, and/or Significant Elk Habitat.

In addition, there are some areas zoned MUA-10 and RR-10 that contain Goal 5 riparian resources and their associated fish, furbearer, waterfowl, and upland game bird habitat. Recognizing that an RV as rental dwelling is a new conflicting use in the WA Combining Zone, Deschutes County is applying Goal 5 in consideration of this Post Acknowledgment Plan Amendment (PAPA). The full findings document provides additional detail and background information regarding the intent of the amendments and compliance with other applicable local and state regulations outside of Statewide Land Use Planning Goal 5 – *Natural Resources, Scenic and Historic Areas, and Open Spaces*.

## Deschutes County Goal 5 Program

The purpose of Goal 5 is “to protect natural resources and conserve scenic and historic areas and open spaces.” Local governments, as part of the Comprehensive Planning process, are required to inventory the extent, location, quality, and quantity of significant natural resources within their jurisdictional boundaries. Following this inventory, local governments then conduct an economic, social, environmental, and energy (ESEE) analysis to determine the extent to which land uses should be limited in order to adequately protect significant resources. Following an ESEE analysis, governments then establish a program to protect significant natural resources. Deschutes County established its initial Goal 5 natural resource inventory, ESEE analyses, and protection programs between the years of 1988-1994, as part of periodic review.

In reviewing this document, it is important to acknowledge there are six policies and development standards within the Deschutes County Comprehensive Plan and DCC that were established through ESEEs over time that could still limit the development of RVs as rental dwellings near inventoried Goal 5 resources. Deschutes County finds the proposed amendments do not alter the following existing protections.

1. Setback Protections: 100-foot structural setback from the ordinary high water mark (OHWM) of rivers and streams.

2. Scenic Protections: Development near rivers in the Landscape Management Combining Zone must be reviewed for aesthetic compatibility.
3. Wetland Protections: Prohibition of fill or removal of any material or wetland vegetation, regardless of the amount, within the bed and banks of any stream or river or in any wetland unless approved as a conditional use.
4. Mitigation Protections: Impacts to any wetland or riverbank impacts to be fully mitigated, as evaluated by Oregon Department of Fish and Wildlife (ODFW).
5. Flood Plain Protections: All new construction, expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building in a designated Flood Plain must obtain a conditional use permit.
6. Combining Zone Requirements: Deer Migration Corridor, Deer Winter Range, Elk Habitat, and Sensitive Bird and Mammal Habitat have site specific requirements including development setbacks and/or seasonal construction requirements to prevent impacts to sensitive species and habitat.

## Required Steps and Discretionary Review

Local governments are required to comply with Goal 5 when a PAPA allows a new use and the new use “could be” a conflicting use with a particular Goal 5 resource site on an acknowledged resource list.<sup>1</sup> Deschutes County is amending the MUA-10, RR-10, SR 2.5, UAR-10 and WTZ zoning chapters to allow recreational vehicles as rental dwellings consistent with SB 1013 (2023).

Residential RVs have the potential to generate a certain level of noise and habitat alteration. As this new use could potentially impact Goal 5 resources, Deschutes County is conducting an ESEE Analysis to identify potential consequences and protections related to the amendments. RVs as rental dwellings will be added as a new permitted use in the MUA-10, RR-10, SR 2.5, UAR-10 and WTZ zones. As shown below, only two of those zones, MUA-10 and RR-10, contain Goal 5 resources and are being reviewed as part of this ESEE analysis.

**Table 2: Zones Containing Goal 5 Resources**

Contain Goal 5 Resources	Do Not Contain Goal 5 Resources
<ul style="list-style-type: none"> <li>• DCC Chapter 18.32, Multiple Use Agricultural Zone</li> <li>• DCC Chapter 18.60, Rural Residential Zone</li> </ul>	<ul style="list-style-type: none"> <li>• DCC Chapter 19.12, Urban Area Reserve Zone</li> <li>• DCC Chapter 19.20, Suburban Low Density Residential Zone</li> <li>• DCC Chapter 19.22, Westside Transect Zone</li> </ul>

<sup>1</sup> OAR 660-023-0250(3)(b)

ESEEs are meant to be analytical tools. The content of the ESEE is discretionary and is intended to be conducted by planning staff using existing information. An ESEE is not meant to focus exclusively on environmental impacts such as an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). Additionally, Goal 5 explains “the ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected.”<sup>2</sup> In utilizing this analytical tool, there are a few steps jurisdictions must include and address in accordance with OAR 660-023 – *Procedures and Requirements for Complying with Goal 5*:

1. Identify Conflicting Uses – Does the land use or activity negatively impact natural resources?
2. Determine Impact Area – What is the geographic extent to which land uses or activities adjacent to natural resources could negatively impact those resources?
3. Analyze ESEE Consequences – What are the positive and negative consequences (both for development and natural resources) of a decision to fully protect natural resources, fully allow conflicting uses, or limit conflicting uses?
4. Develop a program – How and to what extent will the natural resources be protected based on the ESEE analysis?

A response to each of these steps is included throughout this report. The relevant page and chapter can be found in the table of contents.

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<sup>2</sup> OAR 660-023-0040(1)

## Chapter 2: Deschutes County Goal 5 Inventory and Methodology

### 660-23-0030 – Inventory Goal 5 Resources

Stemming from periodic review, Deschutes County adopted inventories for a variety of Goal 5 natural resources (Attachment 1). Some of these resources have mapped geographic boundaries such as Deer Winter Range, whereas others are described as being located in general areas – such as furbearer habitat in riparian corridors. The inventories were produced at a countywide scale, with additional detail for the Deschutes River and its tributaries through the Deschutes County/City of Bend River Study. County staff digitized these habitat boundaries into Geographic Information Systems (GIS) shape files in the 2000s for public awareness. The shape files were created from hard copy maps and descriptions found in the ordinances establishing the County's Goal 5 program, in consultation with the Oregon Department of Fish and Wildlife (ODFW).

Maps provided in this document include inventoried habitat that spatially overlaps with the MUA-10 and RR-10 zones impacted by the proposed text amendments (Attachment 2). The habitat areas include: deer migration corridor, deer winter range, elk habitat, flood plain, and wetlands. Staff utilized the County's WA Combining Zone layers to determine the general extent of habitat for big game species as the Combining Zone was designed to cover a larger area than the habitat itself (Ordinance 92-046). Inventoried streams and rivers are shown on the map, as well as wetlands and flood plains. Goal 5 Riparian areas (flood plain, wetlands and 100 feet measured from ordinary high water mark) associated with these water bodies is also the habitat area for fish, furbearers, waterfowl, and upland game birds (Ordinance 92-041, 94-007). As the proposed text amendments are legislative and do not impact any specific properties, staff did not review Goal 5 impacts on an individual parcel level basis. Instead, staff identified the following potential resource sites in which the allowance of RVs as rental dwellings could potentially intersect with Goal 5 resources:

Riverine Resources: Some properties in the MUA-10 and RR-10 zones are located in relative proximity to the Deschutes River, Little Deschutes River, Paulina Creek, and Whychus Creek and its associated Goal 5 Riparian Area.<sup>3</sup> Ordinance 92-041 stated the following additional Goal 5 resources depend on riparian corridors for habitat: furbearer, waterfowl, and upland game bird habitat. As the extent of the habitat locations for these species are not detailed in a boundary description or on a map, staff assumes the species habitat is found entirely inside the Riparian Area boundary shown in Attachment 2.

Wildlife Area Combining Zone: The WA Combining Zone was adopted as a protection measure for antelope, deer, and elk in Deschutes County. As an overlay zone, the mapped area conservatively identified typical habitat and migration areas and provided additional development requirements to ensure impacts to wildlife are properly mitigated alongside the underlying base zone regulations.

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<sup>3</sup> There are 404 RR-10 tax lots that are one acre or larger with a single-family dwelling and 247 that are vacant that abut the Little Deschutes River or Deschutes River. There are 479 tax lots one acre or larger that are split-zoned RR-10 or MUA-10 with the Flood Plain Zone that contain a single-family dwelling and 291 that are vacant. The Flood Plain Zone is not recognized as a rural residential exception area. RR-10 and MUA-10 split zoned properties will be required to contain the minimum lot or parcel area to qualify for an RV as rental dwelling.

The zone encompasses the previously inventoried area for Antelope Range, Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. The proposed amendments add a conflicting use, RVs as rental dwellings, which affect three habitat ranges in MUA-10 and RR-10: Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. These habitat ranges are shown in Attachment 2. The maps include federal land; however, these properties are not subject to Deschutes County land use regulations.

The Deschutes County Goal 5 inventory also includes scenic and open space sites such as Landscape Management Rivers and Streams, State Scenic Waterways and Federal Wild and Scenic Rivers, and Ecologically and Scientifically Significant Natural Areas - Little Deschutes River / Deschutes Confluence (Attachment 1). Protection of these resources is focused on mitigating visual impacts of individual development proposals. Staff finds these resources are not impacted by the proposed amendments and therefore are not reviewed in this document.

### Chapter 3: Conflicting Use Analysis

**660-023-0040(2): Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site.**

Deschutes County is proposing to add RVs as rental dwellings in the MUA-10 and RR-10 zones in the WA Combining Zone. RVs could be a conflicting use to significant Goal 5 resources as they generate vehicle trips and noise. Other uses that are allowed in the two zones are shown below.

**Table 3: Allowed Uses**

Zoning	Outright Uses	Conditional Uses
MUA-10	Agricultural uses Single family dwelling or manufactured home Harvesting a forest product Class I and II road or street projects subject to land division standards Class III road or street project Noncommercial horse stables Horse events Operation, maintenance and piping of canals Type I Home occupation Historic accessory dwelling units	Public use Semipublic use Dude ranch Kennel and/or veterinary clinic Guest house Manufactured home as a secondary accessory farm dwelling Exploration for minerals Private parks Personal use airstrip Golf course Type 2 or 3 Home occupation Destination resorts Planned developments Cluster developments Landfills Timeshare Hydroelectric facility Storage, crushing and processing of minerals Bed and breakfast inn Excavation, grading and fill Religious institutions Private or public schools Utility facility Cemetery Commercial horse stables Horse events Manufactured home park or RV park Wireless telecommunication facilities Guest lodge Surface mining in conjunction with operation and maintenance of irrigation system



Zoning	Outright Uses	Conditional Uses
RR-10	Single family dwelling or manufactured home Utility facility Community center Agricultural use Class I and II road or street projects subject to land division standards Class III road or street project Noncommercial horse stables Horse events Operation, maintenance and piping of canals Type I Home occupation Historic accessory dwelling units	Public park Dude ranch Personal use airstrip Planned developments Cluster developments Recreation-oriented facility Landfills Cemetery Timeshare Hydroelectric facility Bed and breakfast inn Golf course Excavation, grading and fill Religious institutions Public use Semipublic use Commercial horse stables Private or public schools Manufactured home park or RV park Wireless telecommunication facilities Surface mining in conjunction with operation and maintenance of irrigation system

**General Impacts of Conflicting Uses**

The proposed amendments would allow RVs as rental dwellings in inventoried Goal 5 resources. As part of the ESEE review “a local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning”.<sup>4</sup> In reviewing the proposed amendments, Deschutes County finds that the impacts from RVs in the MUA-10 and RR-10 zones as they relate to Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat are of such a similar nature that the impacts for these areas may be reviewed together via the general impacts described below.

- *Noise and Light*

RVs as a secondary dwelling may distress inventoried wildlife, as they seek to avoid noise and light.

- *Habitat Removal*

Preparing an appropriate site on a lot for an RV could require removal of upland vegetation, grading, and soil compaction that could alter drainage and runoff patterns. This could increase peak runoff, cause bank erosion, flooding, or increase the flow of sediment into water bodies. The removal of upland vegetation could also reduce tree canopy and understory vegetation which could be utilized by wildlife, outside of their primary habitat.

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<sup>4</sup> OAR 660-023-0040(4)

- *Introduction of Invasive, Nonnative Plants*

RVs may contribute to the spread of invasive, nonnative plants which could replace and degrade native vegetation of which many species depend.

- *Habitat Fragmentation*

Additional human development may result in fences, roads, traffic and other barriers to the movement of terrestrial wildlife that is critical to their survival.

Greater detail on these potential conflicts and their consequences is provided below.

# Chapter 4: Impact Areas

**660-023-0040(3): Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.**

This step is discretionary and allows for the local jurisdiction to define which areas are the most vulnerable and/or most likely to be affected by the proposed amendments. The impact area for this ESEE analysis are properties that are within the Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat in the MUA-10 and RR-10 zones. As this ESEE is not for any specific property, but instead reflects changes to the code generally, there is no individual property specific data.

Properties in this impact area can be found in Attachment 2 – *Impact Area Maps*

## Impact Area Methodology

To understand the impact of the proposed amendments within the areas of significance noted above, an estimate of the number of parcels in those areas that meet the baseline RV as rental dwelling criteria and are non-federal (i.e. subject to Deschutes County zoning) is shown in Table 4 below. The table also provides an estimate for vacant parcels that meet the other eligibility criteria; these properties would not be eligible until a single-family dwelling is constructed first.

**Table 4: Number of Affected Non-Federal Properties in Impact Area**

Zone	Deer Migration	Deer Winter	Elk
Properties Containing One Single-Family Dwelling	4,059	518	169
Vacant Properties (Not Yet Eligible)	1,317	185	104
<b>Total</b>	<b>5,376</b>	<b>703</b>	<b>273</b>

## Chapter 5: ESEE Analysis

**660-023-0040(4): Analyze the ESEE consequences. Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.**

### Background

Deschutes County is choosing to conduct a single analysis for all resource sites as the impacts from RVs as rental dwellings could have very similar impacts to both riparian areas and fish and wildlife that depend on the riparian area for their habitat, and for big game including deer and elk.

As described above, the potential impacts fall into four general areas:

- *Noise and Light*

RVs as a rental dwelling may distress inventoried wildlife, as they seek to avoid noise and light.

- *Habitat Removal*

Preparing an appropriate site on a lot for an RV could require removal of upland vegetation, grading, and soil compaction that could alter drainage and runoff patterns. This could increase peak runoff, cause bank erosion, flooding, or increase the flow of sediment into water bodies. The removal of upland vegetation could also reduce tree canopy and understory vegetation which could be utilized by wildlife, outside of their primary habitat.

- *Introduction of Invasive, Nonnative Plants*

RVs may contribute to the spread of invasive, nonnative plants which could replace and degrade native vegetation of which many species depend.

- *Habitat Fragmentation*

Additional human development may result in fences, roads, traffic and other barriers to the movement of terrestrial wildlife that is critical to their survival.

This step is discretionary. The purpose of an ESEE analysis is to provide a qualitative exercise for local governments to weigh the positive and negative consequences of three scenarios in order to determine a preferred outcome. Governments may choose to use quantitative data as necessary but are not required to gather new information or hire wildlife biologists, economists, sociologists, or energy consultants.

### **ESEE Scenario Descriptions**

#### *Scenario (A) – Allow the Conflicting Use*

In this scenario, the local government may decide that a conflicting use should be allowed fully, without any restrictions, no matter the potential impacts on the inventory site(s). In this instance, the Goal 5 rule would require the government to determine the conflicting use is of such importance compared to the site that the use should be allowed without any protections or limitations. In choosing this scenario, the local government could still use other tools to protect the inventories that are currently in place.

#### *Scenario (B) – Prohibit the Conflicting Use*

In this scenario, the local government may decide that the inventory site is of such importance or the conflicting use has the potential to be so detrimental to the inventory site(s), that the conflicting use should be entirely prohibited.

#### *Scenario (C) – Limit the Conflicting Use*

In this scenario, the local government may decide that the inventory site and the conflicting use are both important when compared to each other, and the use should be allowed with limitations to balance the impacts to the inventory site(s).

### **RVs as Rental Dwellings ESEE Analysis**

#### **Scenario (A) Allow the Conflicting Use**

In this scenario, Deschutes County would allow RVs as rental dwellings in MUA-10 and RR-10 zones without any additional requirements to protect the inventoried resources.

#### ***Economic Consequences:***

Permitting RVs as rental dwellings would have positive consequences by allowing a second dwelling on a property. Deschutes County is experiencing a housing shortage. Allowing RVs, which are generally small in size and cannot be used as vacation rentals, could help address work force housing shortages in the region and provide a housing type that has not historically been readily available in the rural county. It could reduce commuting costs for those workers that live in adjoining Crook, Jefferson and Klamath counties, and coupled with other workforce housing strategies, attract businesses and employment opportunities in Central Oregon.

Allowing RVs could also have negative consequences. The development of RVs as rental dwellings in MUA-10 and RR-10 zones could increase land value, which could price out low and middle-income residents from the opportunity to own a home. Previous testimony from ODFW estimates that hunting and wildlife viewing contributed more than \$50 million to the Deschutes County economy

annually. Deschutes County is proposing to allow RVs in some areas that contain riparian areas and species that rely on the riparian area for habitat including fish, furbearers, upland game birds, and waterfowl. Allowing RVs near these areas could reduce income associated with wildlife viewing and hunting of these species.

In some parts of the county, mule deer populations have declined up to 70% since 2000 as a result of human caused habitat reduction, fragmentation, and disturbance on winter range. By allowing RVs in Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat, there is the potential for greater disturbance of deer and elk populations that could reduce hunting and viewing opportunities.

***Social Consequences:***

Permitting RVs as rental dwellings could have positive consequences by allowing property owners with an existing single family dwelling to rent out an RV that accommodates aging parents or family members, farm help for those that are working on MUA-10 zoned agricultural properties or nearby Exclusive Farm Use zoned properties. By providing affordable housing, it could help lift people out of poverty and increase economic mobility. It could bring a positive impact on the surrounding community, encouraging social connections and lowering crime rates.

It could also have negative consequences by allowing RVs as rental dwellings in rural areas with inadequate access to employment, schools, food markets, medical facilities and parks. This could lead to higher automobile dependence and vehicle emissions caused by more people driving to and from rural areas. Based on previous testimony from ODFW, there could also be negative impacts due to the potential loss of wildlife habitat. Many residents, advocacy organizations, and wildlife agencies continue to express concerns regarding the loss of fish and wildlife habitat due to the region's rapid growth and development. There is a recognition that increases in human activity, especially in rural areas, displace habitat and diminish, however incrementally, Deschutes County's rural character and quality of life. The proposed amendments could have negative consequences due to increased human presence and infrastructure near the inventoried Goal 5 resources, which could lead to a reduced level of access and enjoyment for recreationalists.

***Environmental Consequences:***

In this scenario, RVs as rental dwellings would be permitted outright. As stated previously, RVs could present negative impacts as they have the potential to increase noise and light near fish and wildlife habitats, and in turn cause distress to inventoried Goal 5 species.

Developing an appropriate site for an RV may require removal of upland vegetation, grading, and soil compaction that could alter drainage and runoff patterns. This could increase peak runoff, cause bank erosion, flooding, or increase the flow of sediment into water bodies. The removal of upland vegetation could also reduce tree canopy and understory vegetation which could be utilized by wildlife, outside of their primary habitat. Given the relatively small footprint of RVs, however, these impacts may be minor compared to other development types. Permitting RVs could create negative impacts to designated habitat for Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. Based on previous testimony from ODFW, mule deer populations have declined up to 70% since 2000. Their testimony identified other elements contributing to reductions

in mule deer populations tied to human caused habitat reduction, fragmentation, and disturbance on winter range.

As previously stated, the following Goal 5 protections established during the creation of the initial inventory would remain in place:

1. Setback Protections: 100-foot structural setback from the ordinary high water mark of rivers or streams.
2. Scenic Protections: Development near rivers in the Landscape Management Combining Zone must be reviewed for aesthetic compatibility.
3. Wetland Protections: Prohibition of fill or removal of any material or wetland vegetation, regardless of the amount, within the bed and banks of any stream or river or in any wetland unless approved as a conditional use.
4. Mitigation Protections: Impacts to any wetland or riverbank impacts to be fully mitigated, as evaluated by ODFW.
5. Flood Plain Protections: All new construction, expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building in a designated Flood Plain shall obtain a conditional use permit.
6. Combining Zone Requirements: Deer Migration Corridor, Deer Winter Range, Significant Elk Habitat and Sensitive Bird and Mammal Habitat have site specific requirements including development setbacks and seasonal construction requirements to prevent impact to sensitive species and habitat.

Existing protections would prevent riparian areas from being developed with ADUs established near them. As the existing Goal 5 measures in place today protect riparian areas and the fish and wildlife within that habitat area, the addition of ADUs near these areas will be neutral.

***Energy Consequences:***

RVs as rental dwellings are unlikely to cause any major energy consequences. Per SB 1013, the property owner must provide essential services, which includes electricity and wastewater disposal, to the RV site. It can also rely on an existing domestic well.

A potential negative consequence of the proposed amendments could be additional development in rural Deschutes County. Depending on the location of the RV, it could lead to additional Vehicle Miles Traveled and greater congestion on county-owned roads for employment, education, and basic services.

**Scenario (B) Prohibit the Conflicting Use**

In this scenario, Deschutes County would not allow RVs as rental dwellings in the MUA-10 and RR-10 zones associated with the WA Combining Zone and Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat.

***Economic Consequences:***

Prohibiting RVs could have negative economic consequences, as it prevents certain property owners from using their land and having a secondary dwelling unit. This could contribute to workforce housing deficiencies in the region and compel residents to commute from adjoining areas in Crook, Jefferson, and Klamath Counties.

It could also have neutral consequences based on previous testimony from ODFW. Prohibiting RVs could contribute to stabilizing mule deer populations, thereby maintaining economic benefits from wildlife viewing or hunting. Wildlife viewing, hunting, and fishing experiences in Deschutes County are major economic assets to the region. Prohibiting RVs could minimize further habitat fragmentation and help maintain wildlife viewing, hunting, and fishing revenues in Deschutes County.

***Social Consequences:***

Prohibiting ADUs could have negative social consequences. Many residents and multi-generational families in Deschutes County need affordable housing and are rent-burdened. Limiting the potential supply of a unique housing type could exacerbate Central Oregon's housing crisis by forcing some residents to pay higher rents, commute longer distances for basic services, or relocate. Those circumstances could lead to further mental and physical stress.

It could also have positive consequences. Many residents express their appreciation for undisturbed landscapes because they contribute to Deschutes County's rural character and quality of life. Prohibiting RVs, which generate noise and light would continue to limit disturbance to existing fish and wildlife habitats.

***Environmental Consequences:***

There are 404 RR-10 tax lots, one acre or larger with a single-family dwelling and 247 that are vacant that abut the Little Deschutes River or Deschutes River. There are 479 tax lots one acre or larger that are split-zoned RR-10 or MUA-10 with the Flood Plain Zone that contain a single-family dwelling and 291 that are vacant. These properties contain a Goal 5 Riparian Area which is also the habitat for Goal 5 inventoried waterfowl, upland game bird, furbearers, and fish. The WA Combining Zone contains Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. By prohibiting RVs and maintaining the status quo, these species will continue to be protected against habitat fragmentation and distress from second dwellings. The environmental consequences are therefore neutral.

***Energy Consequences:***

Energy consumption would have neutral consequences as this scenario maintains the status quo. Development associated with RVs may be displaced to other areas of rural Deschutes County, which could still have demands on utilities.



**Scenario (C) Limit the Conflicting Use**

In this scenario, Deschutes County would allow RVs as rental dwellings in the MUA-10 and RR-10 zones, with additional limitations to protect the inventoried resources, outside of existing protections. For example, a limitation could require the RV to be within a certain distance of the existing dwelling.

***Economic Consequences:***

Permitting RVs as rental dwellings would have positive consequences by allowing a second dwelling on a property. Deschutes County is experiencing a housing shortage. Allowing RVs, which are generally small in size and cannot be used as vacation rentals, could help address work force housing shortages in the region. It could reduce commuting costs for those workers that live in adjoining Crook, Jefferson and Klamath counties and coupled with other work force housing strategies, attract businesses and employment opportunities in Central Oregon.

Compared to scenario (a) where there is no required area in relation to the primary residence in which the RV must be sited, the addition of limitations could lessen the impact by minimizing the buildable footprint and ultimately, the number of eligible properties, recognizing that some may not have enough area to accommodate an RV depending on site constraints. This could positively impact the hunting and wildlife viewing economy in Central Oregon, valued at \$50 million annually. While such measures could lessen impacts, the overall burden caused by allowing RVs nevertheless may still overall impact wildlife and thereby impact revenue generated from the recreation economy.

In comparison to scenario (a), which would allow the use outright, Deschutes County finds that this scenario would provide a limitation to reduce the amount of impacts, even if those impacts still exist.

***Social Consequences:***

The positive social consequences in this scenario are very similar to scenario (a). Permitting RVs could have positive consequences by allowing property owners with an existing single-family dwelling to have a dwelling that accommodates aging parents or family members, farm help for those that are working on MUA-10 zoned agricultural properties or nearby Exclusive Farm Use zoned properties. By providing affordable housing, it could help lift people out of poverty and increase economic mobility. It could bring a positive impact on the surrounding community, encouraging social connections and lowering crime rates.

Adding a limitation requiring the RV to be within a certain distance of the existing dwelling (or other limitation) could establish a negative consequence, depending on siting, of RVs in rural areas with inadequate access to employment, schools, food markets, medical facilities and parks. This could lead to higher automobile dependence and vehicle emissions caused by more people driving to and from rural areas. Based on previous testimony from ODFW, there could also be negative impacts due to the potential loss of wildlife habitat stemming from the possible removal of habitat areas and construction of structures and their associated human presence. Many residents, advocacy

organizations, and wildlife agencies continue to express concerns regarding the loss of fish and wildlife habitat due to the region's rapid growth and development. There is a recognition that increases in human activity, especially in rural areas, displace habitat and diminish, incrementally, Deschutes County's rural character and quality of life. The proposed amendments could have negative consequences due to increased human presence and infrastructure near or within the inventoried Goal 5 resources, which could lead to a reduced level of access and enjoyment for recreationalists.

***Environmental Consequences:***

RVs as rental dwellings could present negative consequences as they have the potential to increase activity, noise, and light near fish and wildlife habitats, and in turn cause distress to inventoried Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat.

Siting of an RV may require removal of upland vegetation, grading, and soil compaction that could alter drainage and runoff patterns. This could increase peak runoff, cause bank erosion, flooding, or increase the flow of sediment into water bodies. The removal of upland vegetation could also reduce tree canopy and understory vegetation which could be utilized by fish and wildlife species, outside of their primary habitat. Given the relatively small footprint of RVs, however, these impacts may be minor compared to other development types. Permitting RVs could result in further negative impacts to the Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. Based on recent testimony from ODFW, mule deer populations have declined up to 70% since 2000. Their testimony identified other elements contributing to reductions in mule deer populations tied to human caused habitat reduction, fragmentation, and disturbance on winter range.

Existing protections in place today (discussed above) would prevent Goal 5 riparian areas from being developed when RVs are nearby. The establishment of RVs in these areas would likely be neutral.

By limiting the RV to within a certain distance of the existing dwelling, the negative environmental consequences associated with RVs could be mitigated to a certain extent.

***Energy Consequences:***

The energy consequences in this scenario are the same as in scenario (a). Limiting the RV to within a certain distance of the existing dwelling could decrease the amount of energy used to operate the RV, considering the essential services that are required to be provided.

# Chapter 6: ESEE Decision

**660-023-0040(5): Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:**

**(c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.**

The graphic below is meant to be a simplified representation to balance each of the ESEE factors. As stated in the ESEE analysis, there are a variety of positive, negative, and neutral consequences associated with each scenario. Deschutes County finds that the issue of allowing an RV as rental dwellings in MUA-10 and RR-10 zones are both a social and economic issue that outweighs the other ESEE consequences. The County considered allowing the use with limitations by limiting the siting of the RV to within a certain distance of the existing dwelling, but this practice could limit the number of affordable housing opportunities. Therefore, the County is choosing scenario (a), which will allow the use fully, notwithstanding the possible impacts on the resource sites.

**Table 5: ESEE Factors**

<b>ESEE Factors</b>	<b>Support habitat functions (Environmental, economic, social)</b>	<b>Support Affordable Housing (Social, economic)</b>	<b>Support Recreational Economy (Economic, Social)</b>	<b>Preserves Rural Character (Social, economic)</b>	<b>Transportation (Energy)</b>
<b>Prohibit conflicting use</b> (No code change)	<b>0</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Allow conflicting use</b> Allow RVs with no additional requirements	<b>-</b>	<b>+</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Limit conflicting use</b> Allow RVs with additional limitation	<b>-</b>	<b>+</b>	<b>-</b>	<b>-</b>	<b>-</b>

## Chapter 7: Program to Achieve Goal 5

**660-023-0050(1):** *For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).*

**660-023-0050(2):** *When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:*

- (a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;*
- (b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or ...*

Deschutes County has determined that allowing RVs as rental dwellings within the MUA-10 and RR-10 zones and within the Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat should be allowed fully, notwithstanding the possible impacts on the inventoried resources. The implementing measures do not include alternative, discretionary procedures for compliance.

**Attachment 1 - Deschutes County Significant Goal 5 Resources**

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Fish Habitat</b> (Inventory – Ord. No. 92-041, page 18; creeks, rivers and lakes)</p>	<p><b>Yes</b></p>	<p>Major conflicts are removal of riparian vegetation, fill and removal activities within the bed and banks of streams or wetlands, hydroelectric, rural residential development and water regulation</p>	<p>Floodplain zone recognized as program to achieve the goal to conserve fish habitat (Ordinance Nos. 88-030, 88-031, 89-009).  Others include: fill and removal permits, wetland removal regulations, hydro prohibitions, rimrock setbacks, 100’ setback from OHW, conservation easements and restrictions on boats and docks.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041</p>
<p><b>Deer Winter Range</b> (Inventory – Ord. No. 92-041, page 22; Metolius, Tumalo, North Paulina, and Grizzly ranges identified by ODFW)</p>	<p><b>Yes</b></p>	<p>Major conflicts are dwellings, roads, and dogs. Activities which cause deterioration of forage quality and quantity or cover are conflicting uses. Fences which impede safe passage are also a conflicting use.</p>	<p>Floodplain zone recognized as a program to achieve the goal to protect deer winter range (Ordinance Nos. 88-030, 88-031, 89-009).  Others include Wildlife Area Combining Zone. Requires 40-acre minimum lot size for all new residential land divisions. Underlying zoning in most of the deer winter range is: EFU, Forest, and Floodplain. These zones provide for large lot sizes and limit uses that are not compatible with farm or forest zones.</p>	<p>Ordinance Nos. 88-030, 88-031, 89-009, 92-040, 92-041, 92-042, 92-046</p>
<p><b>Deer Migration Corridor</b> (Inventory – Ord. No. 92-041, page 26; Bend-La Pine migration corridor identified by ODFW)</p>	<p><b>Yes</b></p>	<p>Major conflicts are dwellings, roads, and dogs. Fences which impede safe passage are also a conflicting use.</p>	<p>Wildlife Area Combining Zone was recognized as the only program to achieve the goal to protect the deer migration corridor. Underlying zoning is RR-10. It was amended to require cluster development for all land divisions in the RR-10 zone in the Bend/La Pine migration corridor (92-042). A 20-acre parcel is the minimum size required for a cluster development. Siting and fencing standards also apply in the deer migration corridor. Migration corridor includes some EFU, Forest, and Floodplain zoned land. These resource zones provide for large lot sizes and limit uses that are not compatible with farm or forest zones.</p>	<p>Ordinance Nos. 92-040, 92-041, 92-042, 92-046</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Elk Habitat</b> (Inventory – Ord. No. 92-041 – page 32; identified by USFS and ODFW)</p>	<p><b>Yes</b></p>	<p>Major conflict is the loss of habitat due to increased residential densities in the habitat areas. Increased human disturbance can cause conflict with elk. The use of land which necessitates the removal of large amounts of vegetative cover can also alter the quality of elk habitat.</p>	<p>Wildlife Area Combining Zone was recognized as the only program to achieve the goal to protect the elk habitat.</p> <p>It was amended to require a 160-acre minimum lot size for areas identified as significant elk habitat. Siting standards are required to minimize conflicts of residences with habitat protection.</p> <p>Underlying zoning in the elk habitat areas is either Floodplain, Forest, or Open Space and Conservation. These resource zones restrict high density residential development and prohibit industrial and commercial uses.</p> <p>* Some lands are zoned RR10, including lots that are split zoned with flood plain. They are already parcelized, preventing future land divisions.</p>	<p>Ordinance Nos. 88-030, 88-031, 89-009, 92-040, 92-041, 92-042, 92-046</p>
<p><b>Antelope Habitat</b> (Inventory – Ord. No. 92-041 – page 38; identified by ODFW)</p>	<p><b>No</b></p>	<p>Land use or development activities which would result in the loss of habitat, and animal harassment and disturbance associated with human activity.</p>	<p>To achieve the goal to conserve antelope habitat, uses conflicting with antelope habitat are limited to the Wildlife Area Combining Zone. In antelope range, the minimum lot size is 320 acres. Except for rural service centers, the antelope habitat is zoned EFU or F1.</p>	<p>Ordinance Nos. 92-040, 92-041, 92-042, 92-046</p>
<p><b>Habitat for Sensitive Birds</b> (Inventory – Ord. No. 92-041 – page 41 and Table 5; identified by ODFW, ODF, OSU, Oregon Natural Heritage Data Bases).</p> <p>The area required for each nest site varies between species.</p>	<p><b>No</b></p>	<p>Nest sites are found in Forest, EFU and Open Space and Conservation zones. Uses that could conflict with the habitat site are surface mining, residential use, recreation facilities, roads, logging, and air strips.</p> <p>Any activity which would disturb the nesting birds, including intensive recreational use or removal of trees or</p>	<p>The Sensitive Bird and Mammal Combining Zone achieves the goal to protect sensitive bird sites.</p>	<p>Ordinance Nos. 92-040, 92-041, 92-042, 92-046</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
		vegetation could conflict with the habitat site.		
<p><b>(UPDATE -</b> Inventory – Ord. No. 94-004 –pages 3 to 140 Site specific ESEE analysis and decisions follow each site.</p>	<b>No</b>	See above.	<p>Habitat areas for sensitive birds of the Fish and Wildlife Element, adopted in No. 92-041 is repealed and replaced by inventories in Exhibit 1. Area required around each nest site needed to protect the nest from conflict varies between species. It’s called “sensitive habitat area.”</p> <p>Note: Northern bald eagle, osprey, golden eagle, prairie falcon, and great blue heron rookeries are located on federal land. Classified as “2A” Goal 5 Resources. Great Grey owl site no longer exists. Some bald eagle, golden eagle sites are controlled by the Sensitive Bird and Mammal Combining Zone.</p>	Ordinance Nos. 94-004, 94-005 and 94-021
<p><b>Waterfowl Habitat</b> (Inventory – Ord. No. 92-041 – page 56; includes all rivers, streams, lakes and perennial wetlands and ponds identified on the 1990 US Fish and Wildlife Wetland Inventory Maps; ODFW provided lists of all bird species; Co/City of Bend River Study provides additional information)</p>	<b>Yes</b>	<p>Future resort and vacation home development, human activity associated with recreation along rivers and lakes, timber-cutting around sensitive habitats, fill and removal of material in wetlands and within the bed and banks of rivers and streams, and removal of riparian vegetation are conflicting uses.</p>	<p>Floodplain zone recognized as program to achieve the goal to conserve waterfowl habitat (Ordinance Nos. 88-030, 88-031, 89-009).</p> <p>Others include: fill and removal permits, wetland removal regulations, rimrock setbacks, 100’ setback from OHW, conservation easements, restrictions on boats and docks, landscape management, state and federal scenic water regulations. In addition, the Forest and EFU zones require large minimum lot size which limits the potential density of development in the areas adjacent to many of the rivers, streams, wetlands, and ponds used for waterfowl habitat.</p>	Ordinance Nos. 86-018, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-042- 92-045, 92-046

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Upland Game Bird Habitat</b>                      (Inventory – Ord. No. 92-041 – page 60; ODFW did not identify critical habitat for any of the upland game species except for the sage grouse; habitat for upland game birds is dispersed throughout the county in riparian, forest, agricultural, and rangeland areas)</p>	<p><b>Yes</b></p>	<p>Pheasant and quail are affected whenever agricultural land is taken out of production through urban sprawl, road construction, industrial development and other land clearing activities.</p> <p>Farming practices on existing agricultural lands also have an impact. Fence row, woodlots, and riparian vegetation are constantly being removed at the expense of upland bird use.</p> <p>Chapter 6 of County/City of Bend River Study identifies conflicting uses with upland bird habitat.</p>	<p>For all of the upland game birds except sage grouse, the habitat is adequately protected by the existing EFU and Forest zoning and the provisions to protect wetlands and riparian areas to achieve the goal of protecting upland game birds.</p> <p>County provisions to protect riparian areas and wetlands protect one of the most significant components of upland game habitat.</p> <p>Note: conflicts with sage grouse are limited by EFU zoning with a 320 acre minimum parcel size. Sensitive Bird and Mammal Combining Zone pertaining to sage grouse and leks have been repealed due to LCDC enacted rules in OAR 660, Division 23.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-042, 92-046</p>
<p><b>UPDATE</b> - Inventory – Ord. No. 94-004 – pages 156-201.</p>	<p><b>Yes</b></p>	<p>See above.</p>	<p>Habitat areas for Upland Game Bird Habitat, adopted in No. 92-041 is repealed and replaced and further amended in Exhibit 4 with the ESEE Analysis and inventory for upland game bird habitat.</p> <p>Conflicts with sage grouse are reduced by the limitations on uses in the EFU and Floodplain zone, by the 320 acre minimum lot size and predominance of BLM lands.</p> <p>Note: conflicts with sage grouse are limited by EFU zoning with a 320 acre minimum parcel size. Sensitive Bird and Mammal Combining Zone pertaining to sage grouse and leks have been repealed due to LCDC enacted rules in OAR 660, Division 23.</p>	<p>Ordinance Nos. 94-004 and 94-021</p>



Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Furbearer Habitat</b> (Inventory – Ord. No. 92-041 – page 65; ODFW has not identified any specific habitat sites other than riparian and wetland areas that are critical for the listed species.</p>	<p><b>Yes</b></p>	<p>The conflicting uses are those activities or development which would degrade or destroy habitat, or disturb the animals causing them to relocate.</p> <p>Conflicts between furbearers and other land uses are minimal in the county.</p>	<p>Furbearer habitat is adequately protected by the existing EFU and Forest zoning and the provisions to protect farm use and forest zoning, and the provisions to protect wetlands and riparian areas to achieve the goal to protect furbearers.</p> <p>The farm and forest zones require large minimum lot sizes and many uses are permitted only as conditional uses. The measures to protect riparian and wetland habitat are detailed in this plan in the Riparian and Wetland Habitat section.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041</p>
<p><b>Habitat Areas for Townsend’s Big-Eared Bats</b> (Inventory – Ord. No. 92-041 – page 69; identified by ODFW, ODF, OSU, Oregon Natural Heritage Data Bases)</p>	<p><b>No</b></p>	<p>Caves located in EFU zones. Uses permitted in those zones that could conflict with the habitat site are surface mining, recreation facilities including golf courses and destination resorts, roads, logging, and air strips.</p>	<p>Program to achieve the goal is Sensitive Bird and Mammal Combining Zone</p>	<p>Ordinance No. 92-041 and 042</p>
<p><b>UPDATE</b> - Inventory – Ord. No. 94-004 – pages 140 to 155 Site specific ESEE analysis and decisions follow each site.</p>	<p><b>No</b></p>	<p>See above.</p>	<p>Habitat areas for Townsend Bats, adopted in No. 92-041 is repealed and replaced and further amended in Exhibit 2. The ESEE for Townsend’s big-eared bats is amended for additional bat sites in Exhibit 3.</p>	<p>Ordinance Nos. 94-004 and 94-021</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Wetlands and Riparian Areas</b> (Inventory – Ord. No. 92-041 – page 73; identified on USFWS NWI)</p>	<p><b>Yes</b></p>	<p>Conflicting uses include fill and removal of material, including vegetation which could cause a reduction in the size or quality or function of a wetland, or cause destruction or degradation of the riparian habitat and vegetation.</p> <p>Structural development in wetlands or riparian areas would reduce the habitat and the use of the structure could cause conflicts such as harassment or disturbance or wildlife dependent on the habitat. Cutting of riparian vegetation can remove important shade for streams, eliminate habitat for various waterfowl, furbearers, and nongame bird species, and can increase the potential for erosion or bank instability in riparian areas.</p>	<p>Floodplain zone recognized as program to achieve the goal to conserve wetland and riparian habitat (Ordinance Nos. 88-030, 88-031, 89-009).</p> <p>Others include: fill and removal permits, wetland removal regulations, hydro prohibitions, 100’ setback from OHW, conservation easements, restrictions on boats and docks, and landscape management.</p>	<p>Ordinance Nos. 86-018, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-045</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>UPDATE – Riparian inventory</b> – Ord. No. 94-007; Significant riparian habitat is located in three areas:</p> <p>Area within 100’ of OHW of an inventoried stream or river;</p> <p>Area adjacent to an inventoried river or stream and located within a flood plain mapped by FEMA and zoned Floodplain by the county (Deschutes River, Little Deschutes River, Paulina Creek, Fall River, Indian Ford Creek, Tumalo Creek, Squaw (Whychus) Creek, and Crooked River</p> <p>Area adjacent to a river or stream and inventoried as a wetland on the NWI</p>	<p>Yes</p>	<p>Conflicting uses:</p> <p>Locating septic systems in riparian area could cause pollution of ground and surface water systems. The potential for this conflict depends on the characteristics of the soil.</p> <p>Locating structural development in riparian areas can reduce the habitat and the use of structures could cause conflicts such as harassment or disturbance of wildlife dependent on habitat.</p> <p>Recreational use of the riparian area including boat landing areas, formal and informal trails, and camping areas can alter soil composition and cause destruction of vegetation.</p> <p>Increase in density of residential lots in or adjacent to riparian areas could result in a decrease of habitat effectiveness because of disturbance to wildlife.</p>	<p>Riparian Areas inventory and ESEE analysis adopted by Ordinance No. 92-041 is deleted and replaced by an inventory and ESEE contained in Exhibit A.</p> <p>New parcels meeting the minimum lot size in the resource zones (EFU, Forest, non-exception flood plain) will not cause an increase in residential density that would conflict with riparian habitat values.</p> <p>In RR10, MUA-10, and Floodplain zones found adjacent to inventoried riparian areas, the creation of new 10 acre parcels would not significantly increase the overall density of residential use adjacent to riparian areas because the areas where new parcels could be created, with the exception of Tumalo Creek, are already divided into lots considerably smaller than 10 acres.</p> <p>Program to achieve Goal 5 for Riparian Habitat: fill and removal regulations to protect wetlands, 100’ setback from OHW, Floodplain zone (regulates docks too), Landscape Management zone, Conservation easements, State Scenic Waterway</p>	<p>Ordinance Nos. 94-007</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>UPDATE – Wetland Inventory</b> – Ord. No. 94-007, Exhibit B – inventory is NWI (Ord. No. 92-045)</p>	<p><b>Yes</b></p>	<p>Conflicting uses include fill and removal of material, including vegetation, which could cause reduction in the size, quality or function of a wetland.</p> <p>Locating structural development in wetlands could reduce the habitat and the use of the structure could cause conflicts such as harassment or disturbance of wildlife dependent on the habitat.</p> <p>Draining wetlands for agriculture of other development purposes destroys the hydrological function of the wetland and alters the habitat qualities that certain wildlife depend on.</p> <p>Cutting wetland vegetation adjacent to streams can remove important shade for streams, eliminate habitat for various waterfowl, furbearers, and nongame bird species, and can also increase the potential for erosion or bank instability in riparian areas.</p>	<p>Wetlands Inventory and ESEE analysis adopted by Ordinance No. 92-041 is deleted and replaced by an inventory and ESEE contained in Exhibit B, Wetlands.</p> <p>Program to achieve Goal 5 for Wetland Habitat:</p> <ul style="list-style-type: none"> <li>• Fill and removal regulations to protect wetlands</li> <li>• 100’ setback from OHW</li> <li>• Flood plain zone (regulates docks too)</li> <li>• DSL Removal / Fill law</li> </ul>	<p>Ordinance Nos. 94-007</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Ecologically and Scientifically Significant Natural Areas * Little Deschutes River / Deschutes River Confluence</b>                      (Inventory – Ord. No. 92-052, Exhibit B, Page 1; identified by Oregon Natural Heritage Program); Analysis of Pringle Falls and Horse Ridge Research Areas, West Hampton Butte and Davis Lakes excluded b/c they’re on federal land and/or not related to flood plains.</p>	<p><b>Yes</b></p>	<p>Resort and vacation home development, recreational uses, livestock grazing, and fill and removal in wetlands are conflicting uses.</p>	<p>Programs for resource protection include the zoning of the property, the provisions of the flood plain, wetlands and the river corridor.</p> <p>The implementing measures which protect and regulate development in the confluence area are: EFU zoning, Floodplain zoning, conservation easements, and fill and removal permits.</p> <p>The confluence area is located in the undeveloped open space area of the Sunriver development (Crosswater). 80% of the property is retained as open space.</p> <p>Today, zoning is Floodplain and Forest Use.</p>	<p>Ordinance Nos. 86-018, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-045</p>
<p><b>Landscape Management Rivers and Streams</b>                      (Inventory – Ord. No. 92-052, Exhibit C, Page 3; identified by state and federal wild and scenic corridors; and within 660’ of OHW of portions of Deschutes River, Little Deschutes River, Paulina Creek, Fall River, Spring river, Tumalo Creek, Squaw (Whychus) Creek, and Crooked River not on the state or federal scenic designations)</p>	<p><b>Yes</b></p>	<p>Uses conflicting with open space and scenic resources along the designated Landscape Management rivers and streams include land management activities that result in habitat loss or development within river or stream corridors which would excessively interfere with the scenic or natural appearance of the landscape as seen from the river or stream or alteration of existing natural landscape by removal of vegetative cover.</p>	<p>Program for resource protection includes: Floodplain zone and restrictions, fill and removal permits, wetland removal regulations, hydro prohibitions, rimrock setbacks, conservation easements, restrictions on boats and docks, and landscape management.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-033, 93-034</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Lakes and Reservoirs</b>                      (Inventory – Ord. No. 92-052, Exhibit C, Page 10; includes Upper Tumalo Reservoir; remaining are on federal land)</p>	<p><b>No</b></p>	<p>Conflicting uses with the open space and scenic values of the land adjacent to the inventoried lakes include development which would cause a loss of open space or a decrease in the aesthetic and scenic resources, and land management activities resulting in the removal of natural vegetation which provides wildlife habitat and scenic value.</p>	<p>Conflicting uses around Tumalo Reservoir are specifically limited by Title 18.48, Open Space Conservation Zone and a 100’ setback for any structure from OHW.</p>	<p>Ordinance No. 91-020</p>
<p><b>State Scenic Waterways and Federal Wild and Scenic Rivers</b>                      (Inventory – Ord. No. 92-052, Exhibit E, Page 1;</p>	<p><b>Yes</b></p>	<p>See County / City of Bend River Study and 1986 River Study Staff Report. Both referenced in Ord. 92-005, Exhibit E.</p>	<p>Program for resource protection includes:                      Floodplain zone and restrictions, fill and removal permits, wetland removal regulations, hydro prohibitions, rimrock setbacks, conservation easements, restrictions on boats and docks, and landscape management.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-033, 93-034</p>
<p><b>Wilderness Areas, Areas of Special Concern, Energy Sources (Ord. No 92-052), and Groundwater Resources (Ord. No. 94-003)</b> not analyzed because they’re on federal land or don’t relate to flood plains.</p>	<p><b>No</b></p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

**Attachment 2 - Inventory Site Maps**



**BOARD OF  
COMMISSIONERS**

**AGENDA REQUEST & STAFF REPORT**

**MEETING DATE:** December 18, 2024

**SUBJECT:** Letter of support to acquire 40 acres of Deschutes National Forest located southeast of La Pine

**RECOMMENDED MOTION:**

Move approval of a letter supporting the County's acquisition of 40 acres of Deschutes National Forest located southeast of La Pine.

**BACKGROUND AND POLICY IMPLICATIONS:**

Commission DeBone recently presented the opportunity to acquire 40 acres of Deschutes National Forest located southeast of La Pine. The location is known to have a State of Oregon certifiable hard rock supply. The 40-acre property is immediately adjacent to a private surface mine.

Upon acquisition, the intent would be to sell the property on the open market for future surfacing mining operations.

Congressman Cliff Bentz is supporting this request and is proposing the matter in upcoming legislation.

**BUDGET IMPACTS:**

To be determined.

**ATTENDANCE:**

Kristie Bollinger, Property Manager



December XX, 2024

Congressman Cliff Bentz  
 14 N. Central Avenue, Suite 112  
 Medford, OR 97501

Dear Congressman Bentz:

As the Deschutes County Board of Commissioners, we are writing to emphasize the significant economic, infrastructural and social benefits of acquiring 40-acres of Deschutes National Forest from the federal government. The location identified southeast of La Pine is known to have a State of Oregon certifiable hard rock supply. Acquiring and designating this property for surfacing mining will bring many benefits to Deschutes County and the region. Some of the direct benefits include:

- Utilizing this land for its aggregate resources will help support the construction industry in southern Deschutes County and throughout the region.
- Increasing the availability of this aggregate resource will help to facilitate quicker and more efficient developments, through reduced delays and ensuring consistent supply for ongoing road and facility maintenance, and for other critical projects.
- Reducing haul times in southern Deschutes County helps to decrease construction costs, which directly impacts the affordability of new homes and other development projects in the region.
- Shorter haul times to nearby projects reduce environmental impacts due to lessened emissions and overall carbon footprint.
- Strategic use of this land can also stabilize market prices and encourage competitive development.
- Target property is directly adjacent to an operational surface mine currently used for rock, sand and gravel operations making accessibility to the 40-acres more tangible.

In conclusion, these 40-acres represents a strategic investment in the future of Deschutes County and would provide positive impacts to the region. Economic, infrastructural, and social benefits factors make this land an important asset contributing to the continued prosperity and sustainability of our region. Thank you for weighing these factors carefully as we move forward with this initiative, and we thank you in advance for your consideration.

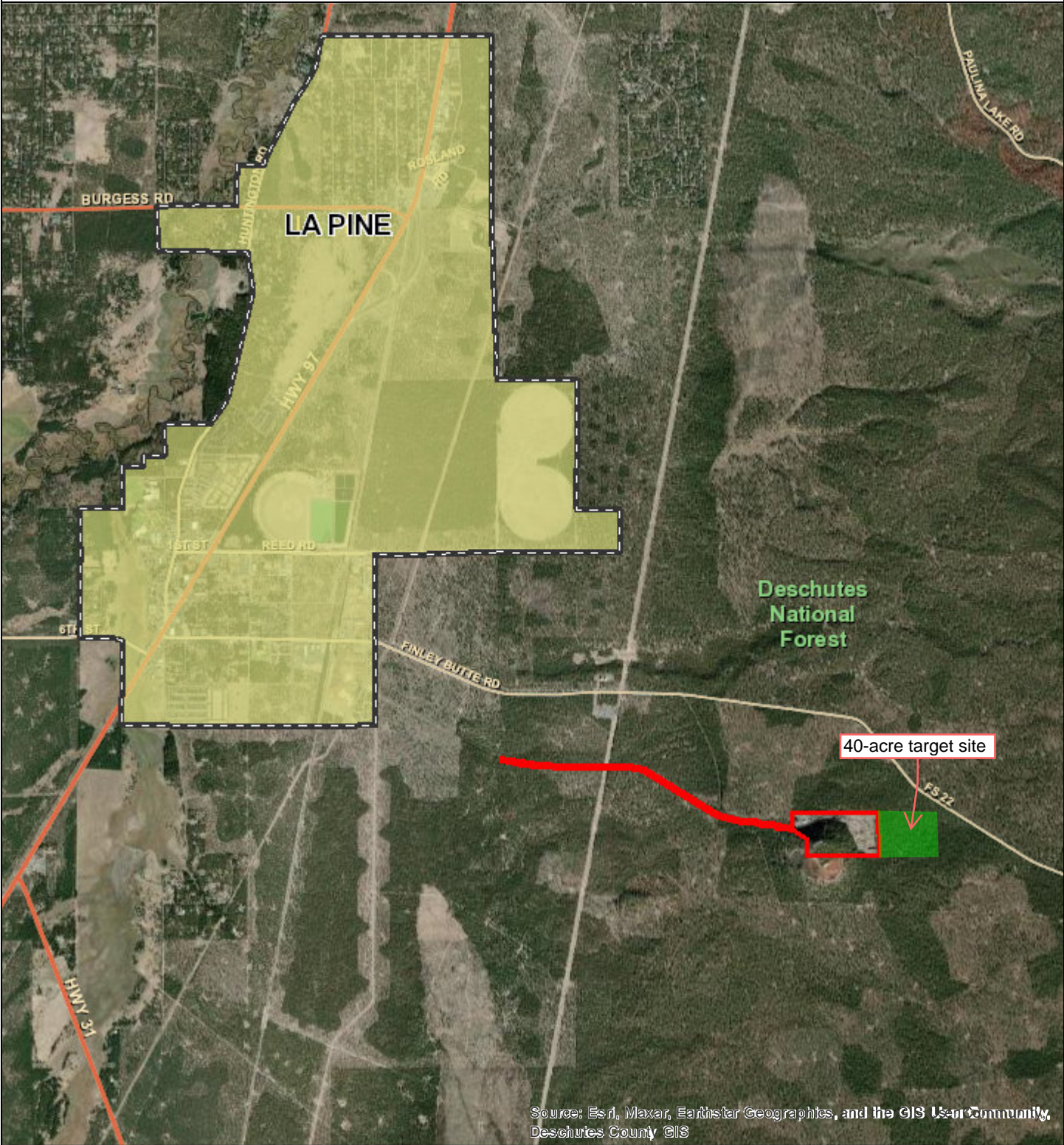
Sincerely,

[Insert Board signature block]

DRAFT

# +/- 40-acres National Forest

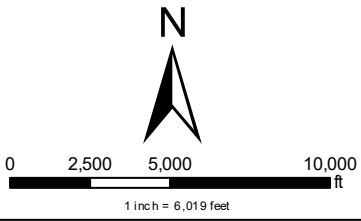
Located East of Map and Tax Lot 2211000000600



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Deschutes County GIS



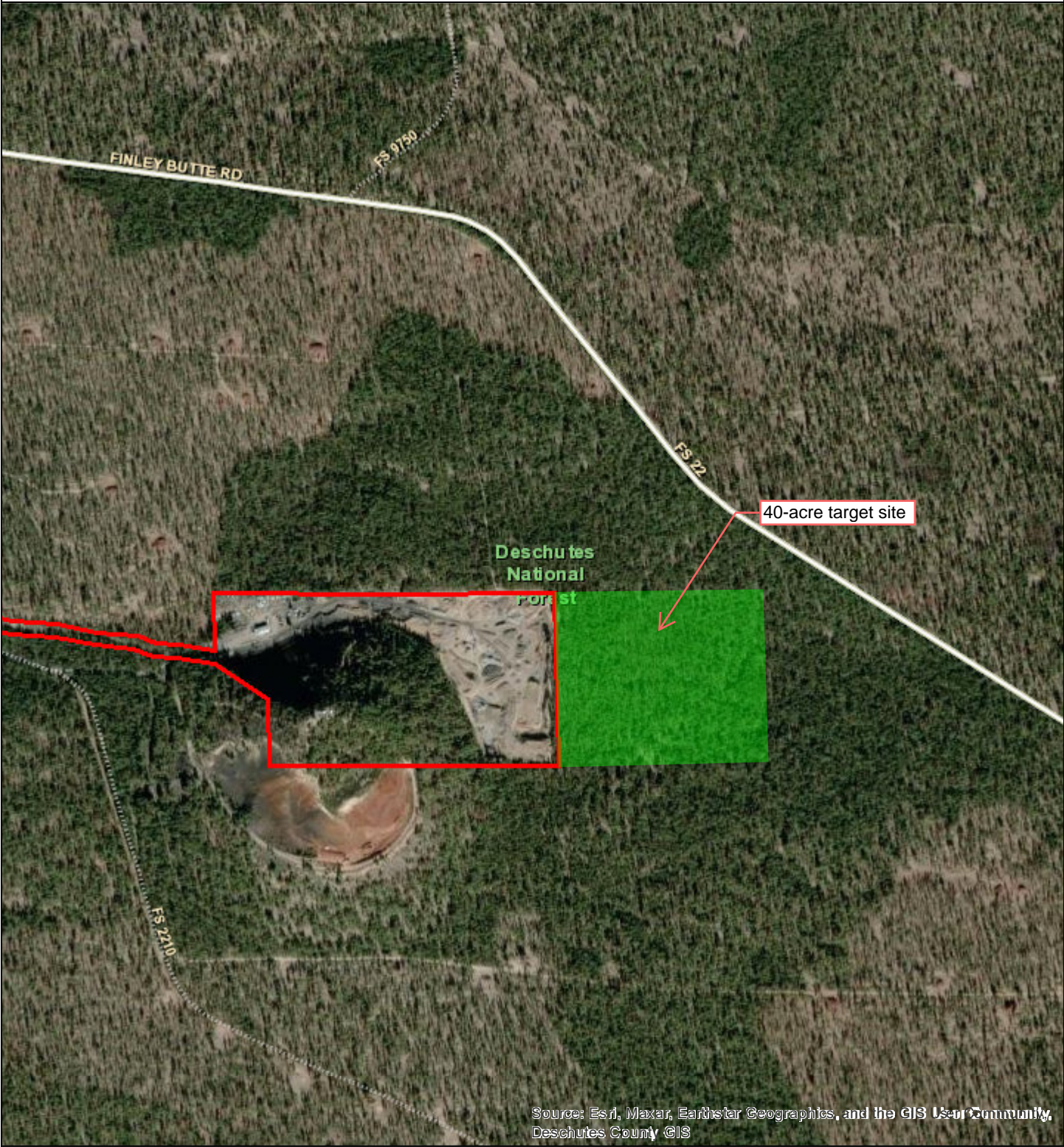
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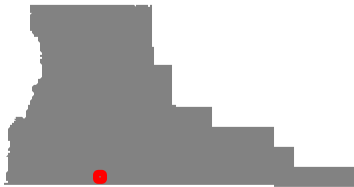


# +/- 40-acres National Forest

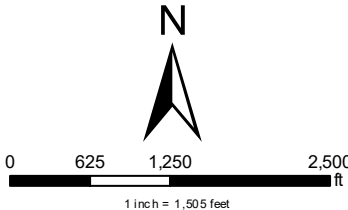
Located East of Map and Tax Lot 2211000000600



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Deschutes County GIS



Date: 10/25/2024





BOARD OF  
COMMISSIONERS

**AGENDA REQUEST & STAFF REPORT**

**MEETING DATE:** December 18, 2024

**SUBJECT:** Treasury Report for November 2024

**ATTENDANCE:**  
*Bill Kuhn, County Treasurer*



12/18/2024 Item #24.

**MEMORANDUM**

**DATE:** December 18, 2024  
**TO:** Board of County Commissioners  
**FROM:** Bill Kuhn, Treasurer  
**SUBJECT:** Treasury Report for November 2024

Following is the unaudited monthly treasury report for fiscal year to date (YTD) as of November 30, 2024.

**Treasury and Investments**

- The portfolio balance at the end of November was \$373.5 million, an increase of \$93.7 million from October and an increase of \$37.9 million from last year (November 2023).
- Net investment income for November was \$1,309K, approximately \$496.2K more than last month and \$351.2K greater than November 2023. YTD earnings of \$4,597,328 are \$1,594,855 more than the YTD earnings last year.
- All portfolio category balances are within policy limits.
- The LGIP interest rate declined to 4.85% during the month of November. Benchmark returns for 24-month treasuries were down 4 basis points and 36-month treasuries were down 7 basis points from the prior month.
- The average portfolio yield increased to 3.93%, which was up 8 bps from last month's average %.
- The portfolio weighted average time to maturity is up to .96 years.

**Deschutes County**

**Total Investment Portfolio As Of 11/30/2024**

Portfolio Breakdown: Par Value by Investment Type		
Municipal Debt	26,090,000	7.0%
Corporate Notes	26,663,000	7.1%
	-	0.0%
U.S. Treasuries	144,900,000	38.8%
Federal Agencies	83,745,000	22.4%
LGIP	40,297,925	10.8%
First Interstate (Book Balance)	51,865,569	13.9%
<b>Total Investments</b>	<b>\$ 373,561,494</b>	<b>100.0%</b>

Investment Income		
	Nov-24	Y-T-D
<b>Total Investment Income</b>	\$ 1,321,052	\$ 4,657,328
Less Fee: \$12,000 per month	(12,000)	(60,000)
<b>Investment Income - Net</b>	<b>\$ 1,309,052</b>	<b>\$ 4,597,328</b>
<b>Prior Year Comparison</b>	<b>Nov-23</b>	<b>\$ 3,002,473</b>

Investment Type	Percentage
U.S. Treasuries	38.8%
Federal Agencies	22.4%
LGIP	10.8%
First Interstate Bank	13.9%
Corporate Notes	7.1%
Municipal Debt	7.0%
Time Certificates	0.0%

Category Maximums:	
U.S. Treasuries	100%
LGIP (\$61,749,000)	100%
Federal Agencies	100%
Banker's Acceptances	25%
Time Certificates	50%
Municipal Debt	25%
Corporate Debt	25%

	Yield Percentages	
	Current Month	Prior Month
FIB/ LGIP	4.85%	5.00%
Investments	3.62%	3.61%
<b>Average</b>	<b>3.93%</b>	<b>3.85%</b>

Maturity (Years)	
Max	Weighted Average
3.00	0.96

Benchmarks		
24 Month Treasury	4.17%	4.21%
LGIP Rate	4.85%	5.00%
36 Month Treasury	4.11%	4.18%

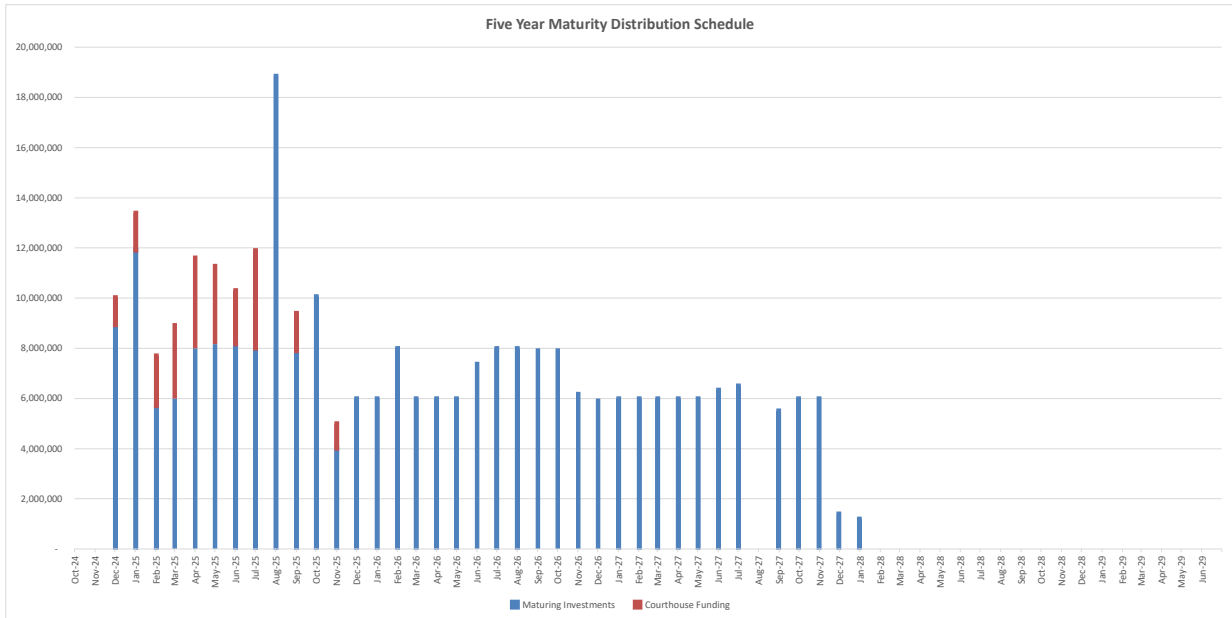
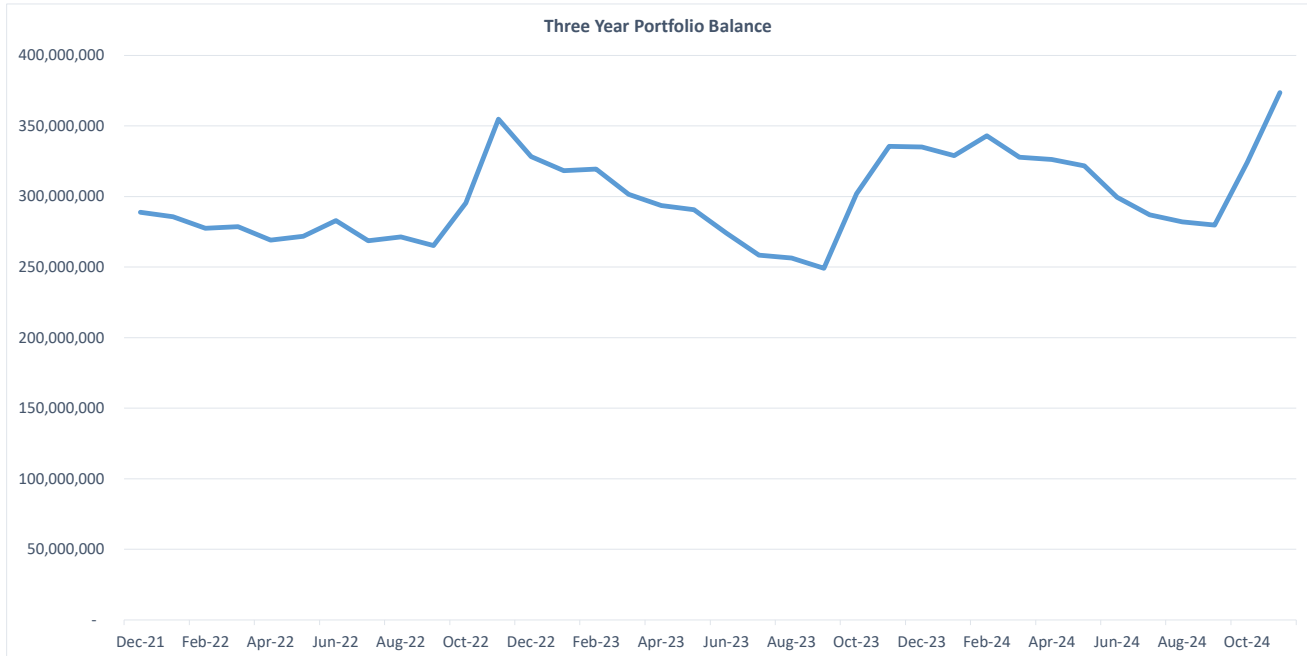
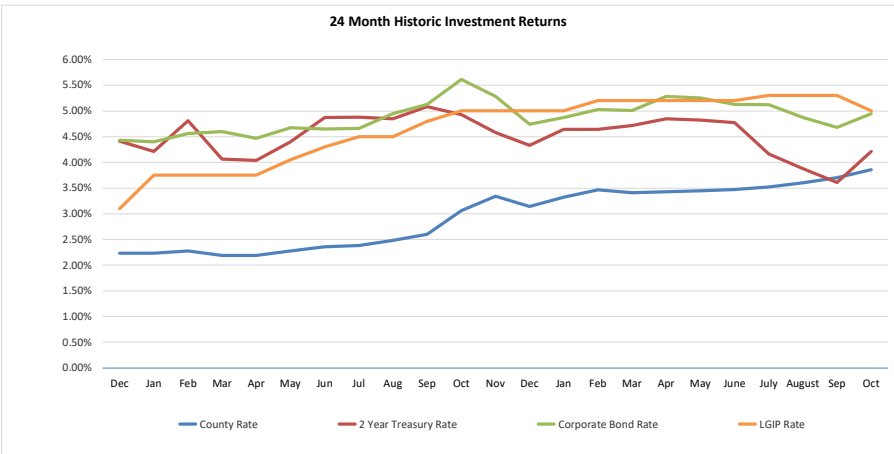
Term	Minimum	Actual
0 to 30 Days	10%	27.4%
Under 1 Year	25%	59.1%
Under 5 Years	100%	100.0%

Broker	Millions
DA Davidson	\$15.7
Stifel Capital	\$17.5
Piper Sandler	\$27.0
Robert W Baird & Co	\$29.4
Moreton Capital Markets	\$34.5
Castle Oak	\$46.9
Great Pacific Securities	\$50.2

Other	Policy	Actual
Corp Issuer	5%	1.3%
Callable	25%	9.3%
<b>Weighted Ave.</b>	<b>AA2</b>	<b>AA1</b>

Investment Activity	
Purchases in Month	\$ 11,160,000
Sales/Redemptions in Month	\$ 9,100,000

250



**Deschutes County Investments  
Portfolio Management  
Portfolio Details - Investments  
November 30, 2024**

Inv #	Inv Type	CUSIP	Security	Broker	Purchase Date	Maturity Date	Days To Maturity	Ratings		Coupon Rate	YTM 365	Par Value	Market Value	Book Value	Call Date
								Moodys	S&P/Fitch						
10988	FAC	3130HOAV5	Federal Agriculture Mtg Corp	MORETN	12/12/2023	10/1/2025	304			2.55	4.87	2,000,000	1,969,895	1,963,373	- -
11024	FAC	31424WHG0	Federal Agriculture Mtg Corp	PS	4/29/2024	4/16/2027	866			4.8	4.8843197	2,000,000	2,026,604	1,996,282	- -
10763	FAC	3133EL3P7	Federal Farm Credit Bank	R W B	8/12/2020	8/12/2025	254	Aaa	AA+	0.53	0.53	3,000,000	2,920,426	3,000,000	- -
10764	FAC	3133EL3H5	Federal Farm Credit Bank	MORETN	8/12/2020	8/12/2025	254	Aaa	AA+	0.57	0.57	3,000,000	2,920,840	3,000,000	- -
10820	FAC	3133EMLP5	Federal Farm Credit Bank	PS	12/30/2020	12/23/2024	22	Aaa	AA+	0.32	0.3199988	2,000,000	1,994,547	2,000,000	- -
10927	FAC	3133ENPG9	Federal Farm Credit Bank	MORETN	10/25/2022	2/14/2025	75	Aaa	AA+	1.75	4.5602179	1,700,000	1,690,512	1,690,898	- -
10971	FAC	3133EPPR0	Federal Farm Credit Bank	GPAC	11/17/2023	4/10/2026	495	Aaa	AA+	4.625	4.7710002	2,000,000	2,009,084	1,996,243	- -
10975	FAC	3133EPPR0	Federal Farm Credit Bank	GPAC	11/22/2023	4/10/2026	495	Aaa	AA+	4.625	4.8109999	2,000,000	2,009,084	1,995,223	- -
10985	FAC	3133EPC37	Federal Farm Credit Bank	PS	12/8/2023	11/13/2025	347	Aaa	AA+	4.875	4.6404797	1,000,000	1,003,923	1,002,091	- -
10987	FAC	3133EHVV1	Federal Farm Credit Bank	PS	12/12/2023	9/1/2026	639	Aaa	AA+	2.4	4.5888622	2,000,000	1,938,074	1,928,699	- -
11006	FAC	3133EPL37	Federal Farm Credit Bank	R W B	12/19/2023	12/8/2025	372	Aaa	AA+	4.625	4.4981889	2,000,000	2,005,115	2,002,433	- -
10937	FAC	3130AK5E2	Federal Home Loan Bank	R W B	11/18/2022	9/4/2025	277	Aaa	AA+	0.375	4.2631353	2,000,000	1,940,684	1,944,955	- -
10947	FAC	3130ASR92	Federal Home Loan Bank	MORETN	11/30/2022	5/16/2025	166	Aaa	AA+	4	5.139245	2,000,000	1,996,459	1,994,581	- -
10964	FAC	3130AWKM1	Federal Home Loan Bank	R W B	11/16/2023	12/12/2025	376	Aaa	AA+	4.75	4.9490002	2,000,000	2,008,767	1,996,121	- -
10972	FAC	3130AXB31	Federal Home Loan Bank	R W B	11/17/2023	3/13/2026	467	Aaa	AA+	4.875	4.78	2,000,000	2,013,409	2,002,223	- -
10976	FAC	3130ALAJ3	Federal Home Loan Bank	PS	11/22/2023	8/25/2026	632	Aaa	AA+	0.7	4.9650109	2,000,000	1,880,930	1,863,386	2/25/2025
10984	FAC	3130AWLY4	Federal Home Loan Bank	PS	12/8/2023	6/13/2025	194	Aaa	AA+	5.125	4.8004048	2,145,000	2,152,464	2,148,537	- -
11005	FAC	3130ALSW5	Federal Home Loan Bank	R W B	12/19/2023	3/13/2026	467	Aaa	AA+	0.875	4.3881228	2,000,000	1,916,039	1,914,978	- -
11023	FAC	3130AL5A8	Federal Home Loan Bank	STIFEL	3/21/2024	2/26/2027	817	Aaa	AA+	0.9	4.5716846	2,000,000	1,857,535	1,847,927	2/26/2025
11025	FAC	3130AVBC5	Federal Home Loan Bank	PS	4/29/2024	3/12/2027	831	Aaa	AA+	4.5	4.8741805	2,000,000	2,010,733	1,984,168	- -
11030	FAC	3130B32T9	Federal Home Loan Bank	DA DAV	10/4/2024	10/1/2027	1034	Aaa	AA+	4	4.0001144	1,000,000	991,838	1,000,000	10/1/2025
11043	FAC	3130B3DN0	Federal Home Loan Bank	GPAC	11/6/2024	10/21/2025	324			4.125	4.3007922	2,000,000	1,995,898	1,996,939	- -
11047	FAC	3130B2Y33	Federal Home Loan Bank	DA DAV	11/6/2024	6/17/2027	928			4.125	4.2801403	2,000,000	1,989,836	1,992,641	6/17/2025
11062	FAC	3130AL2X1	Federal Home Loan Bank	DA DAV	11/22/2024	2/17/2027	808			0.85	4.3501117	2,000,000	1,857,470	1,853,991	2/17/2025
10766	FAC	3134GWND4	Federal Home Loan Mtg Corp	CASTLE	8/14/2020	8/12/2025	254	Aaa		0.6	0.6101786	2,000,000	1,947,487	1,999,860	2/12/2025
10792	FAC	3134GW5Q5	Federal Home Loan Mtg Corp	CASTLE	10/30/2020	1/29/2025	59	Aaa		0.45	0.4523943	2,500,000	2,483,445	2,499,991	- -
10821	FAC	3134GXKK9	Federal Home Loan Mtg Corp	R W B	1/15/2021	1/15/2025	45	Aaa		0.35	0	2,000,000	1,989,689	2,000,000	- -
10905	FAC	3134GWZV1	Federal Home Loan Mtg Corp	CASTLE	7/8/2022	10/22/2025	325	Aaa		0.65	3.2000087	2,000,000	1,934,778	1,957,157	- -
10944	FAC	3137EAXE3	Federal Home Loan Mtg Corp	MORETN	11/18/2022	9/23/2025	296	Aaa	AA+	0.375	4.2702845	2,000,000	1,936,358	1,941,087	- -
10955	FAC	3137EAEU9	Federal Home Loan Mtg Corp	CASTLE	11/30/2022	7/21/2025	232	Aaa	AA+	0.375	4.3133499	2,000,000	1,949,782	1,953,016	- -
11033	FAC	3134GVYY8	Federal Home Loan Mtg Corp	GPAC	10/4/2024	11/26/2027	1090	Aaa		1	3.6503051	1,000,000	911,179	925,339	2/26/2025
11041	FAC	3134HATD5	Federal Home Loan Mtg Corp	DA DAV	10/25/2024	10/22/2027	1055	Aaa	AA+	3.75	4.1627016	1,000,000	986,888	988,884	- -
11054	FAC	3134GW6C5	Federal Home Loan Mtg Corp	PS	11/15/2024	10/28/2026	696			0.8	4.3059853	2,000,000	1,873,680	1,872,959	1/28/2025
10762	FAC	3136G4E74	Federal National Mtg Assn	CASTLE	7/31/2020	1/29/2025	59	Aaa	AA+	0.57	0.5699999	1,400,000	1,390,977	1,400,000	- -
10765	FAC	3136G4N74	Federal National Mtg Assn	MORETN	8/21/2020	8/21/2025	263	Aaa	AA+	0.56	0.56	3,000,000	2,917,478	3,000,000	2/21/2025
10767	FAC	3136G4L84	Federal National Mtg Assn	CASTLE	8/18/2020	8/18/2025	260	Aaa	AA+	0.57	0.5901227	2,000,000	1,945,805	1,999,717	2/18/2025
10770	FAC	3136G4X24	Federal National Mtg Assn	PS	8/28/2020	8/29/2025	271	Aaa	AA+	0.6	0.6000006	1,000,000	972,441	1,000,000	- -
10772	FAC	3136G4N74	Federal National Mtg Assn	R W B	8/27/2020	8/21/2025	263	Aaa	AA+	0.56	0.5650922	1,000,000	972,493	999,964	2/21/2025
10773	FAC	3136G4X24	Federal National Mtg Assn	CASTLE	8/28/2020	8/29/2025	271	Aaa	AA+	0.6	0.6000006	1,000,000	972,441	1,000,000	- -
10774	FAC	3136G4N74	Federal National Mtg Assn	R W B	9/3/2020	8/21/2025	263	Aaa	AA+	0.56	0.55999951	2,000,000	1,944,985	2,000,000	2/21/2025
10793	FAC	3135GA2N0	Federal National Mtg Assn	R W B	11/4/2020	11/4/2025	338	Aaa	AA+	0.55	0.55	2,000,000	1,931,338	2,000,000	- -
10796	FAC	3135G0G63	Federal National Mtg Assn	CASTLE	11/12/2020	11/7/2025	341	Aaa	AA+	0.5	0.5729346	2,000,000	1,929,286	1,998,660	- -
10952	FAC	3135G03U5	Federal National Mtg Assn	R W B	11/30/2022	4/22/2025	142	Aaa	AA+	0.625	4.4293463	2,000,000	1,970,580	1,972,088	- -
11026	FAC	3135GAS85	Federal National Mtg Assn	R W B	5/14/2024	5/14/2027	894	Aaa	AA+	5	5.157637	2,000,000	2,000,978	1,992,920	5/14/2025
10904	TRC	91282CEH0	U.S. Treasury	MORETN	7/8/2022	4/15/2025	135	Aaa	AA+	2.625	3.0804476	2,000,000	1,987,094	1,996,790	- -
10920	TRC	91282ZL7	U.S. Treasury	PS	10/3/2022	4/30/2025	150	Aaa		0.375	4.2171846	2,000,000	1,967,078	1,970,361	- -
10921	TRC	91282ZT0	U.S. Treasury	PS	10/3/2022	5/31/2025	181	Aaa		0.25	4.2325215	2,000,000	1,959,391	1,963,036	- -
10929	TRC	91282CDZ1	U.S. Treasury	MORETN	10/25/2022	2/15/2025	76	Aaa		1.5	4.5042292	2,000,000	1,987,773	1,988,266	- -
10934	TRC	91282CED9	U.S. Treasury	MORETN	11/4/2022	3/15/2025	104	Aaa		1.75	4.6405931	2,000,000	1,984,656	1,984,561	- -
10935	TRC	91282CEU1	U.S. Treasury	MORETN	11/4/2022	6/15/2025	196	Aaa		2.875	4.6510728	2,000,000	1,984,281	1,982,232	- -
10936	TRC	91282CEY3	U.S. Treasury	MORETN	11/4/2022	7/15/2025	226	Aaa		3	4.660048	2,000,000	1,983,535	1,980,872	- -
10942	TRC	91282CDN8	U.S. Treasury	MORETN	11/18/2022	12/15/2024	14	Aaa		1	4.3929033	2,000,000	1,997,430	1,997,541	- -
10943	TRC	91282CDZ1	U.S. Treasury	MORETN	11/18/2022	2/15/2025	76	Aaa		1.5	4.3902761	2,000,000	1,987,773	1,988,675	- -
10945	TRC	9128285C0	U.S. Treasury	MORETN	11/18/2022	9/30/2025	303	Aaa		3	4.1910054	2,000,000	1,977,828	1,981,551	- -
10946	TRC	91282CEY3	U.S. Treasury	MORETN	11/18/2022	7/15/2025	226	Aaa		3	4.2514798	2,000,000	1,983,535	1,985,475	- -
10958	TRC	91282CEY3	U.S. Treasury	PS	11/30/2022	7/15/2025	226	Aaa		3	4.2943472	2,000,000	1,983,535	1,984,977	- -
10959	TRC	91282CEU1	U.S. Treasury	PS	11/30/2022	6/15/2025	196	Aaa		2.875	4.2893605	2,000,000	1,984,281	1,985,756	- -
10963	TRC	91282CHM6	U.S. Treasury	STIFEL	9/29/2023	7/15/2026	591	Aaa		4.5	4.8808615	3,000,000	3,011,836	2,982,791	- -





Inv #	Inv Type	CUSIP	Security	Broker	Purchase Date	Maturity Date	Days To Maturity	Ratings		Coupon Rate	YTM 365	Par Value	Market Value	Book Value	Call Date
								Moodys	S&P/Fitch						
11064	MC1	037833DN7	Apple Inc	GPAC	11/22/2024	9/11/2026	649	Aaa	AA+	2.05	4.4101317	2,000,000	1,921,980	1,920,123	7/11/2026
10822	MC1	12572QAG0	CME GROUP	GPAC	1/4/2021	3/15/2025	104	Aa3	AA-	3	0.6490818	2,000,000	1,990,012	2,013,378	- -
10818	MC1	166764BW9	Chevron Corp	GPAC	12/28/2020	5/11/2025	161	Aa2	AA-	1.55	0.65	1,663,000	1,640,686	1,669,599	- -
10824	MC1	166764BW9	Chevron Corp	CASTLE	1/7/2021	5/11/2025	161	Aa2	AA-	1.55	0.62	2000000	1973164.44	2008200.51	- -
10817	MC1	46625HKC3	JPMorgan Chase - Corporate N	CASTLE	12/22/2020	1/23/2025	53	A1	A-	3.13	0.81	2000000	1995072	2006576.53	- -
10826	MC1	46625HKC3	JPMorgan Chase - Corporate N	CASTLE	1/11/2021	1/23/2025	53	A1	A-	3.13	0.83	2,000,000	1,995,072	2,006,515	- -
11065	MC1	48125LRU8	JPMorgan Chase - Corporate N	GPAC	11/22/2024	12/8/2026	737			5.11	4.52	2,000,000	2,023,584	2,022,403	11/8/2026
10814	MC1	931142DV2	WALMART	GPAC	12/17/2020	12/15/2024	14	Aa2	AA	2.65	0.57	2,000,000	1,998,265	2,001,597	- -
10801	MC1	30231GBH4	XTO Energy Inc	GPAC	11/19/2020	3/19/2025	108	Aa2	AA-	2.99	0.81	2,000,000	1,990,349	2,012,815	- -
10800	MC1	98459LAA1	YALE UNIVERSITY	GPAC	11/18/2020	4/15/2025	135	Aaa	AAA	0.87	0.58	2000000	1969289.38	2002161.84	- -
10788	MUN	014365DS6	ALDERWOOD WA WTR & WSTWTR DIST	R W B	11/12/2020	12/1/2024	0	Aa2	AA+	1.00	0.65	935,000.00	935000	935000	- -
11073	MUN	0793653X8	City of Bellevue WA	STIFEL	11/25/2024	12/1/2027	1,095			1.12	4.35	1200000	1097784	1092083.54	- -
10930	MUN	13048VLK2	CA ST MUNI FIN AUTH REVENUE	GPAC	10/26/2022	10/1/2025	304	A1		2.15	5.00	2060000	2018573.4	2014965.08	- -
10871	MUN	250325UL9	DESCHUTES CTY SCH DIST #1	R W B	12/7/2021	6/15/2026	561	Aa1		1.40	1.23	2000000	1914120	2005070.39	- -
11056	MUN	473448EZ7	JEFFERSON COUNTY SCHOOL DIST	STIFEL	11/15/2024	6/15/2027	926			1.79	4.32	1580000	1485042	1484657.02	- -
10840	MUN	498368EB1	KLAMATH CNTY OR SCH DIST	PS	7/1/2021	6/15/2025	196		AA+	0.86	0.86	400000	392408	400000	- -
11034	MUN	515390PX4	Lane County School District	PS	10/9/2024	6/15/2027	926	Aa1		1.10	4.01	500000	461785	465355.99	- -
10870	MUN	569280EX4	Salem-Keizer School District	PS	12/7/2021	6/15/2026	561	Aa1		1.44	1.29	2000000	1911320	2004410.22	- -
11042	MUN	569203MG4	Salem-Keizer School District	PS	11/6/2024	6/30/2026	576			3.22	4.36	1750000	1719147.5	1719775.47	6/30/2025
10825	MUN	625506PX2	MULTNOMAH CO-REF-TXBL	GPAC	1/21/2021	6/1/2025	182	Aaa	AAA	1.00	0.50	2165000	2128454.8	2170346.58	- -
10841	MUN	625517NE3	MULTNOMAH COUNTY OR SCHOOLS	CASTLE	7/15/2021	6/30/2025	211	Aa2	AA	0.95	0.69	1255000	1230138.45	1256886.68	- -
10875	MUN	68587FAW4	OR EDU DIST FF&C PENSION OBLI	R W B	12/8/2021	6/30/2026	576	AA2	AA	1.10	1.39	250000	237880	248923.16	- -
11037	MUN	68587FAX2	OR EDU DIST FF&C PENSION OBLI	GPAC	10/24/2024	6/30/2027	941	AA2	AA	1.36	4.09	1260000	1171611	1176705.05	- -
10950	MUN	68609TWD6	OREGON STATE	GPAC	12/1/2022	5/1/2025	151	Aa1	AA+	0.90	4.75	500000	492750	492955.17	- -
11028	MUN	68608USZ0	Oregon State Lottery	GPAC	9/24/2024	8/1/2027	973	Aa1	AA+	3.23	3.64	515000	501100.15	509646.81	- -
11035	MUN	68609TNF1	Oregon State Lottery	STIFEL	10/23/2024	11/1/2027	1,065	Aa1	AA+	2.10	4.11	400000	376092	378112.13	- -
11036	MUN	68609TWF1	Oregon State Lottery	STIFEL	10/23/2024	5/1/2027	881	Aa1	AA+	1.32	4.05	1000000	931840	937758.59	- -
10863	MUN	68583RCV2	OR ST COMMUNITY COLLEGE DIST	GPAC	11/18/2021	6/30/2026	576	Aa1	AA+	5.68	1.40	210000	213996.3	223709	- -
11027	MUN	685869FR5	OR ST COMMUNITY COLLEGE DIST	GPAC	9/25/2024	7/1/2027	942	Aa3	AA-	2.60	3.60	505000	483138.55	492188.36	- -
10876	MUN	68607DVC6	ODOT HWY USER TAX REV	R W B	12/8/2021	11/15/2026	714	Aa1	AAA	0.93	1.37	260000	243742.2	257882.22	- -
10845	MUN	736688MF6	Portland Community College	MORETN	7/23/2021	6/15/2026	561	Aa1		0.90	0.80	1250000	1184987.5	1251862.91	- -
10951	MUN	752147HJ0	RANCHO SANTIAGO CA CMNTY CLG D	GPAC	12/1/2022	9/1/2025	274	Aa2	AA	0.73	4.63	1895000	1844593	1843617.94	- -
10831	MUN	799055QU5	SAN MATEO CA FOSTER CITY SCHO	DA DAV	2/16/2021	8/1/2025	243	Aaa	AA+	1.60	0.47	500000	491110	503712.9	- -
10787	MUN	88675ABS4	TIGARD OR WTR SYS REVENUE	PS	11/3/2020	8/1/2025	243	Aa3	AA	2.00	0.85	350000	344417.5	352623.77	- -
11029	MUN	91412HGF4	UNIV OF CALIFORNIA CA REVENUES	STIFEL	9/25/2024	5/15/2027	895	AA2	AA	1.32	3.70	1000000	929760	944698.82	- -
10798	MUN	938429V61	Washington County SD Municipal	PS	11/17/2020	6/15/2025	196	Aa1	AA+	0.91	0.64	350000	343581	350495.65	- -
10078	RRP	SYS10078	Local Govt Investment Pool		7/1/2006	- -	1			4.85	4.85	40297925.48	40297925.48	40297925.48	- -
10084	RR2	SYS10084	First Interstate Bank		7/1/2006	- -	1			4.85	4.85	9000000	9000000	9000000	- -
10085	RR2	SYS10085	First Interstate Bank		10/13/2023	- -	1			4.85	4.85	42865568.61	42865568.61	42865568.61	- -
												<b>373,561,494</b>	<b>368,992,220</b>	<b>369,976,348</b>	



**BOARD OF  
COMMISSIONERS**

**AGENDA REQUEST & STAFF REPORT**

**MEETING DATE:** December 18, 2024

**SUBJECT:** Finance Report for November 2024

**RECOMMENDED MOTION:**  
None—discussion item only.

**BACKGROUND AND POLICY IMPLICATIONS:**  
The Finance Department will present the monthly financial report. The report is informational only and is intended to provide the Board of County Commissioners with current financial information. The report will provide budget to actual comparisons and highlight any potential issues or changes that may impact the current or future budgets. There are no direct policy implications.

**BUDGET IMPACTS:**  
None

**ATTENDANCE:**  
Robert Tintle, Chief Financial Officer



MEMORANDUM

DATE: December 18, 2024
TO: Board of County Commissioners
FROM: Robert Tintle, Chief Financial Officer
SUBJECT: Finance Report for November 2024

Following is the unaudited monthly finance report for fiscal year to date (YTD) as of November 30, 2024.

Budget to Actuals Report

General Fund

- Revenue YTD in the General Fund is \$42M or 87.4% of budget. By comparison, last year revenue YTD was \$38.9M and 87.5% of budget.
Expenses YTD are \$14.9M and 30.3% of budget. By comparison, last year expenses YTD were \$18.2M and 39.5% of budget.
Beginning Fund Balance is \$15.5M or 106.4% of the budgeted \$14.6M beginning fund balance.



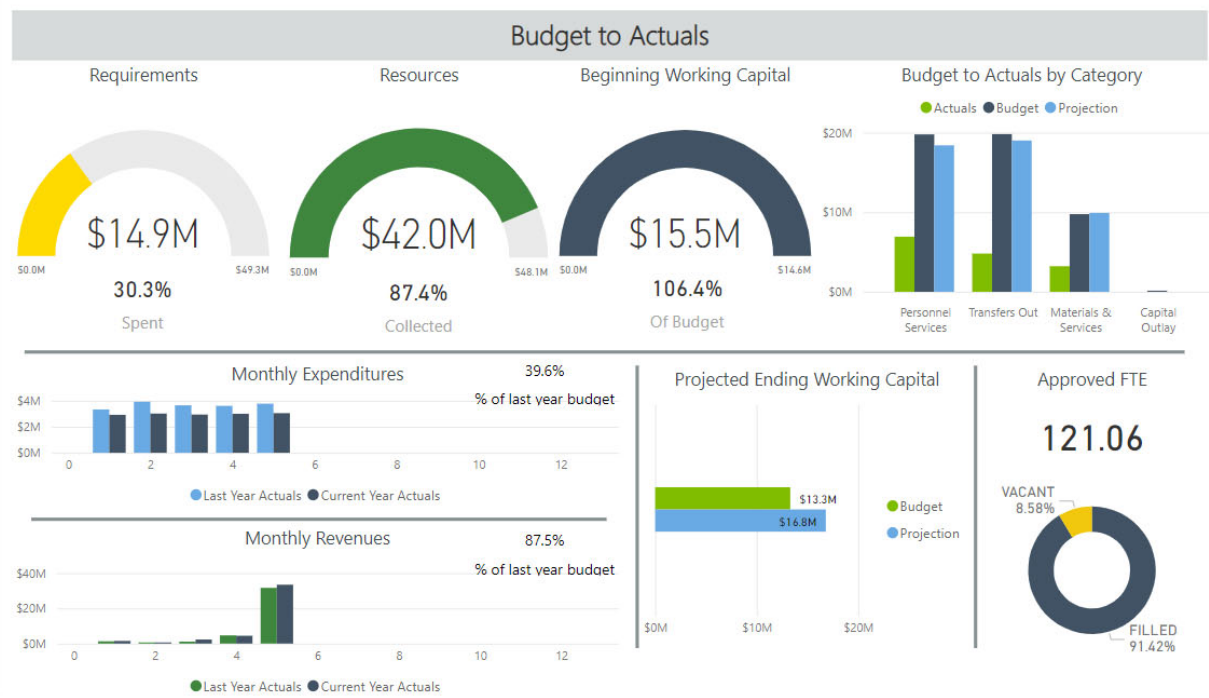
County Wide Financial Dashboard

001 - General Fund

Thru GL Period: 5 41.7% Year Complete

- Fund selection list: Select all, (Blank), 001 - General Fund, 010 - Assmt-Clerk..., 020 - Code Abate..., 030 - Community..., 040 - Court Techn..., 050 - Economic D..., 060 - General Cou..., 070 - General Cou..., 090 - Project Dev..., 120 - Law Library, 130 - Park Acquisi..., 132 - Park Develo...

Monthly GL P... 0 5
\$13.3M Contingency (Blank) Reserves



All Major Funds

On the attached pages you will find the Budget to Actuals Report for the County's major funds with actual revenue and expense data compared to budget through November 30, 2024.

**Position Control Summary**

Position Control Summary FY25														
Org		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July - June Percent Unfilled
Assessor	Filled	28.63	28.63	28.63	28.63	29.63								
	Unfilled	6.64	6.64	6.64	6.64	5.64								18.25%
Clerk	Filled	10.48	9.48	8.48	8.48	8.48								
	Unfilled	-	1.00	2.00	2.00	2.00								13.35%
BOPTA	Filled	0.52	0.52	0.52	0.52	0.52								
	Unfilled	-	-	-	-	-								0.00%
DA	Filled	57.70	58.70	58.70	58.90	58.55								
	Unfilled	3.40	2.40	2.60	1.40	1.75								3.80%
Tax	Filled	6.50	6.50	6.50	6.50	6.50								
	Unfilled	-	-	-	-	-								0.00%
Veterans'	Filled	4.00	5.00	5.00	5.00	5.00								
	Unfilled	1.00	-	-	-	-								4.00%
Property Mgmt	Filled	3.00	3.00	3.00	3.00	3.00								
	Unfilled	-	-	-	-	-								0.00%
Total General Fund	Filled	110.83	111.83	110.83	111.03	111.68	-	-	-	-	-	-	-	
	Unfilled	11.04	10.04	11.24	10.04	9.39	-	-	-	-	-	-	-	8.51%
Justice Court	Filled	4.60	4.60	4.60	4.60	4.60								
	Unfilled	-	-	-	-	-								0.00%
Community Justice	Filled	43.00	44.00	42.00	45.00	45.00								
	Unfilled	6.00	5.00	7.00	4.00	4.00								10.61%
Sheriff	Filled	225.75	228.50	230.50	229.50	230.50								
	Unfilled	45.25	42.50	40.50	41.50	40.50								15.52%
Houseless Effort	Filled	-	-	-	-	-								
	Unfilled	1.00	1.00	1.00	1.00	1.00								100.00%
Health Svcs	Filled	384.93	379.53	381.83	376.03	381.43								
	Unfilled	35.38	40.78	39.48	45.28	40.88								9.58%
CDD	Filled	46.00	49.00	48.00	49.00	49.00								
	Unfilled	5.00	2.00	3.00	2.00	2.00								5.49%
Road	Filled	59.00	59.00	59.00	59.00	59.00								
	Unfilled	2.00	2.00	2.00	2.00	2.00								3.28%
Adult P&P	Filled	31.63	34.63	34.63	34.63	34.63								
	Unfilled	8.13	5.13	5.13	5.13	5.13								14.40%
Solid Waste	Filled	39.00	38.00	39.00	40.00	40.00								
	Unfilled	5.00	6.00	5.00	4.00	4.00								10.91%
Victims Assistance	Filled	7.50	7.50	7.50	8.50	8.50								
	Unfilled	2.00	2.00	2.00	1.00	1.00								16.84%
GIS Dedicated	Filled	2.00	2.00	2.00	2.00	2.00								
	Unfilled	-	-	-	-	-								0.00%
Fair & Expo	Filled	13.50	13.50	13.50	13.50	13.50								
	Unfilled	4.00	4.00	4.00	4.00	4.00								22.86%
Natural Resource	Filled	2.00	2.00	2.00	2.00	2.00								
	Unfilled	1.00	1.00	1.00	1.00	1.00								33.33%
ISF - Facilities	Filled	24.75	24.75	25.75	25.75	25.75								
	Unfilled	3.00	3.00	2.00	2.00	2.00								8.65%
ISF - Admin	Filled	9.75	9.75	9.75	9.75	9.75								
	Unfilled	-	-	-	-	-								0.00%
ISF - BOCC	Filled	3.00	3.00	3.00	3.00	3.00								
	Unfilled	-	-	-	-	-								0.00%
ISF - Finance	Filled	12.00	13.00	13.00	13.00	12.00								
	Unfilled	2.00	1.00	1.00	1.00	2.00								10.00%
ISF - Legal	Filled	7.00	7.00	7.00	7.00	7.00								
	Unfilled	-	-	-	-	-								0.00%
ISF - HR	Filled	9.80	9.80	9.00	10.00	9.00								
	Unfilled	1.20	1.20	2.00	1.00	2.00								13.45%
ISF - IT	Filled	18.00	18.00	18.00	18.00	18.00								
	Unfilled	2.00	2.00	2.00	2.00	2.00								10.00%
ISF - Risk	Filled	3.25	3.25	3.25	3.25	3.25								
	Unfilled	-	-	-	-	-								0.00%
911	Filled	56.15	56.15	57.53	57.00	57.00								
	Unfilled	4.85	4.85	3.48	4.00	4.00								6.94%
Total:	Filled	1,113.43	1,118.78	1,121.65	1,121.53	1,126.58	-	-	-	-	-	-	-	
	Unfilled	138.84	133.49	131.81	130.94	126.89	-	-	-	-	-	-	-	
	Total	1,252.26	1,252.26	1,253.46	1,252.46	1,253.46	A	-	-	-	-	-	-	
	% Unfilled	11.09%	10.66%	10.52%	10.45%	10.12%								10.57%

A 1.0 FTE increase in HS



**Budget to Actuals - Total Personnel and Overtime Report  
FY25 YTD November 30, 2024**

Fund	Total Personnel Costs				Overtime		
	Budgeted Personnel Costs	Actual Personnel Costs	Projected Personnel Costs	Projection (Over) / Under Budget	Budgeted OT	Actual OT	(Over) / Under Budget
001 - General Fund	\$ 19,771,085	\$ 6,919,285	\$ 18,392,925	\$ 1,378,160	\$ 69,100	\$ 15,492	\$ 53,608
030 - Juvenile	7,517,894	2,536,147	6,764,009	753,885	100,000	54,437	45,563
160/170 - TRT	234,588	95,122	234,588	-	-	-	-
200 - ARPA	836,621	346,511	836,621	-	-	-	-
220 - Justice Court	622,013	240,648	637,982	(15,969)	-	-	-
255 - Sheriff's Office	50,059,678	18,705,466	46,828,736	3,230,942	2,869,000	992,660	1,876,340
274 - Health Services	58,414,062	21,978,595	57,401,120	1,012,942	107,726	54,215	53,511
295 - CDD	7,963,984	2,923,670	8,063,020	(99,036)	13,000	14,975	(1,975)
325 - Road	9,556,843	3,541,077	9,247,371	309,472	200,000	46,291	153,709
355 - Adult P&P	6,387,456	2,183,636	5,452,225	935,231	10,000	3,364	6,636
465 - Road CIP	-	-	-	-	-	-	-
610 - Solid Waste	5,739,145	1,938,234	5,739,145	-	150,000	42,802	107,198
615 - Fair & Expo	2,039,023	666,034	1,676,105	362,918	40,000	36,095	3,905
616 - Annual County Fair	229,798	97,160	233,873	(4,075)	-	2,395	(2,395)
617 - Fair & Expo Capital Reserve	-	-	-	-	-	-	-
618 - RV Park	159,210	60,332	158,727	483	5,000	1,782	3,218
619 - RV Park Reserve	-	-	-	-	-	-	-
670 - Risk Management	496,919	196,646	506,914	(9,995)	-	-	-
675 - Health Benefits	-	-	-	-	-	-	-
705 - 911	10,237,093	3,679,263	9,536,196	700,897	485,000	95,949	389,051
999 - All Other Funds	18,606,752	6,503,632	18,606,752	-	50,600	12,474	38,126
<b>Total</b>	<b>\$ 198,872,164</b>	<b>\$ 72,611,459</b>	<b>\$ 190,316,309</b>	<b>\$ 8,555,855</b>	<b>\$ 4,099,426</b>	<b>\$ 1,372,932</b>	<b>\$ 2,726,494</b>



# Budget to Actuals - Countywide Summary

## All Departments

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	
	Budget	Actuals	%	Budget	Actuals	%		%
001 - General Fund	44,408,216	45,560,565	103%	46,948,469	40,864,179	87%	47,448,240	101%
030 - Juvenile	1,014,168	1,042,664	103%	926,504	261,178	28%	952,004	103%
160/170 - TRT	12,751,790	12,485,782	98%	12,168,000	7,687,825	63%	12,036,895	99%
200 - ARPA	14,458,597	4,060,299	28%	8,644,978	5,512,005	64%	10,354,775	120%
220 - Justice Court	525,540	529,969	101%	506,200	221,669	44%	506,900	100%
255 - Sheriff's Office	58,558,288	60,325,051	103%	63,747,262	55,511,447	87%	63,531,735	100%
274 - Health Services	60,343,687	61,045,659	101%	68,457,652	25,567,025	37%	68,056,803	99%
295 - CDD	10,460,840	8,523,648	81%	9,401,238	4,018,836	43%	9,511,954	101%
325 - Road	26,673,711	27,151,594	102%	27,479,906	12,472,779	45%	27,404,305	100%
355 - Adult P&P	5,535,606	5,818,189	105%	6,323,657	3,441,117	54%	6,392,273	101%
465 - Road CIP	2,179,426	2,951,833	135%	1,357,339	224,850	17%	1,420,939	105%
610 - Solid Waste	15,995,411	17,733,226	111%	19,769,001	8,039,011	41%	19,923,301	101%
615 - Fair & Expo	2,343,500	2,843,093	121%	3,206,000	1,168,695	36%	2,701,196	84%
616 - Annual County Fair	2,324,117	2,460,606	106%	2,350,667	2,584,065	110%	3,152,957	134%
617 - Fair & Expo Capital Reserve	64,800	225,047	347%	88,000	146,526	167%	219,912	250%
618 - RV Park	530,800	534,892	101%	489,000	215,864	44%	470,600	96%
619 - RV Park Reserve	34,300	45,518	133%	45,000	23,495	52%	56,400	125%
670 - Risk Management	3,714,303	3,841,634	103%	3,398,791	1,693,900	50%	3,606,677	106%
675 - Health Benefits	30,654,045	31,873,028	104%	36,843,787	15,868,393	43%	42,854,789	116%
705 - 911	14,034,323	14,405,107	103%	14,733,900	11,420,696	78%	14,735,015	100%
999 - Other	81,793,214	71,303,509	87%	66,998,812	22,013,100	33%	66,182,428	99%
<b>TOTAL RESOURCES</b>	<b>388,398,682</b>	<b>374,760,913</b>	<b>96%</b>	<b>393,884,163</b>	<b>218,956,657</b>	<b>56%</b>	<b>401,520,098</b>	<b>102%</b>



# Budget to Actuals - Countywide Summary

## All Departments

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

REQUIREMENTS	Fiscal Year 2024			Fiscal Year 2025			Projection	
	Budget	Actuals	%	Budget	Actuals	%		%
001 - General Fund	25,420,807	23,850,628	94%	29,540,436	10,131,136	34%	28,296,676	96%
030 - Juvenile	8,481,279	7,884,757	93%	9,381,846	3,202,610	34%	8,571,692	91%
160/170 - TRT	6,902,223	6,827,243	99%	5,736,054	4,136,294	72%	5,687,487	99%
200 - ARPA	9,837,656	3,762,562	38%	4,022,833	898,202	22%	4,022,833	100%
220 - Justice Court	828,370	816,713	99%	819,797	338,133	41%	835,766	102%
255 - Sheriff's Office	65,641,097	59,140,333	90%	66,383,775	24,251,916	37%	63,394,869	95%
274 - Health Services	72,307,648	67,056,125	93%	83,520,173	27,694,918	33%	79,758,857	95%
295 - CDD	10,269,561	8,898,411	87%	9,946,795	3,676,301	37%	10,043,831	101%
325 - Road	17,124,761	15,805,727	92%	19,549,812	7,324,910	37%	19,240,340	98%
355 - Adult P&P	7,576,032	7,028,249	93%	8,371,685	2,876,568	34%	7,381,458	88%
465 - Road CIP	24,142,169	23,124,456	96%	16,323,504	2,498,962	15%	13,831,270	85%
610 - Solid Waste	14,404,534	13,823,996	96%	17,321,744	5,386,011	31%	17,321,744	100%
615 - Fair & Expo	3,734,327	3,867,176	104%	4,838,162	1,470,556	30%	4,086,810	84%
616 - Annual County Fair	2,582,856	2,438,099	94%	2,671,901	2,370,120	89%	2,661,930	100%
617 - Fair & Expo Capital Reserve	1,090,000	465,928	43%	1,260,000	66,857	5%	1,260,000	100%
618 - RV Park	617,131	517,201	84%	726,864	144,645	20%	691,411	95%
619 - RV Park Reserve	174,000	45,252	26%	170,000	-	0%	170,000	100%
670 - Risk Management	4,744,447	4,502,990	95%	5,599,742	2,328,167	42%	5,679,482	101%
675 - Health Benefits	35,687,213	34,121,294	96%	33,701,342	11,005,085	33%	38,819,094	115%
705 - 911	15,113,760	13,427,592	89%	17,254,619	5,162,873	30%	16,553,722	96%
999 - Other	93,331,824	64,265,927	69%	107,023,566	21,306,977	20%	107,179,093	100%
<b>TOTAL REQUIREMENTS</b>	<b>420,011,695</b>	<b>361,670,659</b>	<b>86%</b>	<b>444,164,650</b>	<b>136,271,243</b>	<b>31%</b>	<b>435,488,365</b>	<b>98%</b>





# Budget to Actuals - Countywide Summary

## All Departments

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

TRANSFERS	Fiscal Year 2024			Fiscal Year 2025			Projection	%
	Budget	Actuals	%	Budget	Actuals	%		
<b>001 - General Fund</b>	(20,963,314)	(20,201,737)	96%	(18,658,137)	(3,634,109)	19%	(17,834,719)	96%
<b>030 - Juvenile</b>	6,678,013	6,678,013	100%	8,068,153	3,361,730	42%	8,068,153	100%
<b>160/170 - TRT</b>	(8,575,254)	(7,022,091)	82%	(8,431,946)	(2,887,894)	34%	(8,413,771)	100%
<b>200 - ARPA</b>	(5,022,145)	(400,000)	8%	(4,622,145)	-	0%	(4,622,145)	100%
<b>220 - Justice Court</b>	364,688	286,744	79%	380,521	158,550	42%	380,521	100%
<b>255 - Sheriff's Office</b>	3,377,587	3,380,929	100%	3,455,687	1,563,245	45%	3,493,287	101%
<b>274 - Health Services</b>	8,026,456	5,947,879	74%	12,298,215	(361,509)	-3%	8,094,254	66%
<b>295 - CDD</b>	466,530	(195,589)	-42%	461,542	48,226	10%	778,211	169%
<b>325 - Road</b>	(12,700,000)	(12,700,000)	100%	(10,720,695)	(2,089,362)	19%	(10,720,695)	100%
<b>355 - Adult P&amp;P</b>	510,950	525,950	103%	626,964	261,235	42%	626,964	100%
<b>465 - Road CIP</b>	12,500,000	12,500,000	100%	10,631,333	-	0%	10,631,333	100%
<b>610 - Solid Waste</b>	(1,703,962)	(2,613,962)	153%	(4,564,141)	(1,143,392)	25%	(4,564,141)	100%
<b>615 - Fair &amp; Expo</b>	875,681	1,008,090	115%	1,179,123	491,301	42%	1,166,401	99%
<b>616 - Annual County Fair</b>	(34,503)	(34,503)	100%	(121,900)	(50,792)	42%	(121,900)	100%
<b>617 - Fair &amp; Expo Capital Reserve</b>	824,187	662,984	80%	592,396	334,332	56%	586,943	99%
<b>618 - RV Park</b>	128,436	128,436	100%	57,858	24,108	42%	57,858	100%
<b>619 - RV Park Reserve</b>	51,564	51,564	100%	122,142	50,893	42%	122,142	100%
<b>670 - Risk Management</b>	(503,459)	(493,787)	98%	(4,500)	(1,875)	42%	(4,500)	100%
<b>705 - 911</b>	-	-	-	-	-	-	-	-
<b>999 - Other</b>	15,698,545	12,491,080	80%	9,249,530	3,875,313	42%	12,275,804	133%
<b>TOTAL TRANSFERS</b>	-	-	-	-	-	-	-	-



# Budget to Actuals - Countywide Summary

## All Departments

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

ENDING FUND BALANCE	Fiscal Year 2024			Fiscal Year 2025			
	Budget	Actuals	%	Budget	Actuals	Projection	%
001 - General Fund	11,850,095	15,492,530	131%	13,308,000	42,591,464	16,809,375	126%
030 - Juvenile	710,902	1,364,608	192%	762,811	1,784,907	1,813,073	238%
160/170 - TRT	1,801,675	3,163,809	176%	-	3,827,445	1,099,446	999%
200 - ARPA	-	298,942	999%	-	4,912,745	2,008,739	999%
220 - Justice Court	61,858	-	0%	66,924	42,086	51,655	77%
255 - Sheriff's Office	7,295,992	15,566,861	213%	13,199,149	48,389,638	19,197,014	145%
274 - Health Services	7,480,011	12,456,527	167%	7,265,299	9,967,125	8,864,727	122%
295 - CDD	1,975,730	752,366	38%	915,985	1,143,126	1,000,000	109%
325 - Road	2,370,201	5,997,546	253%	2,433,105	9,056,053	3,440,816	141%
355 - Adult P&P	1,470,524	2,326,824	158%	1,078,936	3,152,608	1,964,603	182%
465 - Road CIP	9,549,637	15,675,284	164%	11,199,218	13,401,171	13,896,286	124%
610 - Solid Waste	2,303,300	4,038,781	175%	1,824,861	5,548,389	2,076,857	114%
615 - Fair & Expo	32,617	531,770	999%	124,826	721,210	312,557	250%
616 - Annual County Fair	228,205	509,451	223%	156,866	672,605	878,578	560%
617 - Fair & Expo Capital Reserve	2,391,825	3,179,332	133%	2,556,396	3,593,332	2,726,187	107%
618 - RV Park	135,220	312,766	231%	67,994	408,093	149,813	220%
619 - RV Park Reserve	1,284,317	1,521,389	118%	1,510,555	1,595,777	1,529,931	101%
670 - Risk Management	6,466,397	8,168,164	126%	5,794,549	7,532,022	6,090,859	105%
675 - Health Benefits	1,074,575	3,859,732	359%	8,232,761	8,723,040	7,895,427	96%
705 - 911	12,122,906	14,371,465	119%	10,639,355	20,629,288	12,552,758	118%
999 - Other	104,968,103	128,248,177	122%	85,178,719	132,707,648	91,795,447	108%
<b>TOTAL FUND BALANCE</b>	<b>175,574,090</b>	<b>237,836,324</b>	<b>135%</b>	<b>166,316,309</b>	<b>320,399,772</b>	<b>196,154,148</b>	<b>118%</b>



# Budget to Actuals Report

## General Fund - Fund 001

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Property Taxes - Current	37,400,000	38,160,244	102%	39,604,000	36,531,709	92%	39,392,000	99%	(212,000) <b>A</b>
Property Taxes - Prior	318,000	422,862	133%	328,000	270,951	83%	328,000	100%	-
Other General Revenues	3,480,844	3,846,799	111%	3,745,554	2,336,867	62%	3,920,475	105%	174,921
Assessor	775,350	815,379	105%	849,000	265,554	31%	849,000	100%	-
Clerk	1,259,595	1,269,890	101%	1,426,160	575,872	40%	1,426,160	100%	-
BOPTA	10,200	10,800	106%	11,000	3,456	31%	11,000	100%	-
District Attorney	552,048	470,285	85%	483,577	249,187	52%	483,577	100%	-
Tax Office	136,000	147,228	108%	146,200	57,210	39%	146,200	100%	-
Veterans	261,179	194,448	74%	284,978	53,612	19%	284,978	100%	- <b>B</b>
Property Management	215,000	215,000	100%	70,000	29,667	42%	70,000	100%	-
Non-Departmental	-	7,630	-	-	490,094	-	536,850	-	536,850 <b>C</b>
<b>TOTAL RESOURCES</b>	<b>44,408,216</b>	<b>45,560,565</b>	<b>103%</b>	<b>46,948,469</b>	<b>40,864,179</b>	<b>87%</b>	<b>47,448,240</b>	<b>101%</b>	<b>499,771</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Assessor	6,189,597	5,587,737	90%	6,709,361	2,324,144	35%	5,941,627	89%	767,734 <b>D</b>
Clerk	2,351,515	2,087,269	89%	2,719,443	1,053,423	39%	2,633,161	97%	86,282 <b>E</b>
BOPTA	97,522	79,788	82%	93,993	38,209	41%	95,518	102%	(1,525) <b>F</b>
District Attorney	11,636,672	11,237,086	97%	13,369,290	4,620,494	35%	13,005,965	97%	363,325 <b>G</b>
Medical Examiner	461,224	391,213	85%	466,854	98,529	21%	466,854	100%	-
Tax Office	940,770	871,901	93%	1,041,642	477,894	46%	1,059,954	102%	(18,312) <b>H</b>
Veterans	934,283	872,565	93%	1,093,340	344,457	32%	1,038,375	95%	54,965 <b>I</b>
Property Management	539,558	510,327	95%	584,094	226,840	39%	592,803	101%	(8,709) <b>J</b>
Non-Departmental	2,269,666	2,212,743	97%	3,462,419	947,144	27%	3,462,419	100%	-
<b>TOTAL REQUIREMENTS</b>	<b>25,420,807</b>	<b>23,850,628</b>	<b>94%</b>	<b>29,540,436</b>	<b>10,131,136</b>	<b>34%</b>	<b>28,296,676</b>	<b>96%</b>	<b>1,243,760</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In	103,790	103,790	100%	1,146,242	1,165,061	102%	1,165,061	102%	18,819 <b>K</b>
Transfers Out	(21,067,104)	(20,305,527)	96%	(19,804,379)	(4,799,169)	24%	(18,999,780)	96%	804,599 <b>L</b>
<b>TOTAL TRANSFERS</b>	<b>(20,963,314)</b>	<b>(20,201,737)</b>	<b>96%</b>	<b>(18,658,137)</b>	<b>(3,634,109)</b>	<b>19%</b>	<b>(17,834,719)</b>	<b>96%</b>	<b>823,418</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	13,826,000	13,984,330	101%	14,558,104	15,492,530	106%	15,492,530	106%	934,426
Resources over Requirements	18,987,409	21,709,937	-	17,408,033	30,733,043	-	19,151,564	-	1,743,531
Net Transfers - In (Out)	(20,963,314)	(20,201,737)	-	(18,658,137)	(3,634,109)	-	(17,834,719)	-	823,418
<b>TOTAL FUND BALANCE</b>	<b>\$ 11,850,095</b>	<b>\$ 15,492,530</b>	<b>131%</b>	<b>\$ 13,308,000</b>	<b>\$ 42,591,464</b>	<b>320%</b>	<b>\$ 16,809,375</b>	<b>126%</b>	<b>\$3,501,375 <b>M</b></b>

- A** Current year taxes received primarily in November, February and May; actual FY24-25 TAV is 4.64% over FY23-24 vs. 5.2% budgeted.
- B** Oregon Dept. of Veteran's Affairs grant reimbursed quarterly
- C** Projection reflects unbudgeted Opioid Settlement Payments
- D** Projected Personnel savings based on FY24/FY25 average vacancy rate of 15.3%
- E** Projected Personnel savings based on FY24/FY25 average vacancy rate of 4.8%
- F** Projected Personnel based on overage to date
- G** Projected Personnel savings based on FY24/FY25 average vacancy rate of 4.1%
- H** Projected Personnel based on overage to date
- I** Projected Personnel savings based on FY24/FY25 average vacancy rate of 6.7%
- J** Projected Personnel based on overage to date
- K** Previously received opioid settlements being transferred to the General Fund from Health Services.
- L** Reduction in transfer out to Health Services of \$304,599 related to no longer needing local match; transferring \$500K less to the Capital Reserve Fund and retaining these funds in the General Fund as emergency reserves per County's financial policies.
- M** Of the total balance, \$1,604,213 are restricted Opioid Settlement Funds.



# Budget to Actuals Report

## Juvenile - Fund 030

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
OYA Basic & Diversion	476,611	451,260	95%	477,421	118,913	25%	477,421	100%	-
ODE Juvenile Crime Prev	106,829	94,748	89%	112,772	22,013	20%	112,772	100%	-
Leases	90,228	93,840	104%	97,500	40,664	42%	97,500	100%	-
Inmate/Prisoner Housing	75,000	105,120	140%	65,000	37,800	58%	65,000	100%	-
DOC Unif Crime Fee/HB2712	52,000	53,359	103%	52,000	-	0%	52,000	100%	-
Interest on Investments	37,500	54,078	144%	49,000	31,051	63%	74,500	152%	25,500
Expungements	-	-	-	40,000	-	0%	40,000	100%	-
OJD Court Fac/Sec SB 1065	15,000	11,384	76%	12,000	5,813	48%	12,000	100%	-
Food Subsidy	10,000	12,812	128%	10,000	3,189	32%	10,000	100%	-
Miscellaneous	56,500	72,888	129%	6,811	1,736	25%	6,811	100%	-
Contract Payments	5,000	3,675	74%	4,000	-	0%	4,000	100%	-
Gen Fund-Crime Prevention	89,500	89,500	100%	-	-	-	-	-	-
<b>TOTAL RESOURCES</b>	<b>1,014,168</b>	<b>1,042,664</b>	<b>103%</b>	<b>926,504</b>	<b>261,178</b>	<b>28%</b>	<b>952,004</b>	<b>103%</b>	<b>25,500</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Personnel Services	6,852,966	6,402,707	93%	7,517,894	2,536,147	34%	6,764,009	90%	753,885 <b>A</b>
Materials and Services	1,599,048	1,452,785	91%	1,863,952	666,463	36%	1,807,683	97%	56,269 <b>B</b>
Capital Outlay	29,265	29,265	100%	-	-	-	-	-	-
<b>TOTAL REQUIREMENTS</b>	<b>8,481,279</b>	<b>7,884,757</b>	<b>93%</b>	<b>9,381,846</b>	<b>3,202,610</b>	<b>34%</b>	<b>8,571,692</b>	<b>91%</b>	<b>810,154</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In- General Funds	6,798,630	6,798,630	100%	8,143,712	3,393,213	42%	8,143,712	100%	-
Transfers Out	(45,000)	(45,000)	100%	-	-	-	-	-	-
Transfers Out-Veh Reserve	(75,617)	(75,617)	100%	(75,559)	(31,483)	42%	(75,559)	100%	-
<b>TOTAL TRANSFERS</b>	<b>6,678,013</b>	<b>6,678,013</b>	<b>100%</b>	<b>8,068,153</b>	<b>3,361,730</b>	<b>42%</b>	<b>8,068,153</b>	<b>100%</b>	<b>-</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	1,500,000	1,528,688	102%	1,150,000	1,364,608	119%	1,364,608	119%	214,608
Resources over Requirements	(7,467,111)	(6,842,093)	-	(8,455,342)	(2,941,431)	-	(7,619,688)	-	835,654
Net Transfers - In (Out)	6,678,013	6,678,013	100%	8,068,153	3,361,730	42%	8,068,153	100%	-
<b>TOTAL FUND BALANCE</b>	<b>\$ 710,902</b>	<b>\$ 1,364,608</b>	<b>192%</b>	<b>\$ 762,811</b>	<b>\$ 1,784,907</b>	<b>234%</b>	<b>\$ 1,813,073</b>	<b>238%</b>	<b>\$1,050,262</b>

- A** Projected Personnel savings based on FY24/FY25 average vacancy rate of 9.9%
- B** Materials and services projections based on current spending trends.



# Budget to Actuals Report

## TRT - Fund 160/170

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Room Taxes	12,630,000	12,372,463	98%	12,100,000	7,640,178	63%	11,923,395	99%	(176,605) <b>A</b>
Interest on Investments	121,790	112,678	93%	68,000	47,442	70%	113,000	166%	45,000
Miscellaneous	-	641		-	205		500		500
<b>TOTAL RESOURCES</b>	<b>12,751,790</b>	<b>12,485,782</b>	<b>98%</b>	<b>12,168,000</b>	<b>7,687,825</b>	<b>63%</b>	<b>12,036,895</b>	<b>99%</b>	<b>(131,105)</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	COVA	3,378,641	3,307,981	98%	3,236,105	1,913,682	59%	3,187,538	98%
Grants & Contributions	3,000,000	3,000,000	100%	2,000,000	2,000,000	100%	2,000,000	100%	- <b>C</b>
Administrative	262,395	260,555	99%	265,588	104,858	39%	265,588	100%	-
Interfund Charges	213,587	213,587	100%	186,611	77,755	42%	186,611	100%	-
Software	47,600	45,120	95%	47,750	40,000	84%	47,750	100%	-
<b>TOTAL REQUIREMENTS</b>	<b>6,902,223</b>	<b>6,827,243</b>	<b>99%</b>	<b>5,736,054</b>	<b>4,136,294</b>	<b>72%</b>	<b>5,687,487</b>	<b>99%</b>	<b>48,567</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfer Out - RV Park	(20,000)	(20,000)	100%	(20,000)	(8,333)	42%	(20,000)	100%
Transfer Out - Annual Fair	(75,000)	(75,000)	100%	(75,000)	(31,250)	42%	(75,000)	100%	-
Transfer Out - CDD	-	-		(100,000)	(41,667)	42%	(100,000)	100%	-
Transfer Out - Health	(368,417)	(368,417)	100%	(276,572)	(115,238)	42%	(276,572)	100%	-
Transfer Out - Justice Court	(364,688)	(286,744)	79%	(380,521)	(158,550)	42%	(380,521)	100%	-
Transfer Out - F&E Reserve	(462,119)	(453,481)	98%	(442,396)	(184,332)	42%	(436,943)	99%	5,453 <b>D</b>
Transfer Out - General County Reserve	(723,720)	(723,720)	100%	(921,670)	(384,029)	42%	(921,670)	100%	-
Transfer Out - F&E	(1,009,023)	(988,867)	98%	(963,000)	(401,250)	42%	(950,278)	99%	12,722
Transfer Out - Courthouse Debt Service	(1,900,500)	(454,075)	24%	(1,501,000)	-	0%	(1,501,000)	100%	-
Transfer Out - Sheriff	(3,651,787)	(3,651,787)	100%	(3,751,787)	(1,563,245)	42%	(3,751,787)	100%	-
<b>TOTAL TRANSFERS</b>	<b>(8,575,254)</b>	<b>(7,022,091)</b>	<b>82%</b>	<b>(8,431,946)</b>	<b>(2,887,894)</b>	<b>34%</b>	<b>(8,413,771)</b>	<b>100%</b>	<b>18,175</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	4,527,362	4,527,362	100%	2,000,000	3,163,809	158%	3,163,809	158%
Resources over Requirements	5,849,567	5,658,538		6,431,946	3,551,530		6,349,408		(82,538)
Net Transfers - In (Out)	(8,575,254)	(7,022,091)		(8,431,946)	(2,887,894)		(8,413,771)		18,175
<b>TOTAL FUND BALANCE</b>	<b>\$ 1,801,675</b>	<b>\$ 3,163,809</b>	<b>176%</b>	<b>-</b>	<b>\$ 3,827,445</b>	<b>999%</b>	<b>\$ 1,099,446</b>	<b>999%</b>	<b>\$1,099,446</b>

- A** Room tax revenue down 1.5% from FY24.
- B** Payments to COVA based on a percent of TRT collections
- C** Includes contributions of \$2M to Sunriver Service District
- D** The balance of the 1% F&E TRT is transferred to F&E reserves
- E** Beginning Working Capital came in higher due to FY24 courthouse debt service being lower than budget. Remaining funds will be reserved in the TRT fund to build reserves to cover one year's worth of debt service.



# Budget to Actuals Report

## ARPA – Fund 200

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Local Assistance & Tribal Consistency	4,622,145	-	0%	4,622,145	-	0%	4,622,145	100%	-
State & Local Coronavirus Fiscal Recovery Funds	9,516,992	3,762,562	40%	3,888,833	5,354,430	138%	5,354,430	138%	1,465,597
Interest on Investments	319,460	297,738	93%	134,000	157,575	118%	378,200	282%	244,200
<b>TOTAL RESOURCES</b>	<b>14,458,597</b>	<b>4,060,299</b>	<b>28%</b>	<b>8,644,978</b>	<b>5,512,005</b>	<b>64%</b>	<b>10,354,775</b>	<b>120%</b>	<b>1,709,797</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Services to Disproportionately Impacted Communities	6,538,263	2,172,887	33%	1,956,342	583,964	30%	1,956,342	100%
Infrastructure	766,410	896,225	117%	916,000	104,565	11%	916,000	100%	-
Administrative	1,719,694	142,552	8%	711,364	44,929	6%	711,364	100%	-
Public Health	560,926	400,898	71%	415,127	164,744	40%	415,127	100%	-
Negative Economic Impacts	252,363	150,000	59%	24,000	-	0%	24,000	100%	-
<b>TOTAL REQUIREMENTS</b>	<b>9,837,656</b>	<b>3,762,562</b>	<b>38%</b>	<b>4,022,833</b>	<b>898,202</b>	<b>22%</b>	<b>4,022,833</b>	<b>100%</b>	<b>-</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers Out	(5,022,145)	(400,000)	8%	(4,622,145)	-	0%	(4,622,145)	100%
<b>TOTAL TRANSFERS</b>	<b>(5,022,145)</b>	<b>(400,000)</b>	<b>8%</b>	<b>(4,622,145)</b>	<b>-</b>	<b>0%</b>	<b>(4,622,145)</b>	<b>100%</b>	<b>-</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	401,204	401,204	100%	-	298,942	999%	298,942	999%
Resources over Requirements	4,620,941	297,738		4,622,145	4,613,803		6,331,942		1,709,797
Net Transfers - In (Out)	(5,022,145)	(400,000)		(4,622,145)	-		(4,622,145)		-
<b>TOTAL FUND BALANCE</b>	<b>-</b>	<b>\$ 298,942</b>	<b>999%</b>	<b>-</b>	<b>\$ 4,912,745</b>	<b>999%</b>	<b>\$ 2,008,739</b>	<b>999%</b>	<b>\$ 2,008,739</b>



# Budget to Actuals Report

## Justice Court - Fund 220

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Court Fines & Fees	525,000	528,051	101%	504,200	220,764	44%	504,200	100%	-
Interest on Investments	540	1,917	355%	2,000	905	45%	2,700	135%	700
<b>TOTAL RESOURCES</b>	<b>525,540</b>	<b>529,969</b>	<b>101%</b>	<b>506,200</b>	<b>221,669</b>	<b>44%</b>	<b>506,900</b>	<b>100%</b>	<b>700</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	652,767	644,229	99%	622,013	240,648	39%	637,982	103%
Materials and Services	175,603	172,484	98%	197,784	97,485	49%	197,784	100%	-
<b>TOTAL REQUIREMENTS</b>	<b>828,370</b>	<b>816,713</b>	<b>99%</b>	<b>819,797</b>	<b>338,133</b>	<b>41%</b>	<b>835,766</b>	<b>102%</b>	<b>(15,969)</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In - TRT	364,688	286,744	79%	380,521	158,550	42%	380,521	100%
<b>TOTAL TRANSFERS</b>	<b>364,688</b>	<b>286,744</b>	<b>79%</b>	<b>380,521</b>	<b>158,550</b>	<b>42%</b>	<b>380,521</b>	<b>100%</b>	<b>-</b>

Resources over Requirements	(302,830)	(286,744)		(313,597)	(116,464)		(328,866)		(15,269)
Net Transfers - In (Out)	364,688	286,744		380,521	158,550		380,521		-
<b>TOTAL</b>	<b>\$ 61,858</b>	<b>-</b>	<b>0%</b>	<b>\$ 66,924</b>	<b>\$ 42,086</b>	<b>63%</b>	<b>\$ 51,655</b>	<b>77%</b>	<b>(\$15,269)</b>

**A** One time yearly software maintenance fee paid in July for entire fiscal year





# Budget to Actuals Report

## Sheriff's Office - Fund 255

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
LED #1 Property Tax Current	38,006,062	38,088,346	100%	40,066,974	36,458,920	91%	39,711,000	99%	(355,974) <b>A</b>
LED #2 Property Tax Current	15,189,654	15,221,876	100%	15,958,353	14,572,156	91%	15,847,000	99%	(111,353) <b>B</b>
Sheriff's Office Revenues	4,583,572	5,873,866	128%	6,751,935	3,906,454	58%	7,064,035	105%	312,100 <b>C</b>
LED #1 Interest	264,000	515,925	195%	400,000	165,771	41%	363,500	91%	(36,500)
LED #1 Property Tax Prior	330,000	333,126	101%	300,000	248,243	83%	300,000	100%	-
LED #2 Interest	65,000	149,987	231%	150,000	58,316	39%	126,200	84%	(23,800)
LED #2 Property Tax Prior	120,000	141,925	118%	120,000	101,586	85%	120,000	100%	-
<b>TOTAL RESOURCES</b>	<b>58,558,288</b>	<b>60,325,051</b>	<b>103%</b>	<b>63,747,262</b>	<b>55,511,447</b>	<b>87%</b>	<b>63,531,735</b>	<b>100%</b>	<b>(215,527)</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Digital Forensics	1,221,145	1,286,784	105%	1,419,216	632,800	45%	1,419,216	100%
Rickard Ranch	334,232	309,436	93%	610,205	162,770	27%	485,205	80%	125,000 <b>D</b>
Concealed Handgun Licenses	624,277	447,501	72%	592,803	173,049	29%	492,803	83%	100,000 <b>D</b>
Sheriff's Services	5,771,949	5,296,307	92%	5,230,244	2,160,245	41%	5,330,244	102%	(100,000)
Civil/Special Units	1,019,021	1,066,063	105%	1,281,834	517,615	40%	1,181,834	92%	100,000 <b>D</b>
Automotive/Communications	4,574,918	4,050,982	89%	4,152,483	1,527,715	37%	4,027,483	97%	125,000 <b>D</b>
Detective	4,773,538	4,175,876	87%	4,765,801	1,730,852	36%	4,423,401	93%	342,400 <b>D</b>
Patrol	16,270,641	14,471,496	89%	15,308,605	5,987,962	39%	15,158,605	99%	150,000 <b>D</b>
Records	855,590	705,173	82%	875,606	288,015	33%	775,606	89%	100,000 <b>D</b>
Adult Jail	23,784,474	20,951,689	88%	24,939,557	8,653,200	35%	23,368,051	94%	1,571,506 <b>D</b>
Court Security	600,590	570,292	95%	649,844	164,761	25%	499,844	77%	150,000 <b>D</b>
Emergency Services	808,931	668,053	83%	888,223	320,611	36%	938,223	106%	(50,000)
Special Services	2,779,458	2,926,535	105%	2,945,000	1,162,701	39%	2,970,000	101%	(25,000)
Training	1,537,498	1,205,912	78%	1,765,299	498,909	28%	1,515,299	86%	250,000 <b>D</b>
Other Law Enforcement	634,835	908,232	143%	959,055	270,710	28%	809,055	84%	150,000 <b>D</b>
Non - Departmental	50,000	100,000	200%	-	-	-	-	-	-
<b>TOTAL REQUIREMENTS</b>	<b>65,641,097</b>	<b>59,140,333</b>	<b>90%</b>	<b>66,383,775</b>	<b>24,251,916</b>	<b>37%</b>	<b>63,394,869</b>	<b>95%</b>	<b>2,988,906</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfer In - TRT	3,651,787	3,651,787	100%	3,751,787	1,563,245	42%	3,751,787	100%
Transfers Out	(6,500)	(6,500)	100%	(37,600)	-	0%	-	0%	37,600
Transfers Out - Debt Service	(267,700)	(264,358)	99%	(258,500)	-	0%	(258,500)	100%	-
<b>TOTAL TRANSFERS</b>	<b>3,377,587</b>	<b>3,380,929</b>	<b>100%</b>	<b>3,455,687</b>	<b>1,563,245</b>	<b>45%</b>	<b>3,493,287</b>	<b>101%</b>	<b>37,600</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	11,001,214	11,001,214	100%	12,379,975	15,566,861	126%	15,566,861	126%
Resources over Requirements	(7,082,809)	1,184,718		(2,636,513)	31,259,532		136,866		2,773,379
Net Transfers - In (Out)	3,377,587	3,380,929		3,455,687	1,563,245		3,493,287		37,600
<b>TOTAL FUND BALANCE</b>	<b>\$ 7,295,992</b>	<b>\$ 15,566,861</b>	<b>213%</b>	<b>\$ 13,199,149</b>	<b>\$ 48,389,638</b>	<b>367%</b>	<b>\$ 19,197,014</b>	<b>145%</b>	<b>\$ 5,997,865</b>

- A** Current year taxes received primarily in November, February and May; actual FY24-25 TAV is 4.64% over FY23-24 vs. 5.2% budgeted.
- B** Current year taxes received primarily in November, February and May; actual FY24-25 TAV is 4.64% over FY23-24 vs. 5.2% budgeted.
- C** Marijuana grant awarded more than was originally budgeted; budget adjustment forthcoming
- D** Projected personnel savings due to unfilled positions





# Budget to Actuals Report

## Health Services - Fund 274

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
State Grant	23,757,820	20,712,977	87%	27,505,398	8,090,833	29%	25,297,040	92%	(2,208,358)
OHP Capitation	16,494,114	17,439,562	106%	17,529,405	6,934,849	40%	17,506,388	100%	(23,017)
State Miscellaneous	5,793,079	5,029,687	87%	7,330,050	4,633,383	63%	9,822,058	134%	2,492,008
OHP Fee for Service	4,947,581	5,809,490	117%	4,788,744	2,197,651	46%	4,830,174	101%	41,430
Local Grants	1,567,894	2,035,060	130%	2,815,832	956,840	34%	3,024,338	107%	208,506
Environmental Health Fees	1,478,906	1,483,715	100%	1,637,892	185,012	11%	1,774,828	108%	136,936
Other	1,061,371	2,326,567	219%	1,635,312	612,525	37%	1,003,808	61%	(631,504)
State - Medicaid/Medicare	1,034,491	1,149,710	111%	1,587,117	418,080	26%	879,678	55%	(707,439)
Federal Grants	1,440,560	1,321,402	92%	987,369	224,750	23%	397,932	40%	(589,437)
Patient Fees	1,087,790	890,377	82%	761,626	301,606	40%	738,423	97%	(23,203)
Medicaid	431,000	1,201,524	279%	627,276	273,786	44%	927,312	148%	300,036
Vital Records	315,000	336,256	107%	318,000	127,029	40%	325,000	102%	7,000
Interest on Investments	262,007	737,122	281%	317,000	325,446	103%	781,100	246%	464,100
State - Medicare	209,500	300,513	143%	195,057	159,374	82%	375,385	192%	180,328
Liquor Revenue	177,574	188,547	106%	177,574	46,179	26%	177,574	100%	-
Interfund Contract- Gen Fund	127,000	-	0%	127,000	52,917	42%	127,000	100%	-
State Shared- Family Planning	158,000	83,152	53%	75,000	26,765	36%	26,765	36%	(48,235)
Revenues Not Assigned	-	-	-	42,000	-	0%	42,000	100%	-
<b>TOTAL RESOURCES</b>	<b>60,343,687</b>	<b>61,045,659</b>	<b>101%</b>	<b>68,457,652</b>	<b>25,567,025</b>	<b>37%</b>	<b>68,056,803</b>	<b>99%</b>	<b>(400,849)</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	52,118,863	51,416,037	99%	58,414,062	21,978,595	38%	57,401,120	98%
Materials and Services	19,836,301	15,061,997	76%	23,174,153	5,675,138	24%	22,269,594	96%	904,559
Capital Outlay	347,500	578,091	166%	1,932,000	41,185	2%	88,185	5%	1,843,815
Administration Allocation	4,984	-	0%	(42)	-	0%	(42)	100%	-
<b>TOTAL REQUIREMENTS</b>	<b>72,307,648</b>	<b>67,056,125</b>	<b>93%</b>	<b>83,520,173</b>	<b>27,694,918</b>	<b>33%</b>	<b>79,758,857</b>	<b>95%</b>	<b>3,761,316</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In- General Fund	6,780,140	6,050,314	89%	7,218,715	-	0%	6,914,116	96%
Transfers In- OHP Mental Health	2,210,573	407,071	18%	5,858,016	-	0%	2,015,931	34%	(3,842,085)
Transfers In- Acute Care Service	-	-	-	626,000	625,142	100%	625,142	100%	(858)
Transfers In - TRT	368,417	368,417	100%	276,572	115,238	42%	276,572	100%	-
Transfers In - Video Lottery	-	-	-	250,000	250,000	100%	250,000	100%	-
Revenue Not Assigned	-	-	-	30,000	-	0%	-	0%	(30,000)
Transfers Out	(1,332,674)	(877,923)	66%	(1,961,088)	(1,351,889)	69%	(1,987,507)	101%	(26,419)
<b>TOTAL TRANSFERS</b>	<b>8,026,456</b>	<b>5,947,879</b>	<b>74%</b>	<b>12,298,215</b>	<b>(361,509)</b>	<b>-3%</b>	<b>8,094,254</b>	<b>66%</b>	<b>(4,203,961)</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	11,417,516	12,519,113	110%	10,029,605	12,456,527	124%	12,472,527	124%
Resources over Requirements	(11,963,961)	(6,010,466)	-	(15,062,521)	(2,127,894)	-	(11,702,054)	-	3,360,467
Net Transfers - In (Out)	8,026,456	5,947,879	-	12,298,215	(361,509)	-	8,094,254	-	(4,203,961)
<b>TOTAL FUND BALANCE</b>	<b>\$ 7,480,011</b>	<b>\$ 12,456,527</b>	<b>167%</b>	<b>\$ 7,265,299</b>	<b>\$ 9,967,125</b>	<b>137%</b>	<b>\$ 8,864,727</b>	<b>122%</b>	<b>\$1,599,428</b>



# Budget to Actuals Report

## Health Services - Admin - Fund 274

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Other	9,000	167,850	999%	511,588	482,492	94%	511,827	100%	239
OHP Capitation	435,349	435,349	100%	474,674	190,099	40%	474,674	100%	-
Interest on Investments	262,007	737,122	281%	317,000	325,446	103%	781,100	246%	464,100
State Grant	160,000	148,958	93%	132,289	193,594	146%	188,679	143%	56,390
<b>TOTAL RESOURCES</b>	<b>866,356</b>	<b>1,489,279</b>	<b>172%</b>	<b>1,435,551</b>	<b>1,191,632</b>	<b>83%</b>	<b>1,956,280</b>	<b>136%</b>	<b>520,729</b>

REQUIREMENTS	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Personnel Services	6,769,513	6,539,032	97%	7,824,220	2,946,418	38%	7,808,394	100%	15,826
Materials and Services	7,671,421	7,578,213	99%	8,919,839	3,519,930	39%	8,891,822	100%	28,017
Capital Outlay	43,750	87,587	200%	-	-	-	-	-	-
Administration Allocation	(12,633,378)	(12,633,396)	100%	(15,194,081)	-	0%	(15,194,081)	100%	-
<b>TOTAL REQUIREMENTS</b>	<b>1,851,306</b>	<b>1,571,436</b>	<b>85%</b>	<b>1,549,978</b>	<b>6,466,348</b>	<b>417%</b>	<b>1,506,135</b>	<b>97%</b>	<b>43,843</b>

TRANSFERS	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfers In- OHP Mental Health	81,250	81,250	100%	-	-	-	-	-	-
Transfers Out	(300,174)	(315,174)	105%	(377,446)	(146,853)	39%	(377,446)	100%	-
<b>TOTAL TRANSFERS</b>	<b>(218,924)</b>	<b>(233,924)</b>	<b>107%</b>	<b>(377,446)</b>	<b>(146,853)</b>	<b>39%</b>	<b>(377,446)</b>	<b>100%</b>	<b>-</b>

FUND BALANCE	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	3,665,544	3,786,843	103%	3,419,300	3,470,762	102%	3,470,762	102%	51,462
Resources over Requirements	(984,950)	(82,157)	-	(114,427)	(5,274,716)	-	450,146	-	564,572
Net Transfers - In (Out)	(218,924)	(233,924)	-	(377,446)	(146,853)	-	(377,446)	-	-
<b>TOTAL FUND BALANCE</b>	<b>\$ 2,461,670</b>	<b>\$ 3,470,762</b>	<b>141%</b>	<b>\$ 2,927,428</b>	<b>(\$ 1,950,806)</b>	<b>-67%</b>	<b>\$ 3,543,462</b>	<b>121%</b>	<b>\$616,034</b>

**A** Projection includes adjustment for anticipated unearned revenue. Amounts will be finalized at fiscal year-end.

**B** Personnel projections assume 3% vacancy.



# Budget to Actuals Report

## Health Services - Behavioral Health - Fund 274

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
State Grant	17,967,689	14,679,278	82%	20,858,334	5,767,768	28%	18,286,650	88%	(2,571,684) A
OHP Capitation	16,058,765	16,886,706	105%	16,694,731	6,631,819	40%	16,694,731	100%	-
State Miscellaneous	4,924,368	4,427,643	90%	6,861,414	4,573,163	67%	8,939,272	130%	2,077,858 B
OHP Fee for Service	4,927,331	5,777,316	117%	4,764,259	2,183,066	46%	4,795,462	101%	31,203
Local Grants	1,348,943	1,395,962	103%	2,427,949	538,240	22%	2,482,251	102%	54,302 C
Federal Grants	1,285,560	1,186,400	92%	824,623	197,998	24%	208,689	25%	(615,934) D
Medicaid	431,000	1,201,524	279%	627,276	273,786	44%	927,312	148%	300,036 E
Patient Fees	448,500	679,928	152%	575,975	244,732	42%	577,371	100%	1,396
State - Medicare	209,500	300,513	143%	195,057	159,374	82%	375,385	192%	180,328 F
Liquor Revenue	177,574	188,547	106%	177,574	46,179	26%	177,574	100%	-
Interfund Contract- Gen Fund	127,000	-	0%	127,000	52,917	42%	127,000	100%	-
Other	631,245	688,382	109%	6,241	6,107	98%	4,350	70%	(1,891)
<b>TOTAL RESOURCES</b>	<b>48,537,475</b>	<b>47,412,198</b>	<b>98%</b>	<b>54,140,433</b>	<b>20,675,149</b>	<b>38%</b>	<b>53,596,047</b>	<b>99%</b>	<b>(544,386)</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Administration Allocation	9,546,200	9,546,201	100%	11,455,910	-	0%	11,455,910	100%
Personnel Services	33,370,785	32,911,255	99%	37,477,912	13,929,751	37%	36,822,588	98%	655,324 G
Materials and Services	9,740,566	5,397,546	55%	11,547,419	1,636,493	14%	10,729,291	93%	818,128
Capital Outlay	160,250	234,772	147%	1,932,000	41,185	2%	88,185	5%	1,843,815 H
<b>TOTAL REQUIREMENTS</b>	<b>52,817,801</b>	<b>48,089,773</b>	<b>91%</b>	<b>62,413,241</b>	<b>15,607,428</b>	<b>25%</b>	<b>59,095,974</b>	<b>95%</b>	<b>3,317,267</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In- OHP Mental Health	1,809,358	5,856	0%	5,554,712	-	0%	1,712,627	31%
Transfers In- General Fund	2,231,439	1,501,613	67%	2,088,273	-	0%	1,783,674	85%	(304,599) I
Transfers In- Acute Care Service	-	-	-	626,000	625,142	100%	625,142	100%	(858)
Revenue Not Assigned	-	-	-	30,000	-	0%	-	0%	(30,000)
Transfers Out	(481,000)	(562,749)	117%	(445,000)	(39,976)	9%	(445,000)	100%	-
<b>TOTAL TRANSFERS</b>	<b>3,559,797</b>	<b>944,720</b>	<b>27%</b>	<b>7,853,985</b>	<b>585,166</b>	<b>7%</b>	<b>3,676,443</b>	<b>47%</b>	<b>(4,177,542)</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	3,989,589	4,679,830	117%	2,943,669	4,946,976	168%	4,962,976	169%
Resources over Requirements	(4,280,326)	(677,575)	-	(8,272,808)	5,067,721	-	(5,499,927)	-	2,772,881
Net Transfers - In (Out)	3,559,797	944,720	-	7,853,985	585,166	-	3,676,443	-	(4,177,542)
<b>TOTAL FUND BALANCE</b>	<b>\$ 3,269,060</b>	<b>\$ 4,946,976</b>	<b>151%</b>	<b>\$ 2,524,847</b>	<b>\$ 10,599,863</b>	<b>420%</b>	<b>\$ 3,139,492</b>	<b>124%</b>	<b>\$614,646</b>

- A** Projections include \$401K one-time funds through HB 5204 for Jail Diversion and \$2M budgeted that is now in State Miscellaneous. DCHS is working with OHA to determine amounts of state grant carryover.
- B** \$2M originally budgeted to be received in State Grant line for Secure Residential Treatment Facility.
- C** Increase for Choice Model funding (+84K).
- D** Budget assumes approval of a one-year No Cost Extension for SAMHSA System of Care Grant that was denied. Projections remove award and related County General Fund match.
- E** Medicaid tracking higher than budgeted.
- F** Medicare tracking higher than budgeted.
- G** Personnel projections assume 6% vacancy. Includes continuation of paid internship program, which began in January 2024 and was not originally budgeted.
- H** Original budget included tenant improvement costs for expansion at a new site in La Pine. At this point, expenditures are not anticipated in FY25.
- I** Reduction in County General Fund related to no longer needing local match contribution of SAMHSA System of Care Grant, which ended August 2024.



# Budget to Actuals Report

## Health Services - Public Health - Fund 274

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
State Grant	5,630,131	5,884,742	105%	6,514,775	2,129,470	33%	6,821,711	105%	306,936
Environmental Health Fees	1,478,906	1,483,715	100%	1,637,892	185,012	11%	1,774,828	108%	136,936
State - Medicaid/Medicare	1,034,491	1,149,710	111%	1,587,117	418,080	26%	879,678	55%	(707,439)
Other	421,126	1,470,335	349%	1,117,483	123,926	11%	487,631	44%	(629,852)
State Miscellaneous	868,711	602,044	69%	468,636	60,220	13%	882,786	188%	414,150
Local Grants	218,951	639,098	292%	387,883	418,600	108%	542,087	140%	154,204
OHP Capitation	-	117,506		360,000	112,931	31%	336,983	94%	(23,017)
Vital Records	315,000	336,256	107%	318,000	127,029	40%	325,000	102%	7,000
Patient Fees	639,290	210,450	33%	185,651	56,874	31%	161,052	87%	(24,599)
Federal Grants	155,000	135,003	87%	162,746	26,752	16%	189,243	116%	26,497
State Shared- Family Planning	158,000	83,152	53%	75,000	26,765	36%	26,765	36%	(48,235)
Revenues Not Assigned	-	-		42,000	-	0%	42,000	100%	-
OHP Fee for Service	20,250	32,173	159%	24,485	14,585	60%	34,712	142%	10,227
<b>TOTAL RESOURCES</b>	<b>10,939,856</b>	<b>12,144,182</b>	<b>111%</b>	<b>12,881,668</b>	<b>3,700,244</b>	<b>29%</b>	<b>12,504,476</b>	<b>97%</b>	<b>(377,192)</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Administration Allocation	3,092,162	3,087,195	100%	3,738,129	-	0%	3,738,129	100%
Personnel Services	11,978,565	11,965,751	100%	13,111,930	5,102,427	39%	12,770,138	97%	341,792
Materials and Services	2,424,314	2,086,239	86%	2,706,896	518,716	19%	2,648,482	98%	58,414
Capital Outlay	143,500	255,731	178%	-	-	-	-	-	-
<b>TOTAL REQUIREMENTS</b>	<b>17,638,541</b>	<b>17,394,916</b>	<b>99%</b>	<b>19,556,955</b>	<b>5,621,143</b>	<b>29%</b>	<b>19,156,749</b>	<b>98%</b>	<b>400,206</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In- General Fund	4,548,701	4,548,701	100%	5,130,442	-	0%	5,130,442	100%
Transfers In- OHP Mental Health	319,965	319,965	100%	303,304	-	0%	303,304	100%	-
Transfers In - TRT	368,417	368,417	100%	276,572	115,238	42%	276,572	100%	-
Transfers In - Video Lottery	-	-		250,000	250,000	100%	250,000	100%	-
Transfers Out	(551,500)	-	0%	(1,138,642)	(1,165,061)	102%	(1,165,061)	102%	(26,419)
<b>TOTAL TRANSFERS</b>	<b>4,685,583</b>	<b>5,237,083</b>	<b>112%</b>	<b>4,821,676</b>	<b>(799,822)</b>	<b>-17%</b>	<b>4,795,257</b>	<b>99%</b>	<b>(26,419)</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	3,762,383	4,052,440	108%	3,666,636	4,038,789	110%	4,038,789	110%
Resources over Requirements	(6,698,685)	(5,250,734)		(6,675,287)	(1,920,899)		(6,652,273)		23,014
Net Transfers - In (Out)	4,685,583	5,237,083		4,821,676	(799,822)		4,795,257		(26,419)
<b>TOTAL FUND BALANCE</b>	<b>\$ 1,749,281</b>	<b>\$ 4,038,789</b>	<b>231%</b>	<b>\$ 1,813,025</b>	<b>\$ 1,318,068</b>	<b>73%</b>	<b>\$ 2,181,773</b>	<b>120%</b>	<b>\$368,748</b>

- A** Additional \$342K for Opioid Prevention Funds forthcoming, Awarded Garrett Lee Smith +93K
- B** In September, Board approved an additional 8% fee increase effective October 1, 2024.
- C** Projections less than budget due to Reproductive Health Clinic closures as of October 1, 2024 and MAC funding originally budgeted in Medicaid, but actuals coming through as State Miscellaneous.
- D** Projection less than budget due to Opioid Settlement payments being directly received within Fund 001 as of July (392K originally budgeted) and state funding for Family Connects Oregon coming through state grant (additional 238K).
- E** Medicaid Administrative Claim (MAC) was originally budgeted in Medicaid, but actuals coming through as State Miscellaneous.
- F** Public Health received 2023 Quality Incentive Metric funds
- G** Projections less than budget due to Reproductive Health Clinic closures as of October 1, 2024.
- H** Personnel projection assumes an average of 2% vacancy.
- I** Opioid Settlement Funds transferring from Health Services to Fund 001



# Budget to Actuals Report

## Community Development - Fund 295

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Admin - Operations	157,300	148,681	95%	144,238	62,027	43%	154,238	107%	10,000
Code Compliance	1,124,181	840,865	75%	1,003,933	478,424	48%	1,038,433	103%	34,500
Building Safety	3,991,388	3,372,838	85%	3,414,568	1,407,176	41%	3,429,168	100%	14,600
Electrical	902,175	796,598	88%	918,502	377,422	41%	928,502	101%	10,000
Onsite Wastewater	923,880	909,862	98%	1,028,065	357,658	35%	1,030,931	100%	2,866
Current Planning	2,304,562	1,708,739	74%	1,916,960	852,692	44%	1,939,860	101%	22,900
Long Range Planning	1,057,354	746,065	71%	974,972	483,437	50%	990,822	102%	15,850
<b>TOTAL RESOURCES</b>	<b>10,460,840</b>	<b>8,523,648</b>	<b>81%</b>	<b>9,401,238</b>	<b>4,018,836</b>	<b>43%</b>	<b>9,511,954</b>	<b>101%</b>	<b>110,716</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Admin - Operations	3,241,288	2,955,422	91%	3,552,093	1,381,650	39%	3,577,166	101%
Code Compliance	743,931	655,434	88%	801,574	274,042	34%	778,976	97%	22,598
Building Safety	2,088,542	1,863,677	89%	2,133,076	757,456	36%	2,117,280	99%	15,796
Electrical	583,718	560,356	96%	612,818	239,306	39%	654,791	107%	(41,973)
Onsite Wastewater	865,670	732,454	85%	679,752	254,333	37%	692,848	102%	(13,096)
Current Planning	1,857,735	1,416,212	76%	1,410,470	464,567	33%	1,440,680	102%	(30,210)
Long Range Planning	888,677	714,855	80%	757,012	304,948	40%	782,090	103%	(25,078)
<b>TOTAL REQUIREMENTS</b>	<b>10,269,561</b>	<b>8,898,411</b>	<b>87%</b>	<b>9,946,795</b>	<b>3,676,301</b>	<b>37%</b>	<b>10,043,831</b>	<b>101%</b>	<b>(97,036)</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In - CDD Operating Fund	510,105	47,445	9%	131,502	-	0%	-	0%
Transfers in - General Fund	100,000	48,181	48%	100,000	6,559	7%	100,000	100%	-
Transfers In - TRT	-	-	-	100,000	41,667	42%	100,000	100%	-
Transfers In - CDD Building Reserve	-	-	-	68,628	-	0%	622,630	907%	554,002
Transfers In - CDD Electrical Reserve	86,721	50,027	58%	61,412	-	0%	222,193	362%	160,781
Transfers Out	(107,544)	(107,544)	100%	-	-	-	-	-	-
Transfers Out - CDD Reserve	(122,752)	(233,698)	190%	-	-	-	(266,612)	999%	(266,612)
<b>TOTAL TRANSFERS</b>	<b>466,530</b>	<b>(195,589)</b>	<b>-42%</b>	<b>461,542</b>	<b>48,226</b>	<b>10%</b>	<b>778,211</b>	<b>169%</b>	<b>316,669</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	1,317,921	1,322,717	100%	1,000,000	752,366	75%	753,666	75%
Resources over Requirements	191,279	(374,763)		(545,557)	342,535		(531,877)		13,680
Net Transfers - In (Out)	466,530	(195,589)		461,542	48,226		778,211		316,669
<b>TOTAL FUND BALANCE</b>	<b>\$ 1,975,730</b>	<b>\$ 752,366</b>	<b>38%</b>	<b>\$ 915,985</b>	<b>\$ 1,143,126</b>	<b>125%</b>	<b>\$ 1,000,000</b>	<b>109%</b>	<b>\$84,015</b>

- A** Increase is related to CDD's increased fees, effective November 1st.
- B** Projections reflect net increase resulting from the increased HBF costs, and offset by a decrease in unfilled positions.
- C** Projections reflect net increase resulting from the increased HBF costs, and offset by a decrease in unfilled positions and the addition of one new FTE.
- D** Transfer from reserves for one new FTE and contribution to contingency requirement.
- E** Transfer to reserves reduced general divisions contingency requirement.





# Budget to Actuals Report

## Road - Fund 325

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Motor Vehicle Revenue	20,648,483	21,099,991	102%	21,484,773	9,028,422	42%	21,484,773	100%	-
Federal - PILT Payment	2,240,000	2,394,054	107%	2,741,447	2,401,480	88%	2,401,480	88%	(339,967)
Other Inter-fund Services	1,450,015	1,574,821	109%	1,368,191	345,625	25%	1,368,191	100%	-
Cities-Bend/Red/Sis/La Pine	763,171	961,664	126%	988,063	314,942	32%	988,063	100%	-
Sale of Equip & Material	614,500	370,308	60%	486,300	103,865	21%	486,300	100%	-
Interest on Investments	138,031	195,226	141%	158,000	125,177	79%	300,400	190%	142,400
Federal Reimbursements	689,703	342,290	50%	137,000	-	0%	137,000	100%	-
Miscellaneous	73,808	70,690	96%	61,132	26,862	44%	61,132	100%	-
Mineral Lease Royalties	50,000	131,078	262%	50,000	3,786	8%	50,000	100%	-
Assessment Payments (P&I)	6,000	11,471	191%	5,000	655	13%	5,000	100%	-
IF Capital Projects - Revenue	-	-	-	-	121,966	-	121,966	-	121,966
<b>TOTAL RESOURCES</b>	<b>26,673,711</b>	<b>27,151,594</b>	<b>102%</b>	<b>27,479,906</b>	<b>12,472,779</b>	<b>45%</b>	<b>27,404,305</b>	<b>100%</b>	<b>(75,601)</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Personnel Services	8,406,468	8,507,587	101%	9,556,843	3,541,077	37%	9,247,371	97%	309,472 <sup>A</sup>
Materials and Services	8,600,033	7,244,549	84%	9,992,969	3,783,833	38%	9,992,969	100%	-
Capital Outlay	118,260	53,591	45%	-	-	-	-	-	-
<b>TOTAL REQUIREMENTS</b>	<b>17,124,761</b>	<b>15,805,727</b>	<b>92%</b>	<b>19,549,812</b>	<b>7,324,910</b>	<b>37%</b>	<b>19,240,340</b>	<b>98%</b>	<b>309,472</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers Out	(12,700,000)	(12,700,000)	100%	(10,720,695)	(2,089,362)	19%	(10,720,695)	100%	-
<b>TOTAL TRANSFERS</b>	<b>(12,700,000)</b>	<b>(12,700,000)</b>	<b>100%</b>	<b>(10,720,695)</b>	<b>(2,089,362)</b>	<b>19%</b>	<b>(10,720,695)</b>	<b>100%</b>	<b>-</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	5,521,251	7,351,679	133%	5,223,706	5,997,546	115%	5,997,546	115%	773,840
Resources over Requirements	9,548,950	11,345,867	-	7,930,094	5,147,869	-	8,163,965	-	233,871
Net Transfers - In (Out)	(12,700,000)	(12,700,000)	-	(10,720,695)	(2,089,362)	-	(10,720,695)	-	-
<b>TOTAL FUND BALANCE</b>	<b>\$ 2,370,201</b>	<b>\$ 5,997,546</b>	<b>253%</b>	<b>\$ 2,433,105</b>	<b>\$ 9,056,053</b>	<b>372%</b>	<b>\$ 3,440,816</b>	<b>141%</b>	<b>\$1,007,711</b>

<sup>A</sup> Projected Personnel savings based on FY24/FY25 average vacancy rate of 4.7%



# Budget to Actuals Report

## Adult P&P - Fund 355

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
DOC Grant in Aid SB 1145	4,116,464	4,143,196	101%	4,693,331	2,358,901	50%	4,693,331	100%	-
CJC Justice Reinvestment	943,172	1,103,019	117%	1,167,810	728,909	62%	1,167,810	100%	-
DOC Measure 57	256,815	259,307	101%	259,307	259,307	100%	259,307	100%	-
Interest on Investments	75,230	87,583	116%	73,000	51,905	71%	124,600	171%	51,600
Interfund- Sheriff	50,000	50,000	100%	60,000	25,000	42%	60,000	100%	-
Other Inter-fund Services	-	-	-	50,000	-	0%	50,000	100%	-
State Miscellaneous	22,607	116,078	513%	19,709	-	0%	19,709	100%	-
Miscellaneous	500	1,062	212%	500	4,463	893%	4,884	977%	4,384 <b>A</b>
Oregon BOPPPS	20,318	7,686	38%	-	12,632	-	12,632	-	12,632 <b>B</b>
Gen Fund/Crime Prevention	50,000	50,000	100%	-	-	-	-	-	-
Electronic Monitoring Fee	500	258	52%	-	-	-	-	-	-
<b>TOTAL RESOURCES</b>	<b>5,535,606</b>	<b>5,818,189</b>	<b>105%</b>	<b>6,323,657</b>	<b>3,441,117</b>	<b>54%</b>	<b>6,392,273</b>	<b>101%</b>	<b>68,616</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	5,757,511	5,239,314	91%	6,387,456	2,183,636	34%	5,452,225	85%
Materials and Services	1,818,521	1,788,936	98%	1,984,229	692,932	35%	1,929,233	97%	54,996 <b>D</b>
<b>TOTAL REQUIREMENTS</b>	<b>7,576,032</b>	<b>7,028,249</b>	<b>93%</b>	<b>8,371,685</b>	<b>2,876,568</b>	<b>34%</b>	<b>7,381,458</b>	<b>88%</b>	<b>990,227</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In- General Funds	536,369	601,369	112%	703,369	293,070	42%	703,369	100%
Transfers In- Health Services	50,000	-	0%	-	-	-	-	-	-
Transfer to Vehicle Maint	(75,419)	(75,419)	100%	(76,405)	(31,835)	42%	(76,405)	100%	-
<b>TOTAL TRANSFERS</b>	<b>510,950</b>	<b>525,950</b>	<b>103%</b>	<b>626,964</b>	<b>261,235</b>	<b>42%</b>	<b>626,964</b>	<b>100%</b>	<b>-</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	3,000,000	3,010,934	100%	2,500,000	2,326,824	93%	2,326,824	93%
Resources over Requirements	(2,040,426)	(1,210,060)	-	(2,048,028)	564,549	-	(989,185)	-	1,058,843
Net Transfers - In (Out)	510,950	525,950	-	626,964	261,235	-	626,964	-	-
<b>TOTAL FUND BALANCE</b>	<b>\$ 1,470,524</b>	<b>\$ 2,326,824</b>	<b>158%</b>	<b>\$ 1,078,936</b>	<b>\$ 3,152,608</b>	<b>292%</b>	<b>\$ 1,964,603</b>	<b>182%</b>	<b>\$885,667</b>

- A** Reimbursement for hosting event for Oregon Association of Community Corrections Directors.
- B** Projected Personnel savings based on FY24/FY25 average vacancy rate of 16.2%
- C** Projected Personnel savings based on FY24/FY25 average vacancy rate of 16.2%
- D** Materials and services projections based on current spending trends.



# Budget to Actuals Report

## Road CIP - Fund 465

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
State Miscellaneous	1,704,116	2,342,101	137%	881,339	-	0%	881,339	100%	-
Interest on Investments	475,310	580,958	122%	476,000	224,850	47%	539,600	113%	63,600
Miscellaneous	-	28,774		-	-		-		-
<b>TOTAL RESOURCES</b>	<b>2,179,426</b>	<b>2,951,833</b>	<b>135%</b>	<b>1,357,339</b>	<b>224,850</b>	<b>17%</b>	<b>1,420,939</b>	<b>105%</b>	<b>63,600</b>

REQUIREMENTS	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Materials and Services	132,770	132,770	100%	134,492	56,038	42%	134,492	100%	-
Capital Outlay	24,009,399	22,991,686	96%	16,189,012	2,442,924	15%	13,696,778	85%	2,492,234
<b>TOTAL REQUIREMENTS</b>	<b>24,142,169</b>	<b>23,124,456</b>	<b>96%</b>	<b>16,323,504</b>	<b>2,498,962</b>	<b>15%</b>	<b>13,831,270</b>	<b>85%</b>	<b>2,492,234</b>

TRANSFERS	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfers In	12,500,000	12,500,000	100%	10,631,333	-	0%	10,631,333	100%	-
<b>TOTAL TRANSFERS</b>	<b>12,500,000</b>	<b>12,500,000</b>	<b>100%</b>	<b>10,631,333</b>	<b>-</b>	<b>0%</b>	<b>10,631,333</b>	<b>100%</b>	<b>-</b>

FUND BALANCE	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	19,012,380	23,347,907	123%	15,534,050	15,675,284	101%	15,675,284	101%	141,234
Resources over Requirements	(21,962,743)	(20,172,623)		(14,966,165)	(2,274,113)		(12,410,331)		2,555,834
Net Transfers - In (Out)	12,500,000	12,500,000		10,631,333	-		10,631,333		-
<b>TOTAL FUND BALANCE</b>	<b>\$ 9,549,637</b>	<b>\$ 15,675,284</b>	<b>164%</b>	<b>\$ 11,199,218</b>	<b>\$ 13,401,171</b>	<b>120%</b>	<b>\$ 13,896,286</b>	<b>124%</b>	<b>\$ 2,697,068</b>





# Budget to Actuals Report

## Road CIP (Fund 465) - Capital Outlay Summary by Project

FY25 YTD November 30, 2024

12/18/2024 Item #25.

**41.67%**

Year Completed

	Fiscal Year 2024			Fiscal Year 2025					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Hunnel Rd: Loco Rd to Tumalo Rd	2,693,318	2,544,568	94%		202,867		202,867		(202,867)
Powell Butte Hwy/Butler Market RB	1,950,000	1,551,099	80%	1,095,760	842,965	77%	858,000	78%	237,760
Wilcox Ave Bridge #2171-03 Replacement	-	-		160,000		0%	160,000	100%	-
Paving Tumalo Rd/Deschutes Mkt Rd				520,000	471,376	91%	471,376	91%	48,624
Hamehook Rd Bridge #16181 Rehabilitation	380,000	367,224	97%	1,930,500	50,467	3%	1,791,900	93%	138,600
NW Lower Bridge Way: 43rd St to Holmes Rd	159,140	105,726	66%	1,650,000	43,124	3%	1,650,000	100%	-
Northwest Way: NW Coyner Ave to NW Altmeter Wy	-	-		85,000		0%	85,000	100%	-
Tumalo Reservoir Rd: OB Riley to Sisemore Rd	180,000	197,240	110%	2,417,752	121,527	5%	2,417,752	100%	-
Local Road Pavement Preservation	-	-		-			-		-
Paving Of Horse Butte Rd	-	-		630,000		0%	630,000	100%	-
Paving Of Obr Hwy: Tumalo To Helmho	2,600,000	2,303,234		2,520,000	291,406	12%	291,406	12%	2,228,594
La Pine Uic Stormwater Improvements	-	-		240,000		0%	240,000	100%	-
S Century Dr / Spring River Rd Roun	10,000	244		1,650,000	211,112	13%	1,650,000	100%	-
Burgess Rd/Day Rd Traffic Signal				50,000		0%	50,000	100%	-
Powell Butte Hwy: McGrath Rd to US20				2,290,000		0%	2,290,000	100%	-
Slurry Seal 2025				350,000		0%	350,000	100%	-
Hamby Road School Zone Improvements				-	75,442		80,000		(80,000)
ODOT ARTS Program - Driver Speed Feedback Signs				24,161	24,161	100%	24,161	100%	0
Lazy River Dr Mailbox Improvements				150,000	108,477	72%	108,477	72%	41,523
Asphalt Leveling 2024				200,000			200,000	100%	-
FY 23 Guardrail Improvements	-	-		-			-		-
Signage improvements				125,839		0%	60,839	48%	65,000
Sidewalk Ramp Improvements				100,000		0%	85,000	85%	15,000
<b>TOTAL CAPITAL OUTLAY</b>	<b>\$ 7,972,458</b>	<b>\$ 7,069,335</b>	<b>89%</b>	<b>\$ 16,189,012</b>	<b>2,442,924</b>	<b>15%</b>	<b>13,696,778</b>	<b>85%</b>	<b>\$ 2,492,234</b>



# Budget to Actuals Report

## Solid Waste - Fund 610

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Franchise Disposal Fees	8,000,000	8,858,989	111%	9,940,000	3,673,095	37%	9,940,000	100%	- A
Commercial Disp. Fee	3,310,000	3,984,563	120%	4,450,000	2,009,984	45%	4,450,000	100%	- A
Private Disposal Fees	3,450,000	3,236,947	94%	3,420,000	1,640,498	48%	3,420,000	100%	- A
Special Waste	30,000	103,947	346%	645,000	57,888	9%	645,000	100%	- B
Franchise 5% Fees	565,000	646,761	114%	635,000	237,646	37%	635,000	100%	- C
Yard Debris	400,000	456,528	114%	440,000	237,665	54%	440,000	100%	- D
Miscellaneous	173,000	290,694	168%	170,000	87,572	52%	170,000	100%	-
Interest on Investments	60,410	147,126	244%	62,000	86,152	139%	206,800	334%	144,800 E
Recyclables	7,000	7,669	110%	7,000	8,512	122%	16,500	236%	9,500
Leases	1	1	100%	1	-	0%	1	100%	-
<b>TOTAL RESOURCES</b>	<b>15,995,411</b>	<b>17,733,226</b>	<b>111%</b>	<b>19,769,001</b>	<b>8,039,011</b>	<b>41%</b>	<b>19,923,301</b>	<b>101%</b>	<b>154,300</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	4,108,983	3,967,708	97%	5,739,145	1,938,234	34%	5,739,145	100%
Materials and Services	7,683,911	7,307,004	95%	8,994,999	2,683,054	30%	8,994,999	100%	-
Capital Outlay	309,000	246,763	80%	282,000	24,971	9%	282,000	100%	-
Debt Service	2,302,640	2,302,520	100%	2,305,600	739,753	32%	2,305,600	100%	-
<b>TOTAL REQUIREMENTS</b>	<b>14,404,534</b>	<b>13,823,996</b>	<b>96%</b>	<b>17,321,744</b>	<b>5,386,011</b>	<b>31%</b>	<b>17,321,744</b>	<b>100%</b>	<b>-</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In - SW Capital & Equipment Reserve	910,000	-	0%	-	-	-	-	-
Transfers Out - SW Capital & Equipment Reserve	(2,613,962)	(2,613,962)	100%	(4,564,141)	(1,143,392)	25%	(4,564,141)	100%	-
<b>TOTAL TRANSFERS</b>	<b>(1,703,962)</b>	<b>(2,613,962)</b>	<b>153%</b>	<b>(4,564,141)</b>	<b>(1,143,392)</b>	<b>25%</b>	<b>(4,564,141)</b>	<b>100%</b>	<b>-</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	2,416,385	2,743,514	114%	3,941,745	4,038,781	102%	4,039,441	102%
Resources over Requirements	1,590,877	3,909,230		2,447,257	2,653,000		2,601,557		154,300
Net Transfers - In (Out)	(1,703,962)	(2,613,962)		(4,564,141)	(1,143,392)		(4,564,141)		-
<b>TOTAL FUND BALANCE</b>	<b>\$ 2,303,300</b>	<b>\$ 4,038,781</b>	<b>175%</b>	<b>\$ 1,824,861</b>	<b>\$ 5,548,389</b>	<b>304%</b>	<b>\$ 2,076,857</b>	<b>114%</b>	<b>\$251,996</b>

- A** Total disposal fee projections reflect management's best estimate of revenues to be collected. Disposal tons are typically higher in the summer with reductions in winter; fiscal YTD tons are running 0.1% greater than last year-to-date. Franchise disposal fee payments of \$655K were not received from Republic Services (Bend Garbage, High Country, Wilderness) by closing.
- B** Special Waste revenue source is unpredictable and dependent on special clean-up projects of contaminated soil and asbestos; fiscal YTD is running less than budget for sweepings and overs.
- C** Annual fees due April 15, 2025; received monthly installments from Republic.
- D** Yard Debris revenue is seasonal with higher utilization in summer months; fiscal YTD volumes are running just under last year-to-date.
- E** Investment Income projected to come in higher than budget.



# Budget to Actuals Report

## Fair & Expo - Fund 615

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Food & Beverage	991,000	1,565,820	158%	1,535,000	584,635	38%	1,558,242	102%	23,242
Events Revenue	1,050,000	979,919	93%	1,390,000	459,358	33%	848,792	61%	(541,208)
Rights & Signage	105,000	106,016	101%	110,000	55,300	50%	108,500	99%	(1,500)
Horse Stall Rental	100,000	74,925	75%	67,500	30,000	44%	55,000	81%	(12,500) <b>A</b>
Storage	50,000	51,099	102%	45,000	-	0%	32,000	71%	(13,000)
Camping Fee	22,500	33,694	150%	37,500	14,474	39%	59,974	160%	22,474
Interest on Investments	22,000	24,619	112%	16,000	7,752	48%	18,600	116%	2,600
Miscellaneous	3,000	7,001	233%	5,000	17,176	344%	20,088	402%	15,088
<b>TOTAL RESOURCES</b>	<b>2,343,500</b>	<b>2,843,093</b>	<b>121%</b>	<b>3,206,000</b>	<b>1,168,695</b>	<b>36%</b>	<b>2,701,196</b>	<b>84%</b>	<b>(504,804)</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	1,478,441	1,499,682	101%	1,851,584	637,790	34%	1,301,318	70%
Personnel Services - F&B	148,510	80,916	54%	187,439	28,244	15%	139,809	75%	47,630
Materials and Services	1,492,986	1,334,327	89%	1,917,689	472,837	25%	1,689,882	88%	227,807
Materials and Services - F&B	514,200	852,112	166%	781,750	331,685	42%	856,101	110%	(74,351)
Debt Service	100,190	100,139	100%	99,700	-	0%	99,700	100%	-
<b>TOTAL REQUIREMENTS</b>	<b>3,734,327</b>	<b>3,867,176</b>	<b>104%</b>	<b>4,838,162</b>	<b>1,470,556</b>	<b>30%</b>	<b>4,086,810</b>	<b>84%</b>	<b>751,352</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In - Room Tax	1,009,023	988,867	98%	963,000	401,250	42%	950,278	99%
Transfers In - County Fair	-	-	-	196,900	82,042	42%	196,900	100%	-
Transfers In - Park Fund	30,000	30,000	100%	30,000	12,500	42%	30,000	100%	-
Transfers Out	(163,342)	(10,777)	7%	(10,777)	(4,490)	42%	(10,777)	100%	-
<b>TOTAL TRANSFERS</b>	<b>875,681</b>	<b>1,008,090</b>	<b>115%</b>	<b>1,179,123</b>	<b>491,301</b>	<b>42%</b>	<b>1,166,401</b>	<b>99%</b>	<b>(12,722)</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	547,763	547,764	100%	577,865	531,770	92%	531,770	92%
Resources over Requirements	(1,390,827)	(1,024,083)	-	(1,632,162)	(301,861)	-	(1,385,614)	-	246,548
Net Transfers - In (Out)	875,681	1,008,090	-	1,179,123	491,301	-	1,166,401	-	(12,722)
<b>TOTAL FUND BALANCE</b>	<b>\$ 32,617</b>	<b>\$ 531,770</b>	<b>999%</b>	<b>\$ 124,826</b>	<b>\$ 721,210</b>	<b>578%</b>	<b>\$ 312,557</b>	<b>250%</b>	<b>\$ 187,731</b>

**A** Cascade Futurity's horse stall rental was billed \$30,000 after the event based on usage (billed but not yet received).

**B** Projected Personnel savings based on FY24/FY25 average vacancy rate of 22.9%



# Budget to Actuals Report

## Annual County Fair - Fund 616

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Concessions and Catering	790,000	834,968	106%	797,500	831,939	104%	1,314,795	165%	517,295
Gate Receipts	775,000	1,046,188	135%	780,000	923,260	118%	923,261	118%	143,261
Carnival	430,000	245,809	57%	430,000	468,142	109%	468,142	109%	38,142
Commercial Exhibitors	118,200	114,091	97%	115,000	137,741	120%	137,741	120%	22,741
Fair Sponsorship	92,500	69,967	76%	99,000	124,960	126%	141,020	142%	42,020
State Grant	53,167	53,167	100%	53,167	635	1%	53,167	100%	-
Rodeo Sponsorship	30,000	35,452	118%	30,000	44,810	149%	44,811	149%	14,811
Interest on Investments	13,500	25,831	191%	23,000	11,851	52%	28,400	123%	5,400
R/V Camping/Horse Stall Rental	17,250	31,255	181%	18,500	35,982	194%	35,982	194%	17,482
Merchandise Sales	2,500	1,899	76%	2,500	1,608	64%	2,500	100%	-
Livestock Entry Fees	2,000	1,940	97%	2,000	3,139	157%	3,139	157%	1,139
Miscellaneous	-	39		-	-		-		-
<b>TOTAL RESOURCES</b>	<b>2,324,117</b>	<b>2,460,606</b>	<b>106%</b>	<b>2,350,667</b>	<b>2,584,065</b>	<b>110%</b>	<b>3,152,957</b>	<b>134%</b>	<b>802,290</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	226,531	189,056	83%	229,798	97,160	42%	233,873	102%
Materials and Services	2,356,325	2,249,042	95%	2,442,103	2,272,960	93%	2,428,057	99%	14,046
<b>TOTAL REQUIREMENTS</b>	<b>2,582,856</b>	<b>2,438,099</b>	<b>94%</b>	<b>2,671,901</b>	<b>2,370,120</b>	<b>89%</b>	<b>2,661,930</b>	<b>100%</b>	<b>9,971</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfer In - TRT 1%	75,000	75,000	100%	75,000	31,250	42%	75,000	100%
Transfers Out	(109,503)	(109,503)	100%	-	-		-		-
Transfer Out - Fair & Expo	-	-		(196,900)	(82,042)	42%	(196,900)	100%	-
<b>TOTAL TRANSFERS</b>	<b>(34,503)</b>	<b>(34,503)</b>	<b>100%</b>	<b>(121,900)</b>	<b>(50,792)</b>	<b>42%</b>	<b>(121,900)</b>	<b>100%</b>	<b>-</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	521,447	521,447	100%	600,000	509,451	85%	509,451	85%
Resources over Requirements	(258,739)	22,507		(321,234)	213,946		491,027		812,261
Net Transfers - In (Out)	(34,503)	(34,503)		(121,900)	(50,792)		(121,900)		-
<b>TOTAL FUND BALANCE</b>	<b>\$ 228,205</b>	<b>\$ 509,451</b>	<b>223%</b>	<b>\$ 156,866</b>	<b>\$ 672,605</b>	<b>429%</b>	<b>\$ 878,578</b>	<b>560%</b>	<b>\$721,712</b>

<sup>A</sup> Projected Personnel based on overage to date



# Budget to Actuals Report

## Annual County Fair - Fund 616

CY24 YTD November 30, 2024 (unaudited)

	Fair 2023	Fair 2024 Actuals to Date	2024 Projection
<b>RESOURCES</b>			
Gate Receipts	\$ 1,042,896	\$ 921,902	\$ 921,902
Carnival	245,809	468,142	468,142
Commercial Exhibitors	436,160	463,327	452,741
Livestock Entry Fees	1,940	3,139	3,139
R/V Camping/Horse Stall Rental	31,449	35,788	35,788
Merchandise Sales	1,899	1,608	1,608
Concessions and Catering	512,899	506,105	988,605
Fair Sponsorship	117,183	147,752	183,100
<b>TOTAL FAIR REVENUES</b>	<b>\$ 2,390,235</b>	<b>\$ 2,547,761</b>	<b>\$ 3,055,024</b>
<b>OTHER RESOURCES</b>			
State Grant	53,167	635	53,802
Interest	19,504	20,575	23,919
Miscellaneous	114	-	-
<b>TOTAL RESOURCES</b>	<b>\$ 2,463,020</b>	<b>\$ 2,568,971</b>	<b>\$ 3,132,745</b>
<b>REQUIREMENTS</b>			
Personnel	175,531	181,041	231,132
Materials & Services	2,124,162	2,446,490	2,499,661
<b>TOTAL REQUIREMENTS</b>	<b>\$ 2,299,693</b>	<b>\$ 2,627,530</b>	<b>\$ 2,730,793</b>
<b>TRANSFERS</b>			
Transfer In - TRT 1%	75,000	62,500	75,000
Transfer Out - F&E Reserve	(170,608)	(54,753)	(54,753)
Transfer Out - Fair & Expo	-	(65,633)	(147,673)
<b>TOTAL TRANSFERS</b>	<b>\$ (95,608)</b>	<b>\$ (57,886)</b>	<b>\$ (127,426)</b>
<b>Net Fair</b>	<b>\$ 67,719</b>	<b>\$ (116,445)</b>	<b>\$ 274,526</b>
<b>Beginning Fund Balance on Jan 1</b>	<b>\$ 952,421</b>	<b>\$ 1,020,140</b>	<b>\$ 1,020,140</b>
<b>Ending Balance</b>	<b>\$ 1,020,140</b>	<b>\$ 903,695</b>	<b>\$ 1,294,666</b>



# Budget to Actuals Report

## Fair & Expo Capital Reserve - Fund 617

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Interest on Investments	64,800	94,239	145%	88,000	52,414	60%	125,800	143%	37,800
Miscellaneous	-	130,809		-	94,112		94,112		94,112
<b>TOTAL RESOURCES</b>	<b>64,800</b>	<b>225,047</b>	<b>347%</b>	<b>88,000</b>	<b>146,526</b>	<b>167%</b>	<b>219,912</b>	<b>250%</b>	<b>131,912</b>

REQUIREMENTS	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Materials and Services	343,555	274,247	80%	475,000	45,268	10%	475,000	100%	-
Capital Outlay	746,445	191,682	26%	785,000	21,589	3%	785,000	100%	- <sup>A</sup>
<b>TOTAL REQUIREMENTS</b>	<b>1,090,000</b>	<b>465,928</b>	<b>43%</b>	<b>1,260,000</b>	<b>66,857</b>	<b>5%</b>	<b>1,260,000</b>	<b>100%</b>	<b>-</b>

TRANSFERS	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfers In - TRT 1%	462,119	453,481	98%	442,396	184,332	42%	436,943	99%	(5,453)
Transfers In - Fund 165	100,000	100,000	100%	150,000	150,000	100%	150,000	100%	-
Transfers In - Fair & Expo	152,565	-	0%	-	-		-		-
Transfers In - Annual County Fair	109,503	109,503	100%	-	-		-		-
<b>TOTAL TRANSFERS</b>	<b>824,187</b>	<b>662,984</b>	<b>80%</b>	<b>592,396</b>	<b>334,332</b>	<b>56%</b>	<b>586,943</b>	<b>99%</b>	<b>(5,453)</b>

FUND BALANCE	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	2,592,838	2,757,229	106%	3,136,000	3,179,332	101%	3,179,332	101%	43,332
Resources over Requirements	(1,025,200)	(240,881)		(1,172,000)	79,669		(1,040,088)		131,912
Net Transfers - In (Out)	824,187	662,984		592,396	334,332		586,943		(5,453)
<b>TOTAL FUND BALANCE</b>	<b>\$ 2,391,825</b>	<b>\$ 3,179,332</b>	<b>133%</b>	<b>\$ 2,556,396</b>	<b>\$ 3,593,332</b>	<b>141%</b>	<b>\$ 2,726,187</b>	<b>107%</b>	<b>\$169,791</b>

<sup>A</sup> Capital Outlay appropriations are a placeholder should viable projects be recommended and approved for construction



# Budget to Actuals Report

## RV Park - Fund 618

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
RV Park Fees < 31 Days	500,000	479,680	96%	450,000	189,135	42%	415,000	92%	(35,000)
RV Park Fees > 30 Days	12,500	21,682	173%	15,000	1,660	11%	13,000	87%	(2,000)
Interest on Investments	2,300	8,447	367%	8,000	5,820	73%	14,000	175%	6,000
Cancellation Fees	7,000	13,820	197%	7,000	13,334	190%	17,400	249%	10,400
Washer / Dryer	5,000	5,575	112%	5,000	4,331	87%	7,000	140%	2,000
Miscellaneous	2,500	4,335	173%	2,500	857	34%	2,500	100%	-
Vending Machines	1,500	1,352	90%	1,500	728	49%	1,700	113%	200
<b>TOTAL RESOURCES</b>	<b>530,800</b>	<b>534,892</b>	<b>101%</b>	<b>489,000</b>	<b>215,864</b>	<b>44%</b>	<b>470,600</b>	<b>96%</b>	<b>(18,400)</b>

REQUIREMENTS	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Personnel Services	91,328	92,389	101%	159,210	60,332	38%	153,844	97%	5,366
Materials and Services	303,173	202,217	67%	344,054	84,313	25%	313,967	91%	30,087
Debt Service	222,630	222,596	100%	223,600	-	0%	223,600	100%	-
<b>TOTAL REQUIREMENTS</b>	<b>617,131</b>	<b>517,201</b>	<b>84%</b>	<b>726,864</b>	<b>144,645</b>	<b>20%</b>	<b>691,411</b>	<b>95%</b>	<b>35,453</b>

TRANSFERS	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfers In - Park Fund	160,000	160,000	100%	160,000	66,667	42%	160,000	100%	-
Transfers In - TRT Fund	20,000	20,000	100%	20,000	8,333	42%	20,000	100%	-
Transfer Out - RV Reserve	(51,564)	(51,564)	100%	(122,142)	(50,893)	42%	(122,142)	100%	-
<b>TOTAL TRANSFERS</b>	<b>128,436</b>	<b>128,436</b>	<b>100%</b>	<b>57,858</b>	<b>24,108</b>	<b>42%</b>	<b>57,858</b>	<b>100%</b>	<b>-</b>

FUND BALANCE	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	93,115	166,640	179%	248,000	312,766	126%	312,766	126%	64,766
Resources over Requirements	(86,331)	17,690		(237,864)	71,219		(220,811)		17,053
Net Transfers - In (Out)	128,436	128,436		57,858	24,108		57,858		-
<b>TOTAL FUND BALANCE</b>	<b>\$ 135,220</b>	<b>\$ 312,766</b>	<b>231%</b>	<b>\$ 67,994</b>	<b>\$ 408,093</b>	<b>600%</b>	<b>\$ 149,813</b>	<b>220%</b>	<b>\$81,819</b>



# Budget to Actuals Report

## RV Park Reserve - Fund 619

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Interest on Investments	34,300	45,518	133%	45,000	23,495	52%	56,400	125%	11,400
<b>TOTAL RESOURCES</b>	<b>34,300</b>	<b>45,518</b>	<b>133%</b>	<b>45,000</b>	<b>23,495</b>	<b>52%</b>	<b>56,400</b>	<b>125%</b>	<b>11,400</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Materials and Services	100,000	37,958	38%	100,000	-	0%	100,000	100%
Capital Outlay	74,000	7,294	10%	70,000	-	0%	70,000	100%	-
<b>TOTAL REQUIREMENTS</b>	<b>174,000</b>	<b>45,252</b>	<b>26%</b>	<b>170,000</b>	<b>-</b>	<b>0%</b>	<b>170,000</b>	<b>100%</b>	<b>-</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfer In - RV Park Ops	51,564	51,564	100%	122,142	50,893	42%	122,142	100%
<b>TOTAL TRANSFERS</b>	<b>51,564</b>	<b>51,564</b>	<b>100%</b>	<b>122,142</b>	<b>50,893</b>	<b>42%</b>	<b>122,142</b>	<b>100%</b>	<b>-</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	1,372,453	1,469,559	107%	1,513,413	1,521,389	101%	1,521,389	101%
Resources over Requirements	(139,700)	266		(125,000)	23,495		(113,600)		11,400
Net Transfers - In (Out)	51,564	51,564		122,142	50,893		122,142		-
<b>TOTAL FUND BALANCE</b>	<b>\$ 1,284,317</b>	<b>\$ 1,521,389</b>	<b>118%</b>	<b>\$ 1,510,555</b>	<b>\$ 1,595,777</b>	<b>106%</b>	<b>\$ 1,529,931</b>	<b>101%</b>	<b>\$19,376</b>

**A** Capital Outlay appropriations are a placeholder





# Budget to Actuals Report

## Risk Management - Fund 670

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Workers' Compensation	1,111,585	1,158,078	104%	1,116,950	488,306	44%	1,116,950	100%	-
General Liability	935,832	935,832	100%	943,414	393,089	42%	1,040,000	110%	96,586 A
Property Damage	418,028	418,028	100%	419,983	174,993	42%	419,983	100%	-
Unemployment	439,989	348,407	79%	362,214	317,267	88%	362,214	100%	- B
Interest on Investments	200,000	274,605	137%	254,000	115,606	46%	277,500	109%	23,500
Vehicle	226,710	226,710	100%	250,030	104,179	42%	250,030	100%	-
Skid Car Training	10,000	45,839	458%	30,000	14,332	48%	30,000	100%	-
Claims Reimbursement	369,959	429,840	116%	20,000	-	0%	20,000	100%	-
Process Fee- Events/ Parades	2,000	1,595	80%	2,000	385	19%	2,000	100%	-
Miscellaneous	200	2,700	999%	200	85,743	999%	88,000	999%	87,800 C
<b>TOTAL RESOURCES</b>	<b>3,714,303</b>	<b>3,841,634</b>	<b>103%</b>	<b>3,398,791</b>	<b>1,693,900</b>	<b>50%</b>	<b>3,606,677</b>	<b>106%</b>	<b>207,886</b>

REQUIREMENTS	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Workers' Compensation	1,880,000	1,933,625	103%	2,000,000	1,039,885	52%	2,200,000	110%	(200,000)
General Liability	1,200,000	994,706	83%	1,500,000	551,737	37%	1,500,000	100%	-
Insurance Administration	714,197	672,304	94%	799,487	294,672	37%	809,482	101%	(9,995)
Vehicle	400,000	299,851	75%	700,000	59,760	9%	600,000	86%	100,000
Property Damage	300,250	474,866	158%	400,255	355,055	89%	420,000	105%	(19,745)
Unemployment	250,000	127,637	51%	200,000	27,057	14%	150,000	75%	50,000
<b>TOTAL REQUIREMENTS</b>	<b>4,744,447</b>	<b>4,502,990</b>	<b>95%</b>	<b>5,599,742</b>	<b>2,328,167</b>	<b>42%</b>	<b>5,679,482</b>	<b>101%</b>	<b>(79,740)</b>

TRANSFERS	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfers Out - IT	(32,000)	(22,328)	70%	-	-	-	-	-	-
Transfers Out - IT Reserve	(118,000)	(118,000)	100%	-	-	-	-	-	-
Transfers Out - Claims Reimbursement	(349,959)	(349,959)	100%	-	-	-	-	-	-
Transfers Out - Vehicle Replacement	(3,500)	(3,500)	100%	(4,500)	(1,875)	42%	(4,500)	100%	-
<b>TOTAL TRANSFERS</b>	<b>(503,459)</b>	<b>(493,787)</b>	<b>98%</b>	<b>(4,500)</b>	<b>(1,875)</b>	<b>42%</b>	<b>(4,500)</b>	<b>100%</b>	<b>-</b>

FUND BALANCE	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	8,000,000	9,323,307	117%	8,000,000	8,168,164	102%	8,168,164	102%	168,164
Resources over Requirements	(1,030,144)	(661,356)	-	(2,200,951)	(634,266)	-	(2,072,805)	-	128,146
Net Transfers - In (Out)	(503,459)	(493,787)	-	(4,500)	(1,875)	-	(4,500)	-	-
<b>TOTAL FUND BALANCE</b>	<b>\$ 6,466,397</b>	<b>\$ 8,168,164</b>	<b>126%</b>	<b>\$ 5,794,549</b>	<b>\$ 7,532,022</b>	<b>130%</b>	<b>\$ 6,090,859</b>	<b>105%</b>	<b>\$296,310</b>

- A** Includes reimbursement from State for higher general liability insurance related to aid and assist.
- B** Unemployment collected on first \$25K of employee's salary in fiscal year
- C** Revenue from State of Oregon for additional layer of excess general liability insurance related to liability related to "aid and assist" population.



# Budget to Actuals Report

## Health Benefits - Fund 675

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Internal Premium Charges	25,899,034	26,288,364	102%	30,548,182	13,041,100	43%	35,507,169	116%	4,958,987
COIC Premiums	1,963,363	2,228,565	114%	2,747,427	889,825	32%	3,091,915	113%	344,488
Employee Co-Pay	1,247,416	1,406,479	113%	1,492,623	634,771	43%	1,556,257	104%	63,634
Retiree / COBRA Premiums	1,019,288	1,041,989	102%	1,039,555	186,036	18%	1,061,802	102%	22,247
Prescription Rebates	280,000	382,550	137%	550,000	293,442	53%	626,446	114%	76,446
Interest on Investments	120,000	208,021	173%	366,000	88,014	24%	211,200	58%	(154,800)
Claims Reimbursement & Other	124,944	317,060	254%	100,000	735,204	735%	800,000	800%	700,000
<b>TOTAL RESOURCES</b>	<b>30,654,045</b>	<b>31,873,028</b>	<b>104%</b>	<b>36,843,787</b>	<b>15,868,393</b>	<b>43%</b>	<b>42,854,789</b>	<b>116%</b>	<b>6,011,002</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Health Benefits	29,797,663	27,285,660	92%	26,303,391	9,038,357	34%	32,172,026	122%
Deschutes On-Site Pharmacy	4,287,997	5,355,286	125%	5,733,434	1,493,065	26%	4,942,177	86%	791,257
Deschutes On-Site Clinic	1,415,279	1,356,819	96%	1,490,287	459,740	31%	1,600,661	107%	(110,374)
Wellness	186,274	123,528	66%	174,230	13,924	8%	104,230	60%	70,000
<b>TOTAL REQUIREMENTS</b>	<b>35,687,213</b>	<b>34,121,294</b>	<b>96%</b>	<b>33,701,342</b>	<b>11,005,085</b>	<b>33%</b>	<b>38,819,094</b>	<b>115%</b>	<b>(5,117,752)</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	6,107,743	6,107,998	100%	5,090,316	3,859,732	76%	3,859,732	76%
Resources over Requirements	(5,033,168)	(2,248,266)		3,142,445	4,863,308		4,035,695		893,250
Net Transfers - In (Out)	-	-		-	-		-		-
<b>TOTAL FUND BALANCE</b>	<b>\$ 1,074,575</b>	<b>\$ 3,859,732</b>	<b>359%</b>	<b>\$ 8,232,761</b>	<b>\$ 8,723,040</b>	<b>106%</b>	<b>\$ 7,895,427</b>	<b>96%</b>	<b>(\$337,334)</b>

- A** The original budget anticipated a 15% increase in Health Benefits Premiums for departments. However, due to higher-than-expected claims in FY24 and projected claim growth in FY25, an additional 15% increase will be applied starting August 1, 2024. This will result in a total increase of 30% compared to FY24.
- B** Budget estimate is based on claims which are difficult to predict
- C** Claims are anticipated to be higher than what was originally budgeted.
- D** Projection reflects savings from formulary change recommended by the EBAC.
- E** Projected savings from removing the Wellness program as recommended by the EBAC.
- F** Deschutes County Administrative Policy No. F-13 sets forth the appropriate level of reserves. The reserve is comprised of two parts: 1) Claims Reserve at 1.5 times the valuation amount, and 2) Contingency Reserve at 150% of the value of the Claims Reserve. The level of reserve is set at \$8 million (\$3.2 million claim reserve and \$4.8 million contingency reserve requirements). The reserve requirement amount should be compared to the Total Fund Balance amount in this report.



# Budget to Actuals Report

## 911 - Fund 705 and 710

FY25 YTD November 30, 2024 (unaudited)

12/18/2024 Item #25.

**41.7%**  
Year Complete

RESOURCES	Fiscal Year 2024			Fiscal Year 2025			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Property Taxes - Current Yr	10,932,000	11,024,163	101%	11,556,000	10,553,802	91%	11,493,915	99%	(62,085) A
Telephone User Tax	1,827,530	1,950,780	107%	1,800,500	484,256	27%	1,800,500	100%	- B
Interest on Investments	312,321	462,829	148%	426,000	207,994	49%	489,200	115%	63,200
Police RMS User Fees	244,435	255,485	105%	255,000	-	0%	255,000	100%	- C
Contract Payments	167,765	172,636	103%	179,300	6,438	4%	179,300	100%	-
User Fee	148,820	151,203	102%	148,600	6,375	4%	148,600	100%	-
Data Network Reimbursement	145,852	107,080	73%	106,500	-	0%	106,500	100%	- D
State Reimbursement	93,000	97,500	105%	93,000	36,250	39%	93,000	100%	-
Property Taxes - Prior Yr	90,000	108,215	120%	90,000	74,000	82%	90,000	100%	-
Property Taxes - Jefferson Co.	40,500	40,915	101%	42,500	36,503	86%	42,500	100%	-
Miscellaneous	32,100	34,304	107%	36,500	15,079	41%	36,500	100%	-
<b>TOTAL RESOURCES</b>	<b>14,034,323</b>	<b>14,405,107</b>	<b>103%</b>	<b>14,733,900</b>	<b>11,420,696</b>	<b>78%</b>	<b>14,735,015</b>	<b>100%</b>	<b>1,115</b>

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	9,032,045	8,712,047	96%	10,237,093	3,679,263	36%	9,536,196	93%
Materials and Services	4,250,715	3,275,322	77%	4,267,026	1,323,539	31%	4,267,026	100%	-
Capital Outlay	1,831,000	1,440,223	79%	2,750,500	160,071	6%	2,750,500	100%	-
<b>TOTAL REQUIREMENTS</b>	<b>15,113,760</b>	<b>13,427,592</b>	<b>89%</b>	<b>17,254,619</b>	<b>5,162,873</b>	<b>30%</b>	<b>16,553,722</b>	<b>96%</b>	<b>700,897</b>

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In	1,950,000	-	0%	515,000	-	0%	515,000	100%
Transfers Out	(1,950,000)	-	0%	(515,000)	-	0%	(515,000)	100%	-
<b>TOTAL TRANSFERS</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	13,202,343	13,393,950	101%	13,160,074	14,371,465	109%	14,371,465	109%
Resources over Requirements	(1,079,437)	977,515		(2,520,719)	6,257,823		(1,818,707)		702,012
Net Transfers - In (Out)	-	-		-	-		-		-
<b>TOTAL FUND BALANCE</b>	<b>\$ 12,122,906</b>	<b>\$ 14,371,465</b>	<b>119%</b>	<b>\$ 10,639,355</b>	<b>\$ 20,629,288</b>	<b>194%</b>	<b>\$ 12,552,758</b>	<b>118%</b>	<b>\$ 1,913,403</b>

- A** Current year taxes received primarily in November, February and May; actual FY24-25 TAV is 4.64% over FY23-24 vs. 5.2% budgeted.
- B** Telephone tax payments are received quarterly
- C** Invoices are mailed in the Spring
- D** State GIS reimbursements are received quarterly