



COMMUNITY DEVELOPMENT

DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, FEBRUARY 22, 2024

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend

(541) 388-6575 | www.deschutes.org

AGENDA

MEETING FORMAT

The Planning Commission will conduct this meeting in person, electronically, and by phone.

Members of the public may view the Planning Commission meeting in real time via the Public Meeting Portal at www.deschutes.org/meetings.

Members of the public may listen, view, and/or participate in this meeting using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

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Members of the public can access the meeting via telephone, dial: 1-312-626-6799. When prompted, enter the following Webinar ID: 830 9627 5378 and Passcode: 860263. Written comments can also be provided for the public comment section to planningcommission@deschutes.org by 5:00 p.m. on February 22. They will be entered into the record.

I. CALL TO ORDER

II. APPROVAL OF MINUTES - February 8

III. PUBLIC COMMENT

IV. ACTION ITEMS

1. Deliberations: Deschutes County 2040 Comprehensive Plan Update (*Nicole Mardell, Senior Planner*)

V. PLANNING COMMISSION AND STAFF COMMENTS

VI. ADJOURN



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, please call (541) 617-4747.



MEMORANDUM

TO: Deschutes County Planning Commission

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

DATE: February 15, 2024

SUBJECT: Deliberations – Modules #3 and #4: Deschutes County 2040 Comprehensive Plan Update

On February 22, 2024, the Deschutes County Planning Commission will continue deliberations to consider a legislative amendment to repeal and replace the 2030 Comprehensive Plan with the Deschutes County 2040 Comprehensive Plan Update.

I. BACKGROUND

This is a legislative text amendment to repeal and replace the 2030 Comprehensive Plan, adopted in 2011, with the Deschutes County 2040 Plan. Staff notes that no zoning or comprehensive plan map amendments are being considered, nor are any changes to the County's adopted Goal 5 inventory pertaining to significant natural resources, scenic views, open spaces, mineral and aggregate sites, and historic and cultural resource sites. The Tumalo Community Plan and Transportation System Plan are being updated separately from this process. Updates to the Terrebonne Community Plan and Newberry Country Plan are not included within the scope of this project.

The project website contains all record materials – visit www.deschutes.org/2040 and click on the “hearings page” to view the official hearing record, from August 30, 2023, onward. The “process page” provides information from the iterative process leading up to the creation of the document. The Deschutes County Planning Commission held public hearings on October

26, 2023¹, November 9, 2023², and December 14, 2023³ to consider amendments to repeal and replace the 2030 Comprehensive Plan with the Deschutes County 2040 Comprehensive Plan (file no. 247-23-000644-TA).

At the conclusion of the public hearing on December 14, the Commission voted to close the oral record, leave the written record open until December 28, and commence deliberations at a subsequent meeting.

II. APPROACH TO DELIBERATIONS

The Commission initiated the deliberative process on January 11, 2024⁴, by raising the issues in the table below as priority items to discuss and include in a deliberations matrix.

To ensure orderly and efficient deliberations process and adequate time for discussion, this deliberations process is split into “modules.” During each meeting, topics relating to several chapters will be presented to the Commission for discussion in a deliberations matrix. On January 25, 2024⁵, the Commission completed deliberations for Module #1, focused on Chapters 1-3 of the draft plan and on February 8, 2024⁶ the Commission completed deliberations on Chapter 5 and 7 of the draft plan, and directed staff to include all remaining matrix items in the February 22 meeting packet for discussion.

Following staff review of items raised by Commissioners, numerous potential matrix items, were found to potentially be precluded by state laws or administrative rule. Others were deemed to be action items or individual projects rather than broader goal and policy statements. Staff has created a “parking lot” of these items, which are not scheduled for discussion as part of the Planning Commission deliberations but will be shared with the Board during their review. New topics may added to this list as determined by staff.

Parking Lot

Potentially Precluded by State Law

- Tie rezoning to groundwater availability and quality
- Require consideration of water availability during Urban Growth Boundary Expansion processes.
- Require appellants to cover costs for appeal process.
- Limit standing in appeals to adjacent landowners.
- Require water budgets and monitoring for public lands.

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-42>

² <https://www.deschutes.org/bc-pc/page/planning-commission-40>

³ <https://www.deschutes.org/bc-pc/page/planning-commission-43>

⁴ <https://www.deschutes.org/bc-pc/page/planning-commission-44>

⁵ <https://www.deschutes.org/bc-pc/page/planning-commission-45>

⁶ <https://www.deschutes.org/bc-pc/page/planning-commission-46>

- Re-evaluate use of water rights and prioritize for active agricultural operations.
- Regulate development through water availability and quality.
- Require approval of water permits prior to processing applications.
- Limit development that could impact natural springs.
- Limit housing where water quality and quantity will be negatively impacted.
- Moratoria on development.

Action Items

- Unincorporated community status – Three Rivers.
- Include stronger language on noxious weed removal on county lands and in new developments.
- Create a County strategic plan.
- Advocate for legislation/policy at state level to enable transitional housing outside UGBs.
- Construct infrastructure to manage/limit water waste.
- Revise County code to state only minimum provisions required by state law for farm uses.
- Encourage clear and objective criteria where possible to reduce appeals.
- Adopt clear and objective criteria for Goal 5 polices that limit or prohibit allowed uses.

With the exclusion of the items above, the deliberations matrix includes background information on the following topics, including a summary of the issue, public comments pertaining to that issue, policy options to choose from, and staff comments.

The following issues were raised by Commissioners for inclusion in the decision matrix.

Items Included in Decision Matrix

✓: Topic was discussed during plan development.

Agency Comments	Prior PC Discussion?	Related Goals/Policies
1. Central Oregon Irrigation District provided several letters offering recommendations to narrative, goal, and policy language to better characterize the role of irrigation districts, limitations on County authority to alter water right requirements, and collaboration among groups on water management.		Several chapters, narrative, goals, and policies.

2. City of Bend provided a letter expressing support for regional bicycle routes connecting cities, towns, and recreational areas across the County.	✓	<ul style="list-style-type: none"> Policy 8.1.2 and 8.1.5
Public Comments		
Chapter 1 - Community Engagement		
1. Continue engaging community on planning related topics and seek ways to reach youth.	✓	<ul style="list-style-type: none"> Policy 1.1.7, 1.1.8, and 1.2.6
2. Limit Planning Commission membership to residents of unincorporated areas.	✓	<ul style="list-style-type: none"> Policy 1.2.3
Chapter 2 - Land Use and Regional Coordination		
3. Conduct area-specific analysis for the Three Rivers census designated place related to water quality, economic development, wildlife, and growth-related issues.		Note: Newberry Country Plan is scheduled to be updated in 2024.
4. Protect private property rights and offer incentives to balance impacts of development.	✓	<ul style="list-style-type: none"> Policy 2.1.1
5. Enforce existing codes and laws before creating new ones.		
New: Central Oregon Landwatch Letter – agriculture and forestry designation descriptions		<ul style="list-style-type: none"> Page 2-3
New: Central Oregon Landwatch Letter – balance of private property rights/economic impacts of land use decisions with other community goals		<ul style="list-style-type: none"> Policy 2.1.1
New: Central Oregon Landwatch Letter – collaboration with federal agencies		<ul style="list-style-type: none"> Policy 2.2.6
Chapter 3 – Farm and Forest Resources		
6. Rezoning of farmland		
a. Remove policies related to creating new alternative zoning designation.	✓	<ul style="list-style-type: none"> Policy 3.3.2, 3.3.6
b. Re-evaluate land designated for farming and removal of barriers to rezoning.	✓	<ul style="list-style-type: none"> Policy 3.1.3, 3.3.6

c. Avoid creating open space through agricultural land designations.	✓	• Policy 3.3.6
d. Clearly recognize that lands not meeting statutory definition of agricultural land should be redesignated for other purposes.	✓	• Policy 3.3.6(a)
7. Non-farm uses		
a. Support flexibility for income producing supplemental activities on farms.	✓	• Policy 3.2.6
Chapter 5 - Natural Resources		
8. Water conservation		
a. Address drought to a greater degree.		
b. Coordinate with governor's office on new policies related to land use and water at state level.	✓	• Policy 5.5.3, 5.5.4
c. Acknowledge treaty protected first water rights held by tribes.	✓	• Policy 5.1.4
d. Promote, but do not require, coordination with tribal governments on water related issues.	✓	• Policy 5.4.1
e. Encourage or require metering, monitoring, conservation of exempt wells, commercial, and industrial water uses.	✓	• Policy 5.2.1
f. Participate in Deschutes Basin Water Collaborative.	✓	• Policy 5.1.1
g. Support OWRD Groundwater allocation rules.		• Policy 5.5.3
h. Require conservation and management measures.	✓	• Policy 5.2.1
i. Minimize development dependent on exempt wells.	✓	• Policy 5.5.2

j. Prevent use of irrigation water for recreation features.	✓	• Policy 5.2.1(b)
k. Recycle water for landscaping, irrigation, or drinking uses.	✓	• Policy 5.2.1(b)
l. Address water management, allocation, and infrastructure to a greater degree.		
m. State/federal scenic waterway status for Deschutes River not discussed in the document. Upper Deschutes Wild and Scenic River and State Scenic Waterway Comprehensive Management Plan should be referenced.		
9. Environmental quality		
a. Strengthen and enforce dark skies lighting requirements.	✓	• Policy 5.10.2
b. Address climate and air quality issues from human activities.	✓	• Policy 5.11.5
10. Protection of wildlife		
a. Expand protections for wildlife species.	✓	• Policy 5.7.1, 5.7.2, 5.7.3, 5.7.4, 5.7.5
b. Update wildlife inventories.	✓	• Policy 5.7.2
c. Integrate state and federal recommendations into land use policies.	✓	• Policy 5.8.3, Goal 5.9, Policy 5.9.1, 5.9.2, 5.9.3
d. Prioritize incentives over regulations.	✓	• Policy 5.7.1, 5.7.3, 5.7.4, 5.8.1
e. List predation, homeless populations, and multiuse trails as factors relating to mule deer population decline.		
f. Balance protection with	✓	• Policy 5.7.1, 5.7.3,

property rights and constitutional protections on property.		5.7.4, 5.8.1, Goal 5.8
g. Include paragraph discussing 2021-23 wildlife inventory update project, including support and Commissioners rejection.		
Chapter 7 - Natural Hazards		
11. Limit housing and development in high wildfire risk areas	✓	• Policy 7.1.4, 7.1.7, 7.1.11, 7.2.5, 7.2.5
12. Require more than one access/egress route to a development or subdivision	✓	• Policy 7.2.1, 7.1.11, 7.2.5
13. Ensure availability of affordable fire insurance		
New: Central Oregon Landwatch letter – narrative summary of wildfire		• Page 7-3
Chapter 8 - Recreation		
14. Require collaboration among county, city, and state agencies in recreation topics	✓	• Policy 8.1.2, 8.1.3, 8.1.5.
15. Support footbridge near the southern edge of Bend’s Urban Growth Boundary	✓	• Policy 8.1.2
16. Limit trails near farm and forestry operations	✓	• Policy 8.1.2
Chapter 9 - Economic Development		
17. Consider balancing of land, facilities, environment, and resource capacities with economic development	✓	• Policy 9.1.1, Goal 9.2, Goal 9.3. Goal 9.4
18. Recognize development and housing as key to promoting/growing the economy		
New: Central Oregon Landwatch letter: rural commercial land goal		• Policy 9.1.1, Goal 9.2, Goal 9.3. Goal 9.4
New: Central Oregon Landwatch letter: rural industrial land goal		• Policy 9.1.1, Goal 9.2, Goal 9.3. Goal 9.4
Chapter 10 - Housing		

19. Discourage vacation rentals	✓	• Policy 10.1.8
20. Work with cities to create affordable housing within Urban Growth Boundaries	✓	• Policy 10.4.2
21. Limit secondary accessory farm dwellings in the MUA-10 zone		
22. Partner with agencies to address homelessness through services, outreach, and housing first strategies	✓	• Policy 10.4.3, 10.1.5, 10.1.6, 10.1.7, 10.2.1, 10.2.2, 10.4.1
23. Ensure workforce, affordable, transitional housing, and secure shelter housing types are included in housing goals and policies		
Chapter 11 - Unincorporated Communities/Destination Resorts		
24. Destination Resorts		
a. Limit within 100 miles of Bend	✓	• Policy 11.7.2
b. Require analysis of water quality and availability during approval process	✓	• Policy 11.7.2, 5.1.3
c. Recognize as a key recreational strategy of the County		
d. Recognize all destination resorts in text that have received final master plan approval	✓	Note: all destination resorts are listed, although Thornburgh Resort is listed as receiving all approval but not yet having broken ground.
e. Incorporate statutory language for resorts within 24 air miles of Bend's UGB which strictly limit proposals for new or expanded resorts to provide housing only where necessary for employees and management of the resort		
f. Alter resort eligibility maps		

to incorporate new statutory definitions		
Chapter 14 - Energy		
25. Support renewable energy	✓	<ul style="list-style-type: none"> • Goal 14, Policy 14.1.1, 14.1.3, 14.1.5, 14.1.6, 14.1.8, 14.1.9, 14.1.10, 9.1.4
Miscellaneous		
26. Strengthen verbiage throughout the plan to avoid loopholes or misinterpretations.	✓	Note: Staff and the PC discussed the use of terminology and role of the plan throughout the process.

Staff received correspondence from two Commissioners offering additional thoughts on narrative edits and matrix items. Staff has included those correspondences as attachments to this memo.

III. REVIEW OF COID RECOMMENDATIONS

Staff is supportive of incorporating the majority of Central Oregon Irrigation District’s recommended edits into the plan as they provide updated terminology and accurate depictions of the role of irrigation district. There are a few recommended edits that staff would prefer to continue to amend to incorporate COID and other community member perspectives. Staff has included COID’s October 25, 2023 and November 30, 2023 comment letters in full and has highlighted the specific items to be discussed in the matrix. Central Oregon Landwatch provided alternative text for the Commission to consider on two of these items, therefore staff has included excerpts of that alternative language as well.

IV. NEXT STEPS

The Commission may continue deliberations to a subsequent meeting or provide a recommendation to the Board of County Commissioners.

Attachments:

- 2023-10-25 COID Letter
- 2023-11-30 COID Letter
- Excerpt of 2023-12-14 Central Oregon Landwatch Letter
- 2024-02-09 M. Cyrus Comments
- 2024-02-09 S. Altman Comments
- Draft 2040 Chapters 8-11, 14

PLANNING COMMISSION DECISION MATRIX

Deschutes County 2040 Comprehensive Plan Update
 File No. 247-23-000644-PA
 Modules # 3 and #4

	Issue Area	Applicable Plan Provision	Support / Opposition	Staff Comment	PC Decision Points
1	Should policy language be added to <u>require</u> collaboration among city, county, and state agencies on recreation topics?	Chapter 8, Recreation Policy 8.1.5. Support efforts to coordinate recreation planning between the County, park and recreation districts, school districts, irrigation districts, unincorporated communities, and cities.	<ul style="list-style-type: none"> • Support: Commentors expressed a desire for coordination among agencies on recreation topics to be required rather than encouraged to avoid overuse of natural resources and impacts to farm and forest lands. • Opposition: N/A 	Staff notes the current language promotes collaboration among agencies on recreation topics. There is limited authority to require coordination, therefore staff anticipates any changes to require coordination would likely not be enforceable. Additionally, this policy may have the effect of invalidating processes where agencies might not have the resources or staff to participate, which could have negative consequences. Staff recommends retaining the current language as drafted.	If yes, the Planning Commission may recommend Option A (amended policy): Policy 8.1.5. Support efforts to <u>Require coordinate coordination on</u> recreation planning <u>topics</u> between the County, park and recreation districts, school districts, irrigation districts, unincorporated communities, and cities. If no, the Planning Commission may recommend retaining current language as drafted.
2	Should a specific policy be added to support the footbridge tentatively planned near the southern edge of Bend’s Urban Growth Boundary?	Chapter 8, Recreation Policy 8.1.1. Reduce barriers to regional parks and recreation projects in Deschutes County, including acknowledgement or adoption of federal, state and local parks district trail and facility plans. Policy 8.1.2. Collaborate with partners to develop a regional system of trails and open spaces, prioritizing recommendations from local parks districts, County, state, and federal recreational plans and studies. Policy 8.1.5. Support efforts to coordinate recreation planning between the County, park and recreation districts, school districts, irrigation districts, unincorporated communities, and cities. Policy 8.1.6. Support the development of parks and trails identified in locally-adopted plans.	<ul style="list-style-type: none"> • Support: 47 commentors in support of the specific footbridge. City of Bend supportive of regional trails generally. • Opposition: Commentors expressed concern regarding the impacts of trails on neighboring properties, and potential impacts to farmland, forestland, and natural resources. Another commentor expressed concern regarding the wild and scenic river status of this area. 	This project is currently listed in Bend Parks and Recreation’s Master Plan and is not proposed to be designed or constructed at this time. The Board of County Commissioners recently voted to retain Bend Parks and Recreation’s Master Plan by reference into the TSP. It is important to note that regardless of inclusion or exclusion of a policy related to this item, the County is not responsible for designing, funding, or constructing this bridge. If BPRD were to move forward and land use review were to be required (depending on its location in city or county jurisdiction) development code criteria would determine approval, not comprehensive plan language. The draft policy language sought to balance the general desire for more interconnecting and regional parks projects, while acknowledging that the County has a very limited role in planning or development of specific parks projects. Staff recommends retaining the current language as drafted.	If yes, the Planning Commission may recommend Option A (new policy): Policy x.x.x Support efforts to establish a new river crossing south of Bend’s Urban Growth Boundary. If no, the Planning Commission may recommend retaining current language as drafted.

<p>3</p>	<p>Should a policy be added to limit trails near farm and forestry operations?</p>	<p>Chapter 8, Recreation</p> <p>Policy 8.1.1. Reduce barriers to regional parks and recreation projects in Deschutes County, including acknowledgement or adoption of federal, state and local parks district trail and facility plans.</p> <p>Policy 8.1.2. Collaborate with partners to develop a regional system of trails and open spaces, prioritizing recommendations from local parks districts, County, state, and federal recreational plans and studies.</p>	<ul style="list-style-type: none"> • Support: Commentors expressed concern regarding negative impacts to farm and forestry operations from trails. • Opposition: Commentors expressed a general desire for increased recreational opportunities and regional trails. 	<p>Throughout development of the plan, community members expressed desire for more regional trail projects, particularly those that could connect cities in Deschutes County.</p> <p>The language, as drafted, promotes coordination and support for regional parks and recreation projects. Staff notes that projects on land within the County’s jurisdiction are still beholden to Oregon Administrative Rule and Revised Statute requirements, including those related to farm and forest lands, as well as case law.</p> <p>Staff recommends retaining the language as currently drafted.</p>	<p>If yes, the Planning Commission may recommend Option A (new policy): Policy x.x.x Explore additional requirements (such as buffers) to limit impacts from regional trail projects to nearby farm and forestry operations.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>
<p>4</p>	<p>Should a policy be amended to consider balancing land, infrastructure, environment, and resource capacities with economic development?</p>	<p>Chapter 9, Economic Development</p> <p>Policy 9.1.1. Promote rural economic initiatives, including home-based businesses, that maintain the integrity of the rural character and natural environment.</p>	<ul style="list-style-type: none"> • Support: Commentor expressed support for an amended policy that balances economic development with other factors aside from monetary gain. • Opposition: Commentors expressed support to limit restrictions and protect private property rights. 	<p>The current language has been carried over from the 2010 plan and amended for clarity. Staff notes the existing language generally promotes balancing economic development with natural resources and livability for rural residents.</p> <p>The proposed language would go a step further and express a desire to balance capacity of resources with economic development. Staff notes that economic development in rural commercial and industrial zones is heavily regulated by state law and the County’s existing development code.</p> <p>Staff recommends retaining the current language as drafted.</p>	<p>If yes, the Planning Commission may recommend Option A (amended policy): Policy 9.1.1. <u>Explore legislative updates to balance</u> Promote rural economic initiatives, including home-based businesses, <u>with infrastructure, environment, and resource capacities.</u> that maintain the integrity of the rural character and natural environment.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>

<p>5</p>	<p>Should additional narrative text be added to recognize development and housing as key to promoting and growing the economy?</p>	<p>Chapter 9, Economic Development</p>	<ul style="list-style-type: none"> • Support: Commentor expressed support to include reference to the impact of housing and development on growing the economy. • Opposition: N/A 	<p>The Economic Development chapter provides a summary of the County’s top industries. Trade, transportation, and utility jobs are noted as a large industry in Deschutes County’s economy and relates to the construction of housing.</p> <p>Staff has no concerns about expanding on this topic and providing additional narrative text noting the impact of housing and development on Deschutes County’s economy.</p>	<p>If yes, the Planning Commission may recommend Option A (amend narrative): Direct staff to note the importance of development and housing for the economy in Deschutes County.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>
<p>6</p>	<p>Should the County integrate Central Oregon Landwatch (COLW)’s recommended edits to rural commercial goal and policy language?</p>	<p>Chapter 9, Economic Development</p> <p>Goal 9.2: Support creation and continuation of rural commercial areas that support rural communities while not adversely affecting nearby agricultural and forest uses.</p>	<ul style="list-style-type: none"> • Support: Central Oregon Landwatch expressed concern that the goal was contrary to state law and should be deleted. • Opposition: Commentors addressed a general desire for additional economic development opportunities. 	<p>Deschutes County has a Rural Commercial (RC) zoning district and comprehensive plan designation. This designation originally applied to properties with certain levels of commercial development that predated the Oregon Land Use System but were not at the level of intensity as unincorporated communities such as Tumalo or Terrebonne. New properties could be rezoned and redesignated to Rural Commercial if specific criteria are met through state statute. The Oregon Land Use Board of Appeals and Oregon Court of Appeals verified this during a recent appeals process.</p> <p>The policies in this section were organized under Goal 1 (noted above), and this goal was added to summarize the general intent of those policies.</p> <p>If Commissioners found the need to amend the policy, staff has provided two additional options.</p>	<p>If yes, the Planning Commission may recommend Option A (amended language): Goal 9.2: Support creation and continuation of rural commercial areas <u>as state law allows</u>, that support rural communities while not adversely affecting nearby agricultural and forest uses.</p> <p>Option B (alternative language): Goal 9.2: <u>Maintain rural commercial areas as currently designated and consider expansions of existing areas or establishment of new areas if otherwise allowed by state law.</u></p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>

<p>7</p>	<p>Should the County integrate Central Oregon Landwatch (COLW)'s recommended edits to rural industrial goal and policy language?</p>	<p>Chapter 9, Economic Development</p> <p>Goal 9.3: Support the creation and continuation of rural industrial areas that support rural communities while not adversely affecting nearby agricultural and forest uses.</p>	<ul style="list-style-type: none"> • Support: Central Oregon Landwatch expressed concern that the goal was contrary to state law and should be deleted. • Opposition: Commentors addressed a general desire for additional economic development opportunities. 	<p>Similar to above, Deschutes County has a Rural Industrial (RI) zoning district and comprehensive plan designation. This designation originally applied to properties with certain levels of industrial development that predated the Oregon Land Use System but were not at the level of intensity as unincorporated communities such as Tumalo or Terrebonne. Staff notes that new properties could be rezoned and redesignated to Rural Industrial if specific criteria are met through state statute. The Oregon Land Use Board of Appeals and Oregon Court of Appeals verified this during a recent appeals process.</p> <p>The policies in this section were organized under Goal 1 (noted above), and this goal was added to summarize the general intent of those policies.</p> <p>If Commissioners found the need to amend the policy, staff has provided two additional options.</p>	<p>If yes, the Planning Commission may recommend Option A (amended language):</p> <p>Goal 9.2: Support creation and continuation of rural industrial areas <u>as state law allows</u>, that support rural communities while not adversely affecting nearby agricultural and forest uses.</p> <p>Option B (alternative language):</p> <p>Goal 9.2: <u>Maintain rural industrial areas as currently designated and consider expansions of existing areas or establishment of new areas if otherwise allowed by state law.</u></p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>
<p>8</p>	<p>Should policy language be amended to discourage short-term or vacation rentals?</p>	<p>Chapter 10, Housing</p> <p>Policy 10.1.8 Evaluate the impacts of short-term rentals and consider regulations to mitigate impacts, as appropriate.</p>	<ul style="list-style-type: none"> • Support: Commentors expressed support to regulate, discourage, or ban short-term rentals. • Opposition: Commentors expressed general desire to limit impacts to private property rights. 	<p>Recent case law prohibits short term rentals in farm and forest zones, although the courts did not provide explicit guidance for regulation of short-term rentals on other lands.</p> <p>The Board of County Commissioners was recently briefed on this item and is continuing to discuss approaches including the potential for a land use decision process for short term rentals.</p> <p>As this issue is currently being discussed, staff recommends retaining the current language to support ongoing conversations on this issue.</p>	<p>If yes, the Planning Commission may recommend Option A (new language):</p> <p>Policy x.x.x. Explore creation of additional requirements for short-term rentals.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>

<p>9</p>	<p>Should the County amend policy language to better reflect collaboration with cities on affordable housing within Urban Growth Boundaries (UGBs)?</p>	<p>Chapter 10, Housing</p> <p>Policy 10.4.2. Partner with cities to incentivize development within urban growth boundaries and reduce infrastructure costs for workforce and affordable housing.</p> <p>Policy 10.4.4. Utilize County owned land in city limits for affordable and workforce housing, where appropriate.</p>	<ul style="list-style-type: none"> • Support: Commentors expressed support for housing development in urban growth boundaries, rather than allowing additional housing opportunities in the rural county. Commentors expressed concern regarding sprawl and costs associated with rural housing. • Opposition: Commentors expressed support for housing development generally, in and outside UGBs, to aid in the ongoing housing shortage. Commentors expressed concern on utilizing county owned property for private housing development. 	<p>This chapter includes a variety of policies related to rural housing including opportunities for additional housing creation and flexibility under existing state law and grants to support maintenance of existing housing stock.</p> <p>These two policies relate to support of housing in Urban Growth Boundaries. The language was crafted to promote coordination among cities and the County on infill development in UGBs, where there are fewer restrictions on development and infrastructure siting.</p> <p>Additionally, a new policy was added related to use of County land in city limits for housing, which reflects opportunities for partnership in housing development, where available land is often a key challenge.</p>	<p>If yes, the Planning Commission may recommend Option A (new language): Policy x.x.x. Prioritize collaboration with cities on affordable housing development within UGBs.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>
<p>10</p>	<p>Should the County add a policy to limit secondary accessory farm dwellings in the MUA-10 zone?</p>	<p>Chapter 10, Housing</p>	<ul style="list-style-type: none"> • Support: Commentor expressed support for limiting secondary housing, specifically secondary accessory farm dwellings in the MUA-10 zone. • Opposition: N/A 	<p>Secondary accessory farm dwellings are a local allowance in Deschutes County's code that has been in place since the establishment of the County's zoning code. Currently, these types of dwellings are allowed through a conditional use permit and only manufactured homes, not stick built, can qualify for this housing type.</p> <p>Only a few properties have historically received approval for this housing type, although this generated interest in a recent hearing process.</p> <p>Staff recommends retaining the current language as drafted, but if interested, staff recommends a policy exploring additional criteria for this housing type, rather than an outright limitation.</p>	<p>If yes, the Planning Commission may recommend Option A (new language): Policy x.x.x. Explore additional requirements for secondary accessory farm dwellings in the MUA-10 zone.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>

<p>11</p>	<p>Should the County amend policy language to address homelessness through partnering with agencies, providing services, outreach, and housing first strategies?</p>	<p>Chapter 10, Housing</p> <p>Policy 10.4.3. Partner with local, state, and federal agencies to address and limit nuisance and public health issues related to homelessness.</p>	<ul style="list-style-type: none"> • Support: Commentors expressed a desire to address homelessness through assistance and providing housing. • Opposition: Commentor expressed concern regarding allowance of camping on public property by individuals experiencing homelessness. 	<p>Staff notes the existing language was intended to be broad enough to cover a variety of strategies and initiatives. This work is currently being led by Central Oregon Intergovernmental Council, although a defined region-wide strategy for homelessness has not yet been released.</p> <p>Services and outreach are conducted through the County’s health department and are not under the purview of the Comprehensive plan.</p> <p>The “housing first” approach typically prioritizes providing a safe place to live without other preconditions such as sobriety, treatment, or other service participation requirements. Staff notes that other policies discuss coordination specifically related to development of affordable housing.</p> <p>Staff recommends retaining the current language as drafted.</p>	<p>If yes, the Planning Commission may recommend the language in Option A (amended): Policy 10.4.3. Partner with local, state, and federal agencies to address and limit nuisance and public health issues related to homelessness <u>by providing services, outreach, and a housing first approach.</u></p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>
<p>12</p>	<p>Should policy language be amended to list workforce, transitional housing, and secure shelter housing types in goals and policies, and/or to advocate for changes to state law to allow shelter or safe parking areas outside of UGBs?</p>	<p>Chapter 10, Housing</p> <p>Goal 10.2: Support agencies and non-profits that provide affordable housing.</p> <p>Policy 10.4.1. Collaborate with cities and private sector partners on innovative housing developments to meet the region’s housing needs.</p> <p>Policy 10.4.2. Partner with cities to incentivize development within urban growth boundaries and reduce infrastructure costs for workforce and affordable housing.</p> <p>Policy 10.4.4. Utilize County owned land in city limits for affordable and workforce housing, where appropriate.</p>	<ul style="list-style-type: none"> • Support: Commentor expressed support for amended language to ensure all housing types are included and to advocate at the state level to allow transitional housing or shelters outside UGBs. • Opposition: Commentor expressed concern regarding impacts of homelessness on adjacent property owners. 	<p>Staff notes the existing language is likely broad enough to be inclusive of these housing types, if the Board were to pursue these types of projects. Option B allows for the PC to specifically add these housing types to the relevant policies.</p> <p>Staff notes existing state law limits building large scale workforce or temporary shelter type developments outside UGBs. If the PC were interested in advocating for these types of developments, staff suggests a policy such as Option A which first explores this topic and allows for much more extensive community conversations.</p>	<p>If yes, the Planning Commission may recommend the language in Option A (new): Policy x.x.x. Support changes to state law that allow shelters or safe parking areas outside urban growth boundaries subject to certain standards.</p> <p>If yes, the Planning Commission may recommend Option B, to incorporate workforce, transitional housing, and secure shelter housing types into Goal 10.2 and policies 10.4.1, 10.4.2, and 10.4.4.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>

<p>13</p>	<p>Should a policy be added to incorporate statutory language to limit creation and expansion of destination resorts within 24 airmiles of Bend, except to provide housing for employees and management of the resort?</p>	<p>Chapter 11, Unincorporated Communities and Destination Resorts</p> <p>Policy 11.7.2. Create and implement additional limitations on the siting and development of destination resorts that go beyond current state regulations to ensure protection of water quality, recreational resources, and other County resources and values.</p>	<ul style="list-style-type: none"> • Support: Commentors expressed a desire to update the Comprehensive Plan to align with state law. Other commentors generally wanted to limit the development of destination resorts. • Opposition: Commentors noted ambiguity in state law. Other commentors noted that destination resorts are a valuable economic asset to Deschutes County and shouldn't be further limited beyond state law. 	<p>Staff notes the Planning Commission contemplated this issue through an applicant-initiated text amendment. The Board of County Commissioners ultimately voted to deny the amendment.</p> <p>The existing language was drafted as a middle-ground approach to promote further community conversation on this topic. Staff recommends the PC retain the current language.</p>	<p>If yes, the Planning Commission may recommend the language in Option A (new): Policy x.x.x. Review county code and comprehensive plan goals policies to confirm compliance with ORS 197.455, in relation to siting of destination resorts.</p> <p>If no, the Planning Commission could remove policy 11.7.2.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>
<p>14</p>	<p>Should policy language related to water availability and destination resort siting be amended?</p>	<p>Chapter 11, Unincorporated Communities and Destination Resorts</p> <p>Policy 11.7.2. Create and implement additional limitations on the siting and development of destination resorts that go beyond current state regulations to ensure protection of water quality, recreational resources, and other County resources and values.</p> <p>Chapter 5, Natural Resources</p> <p>Policy 5.1.3. Consider potential impacts on water quality and availability in surrounding areas as part of the siting, planning, and approval processes for Destination Resorts and other large-scale developments.</p>	<ul style="list-style-type: none"> • Support: Commentors expressed a desire to place greater limitations on the siting or expansion of destination resorts including criteria related to impacts on water and other natural resources. • Opposition: Commentors noted that destination resorts are a valuable economic asset to Deschutes County and shouldn't be further limited beyond state law. Additionally, commentors expressed support for protection of private property rights. 	<p>During the initial community outreach process, many community members expressed concern regarding the development of new destination resorts and impacts on natural resources. Water availability and impacts on certain areas of the county was often cited as a concern.</p> <p>The existing requirements for destination resorts in the County's development code include review of water availability and a 'no net loss' standard related to impacts to fish and wildlife resources, although certain criteria have proved to be difficult to interpret.</p> <p>The existing language was drafted as a middle-ground approach to promote further community conversation on this topic. Staff recommends the PC retain the current language as drafted.</p>	<p>If yes, the Planning Commission may recommend the language in Option A (new language): Policy x.x.x Explore additional limitations on destination resorts, including a restriction on new or expanded resorts in groundwater mitigation areas.</p> <p>If yes, the Planning Commission may recommend the language in Option B (amended language): Policy 5.1.3. Consider <u>Require analysis and mitigation of potential impacts on water quality and availability in surrounding areas as part of the siting, planning, and approval processes for Destination Resorts and other large-scale developments, and/or residential projects requiring water rights.</u></p> <p>If no, the Planning Commission could remove policy 11.7.2 and/or 5.1.3.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>

<p>15</p>	<p>Should narrative text be amended to recognize destination resorts as a key recreational strategy of the County?</p>	<p>Chapter 11, Unincorporated Communities and Destination Resorts</p> <p>Page 11-3</p> <p>Policy 11.7.2. Create and implement additional limitations on the siting and development of destination resorts that go beyond current state regulations to ensure protection of water quality, recreational resources, and other County resources and values.</p>	<ul style="list-style-type: none"> • Support: Commentors cited support to recognize destination resorts as a key recreational strategy. • Opposition: Commentors noted a general desire to limit the development of destination resorts. 	<p>Staff notes there is a reference to destination resorts in the tourism summary for Chapter 9, Economic Development.</p> <p>During the initial community outreach process, many community members expressed concern regarding the development of new destination resorts and impacts on natural resources. The existing language as draft notes the history of the development of Destination Resorts and summarizes community concerns from the outreach process.</p> <p>Staff do not have any concerns with adding additional text on the recreational benefits associated with destination resorts.</p>	<p>If yes, the Planning Commission may recommend the language in Option A (amended narrative): Direct staff to note the importance of development and housing for the economy in Deschutes County.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>
<p>16</p>	<p>Should policy language relating to renewable energy be amended to consider adverse impacts to natural resources?</p>	<p>Goal 14, Energy</p> <p>Goal 14.1: Promote Energy Conservation and Alternative Energy Production</p> <p>Policy 14.1.3. Encourage energy suppliers to explore innovative alternative energy conservation technologies and provide energy audits and incentives to patrons.</p> <p>Policy 14.1.5. Promote development of solar, hydropower, wind, geothermal, biomass and other alternative energy systems while mitigating impacts on neighboring properties and the natural environment.</p> <p>Policy 14.1.6. Provide incentives for homes and businesses to install small-scale on-site alternative energy systems consistent with adopted County financing programs.</p> <p>Policy 14.1.8. Use the development code to promote commercial renewable energy projects while addressing and mitigating impacts on the community and natural environment.</p> <p>Policy 14.1.9. Use Oregon’s Rural Renewable Energy Development Zones to support the creation of renewable energy projects.</p> <p>Policy 14.1.10. Identify, protect, and support the development of significant renewable energy sites and resources.</p>	<ul style="list-style-type: none"> • Support: Commentors noted general support for renewable energy production. • Opposition: Commentors expressed concern regarding impacts to wildlife and natural resources from energy production. 	<p>Staff notes that many of the policies in this chapter are carried over from the 2010 plan but have been amended for clarity or to incorporate new terminology. These policies are generally very support of renewable energy production on a commercial and personal scale, while still recognizing concern on the impacts to natural resources and seeking to mitigate negative impacts.</p> <p>Staff recommends the PC retain the current language as drafted.</p>	<p>If yes, the Planning Commission may recommend the language in Option A (new language): Policy x.x.x Include evaluation of adverse impacts to natural resources as part of renewable energy siting processes.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>

<p>17</p>	<p>Should verbiage throughout the plan be strengthened to avoid loopholes or misinterpretations?</p>	<p>Entire Plan</p>	<ul style="list-style-type: none"> • Support: Commentors expressed concern that language in the plan such as “support”, “coordinate”, and “explore” should be strengthened to ensure compliance and avoid misinterpretations. • Opposition: Commentors expressed concern that coordination policies could be seen as additional requirements during review of development applications. 	<p>Staff notes that the Comprehensive Plan has a limited role as criteria in development review. The Comprehensive Plan goals and polices are intended to provide a policy framework for decision makers and represent community values during consideration of legislative matters such as text amendments.</p> <p>Case law indicates mandatory Comprehensive Plan language can act as criteria and may invalidate zoning code that is not in alignment. The purpose of the zoning code is to implement the higher-level guidance of the Comprehensive Plan, with much more specific requirements that are vetted by community and agency review as the code is developed.</p> <p>Staff notes that policies with the words “support, coordinate, or explore” were intended to promote further research and discussion on certain topics, rather than create specific criteria. Staff recommends retaining the current language as drafted, as the PC has already reviewed specific goals and policies and considered strengthening or altering language for specific topics.</p>	<p>If yes, the Planning Commission may recommend the language in Option A (amended language): Direct staff to strengthen verbiage throughout the plan.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>
<p>18</p>	<p>Should narrative in Chapter 5 be amended to include Central Oregon Irrigation District’s October 25 and November 30, 2023 comments related to irrigation canal piping?</p>	<p>Chapter 5, Natural Resources</p> <p>Water Resources, Page 5-3</p> <p>...The high desert climate of Central Oregon poses many challenges with water supply and allocation. Water laws are seen as antiquated by many and issues related water levels in private residential wells, irrigation allocation to farmers, and protection of habitat areas for dependent species arise frequently.</p> <p>A 2021 report by the Oregon Department of Water Resources found that groundwater levels through Deschutes County are declining, by as much as 50 feet of total decline in the central part of the basin. This decline is considered “excessively declined” per state statute and is attributed toward a shift in overall drier conditions since the late 1990s, a warming trend in the basin, and decreased snowpack. Ongoing development and piping of canals (which limits artificial groundwater recharge while conserving canal water) also exacerbate the issue.</p> <p>Deschutes County has limited jurisdiction of water use, instead playing a coordination role with irrigation districts, water users, and owners of private wells...</p>	<ul style="list-style-type: none"> • Support: COID provided recommended edits. • Opposition: COLW provided alternate language discussing revisiting water allocation and noting concerns about loss of groundwater seepage. 	<p>Staff is generally comfortable with the intent of these edits but would prefer to continue to amend the language to represent perspectives of COID and community members.</p> <p>COID’s recommended edits on page 5-3 provide additional detail regarding the benefits of piping irrigation canals. OWRD noted that piping could have impacts to groundwater recharge conditions in certain areas due to loss of water seepage. Staff would prefer to incorporate the language regarding the benefits of piping, while also adding a sentence relating to potential impacts from loss of groundwater seepage.</p> <p>Staff recommends the PC direct staff to revise this language to include more detail on benefits of piping, and also information on potential community member concerns regarding impacts to water availability from loss of water seepage.</p>	<p>If yes, the Planning Commission may recommend the language in Option A (amended narrative): Direct staff to amend narrative language to incorporate COID’s recommended edits and add additional context regarding groundwater seepage.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>

<p>19</p>	<p>Should narrative in Chapter 5 be amended to include Central Oregon Irrigation District's October 25 and November 30, 2023 comments related to the stability of the Deschutes River?</p>	<p>Chapter 5, Natural Resources</p> <p>Water Resources, Page 5-6</p> <p>...Deschutes County is fortunate to be underlain on the western side by relatively young volcanic lava sponge. This sponge is highly porous and is able to absorb large quantities of water during the wet season and gradually release it via abundant springs along the eastern slope. The great advantage this provides is that the resulting summer flows into the Deschutes basin are not as dependent on overground flow of snowmelt, and therefore are expected to maintain a relatively stable water supply even as snowpack decreases into the next century...</p>	<ul style="list-style-type: none"> • Support: COID provided recommended edits. • Opposition: None. 	<p>COID's recommends adding an additional sentence to this paragraph notes that the Deschutes River is one of the most stable rivers in the western United States.</p> <p>Staff did not see information in the record providing context on this statement, and therefore would need more information before considering adding this text.</p> <p>Staff recommends the PC retain the current language and encourage COID to provide additional information during the Board's public hearing process.</p>	<p>If yes, the Planning Commission may recommend the language in Option A (amended narrative): Direct staff to amend narrative language to incorporate COID's recommended edits.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>
<p>19</p>	<p>Should narrative in Chapter 14 be amended to include Central Oregon Irrigation District's October 25 and November 30, 2023 comments?</p>	<p>Chapter 14, Energy</p> <p>Hydroelectric Energy Generation, Page 14-4</p> <p>...Several water districts in Deschutes County have implemented hydropower projects to harness the energy of moving water. These projects may have impacts on wildlife habitat and migration, as well as construction, visual, and noise impacts.</p> <p>Currently, Deschutes County has three approved "in conduit" hydroelectric facilities that are owned and operated by irrigation districts within existing irrigation district canals. Approval of these facilities has previously been contentious with many community members expressing concern about wildlife and impacts to other basin users. Irrigation districts have expressed interest in reducing barriers to permitting these types of developments to promote renewable energy development using man-made waterways...</p>	<ul style="list-style-type: none"> • Support: COID provided recommended edits. • Opposition: COLW provided alternate language acknowledging code updates to distinguish between in-conduit and in-channel projects and would prefer additional language be added to ensure revenues from facilities are partially used to restore fish and wildlife habitat. 	<p>Staff is generally comfortable with the intent of these edits but would prefer to continue to amend the language to represent perspectives of COID and community members.</p> <p>COID's recommended edits on page 14-4 provide additional detail regarding community concerns with hydroelectric facilities and cite outdated county code as the primary concern from community members on natural resources and visual impacts from these facilities. In particular, COID notes that the code was originally intended for in-channel facilities that impact natural waterways and rivers, whereas in-conduit facilities impact man-made channels.</p> <p>Staff recommends the PC direct staff to revise this language to incorporate feedback from COID and Central Oregon Landwatch.</p>	<p>If yes, the Planning Commission may recommend the language in Option A (amended narrative): Direct staff to amend narrative language to incorporate COID's and COLW's recommendations.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p>

Nicole Mardell

From: Smith, Adam <asmith@schwabe.com>
Sent: Wednesday, October 25, 2023 10:55 AM
To: Nicole Mardell; Deschutes2040
Subject: COID Comments [IWOV-PDX.FID4535317]
Attachments: COID Comp Plan Comments_10_25_23.PDF

You don't often get email from asmith@schwabe.com. [Learn why this is important](#)

[EXTERNAL EMAIL]

Nicole,

Please find the attached correspondence from our firm, representing COID. Please also provide the comments to the Planning Commission, and include the comments in the record for File No. 247-23-000644-TA.

Thanks,
-Adam

Adam Smith

Shareholder

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SCHWABE, WILLIAMSON & WYATT

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October 25, 2023

VIA E-MAIL

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RE: Deschutes County 2040 (Comprehensive Plan Update)
Our File No.: 136697-256185

Dear Commissioners:

Our firm represents Central Oregon Irrigation District (“COID”). On behalf of COID, please accept this letter related to Deschutes County’s Comprehensive Plan update, entitled *Deschutes County 2040* (“Comprehensive Plan” or the “Plan”). In general, COID is concerned that the draft plan includes several statements that are inconsistent with Oregon law, the Statewide Planning Goals, the stated purpose of the Comprehensive Plan, or are otherwise problematic. Further, COID is concerned that the Plan does not reflect the history of collaborative efforts between irrigation districts, governmental entities, and other interested parties with regards to addressing water policy issues in Deschutes County. Instead, the language utilized in the draft Plan unnecessarily places the interests of irrigation districts and the County at odds. Accordingly, COID is concerned that the current draft Plan is both misleading to the public and fails to foster the continued collaboration that our community needs going forward. These concerns are detailed below, with each problematic statement quoted directly from the draft Comprehensive Plan followed by brief description of the specific issue. After those primary concerns, COID additionally provides succinct comments addressing a handful of Goals, Policies, and other statements throughout the Comprehensive Plan which are directly relevant to COID.

Water Supply and Irrigation – Page 3-3

“Much of Deschutes County is served by six irrigation districts (Map 3-1) – these are special entities created for the purpose of delivering water to their patrons. These districts are effectively non-profit water user associations. In addition to irrigation, these districts also supply other services including municipal, industrial, and pond maintenance.”

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Page 2

COID encourages the County to more accurately classify irrigation districts as quasi-municipal corporations chartered under ORS Chapter 545 and operating as political subdivisions of the State of Oregon. Characterizing irrigation districts as “non-profit water user associations” effectively downplays the significance of irrigation districts and their longstanding statutory authority. It is imperative that the Plan appropriately describe irrigation districts such as COID, particularly given the numerous references to irrigation districts when it comes to water issues described throughout the Plan.

Water Supply and Irrigation – Page 3-3

“Existing farms with senior water rights in general have relatively generous irrigation rights, which have rarely been fully utilized, and are expected to have sufficient water to cope with increasing temperatures and drought conditions in the future.”

COID is concerned that describing senior water rights as “relatively generous” and further stating that such rights “have rarely been fully utilized” is needlessly pejorative and not grounded in fact. Further, it is unclear why the current Comprehensive Plan draft specifically states that certain holders of water rights may be able to cope with future climatic conditions. For one, doing so does not contribute to any goal or policy to “provide a blueprint for land use and conservation and development,” the stated purpose of the Comprehensive Plan. [Comprehensive Plan, i-5].

Second, this statement encroaches on and misinterprets the jurisdiction of the Oregon Water Resources Department (OWRD). It is the OWRD who is statutorily authorized to assign water rights in Oregon. The OWRD is not entitled to issue overly “generous” water rights, but rather may only appropriate water for “beneficial use.” [ORS 537.120]. These water rights are then subject to additional “beneficial use” requirements under ORS 540.610, where an owner of a water right will forfeit their right if they fail to use all the water appropriated for a period of five successive years. [ORS 540.610]. COID urges the County to consider this statutory context when making statements pertaining to holders of senior water rights.

Additionally, the Introduction section of the Comprehensive Plan states that the “goals and policies” outlined in the Plan “are based on existing conditions and trends.” [Comprehensive Plan, i-5]. The Plan also notes that “Oregon State Law requires...Comprehensive Plans that are consistent with state and regional goals, laws, administrative rules and other requirements and guidelines.” [Comprehensive Plan, i-6]. Despite this, the current draft fails to reference any “existing conditions or trends” that substantiate the claim that senior water rights “have rarely been fully utilized.” The phrasing used is also arguably misleading as it conflates issues of water scarcity due to climatic conditions with the laws and procedures governing the appropriation of water in Oregon. We urge the County to reconsider its claims pertaining to holders of senior irrigation rights in light of the applicable statutory scheme and by making reference to existing conditions or trends.

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Water Resources – Page 5-3

“Water laws are seen as antiquated by many and issues related [to] water levels in private residential wells, irrigation allocation to farmers, and protection of habitat areas for dependent species arise frequently.”

Although again unnecessarily divisive, this statement perhaps accurately reflects a viewpoint held by certain members of the public. COID is concerned that the above-quoted statement nonetheless could be interpreted as reflecting a majority viewpoint or even reflecting the County’s own position. Additionally, merely pointing out one negative view without then fully exploring alternative viewpoints is counterproductive. COID is additionally concerned that these kinds of one-sided statements cut against the collaborative efforts that COID and others equally involved in addressing water issues in our community have worked hard to establish. COID also recommends that the County not waste resources pursuing local planning efforts that are predicated on overturning well established water laws that have been in place for well over a century. Instead, COID is confident that our State’s well established water laws can continue to be legislatively amended to meet our community’s needs into the future. And, COID is confident that the County can successfully adopt a Plan for our community that equally respects our well established water laws.

Water Resources – Page 5-3

“Ongoing development and piping of canals (which limits artificial groundwater recharge while conserving canal water) also exacerbate the issue.”

COID urges the County to proceed cautiously when making broad statements about the alleged negative impacts of piping irrigation canals, given the multitude of environmental, societal, and economic benefits that piping provides. COID further urges the County to refrain from making one-sided statements regarding the piping of irrigation canals, which has far broader implications beyond groundwater.

In the statement quoted above, the County baselessly claims that the piping of canals contributes to the decline of groundwater levels. Interestingly, just prior to this statement in the Plan, the County cites to a credible source of authority in regard to the cause of groundwater decline: the “2021 report by the Oregon Department of Water Resources.” The County cites to this report in stating that groundwater decline is attributable to “drier conditions since the late 1990s, a warming trend in the basin, and decreased snowpack.” It is unclear why the County cites to a credible report to determine the causes of groundwater decline in the County, but follows this with an unsubstantiated claim that the piping of canals also contributes to this issue. Notably, the OWRD’s “2021 Oregon Groundwater Resource Concerns Assessment” report does not mention piping as a source of declining groundwater resources. [OWRD, *2021 Oregon Groundwater Resources Concerns Assessment*.]

It is also important to note that groundwater levels are an indicator of water scarcity. The very purpose of piping irrigation canals is to create more efficient irrigation systems, ultimately to conserve water. The County may also want to consider noting that water in irrigation canals is lost due to evaporation, and that this lost water cannot be used by an end user or contribute to

groundwater reserves. [Ambrook Research, “Some of Oregon’s Irrigation Systems Are More Than 100 Years Old, and It Shows,” Oct 24, 2022, <https://ambrook.com/research/environment/deschutes-river-oregon-irrigation-canal>].

For example, the open nature of irrigation canals requires the COID to withdraw nearly double the amount of water it would need to if these canals were piped, in order to deliver the same volume of water to the end user. [COID, <https://coidpiping.com/#phase1map>]. Piping irrigation canals also reduces energy use, increases agricultural production, reduces water use, enhances environmental conditions, and generates renewable energy production opportunities. [COID, <https://coidpiping.com/#phase1map>].

COID would also like to point out that the statement quoted above appears to contradict the Plan’s Policy 5.2.3, which sets out a policy to “[s]upport conservation efforts by irrigation districts, including projects to provide incentives for water conservation, such as piping of canals.” [Comprehensive Plan, 5-9].

Water Resources – Page 5-3

“The high desert climate of Central Oregon poses many challenges with water supply and allocation. ... A 2021 report by the Oregon Department of Water Resources found that groundwater levels through Deschutes County are declining, by as much as 50 feet of total decline in the central part of the basin. ... Deschutes County has limited jurisdiction of water use, instead playing a coordination role with irrigation districts, water users, and owners of private wells.”

When read in context of the description of declining groundwater levels and “many challenges with water supply,”, this section concluding sentence acknowledging that “Deschutes County has limited jurisdiction of water use” could be read as placing the blame for these issues on the other listed entities – i.e. irrigation districts, water users, and owners of private wells. COID encourages the County to omit or rephrase statements, such as the one quoted above, to avoid unintentionally suggesting that any class of water rights holders have been poor stewards of their water resources.

It should also be noted that this appears to be the only instance in the Plan where the County specifically makes note of its “limited jurisdiction” when it comes to addressing water issues. Accordingly, the County is well advised to continue fostering a collaborative approach when it comes to these water issues as that is realistically the only way for the County to achieve the numerous water related Goals and Policies enumerated throughout the Plan.

Water Resources – Page 5-9

“Interest in a re-evaluation of water rights for urban, agricultural, and ‘hobby farm’ uses.”

This statement illustrates certain Deschutes County residents’ interest in “re-evaluating” water rights for certain users. To provide clarification, it may be helpful to include a statement explaining that the County does not have the authority or the expertise to unilaterally reevaluate water rights for these uses. Furthermore, the County may wish to consider its requirement to adhere to Oregon’s Statewide Land Use Planning Goals & Guidelines. For example, Goal 3 is

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 Page 5

“to preserve and maintain agricultural lands.” [OAR 660-015-0000(3)]. This goal may be inconsistent with a broad statement that could be interpreted as suggesting that water rights for agricultural uses should be curtailed.

Water Resources – Page 5-9

“Develop regional, comprehensive water management policies that balance the diverse needs of water users and recognize Oregon water law.”

COID notes that Goal 5.1 as quoted above is a good example of the types of edits that the current draft Plan is lacking. COID suggests that the Goal should instead likely be phrased as follows” “Support regional, comprehensive water management solutions that balance the diverse needs of water users and recognize Oregon water law.” COID’s suggested phrasing more accurately reflects the reality that the County may not have the expertise in-house or the authority to unilaterally develop water management policies, and instead must continue to play a collaborative role in doing so along with other entities such as irrigation districts.

Additional Comments on Goals and Policies in the Comprehensive Plan

The following list highlights various goals, polices, and other statements provided in the Plan that are particularly applicable to COID. Each quotation is accompanied by a brief response indicating COID’s concurrence or concern. As these goals and polices may have a material effect on COID and in turn its customers, COID at the very least urges the County to elaborate on and otherwise clarify its intentions reflected in each statement.

Policy 2.2.2. “Help coordinate regional planning efforts with other agencies on land use policies and actions that impact their jurisdictions.” (Page 2-10)

→ COID supports this goal and hopes to see it come to fruition. In the past, the lack of coordination between COID, Deschutes County, and other interested jurisdictions has been a source of public confusion.

Policy 2.2.11.d. “For Exclusive Farm Use zones, partitions shall be allowed based on state law and the County Zoning Ordinance.” (Page 2-11)

→ Given that such partitions may be hindered due to COID delivery requirements, COID recommends that such issues are identified early in the application process.

“Because the total volume of water available for agricultural and human usage is fixed, strategies to decrease water usage...will become more crucial.” (Page 3-3)

→ COID agrees with this sentiment and is supportive of working to reduce inefficient usage of our water resource. Given that this must be done within existing legal frameworks established by State and Federal law, COID recommends that the County add additional clarity.

“Agricultural uses continue to be affected by conflicts with adjacent or surrounding non-farm uses.” (Page 3-3)

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→ COID disagrees with this statement and recommends it be deleted from the Plan. “Right to Farm” statutes already address this issue at the state level, leaving the County without much room or opportunity to further address the issue without causing conflicts.

“Community members opposed rezoning low productivity farmland with poor soil to allow greater opportunities for housing, while supporting rezoning of this land to preserve open space.” (Page 3-7)

→ COID is neutral on this statement, and asserts simply that from its perspective farmland should not be rezoned if it is being farmed, regardless of soil quality. But if unused for agricultural activity and no associated water rights, COID has no objection to rezoning land with poor soil quality.

Goal 3.1. “Preserve and maintain agricultural lands, operations, and uses to support Deschutes County’s agricultural economy.” (Page 3-7)

→ COID agrees with this goal because irrigation districts primarily deliver water for agricultural uses.

Policy 3.1.1. “Retain agricultural lands through Exclusive Farm Use zoning.” (Page 3-7)

→ COID supports this policy because, again, irrigation districts primarily deliver water for agricultural use.

Policy 3.1.3. “Develop comprehensive plan policy criteria and code to provide clarity on when and how EFU parcels can be converted to other designations.” (Page 3-7)

→ COID agrees with this policy and recommends additional detail be added to the Plan to provide clarity on the County’s intentions.

Policy 3.2.1. “Encourage farming by promoting the raising and selling of crops, livestock and/or poultry.” (Page 3-7)

→ COID supports this policy for the reasons previously stated.

Policy 3.2.3. “Support and encourage small farming enterprises through a variety of related strategies and programs, including, but not limited to, niche markets, organic farming, food council, buy local, farmers markets, farm to-table activities, farm stands or value-added products, or other programs or strategies.” (Page 3-7)

→ COID supports this policy for the reason previously stated.

Policy 3.2.4. “Work cooperatively with irrigation districts, public agencies and representatives, and landowners to promote and support agricultural uses and operations, including through use of rural reserves, conservation easements, transfer of development rights programs, land acquisition, and other preservation strategies.” (Page 3-8)

→ COID supports this policy, but recommends that additional detail be added to Plan to provide clarity on the County’s intentions. If nothing else, COID further notes that any such “preservation strategies” must be consistent with existing Federal and State laws.

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Policy 3.2.8. “Use land use policy and development code requirements, including right-to-farm provisions, as well as coordination with other jurisdictions to minimize conflicts between residential uses and agricultural uses and continue to promote the viable operation of agricultural uses.” (Page 3-8)

→ COID agrees with this policy but recommends additional detail be added to the Plan to provide clarity on the County’s intentions.

“It is important to underscore that the primary water resource management process occurs outside of the state land use planning system. Oregon land use and water management are not integrated; there are no overarching administrative rules that consider statewide water management in conjunction with land use planning.” (Page 5-5)

→ COID is neutral on this statement, but recommends that the County specifically ensure that the Plan and the goals and policies articulated therein do not conflict with Federal and State law governing our community’s water resources.

“Deschutes county is fortunate to be underlain on the Western side by relatively young volcanic lava sponge...The great advantage this provides is that the resulting summer flows into the Deschutes basin are not as dependent on overground flow of snowmelt, and therefore are expected to maintain a relatively stable water supply even as snowpack decreases into the next century.” (Page 5-6)

→ COID agrees with this statement and reiterates that the Deschutes River is one of the most stable rivers in in the western United States.

“Because the groundwater in the Deschutes Basin is directly connected to the flow of the Deschutes River, all additional groundwater use must be mitigated by decreased use of groundwater elsewhere through the Oregon Water Resources Department’s Deschutes Groundwater Mitigation program. This can include retiring of other water rights, or the release of water into the waterway. A mitigation permit must be obtained before a new groundwater right can be accessed.” (Page 5-7)

→ COID agrees with the statement and the necessity of mitigating groundwater resources and the use of mitigation permits. Further to maintain its current operations, COID notes that it does not anticipate giving up its existing water rights or otherwise providing mitigation credits.

“The majority of the irrigation in Deschutes County comes from reservoirs which are mostly spring fed from the Cascades. Reservoirs serve the dual purpose of supplying water for irrigation and ensuring sufficient streamflow in the lower Deschutes River. The water levels in these lakes have been low in recent years due to drought in the region. When water is limited, the supply rate is determined by the age of water rights, with the more senior water permits having priority over the youngest. The Swalley and Central Irrigations are the most senior in the county, while the North Union Irrigation District is the most junior.” (Page 5-8)

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→ COID kindly recommends that the County re-write this section to correct typos and to address awkward phrasing.

Goal 5.1. “Develop regional, comprehensive water management policies that balance the diverse needs of water users and recognize Oregon water law.” (Page 5-9)

→ COID agrees with the importance of developing such policies that conform to applicable law. COID further agrees that entities such as irrigation districts that are actively engaged in managing and/or utilizing water rights should be central partners included in the development of these policies.

Policy 5.1.1. “Participate in Statewide and regional water planning...” (Page 5-9)

→ COID supports this policy, and recommends that those entities such as irrigation district should be central partners in developing such policies.

Policy 5.1.2. “Support grants for water system infrastructure improvements, upgrades, or expansions.” (Page 5-9)

→ COID supports this policy and is willing to provide additional information to the County to document its efforts to liaison with farms to apply for and receive grants supporting irrigation system improvements.

Policy 5.1.3. “Consider potential impacts on water quality and availability in surrounding areas as part of the siting, planning, and approval processes for Destination Resorts and other large-scale developments.” (Page 5-9)

→ COID agrees that water quantity and quality are important considerations for large-scale developments. COID further encourages the County to consult irrigation districts prior to making assumptions regarding water use and mitigation.

Policy 5.2.1.d. “Encourage and educate the community about on-farm efficiency measures, including upgrades to equipment.” (Page 5-10)

→ COID supports this policy and reminds the County that COID liaisons with farmers to improve irrigation systems and to receive grants for improvements.

Policy 5.2.3. “Support conservation efforts by irrigation districts, property owners and other water users, including programs to provide incentives for water conservation, such as piping of canals and laterals, water banking, exchanges of water rights, voluntary transfers of in-stream flows, onsite efficiency measures, and other means.” (Page 5-10)

→ COID agrees with this policy. COID recommends additional edits to the Plan clarifying COID’s efforts to continue piping and modernizing its irrigation system.

Goal 5.5. “Coordinate land use and water policies to address management and allocation of water in Deschutes County.” (Page 5-12)

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→ COID agrees with this goal, and recommends additional clarity regarding the need to include irrigation districts in such coordination efforts considering such district's role in the allocation of water to end users.

Policy 5.5.5. “Coordinate with the irrigation districts to ensure irrigated land partitions and lot line adjustments are not approved without notice to the affected district.” (Page 5-12)

→ COID agrees that irrigation districts should be provided the opportunity to comment on partition applications so that they can recommend appropriate conditions of approval.

“The districts are created for the purpose of delivering water to their patrons. As such they are effectively non-profit water user associations. In addition to irrigation uses, these districts also supply a number of other services, including municipal, industrial, and pond maintenance, warranting coordination with municipalities.” (Pages 12-4-5)

→ COID agrees that irrigation districts should be included in policy conversation and provided opportunities to work closely with the County and other impacted municipalities given the significant and diverse roles that irrigation districts play in the County. COID again reiterates that irrigation districts are not “effectively non-profit water user associations.” As noted above, irrigation districts are instead quasi-municipal corporations chartered under ORS Chapter 545 and operating as political subdivisions of the State of Oregon.

“Approval of these facilities...” (referring to hydroelectric energy generation) “...have previously been contentious with many community members expressing concern about wildlife and impacts to other basin users. Irrigation districts have expressed interest in reducing barriers to permitting these types of developments to promote renewable energy development using man-made waterways.” (Page 14-4)

→ COID disagrees with this statement as it is misleading. Rather than advocating for “reducing barriers,” COID suggests that irrigation districts have instead urged the County to update the Deschutes County Code so that it appropriately address in-conduit hydroelectric projects instead of only in-channel hydroelectric projects. In that regard, COID agrees that the Deschutes County Code should be so updated.

Conclusion

For the foregoing reasons, COID urges the Deschutes County Planning Commission to reconsider the specific statements quoted and discussed above.

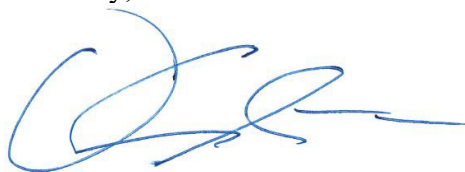
Specifically, COID urges the County to take greater efforts to ensure that the statements contained in the Comprehensive Plan are based in fact with supporting data then appropriately cited within the Plan. More broadly, COID urges the County to reconsider statements in the draft Comprehensive Plan that could be viewed as taking sides on complicated water issues, or which could be interpreted as being unnecessarily divisive. Lastly, COID urges the County to include statements within the Comprehensive Plan that clearly articulate the limits on the County's

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statutory authority when it comes to regulating water rights or regulating our community's water resources.

COID thanks the Planning Commission and County staff for the opportunity to comment on the draft Deschutes County 2040 Comprehensive Plan, and COID looks forward to communicating further with the County as the drafting process continues. COID also welcomes any opportunity to continue meeting with County staff in person to answer questions and provide further information regarding the above-listed concerns. Please do not hesitate to contact us with any questions regarding scheduling such a meeting.

Sincerely,



D. Adam Smith

DASM

PDX\37619131.5

Nicole Mardell

From: Smith, Adam <asmith@schwabe.com>
Sent: Wednesday, November 29, 2023 9:50 PM
To: Nicole Mardell; Deschutes2040
Subject: COID Proposed Amendments to draft Comp Plan [IWOV-PDX.FID4535317]
Attachments: COID Comment Letter_Comp Plan Amendments.pdf

[EXTERNAL EMAIL]

Nicole,

I hope you had a wonderful Thanksgiving with family and friends.

Please see the attached correspondence. Please also provide the attached correspondence to the Planning Commission and add the document to the record for File No 247-23-000644-PA.

Thanks,
-Adam

Adam Smith

Shareholder

Pronouns: he, him, his

D: 541-749-1759

asmith@schwabe.com

SCHWABE, WILLIAMSON & WYATT

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November 29, 2023

VIA E-MAIL

Deschutes County Planning Commission
c/o Nicole Mardell, Senior Planner
Deschutes County Planning Division
Community Development Department
117 NW Lafayette Avenue
PO Box 6005
Bend, OR 97703
nicole.mardell@deschutes.org
Deschutes2040@deschutes.org

D. Adam Smith

Admitted in Oregon and Colorado
D: 541-749-1759
asmith@schwabe.com

RE: Deschutes County 2040 (Comprehensive Plan Update)
Our File No.: 136697-256185

Dear Commissioners:

As you know, our firm represents Central Oregon Irrigation District (“COID”). On behalf of COID, we previously requested that the Planning Commission continue the November 9, 2023 public hearing to provide additional time for COID (and others) to draft proposed amendments to the Deschutes County’s Comprehensive Plan update as specifically requested by County staff. Consistent with that request, the Planning Commission continued the public hearing to December 14, 2023. COID thanks the Planning Commission for granting that continuance.

Attached to this letter as Exhibit A are several proposed amendments consistent with COID’s original comments submitted on October 25, 2023. Our intention is to propose the minimum edits necessary to address COID’s original concerns. Accordingly, we understand that staff may elect to further revise our proposed amendments to ensure consistent style, formatting, tone, and terminology are utilized throughout the proposed Comprehensive Plan update. COID has no objection to further refinements so long as the original intent of the proposed amendments are maintained.

However, please also note that the amendments outlined in Exhibit A do not address all of COID’s concerns outlined in our October 25 letter. In several instances, that letter noted that current Comprehensive Plan draft did not clearly state or otherwise indicate the County’s intentions. COID is understandably not in a position to clarify such ambiguities, and we therefore anticipate that County staff will likely need to propose further amendments in addition to those included in Exhibit A to fully address COID’s numerous comments outline in our October 25 letter. As previously offered in that letter, COID welcomes the opportunity to meet with County staff to discuss the amendments proposed in Exhibit A in addition to those several instances where the current Comprehensive Plan draft is ambiguous.

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Thank you for including this letter in the record and considering COID's proposed amendments attached as Exhibit A.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Adam Smith', with a stylized flourish at the end.

D. Adam Smith

DASM

PDX37619131.5

Exhibit A

Water Supply and Irrigation – Page 3-3:

“Much of Deschutes County is served by six irrigation districts (Map 3-1) – these are special entities created for the purpose of delivering water to their patrons. These districts are ~~effectively non-profit water user associations~~ quasi-municipal corporations chartered under Oregon law that operate as political subdivisions of the State of Oregon. In addition to irrigation, these districts also supply other services including municipal, industrial, and pond maintenance. In most cases, these districts are holders of senior water rights with shares then distributed to their patrons. As is the case with all water rights, the irrigation districts’ water rights are managed by the Oregon Water Resources Department and subject to “beneficial use” requirements to prevent the waste of the water resource. ~~The total water available for irrigation and other human uses in Deschutes County is fixed under the current water regime, and~~ No additional water rights can be issued without the decommissioning of a previous claim. Therefore, there is little opportunity to expand irrigated farming in the County. ~~Existing farms with senior water rights in general have relatively generous irrigation rights, which have rarely been fully utilized, and are expected to have sufficient water to cope with increasing temperatures and drought conditions in the future.~~ Irrigation districts with more junior water rights such as Junior water right holders, associated with Arnold Irrigation District and North Unit Irrigation District (operating north of Deschutes County), have recently seen challenges with water delivery due to limited availability and drought.”

Changes in Climate Conditions – Page 3-3:

“Because the total volume of water available for agricultural and human use is fixed, strategies to decrease water usage (capping or piping irrigation channels, irrigation timing strategies, water conservation) will become more crucial. Deschutes County is committed to working with irrigation districts and holders of water rights to increase water conservation efforts throughout the County in a manner consistent with existing legal frameworks established by State and Federal law.”

Conflicts with Other uses – Page 3-3:

“~~Agricultural uses continue to be affected by conflicts with adjacent or surrounding non-farm uses (primarily new rural homes). In some cases, new residents object to impacts of common farming practices, such as noise, dust, and odors related to farm activity.”~~

Farm and Forest Resources, Goals and Policies – Page 3-8:

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

Water Resources – Page 5-3

“The high desert climate of Central Oregon poses many challenges with water supply and allocation. Water laws are seen as antiquated by many and issues related water levels in private

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residential wells, irrigation allocation to farmers, and protection of habitat areas for dependent species arise frequently.

A 2021 report by the Oregon Department of Water Resources found that groundwater levels through Deschutes County are declining, by as much as 50 feet of total decline in the central part of the basin. This decline is considered “excessively declined” per state statute and is attributed toward a shift in overall drier conditions since the late 1990s, a warming trend in the basin, and decreased snowpack. Ongoing development and piping of canals (which limits artificial groundwater recharge while conserving canal water) also exacerbate the issue. To address these issues, irrigation districts and other entities are engaged in ongoing efforts to pipe canals and modernize irrigation systems to increase their efficiency. Due to water losses in open irrigation canals from seepage into groundwater and evaporation, piped canals typically require only half the amount of water to be diverted from the river or stream to deliver the same volume of water to the end user compared to open canals.

Deschutes County has limited jurisdiction of water use, instead playing a coordination role along with the Oregon Department of Water Resources, irrigation districts, water users, and owners of private wells to address these water resource issues.”

Statewide Planning Goals – Page 5-5

“It is important to underscore that the primary water resource management process occurs outside of the state land use planning system. Oregon land use and water management are not integrated; there are no overarching administrative rules that consider statewide water management in conjunction with land use planning. Accordingly, it is imperative that Deschutes County land use policies are aligned with and do not conflict with Federal and State laws governing our community’s water resources.”

Lava Sponge – Page 5-6

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

Reservoirs – Page 5-8

“The majority of the irrigation in Deschutes County comes from reservoirs, which are mostly These reservoirs are primarily spring fed from the Cascades. Reservoirs serve the dual purpose of supplying water for irrigation and ensuring sufficient streamflow in the lower Deschutes River. The water levels in these lakes have been low in recent years due to drought in the region. Regional droughts in recent years have resulted in lower water levels in these reservoirs. When water is limited, the supply rate is determined by the age of water rights, with the more senior water permits having priority over the youngest. The Swalley and Central Irrigations are the most senior in the county, while the North Union Irrigation District is the most junior.”

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Key Community Considerations – Page 5-9

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

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

The topic of habitat conservation came up frequently, with most participating respondents saying that further protections are needed. However, there was also notably some push back related to the burden these protections may put on property owners. Additionally, Deschutes County acknowledges that it does not have the authority or expertise to reevaluate water rights as part of its land use planning efforts, leading the County to instead work with the Oregon Department of Water Resources, irrigation districts, and holders of water rights to increase the efficiency of water distribution throughout the community.”

Water Goals and Policies – Page 5-9

“Goal 5.1. ~~Develop~~Support regional, comprehensive water management ~~policies~~solutions that balance the diverse needs of water users and recognize Oregon water law.”

Water Goals and Policies – Page 5-9

“Policy 5.1.1.a. Work cooperatively with appropriate federal, state, tribal and local agency resource managers, such as The Confederated Tribes of the Warm Springs Reservation of Oregon, the Oregon Water Resources Department (OWRD), irrigation districts, and other stakeholders and nonprofit water organizations, such as the Deschutes Basin Water Collaborative, the County Soil and Water Conservation District;”

Irrigation Districts – Pages 12-4-5

“Irrigation districts in Oregon are organized as Special Districts under ORS Chapter 545. Six irrigation districts operate in Deschutes County: Arnold, Central Oregon, North Unit, Swalley, Tumalo, and Three Sisters Irrigation Districts. They are quasi-municipal public corporations under Oregon Law, with prescribed rules for purpose, boards, elections, staffing, charges, etc. The districts are operate as political subdivisions of the State of Oregon created for the purpose of delivering water to their patrons. ~~As such they are effectively non-profit water user associations.~~–In addition to irrigation uses, these districts also supply a number of other services, including municipal, industrial, and pond maintenance, warranting coordination with municipalities.”

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Hydroelectric Energy Generation– Page 14-4

“Several water districts in Deschutes County have implemented hydropower projects to harness the energy of moving water. These projects may have impacts on wildlife habitat and migration, as well as construction, visual, and noise impacts.

Currently, Deschutes County has three approved “in conduit” hydroelectric facilities that are owned and operated by irrigation districts within existing irrigation district canals. Approval of these facilities have previously been contentious with many community members expressing concern about wildlife and impacts to other basin users. Those concerns, however, stem primarily from dated Deschutes County Code provisions originally drafted to address “in channel” hydroelectric facilities. To promote renewable energy development using man-made waterways, irrigation districts have expressed interest in helping the County updated the Deschutes County Code to more appropriately address “in conduit” hydroelectric facilities separate and apart from “in-channel” hydroelectric facilities. Reducing barriers to permitting these types of developments to promote renewable energy development using man-made waterways.”

Farm and Forest Resources Water Supply and Irrigation – Page 3-3

Much of Deschutes County is served by six irrigation districts (Map 3-1) - these are special entities created for the purpose of delivering water to their patrons. ~~These districts are effectively non-profit water user associations.~~

Existing farms with senior water rights in general have relatively generous irrigation rights, which ~~have rarely been fully~~ may be underutilized, and are expected to have sufficient water to cope with increasing temperatures and drought conditions in the future.

Goals and Policies – Page 3-7

Add new Policy 3.1.5 Ensure that criteria for and designation of Agricultural Lands are consistent with state administrative rules and statutes.

Policy 3.3.6 – Page 3-8

- a. Allow comprehensive plan and zoning map amendments, including for those that qualify as non-resource land, for individual EFU parcels as allowed by ORS 215.788 ~~State Statute~~, Oregon Administrative Rules and this Comprehensive Plan.

Policy 3.3.6 – Page 3-9

- b. Explore creation of a new zoning classification intended to balance value of high desert environment while allowing for limited housing opportunities and applying this potential re-designation of resource lands through the application of ORS 215.788 ~~through and~~ coordination with interested and willing property owners.

Minerals and Aggregate Resources Goals and Policies – Page 4-4

Add new Policy 4.1.5. Following reclamation, ensure mining sites are planned and zoned consistently with all 19 statewide land use planning goals.

Natural Resources Water Resources – Page 5-3

Some view the water laws are seen as antiquated by many and while others believe established water laws can be amended to meet future needs and Issues related to water levels in private residential wells, irrigation allocation to farmers, and protection of habitat areas for dependent species arise frequently.

Ongoing development and piping of canals (which ~~limits~~ reduces artificial groundwater recharge while conserving canal water) also exacerbate the issue.

Deschutes County has limited jurisdiction of water use, instead playing a coordination role with irrigation districts, water users, and owners of private wells and continuing to foster a collaborative approach with water rights holders and other stakeholders to address the many challenges with water supply and allocation.

- c. Pursuant to ORS 197.455 and Goal 8, the criteria at Policy 11.7.4(c)(1)-(9) apply to any destination resort master plan application or modification of existing master plan application. Many of these criteria cannot be accounted for through a map by itself, but rather are triggered upon a condition on the ground, such as a new Goal 5 wildlife resource (Policy 11.7.4(c)(1).
To assure that resort development does not conflict with the objectives of Deschutes County, destination resorts shall also not be located in the following areas:

Public Facilities Irrigation Districts – Page 12-5

~~As such they are effectively non-profit water user associations.~~

Energy Hydroelectric Energy Generation – Page 14-4

Irrigation districts have advocated for the Deschutes County code to be updated to address in-conduit hydroelectric projects instead of only in-channel projects. expressed interest in reducing barriers to permitting these types of developments Community members want to make sure that any hydroelectric revenues are commensurate with new benefits to instream flows and fish and wildlife habitat restoration.

Energy Goals and Policies – Page 14-5

Policy 14.1.5. Promote development of solar, hydropower, wind, geothermal, biomass and other alternative energy systems while mitigating impacts on neighboring properties and the natural environment; mitigating impacts to wildlife habitat must be consistent with ODFW's mitigation policy.

Policy 14.1.10. Pursue a Goal 5 inventory, analysis, and protection process to identify significant renewable energy sites and to exclude some areas from renewable energy development when conflicting uses, such as wildlife habitat, farm and forest operations, etc, warrant full protection.
~~Identify, protect, and support the development of significant renewable energy sites and resources.~~

Nicole Mardell

From: Matt Cyrus <matt@aspenlakes.com>
Sent: Friday, February 9, 2024 1:27 PM
To: Nicole Mardell
Subject: Comp Plan

[EXTERNAL EMAIL]

Hi Nicole,

A few additional comments for the comp plan.

"GROUNDWATER

The groundwater aquifer is roughly 1000 feet thick and is replenished yearly by the Cascades' precipitation. Recent years of "exceptional drought" have lowered the aquifer level by roughly 30 feet, resulting in a small percentage of wells running dry, and raising concerns about available groundwater for new developments. Although it is likely that some wells will need to be deepened to cope with increasing temperatures and drought frequency, there is likely to remain ample sustainable groundwater supply. Because the groundwater in the Deschutes Basin is directly connected to the flow of the Deschutes River, all additional groundwater use must be mitigated by decreased use of groundwater elsewhere through the Oregon Water Resources Department's Deschutes Groundwater Mitigation program. This can include retiring of other water rights, or the release of water into the waterway. A mitigation permit must be obtained before a new groundwater right can be accessed."

- You might want to add something about deep vs shallow aquifers and the impacts of Juniper trees and changes to irrigation practices and wholesale piping of ditches and canals on the recharge of shallow aquifers (those less than 800 feet deep). For example the Bureau of Reclamation study identified a direct hydraulic connection between the Tumalo Irrigation Canal and a well that was 600 feet deep and changes in irrigation practices such as replacing flood irrigation with pivot or drip irrigation reduces aquifer recharge.

"RESERVOIRS

The majority of the irrigation in Deschutes County comes from reservoirs which are mostly spring fed from the Cascades. Reservoirs serve the dual purpose of supplying water for irrigation and ensuring sufficient streamflow in the lower Deschutes River. The water levels in these lakes have been low in recent years due to drought in the region. When water is limited, the supply rate is determined by the age of water rights, with the more senior water permits having priority over the youngest. The Swalley and Central Irrigations are the most senior in the county, while the North Union Irrigation District is the most junior."

- This description credits the drought with lower reservoir levels, but completely fails to mention the Spotted Frog recovery plan, which is having a significant impact on reservoir levels. In fact, if I recall correctly, 2021 saw 35,000 acre feet released from the reservoir for frog management instead of for irrigation. That would have raised roughly 60,000 tons of hay.

- Regarding the Wildfire description, I like the current description regarding the buildup of fuel loads, but might add forest management practices such as reduced timber harvest and wilderness designations have impacted wildfire responses and control strategies.

. Historically, wildland fires have shaped the forests and wildlands valued by residents and visitors. These landscapes, however, are now significantly altered due to increased rural development and the generally warmer and dryer conditions attributed to climate change are a root cause of increased fire severity in western forest and grasslands. a general lack of large-scale treatments, resulting in overgrown forests with dense fuels that burn more intensely than in the past.

Nicole Mardell

From: Susan Altman <dcpcsusan@gmail.com>
Sent: Friday, February 9, 2024 9:26 AM
To: Nicole Mardell; William Groves
Subject: COLW comments for discussion

[EXTERNAL EMAIL]

Hi Nicole & Will:

Thank you as always for the work you do to prepare the Planning Commission to have a productive deliberation. I thought last night's meeting went especially well and I think that was in large part due to the way you prepared the matrix, in addition to the chair's shaping of the process.

I have reviewed again COLW's suggested text amendments and don't have any specific requests to call out any items. Based on our last two deliberations, you have captured the spirit of all public comments for the 2040 Comprehensive Plan. As we decided at the first meeting, since we are not getting too much into the weeds of wordsmithing, I think that you can and have incorporated the broader ideas behind the topics of major interest presented during the entire public outreach and public hearing process.

Will, I hope you have a wonderful adventure on your upcoming travels!

Thank you,

Susan

--

Susan Altman
Deschutes County Planning Commission



8 Recreation



Opportunities, Challenges, and Considerations

Recreation is an important quality of life issue for Deschutes County and recreational tourism is a key part of the local economy. Both residents and visitors are drawn by the County's extensive public lands, seasonal climate, and wide variety of activities and settings. Recreational opportunities include places set aside for specific activities such as campgrounds or sports fields as well as passive spaces such as natural areas.

The primary focus of recreation in rural Deschutes County is outdoor recreation. Outdoor activities promote healthy communities by encouraging people to enjoy an active lifestyle and by providing opportunities to reconnect with the natural world.

Deschutes County does not have a parks department; instead, it coordinates with the federal and state agencies, local park districts, and private entities that provide park and recreational opportunities. Coordination assures that resources are used efficiently, and duplication is avoided. With a holistic view of recreation in Deschutes County, the County can also provide other agencies and jurisdictions with guidance for service gaps to fill.

Statewide Planning Goal 8, Recreation and Oregon Administrative Rule (OAR) 660-034 address recreation, but do not require local governments to provide park and recreation services. Several agencies and special districts already provide recreation services in Deschutes County. These include Bend Parks and Recreation District, La Pine Parks and Recreation District, Sunriver Parks and Recreation District, and Oregon Parks and Recreation Department.

The health of the County's recreational assets and industry is inexorably tied to the health of the land, forests, and waterways of Central Oregon. The effects of human activity - from development pressures and overuse of recreational facilities to resource extraction and climate change - will have a significant impact on recreation in Deschutes County. Some of these impacts include:

- Changes in precipitation affecting the timing and conditions for winter sports
- Loss of habitat
- Wildfire and risk of wildfire limiting recreational access
- Increased number of dangerously warm days

Future Challenges to Recreation

The health of the County’s recreational assets and industry is inexorably tied to the health of the land, forests, and waterways of Central Oregon. The effects of human activity - from development pressures and overuse of recreational facilities to resource extraction and climate change – will have a significant impact on recreation in Deschutes County.

There are several environmental concerns that may affect parks and recreation in Deschutes County in the future. Activities such as hiking, hunting, fishing, swimming, and foraging are an important part of recreation in Deschutes County - these activities are likely to be impacted by future changes to the climate.

Fishing may be impacted by drought as water bodies warm and seasonally drop. Foraging animals, like deer and elk, may express changing behavior like earlier-season high elevation foraging and increased interactions with agricultural communities due to drought. Drought also severely reduces the prominence of fruiting fungi for annual mushroom hunters, and may increase pressure on the remaining harvest areas. Fungi are crucial to the health of the forest ecosystem, adapting and responding to changing conditions and disease.

These conditions may also lead to greater frequency and severity of algal and bacterial

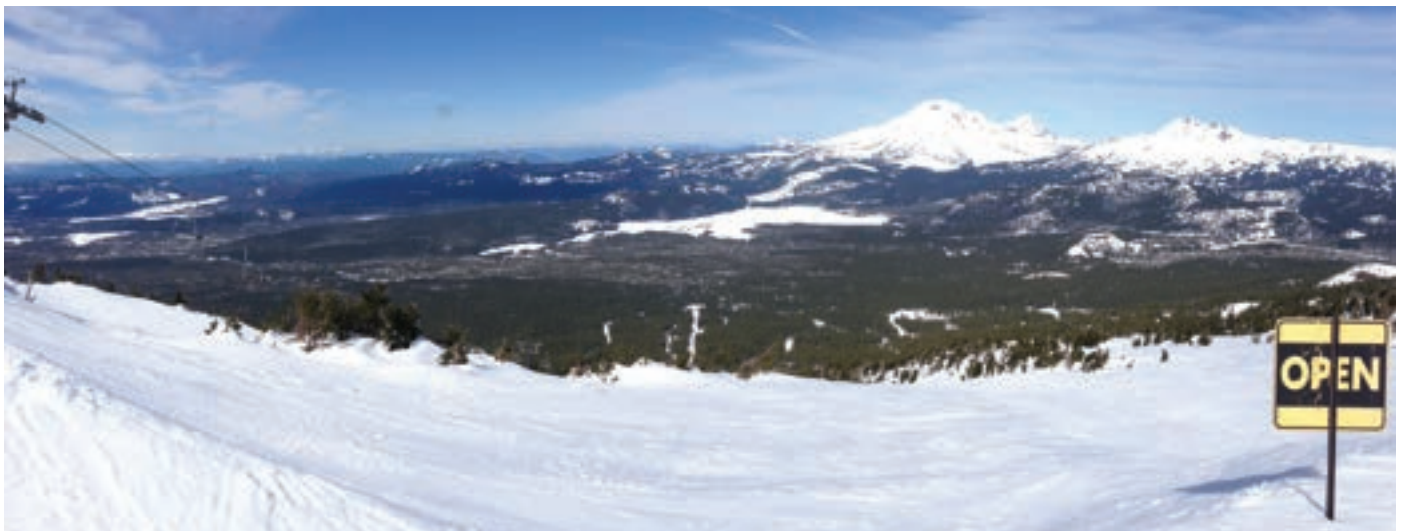
blooms in fresh water. Algal blooms in other parts of the state have led to drinking water concerns, but Deschutes County cities are supplied by groundwater and so the risk in algal blooms is mainly to recreation – boaters, swimmers, anglers, and campers may be less motivated to visit.

Winter Sports

Snow sports are a significant component of recreation in Deschutes County. Overall decline in snow pack is expected in the coming decades, which will heavily impact winter sports that rely on snowpack in the Cascades. At the Mt. Bachelor Ski Resort, April Snowpack is expected to decline between 11% and 18% by the middle of the century and between 18% and 43% by the end of the century. Additionally, inconsistent snowpack buildup will increase due to more precipitation falling as rain instead of snow throughout the season, making winter sports seasons less predictable.

Summer Recreation

The summer outdoor season has additional risks from degraded to severely degraded air quality due to wildfire throughout the west coast. With degraded air quality, outdoor recreators may avoid the region, impacting regional income and generally degrading the perception of the county as a retreat to the natural world. Additionally, an



increase in the frequency of very high temperature days may impact the safety and desirability of outdoor recreation.

Context

Deschutes County does not directly provide parks and recreation services. The only public parks the County maintains are a section of the County Fairgrounds and the Worrell Wayside in downtown Bend. Although there is no County parks department, there are County-owned properties which are designated as park lands. Parks and recreation services are provided by the following entities.

OREGON PARKS AND RECREATION DEPARTMENT

OPRD owns and manages several key parks and scenic areas in the County. These include state parks such as line Falls State Scenic Viewpoint, La Pine State Park, Pilot Butte State Scenic Viewpoint, Smith Rock State Park, and Tumalo State Park. In addition, they also manage the Upper and Middle Deschutes River Scenic Waterway segments, and Cascade Lakes and McKenzie Pass-Santiam Pass Scenic Byways.



Photo Credit: Visit Bend (www.visitbend.com)

THE BEND PARKS AND RECREATION SPECIAL DISTRICT (BPRD)

BPRD owns and maintains approximately 3,035 acres of parkland including 81 parks and 70 miles of trails. The largest park district in the County, the taxing district follows the City of Bend Urban Growth Boundary closely, although extends past the UGB to the west and east to include several properties outside of city limits.

THE LA PINE PARKS AND RECREATION SPECIAL DISTRICT

This district operates in 85 square miles and 11 parks and recreation facilities in southern Deschutes County including the City of La Pine.

THE REDMOND AREA PARKS AND RECREATION SPECIAL DISTRICT

The District operates five recreational facilities including the Cascade Swim Center and extends beyond city limits to Tetherow Crossing. In 2022, the district received voter approval for a general obligation bond to build a new community center with a variety of recreational, fitness, and therapeutic activates.

THE SISTERS PARK AND RECREATION SPECIAL DISTRICT

Operates approximately 15 acres of land within City of Sisters city limits, including Bike Park 242, Hyzer Pines Disc Golf Course, a playground, a skatepark, and Coffield Community Center. The district boundary extends far past city limits, serving approximately 14,000 residents through programming and activities.

THE U.S. FOREST SERVICE, BUREAU OF LAND MANAGEMENT

Approximately 76% of the County's total land area is owned by the federal government, primarily these two agencies. Community members seek out extensive recreation activities in these areas, including skiing, mountain biking, hiking, backpacking, fishing, hunting, kayaking, and off-road vehicle riding.

COUNTY-OWNED OPEN SPACE

Starting in 1994 the County received donation of several properties along rivers, creeks, or streams or with wildlife, wetlands, or other value as park lands. The intent of this donation was not to develop these lands for park use but rather to preserve lands with valuable resources, which were protected through deed restrictions. The park designation means that the lands would be retained in public ownership unless there was a public hearing and the Board of County Commissioners determined that selling was in the best interest of the public.

ORS 275.330 governs the disposal of these lands, stating that if they are sold the proceeds must be dedicated to park or recreation purposes. As of 2009, there were approximately 70 properties designated as park lands.

COUNTY FAIRGROUND AND EXPO CENTER

The 132-acre County Fairground and Expo Center site is located southwest of the Redmond airport, and it is placed strategically at the hub of the tri-county area (Deschutes, Jefferson, Crook Counties). The facility is used for a variety of public and private events. Each of its lawn areas can be rented exclusively by groups for different events, which range from weddings, picnics, reunions, car shows, RV / motorcycle rallies, animal shows, and outdoor trade shows, among others.

Key Community Considerations

Recreation and access to nature is a key component of life in Deschutes County and a primary attraction for both residents and visitors. As part of this Comprehensive Plan update, community members noted concerns about increasing recreational use or overuse, conflicts among different users, and the need for permitting or other strategies to manage use, particularly in popular locations.

Because the county does not have a parks and recreation department, community members have identified service gaps and lack of continuity of trail networks, habitat and species preservation, and land access policies. Residents are concerned with private recreation development and use of natural resources such as land and water.

The tension between resource use of forest land and water, recreational use of these areas, and natural resource protection is evident among members of the community

Community members also noted that it is imperative for all special districts and agencies providing park services to coordinate on integrated services. These partnerships will be key to ensure sustainable recreation and land stewardship as the County continues to grow.



Goals and Policies

Goal 8.1: Increase affordable, sustainable, and diverse recreation opportunities through partnerships with government and private entities.

Policy 8.1.1. Reduce barriers to regional parks and recreation projects in Deschutes County, including acknowledgement or adoption of federal, state and local parks district trail and facility plans.

Policy 8.1.2. Collaborate with partners to develop a regional system of trails and open spaces, prioritizing recommendations from local parks districts, County,-state, and federal recreational plans and studies.

Policy 8.1.3. Encourage coordination between the U.S. Forest Service, the Bureau of Land Management and recreational use interest groups to minimize environmental degradation, agricultural fragmentation and user conflicts on public and private land.

Policy 8.1.4. Support the creation and improvement of accessible park and recreation opportunities in compliance with the Americans with Disabilities Act.

Policy 8.1.5. Support efforts to coordinate recreation planning between the County, park and recreation districts, school districts, irrigation districts, unincorporated communities, and cities.

Policy 8.1.6. Support the development of parks and trails identified in locally-adopted plans.

Policy 8.1.7. Coordinate with unincorporated communities to identify opportunities for parks, trails, open spaces, and community centers.

Policy 8.1.8. Establish trail design standards and identify specific funding sources for trails as part of future transportation system planning efforts to ensure development of identified priority rural trail segments and bicycle routes.

Policy 8.1.9. Explore creation of a County Parks and Recreation Department to increase the County's role in recreation and natural resource management and implement if deemed appropriate.

Policy 8.1.10. Support community efforts for acquisition and management of Skyline Forest as a community amenity.

Policy 8.1.11. Work with stakeholders to promote new recreational and tourist initiatives that maintain the integrity of the natural environment.



9

Economic Development



Opportunities, Challenges, and Considerations

Statewide Planning Goal 9 provides guidance on economic development for Oregon jurisdictions. This goal is intended to “provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.” For Deschutes County, implementing Goal 9 is focused on ensuring opportunities for economic development, while protecting rural land uses.

In Deschutes County, several areas are designated for rural industrial and rural commercial activities to allow for activities such as manufacturing or resource processing. Additionally, unincorporated communities and rural service centers allow for limited commercial opportunities, including restaurants, services, and retail stores.


Economic development agencies in Central Oregon cite the tremendous natural resource access and amenities to be essential for drawing in new businesses and workers. As the County grows, childcare will continue to be challenge for rural residents along with access to high speed and reliable internet services.

A continued challenge for Deschutes County will be to balance adequate economic opportunity for rural residents, with protection of natural resource lands. Community members have expressed interest in providing for new and emerging economic opportunities through renewable energy development, including potential for biomass, solar, geothermal, and wind projects that may be compatible with rural uses.


Context

Deschutes County’s economy was initially built around farming and logging. As those sectors declined in the 20th century, recreation and tourism increased as people were drawn to the beauty and opportunities to recreate on public lands. Deschutes County’s high quality of life became a draw for employers and employees alike. In the 2000’s, the building sector boomed as new housing was built to meet both increased housing demand and the real estate speculation that followed. Housing prices rose so high that workforce housing became a limiting factor in economic growth. The period of strong growth ended with the national recession that began in late 2007, leading to falling housing prices and rising unemployment. The 2010’s and early 2020’s have proven to be another period of booming economic growth for Deschutes County, exacerbated by the COVID-19 pandemic and the dramatic increase in remote work.


Deschutes County's economy remains strong compared to Oregon as a whole, as shown in the statistics below.



\$74,082
Median Household Income
(\$70,084 in Oregon)

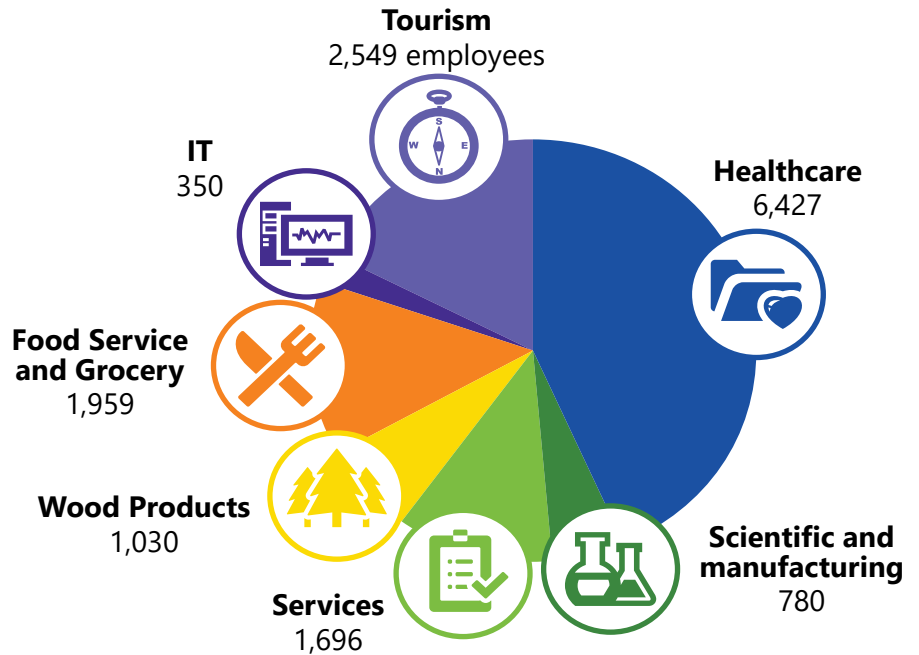


9.4%
of county population experiencing poverty
(12.1% in Oregon)



63.3%
of population in civilian workforce
(62.6% in Oregon)

2022 Central Oregon Largest Private Employers by Industry



2022 Central Oregon Largest Private Employers

Rank	Employees	Employer
1	4,509	St. Charles Health System regional
2	1,030	Bright Wood Corporation regional
3	1,000	Sunriver Resort 1,000 1,000 940
4	916	Les Schwab Headquarters & Tire Centers regional
5	894	Mt. Bachelor
6	714	Safeway regional
7	640	NC Fred Meyer regional
8	628	Summit Medical Group regional
9	605	McDonald's regional
10	440	Lonza, formerly Bend Research
11	415	Rosendin Electric
12	391	Mosaic Medical regional
13	375	Black Butte Ranch
14	365	ibex
15	350	Meta Platforms, Inc. - Facebook Data Center
16	340	BasX
17	336	PacificSource
18	296	High Lakes Health Care regional
19	280	Brasada Ranch
20	267	Medline ReNewal

Primary Industries

Deschutes County is known for its abundant natural resources, though the County continues to balance its economy through a variety of industries. The top 10 industries overall in Deschutes County (including those within urban areas) are:

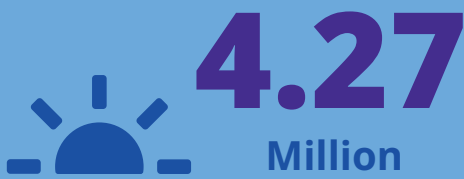
1. Trade, transportation, utilities (15,742 jobs)
2. Education/Health Services (13,479 jobs)
3. Goods-producing (13,169 jobs)
4. Leisure and hospitality (12,990 jobs)
5. Health care and social assistance (12,541 jobs)
6. Retail trade (11,714 jobs)
7. Accommodation and food services (10,718 jobs)
8. Professional/business services (10,067 jobs)
9. Food services/drinking places (8,304 jobs)
10. Local government (7,396 jobs)

Tourism

Tourism continues to be a major facet of Central Oregon’s economy, with approximately 4.5 million visitors entering Central Oregon each year. The majority of those visitors travel to Bend and Deschutes County in particular but other communities in the County also are popular destinations, including Sisters, Redmond and Terrebonne, as well as destination resort such as Sunriver, Eagle Crest, Pronghorn and others. In addition, recreational opportunities throughout the County also attract a multitude of visitors, from skiing on Mt. Bachelor, hiking in the Three Sisters Wilderness, and rafting the Deschutes River, to fishing, hunting and camping at dispersed sites on National Forest and BLM land throughout the County.



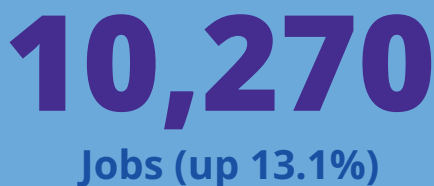
Tourism Impacts



Annual overnight visitors in Central Oregon (comprised of Deschutes, Crook, Jefferson, and south Wasco counties)



In 2022, employment directly generated by travel spending in Central Oregon was



Million in Tax Revenues

Transient Tax Revenues in 2022
Central Oregon as a whole



Deschutes County alone



Average trip spend, per person, from an overnight visitor

Source: Oregon Travel Impacts, 2022 by Dean Runyan Associates for the Oregon Tourism Commission

Resource Land

While much of the County’s economic activity occurs in urban areas, County administration of farmland, forest land, and natural resources plays a vital role in protecting and enhancing the economic development potential of the area.

Coordination

A key partner for the County in promoting a healthy economy is Economic Development for Central Oregon (EDCO). This private non-profit organization is dedicated to diversifying the tri-county regional economy by attracting new investment and jobs. This organization also tracks the local economy.

Between 2010 and 2013, Deschutes, Crook, and Jefferson counties, and their respective cities established a regional large lot industrial land need analysis, ultimately leading to changes to state law, OAR 660-024-0040 and 45. This rule provides that that the large lot industrial land need analysis agreed upon by all of the parties, once adopted by each of the participating governmental entities, would be sufficient to demonstrate a need for up to nine large industrial sites in Central Oregon. Six of the sites will be made available initially. Three more sites may be added under the rule as the original sites are occupied. Intergovernmental agreements were formed with the regions jurisdictions and Central Oregon Intergovernmental Council in 2013 to provide oversight of this new regional large lot industrial lands program. Participating local governments will review the program after all nine sites have been occupied, or after ten years, whichever comes first.

Connections to Other Comprehensive Plan Chapters

Much of the County’s economic development activity is directly related to farmland (Chapter 3), forest land (Chapter 3), mineral and aggregate resources (Chapter 4), and natural resources (Chapter 5). Additional information can be found in these sections.

Key Community Considerations

As part of this comprehensive plan update, community members expressed the following:

- A recognition that tourism is an important industry in the County, but some concern that the interests of tourism-related activity play an outsized role in the County.
- Desire for a strong and diverse economy that benefits local residents.
- Strong interest in expanding access to childcare for rural residents, especially those who travel into incorporated cities for employment.
- Interest in exploring new economic opportunities including renewable energy development.
- Desire for additional educational and job training opportunities, including expansion of colleges and universities.



Economic Development Goals and Policies

Goal 9.1: Maintain a stable, and sustainable, and thriving rural economy, compatible with rural lifestyles and a healthy environment.

Policy 9.1.1. Promote rural economic initiatives, including home-based businesses, that maintain the integrity of the rural character and natural environment.

Policy 9.1.2. Support a regional approach to economic development in concert with Economic Development for Central Oregon or and similar organizations.

Policy 9.1.3. Support growth and expansion of colleges and universities, regional educational facilities, and workforce training programs.

Policy 9.1.4. Support renewable energy generation as an important economic development initiative, while taking other community goals and concerns into consideration.

Policy 9.1.5. Support and participate in master planning for airports in Deschutes County, including expansion of noise impact boundaries and upgrades to facilities as airports continue to grow.

Policy 9.1.6. Within the parameters of State land use regulations, permit limited local-serving commercial uses in higher-density rural communities. Support limited and locally-serving commercial uses in appropriate locations.

Policy 9.1.7. Support expansion of high-speed internet in rural areas and integrate infrastructure such as fiber-optic cables into new development and road projects.

Policy 9.1.8. Support funding and development of childcare locations across the County to support families in the workforce.

Policy 9.1.9. Explore need for master planning for rural economic development lands, including Deschutes Junction.

Policy 9.1.10. Recognize the importance of maintaining a large-lot industrial land supply that is readily developable in Central Oregon, and support a multi-jurisdictional cooperative effort to designate these sites.

Goal 9.2: Support creation and continuation of rural commercial areas that support rural communities while not adversely affecting nearby agricultural and forest uses.

Policy 9.2.1. Allow for new Rural Commercial zoning designations if otherwise allowed by Oregon Revised Statute, Administrative Rule, and this Comprehensive Plan.

Policy 9.2.2. In Spring River there shall be a Limited Use Combining Zone.

Policy 9.2.3. Ensure new uses permitted on Rural Commercial lands do not adversely affect nearby agricultural and forest uses.

Policy 9.2.4. Ensure new commercial uses on Rural Commercial lands are limited to those intended to serve the surrounding rural area and/or the needs of the traveling public.

Policy 9.2.5. New commercial uses shall be limited in size to 2,500 square feet or if for an agricultural or forest-related use, 3,500 square feet.

Policy 9.2.6. A lawful use existing on or before November 5, 2002 that is not otherwise allowed in a Rural Commercial zone, may continue to exist subject to the county's nonconforming use regulations.

Policy 9.2.7. An existing lawful use may expand up to 25 percent of the total floor area existing on November 5, 2002.

Policy 9.2.8. The Rural Commercial zoning regulations shall allow a mixed use of residential or rural commercial uses.

Policy 9.2.9. Residential and commercial uses shall be served by DEQ approved on-site sewage disposal systems.

Policy 9.2.10. Residential and commercial uses shall be served by on-site wells or public water systems.

Policy 9.2.11. Community sewer systems, motels, hotels and industrial uses shall not be allowed.

Policy 9.2.12. Recreational vehicle or trailer parks and other uses catering to travelers shall be permitted.

Goal 9.3: Support the creation and continuation of rural industrial areas that support rural communities while not adversely affecting nearby agricultural and forest uses.

Policy 9.3.1. Update the policies for lands designated Rural Industrial as needed to limit and control industrial uses through the use of the Rural Industrial designation and development standards.

Policy 9.3.2. To assure that urban uses are not permitted on rural industrial lands, land use regulations in the Rural Industrial zones shall ensure that the uses allowed are less intensive than those allowed for unincorporated communities in OAR 660-22 or any successor.

Policy 9.3.3. Limited Use Combining zones shall be applied to the Redmond Military (Tax lot 1513000000116), Deschutes Junction (Tax lot 161226C000301, Tax lot 161226C000300, Tax lot 161226C000111 and Tax lot 161226A000203) to ensure permitted uses are compatible with surrounding farm and forest lands.

Policy 9.3.4. To ensure that the uses in Rural Industrial zone on tax lot 16-12-26C-301, as described in Exhibit "C" and depicted on Exhibit "D" attached to Ordinance 2009-007 and incorporated by reference herein, are limited in nature and scope, the Rural Industrial

zoning on that site shall be subject to a Limited Use Combining Zone which will limit the uses to storage, crushing, processing, sale and distribution of minerals.

Policy 9.3.5. To ensure that the uses in Rural Industrial zone on tax lot 16-12-26C-301, as described in Exhibit "C" and depicted on Exhibit "D" attached to Ordinance 2009-007 and incorporated by reference herein, are limited in nature and scope, the Rural Industrial zoning on that site shall be subject to a Limited Use Combining Zone which will limit the uses to storage, crushing, processing, sale and distribution of minerals

Policy 9.3.6. To ensure that the uses in the Rural Industrial Zone on Tax Lot 300 on Assessor's Map 16-12-26C-300 and Tax Lot 203 on Assessor's Map 16-12-26A-300 and portions of Tax Lot 111 on Assessor's Map 16-12-26C-111 as described in Exhibit 'D' and depicted in Exhibit 'E' attached to Ordinance 2010-030 and incorporated by reference herein, are limited in nature and scope, the Rural Industrial zoning on the subject parcel shall be subject to a Limited Use Combining Zone, which will limit the uses to storage, crushing, processing, sale and distribution of minerals, subject to conditional use and site plan approval

Policy 9.3.7. Ensure new uses on Rural Industrial lands do not adversely affect nearby agricultural and forest uses.

Policy 9.3.8. A lawfully established use that existed on or before February 2, 2003 not otherwise allowed in a Rural Industrial zone may continue to exist subject to the county's non-conforming use regulations.

Policy 9.3.9. A lawfully established use that existed on or before February 2, 2003 may be expanded to occupy a maximum of 10,000 square feet of floor area or an additional 25 percent of the floor area currently occupied by the existing use, whichever is greater.

Policy 9.3.10. Ensure new uses on Rural Industrial lands are served by on-site sewage disposal systems approved by the Department of Environmental Quality (DEQ).

Policy 9.3.11. Residential and industrial uses shall be served by on-site wells or public water systems.

Policy 9.3.12. Community sewer systems shall not be allowed in Rural Industrial zones.

Policy 9.3.13. A 2009 exception (Ordinance 2009-007) included an irrevocably committed exception to Goal 3 and a reasons exception to Goal 14 to allow rural industrial use with a Limited Use Combining Zone for storage, crushing, processing, sale and distribution of minerals.

Policy 9.3.14. A 2010 exception (Ordinance 2010-030) took a reasons exception to Goal 14 with a Limited Use Combining Zone for storage, crushing, processing, sale and distribution of minerals.

Policy 9.3.15. Properties for which a property owner has demonstrated that Goals 3 and 4 do not apply may be considered for Rural Industrial designation as allowed by State Statute, Oregon Administrative rules and this Comprehensive Plan. Rural Industrial zoning shall be applied to a new property that is approved for the Rural Industrial Plan designation.

Rural Service Center Policies

Goal 9.4: Support the creation and continuation of rural service centers that support rural communities while not adversely affecting nearby agricultural and forest uses.

Policy 9.4.1. Rural Service Centers in Alfalfa, Brothers, Hampton, Wilstlestop, and Wildhunt are identified on the Comprehensive Plan Map and shall have zoning consistent with Comprehensive Plan designations.

Policy 9.4.2. In Alfalfa, the remaining 20 acres of the Rural Service Center will continue to be zoned Rural Service Center – Residential District, with a 5-acre minimum lot size. A zone change to mixed use commercial can be considered only for a specific use and upon findings that the existing commercial area is fully developed.

Policy 9.4.3. Ensure that land uses at Rural Service Centers do not adversely affect agricultural and forest uses in the surrounding areas.

Policy 9.4.4. Zoning in rural service areas shall promote the maintenance of the area's rural character. New commercial uses shall be limited to small-scale, low impact uses that are intended to serve the community and surrounding rural area or the travel needs of people passing through the area. The commercial/mixed use zoning regulations shall allow a mixed use of residential or small-scale commercial uses such as health and retail services.

Policy 9.4.5. Residential and commercial uses shall be served by DEQ approved on-site sewage disposal systems.

Policy 9.4.6. Residential and commercial uses shall be served by onsite wells or public water systems.

Policy 9.4.7. Community water systems, motels, hotels and industrial uses shall not be allowed.

Policy 9.4.8. Recreational vehicle or trailer parks and other uses catering to travelers shall be permitted.

10

Housing





Opportunities, Challenges, and Considerations

Deschutes County faces a variety of housing demands, issues, and challenges. The County continues to be a desirable and attractive place to live, with access to jobs, recreation, beautiful natural landscapes, and a variety of other amenities. The County’s population is projected to continue to grow in the coming decades. At the same time, there are several challenges to the development of housing in the County. Some of the key issues the County faces today include increased demand for rural housing; housing affordability; state planning requirements related to Urban Growth Boundaries, farm and forest land, destination resorts, and others; water availability; and issues related to homelessness.

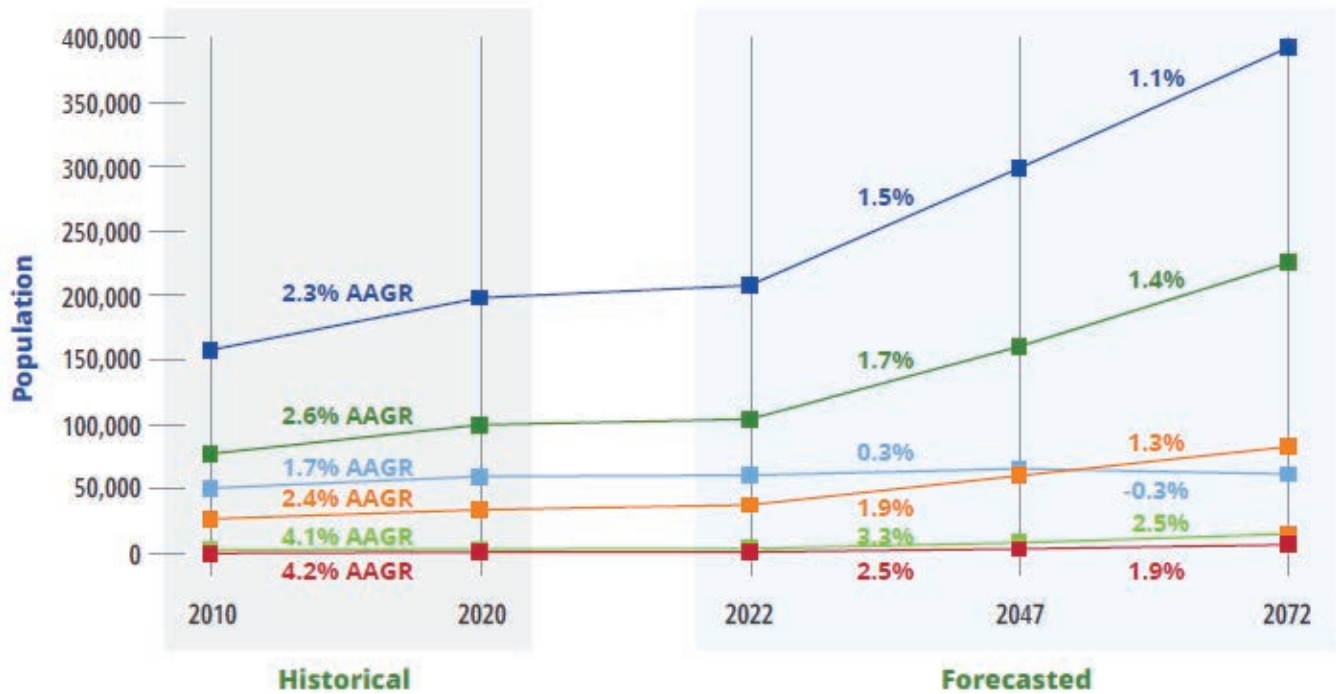
Context

PROJECTED POPULATION GROWTH IN UNINCORPORATED DESCHUTES COUNTY

Deschutes County is one of the fastest growing counties in Oregon, and that trend is expected to continue. Significant growth is expected to occur in Deschutes County in the coming years (over 90,000 new residents in the next 25 years). However, the majority of this growth is forecasted to happen in urban areas with a more modest amount occurring in unincorporated parts of the County (about 5,000 additional people during the same period). *(Source: Portland State University Population Research Center)*



Historical and Forecasted Population and Average Annual Growth Rate in Deschutes County and its Sub-Areas



INCREASED DEMAND FOR RURAL HOUSING

Between 2010 and 2022, Deschutes County processed seven applications to rezone approximately 1,200 acres of property from a non-residential zone to a residential zone, with several more applications recently submitted and under review. Most of these applicants requested rezonings of farmland due to poor soil quality for farming. This trend is likely to continue.

HOUSING AFFORDABILITY

The median value of owner-occupied housing units in Deschutes County (including cities), is significantly higher than that of the State of Oregon (\$435,600 compared to \$362,200 according to 2017-2021 Census figures), and consistently increasing. In July 2023, Becon Appraisal Group reported an all-time high median home value for Bend area homes, in the amount of \$785,000. The same report estimated a median home price as \$694,000 for Sisters area homes, \$473,000 for Redmond area homes, and \$401,000 for La Pine

area homes. Given that median income is generally on par with the state as a whole, high housing prices are likely an indicator of an inadequate supply of housing affordable to many residents of the Deschutes County, particularly those with low to moderate incomes.

STATE PLANNING REQUIREMENTS

Although Deschutes County has numerous prospects to expand residential development, some of these opportunities face challenges with respect to state rules and regulations. The Oregon land use system is designed to concentrate most growth within Urban Growth Boundaries. A variety of statewide planning goals, laws, and administrative rules designed to protect farm and forest land, regulate destination resorts, and ensure cost-effective provision of infrastructure limit where and how housing can be built outside of urban areas.

Vacant Lots in Resort Areas

Resort Area	Number of Vacant Lots
Destination Resorts	
Caldera Springs	101
Eagle Crest	139
Pronghorn	285
Tetherow	200
Resort Communities	
Black Butte	27
In of the 7th Mountain/Widgi Creek	12
Urban Unincorporated Area	
Sunriver	118
Total Vacancies, Resort Areas	887

Vacant Lots in Rural Residential Areas

Rural Residential Areas	Number of Vacant Lots
Rural Residential Zones	
Rural Residential	2,139
Multiple use Agriculture	518
Suburban Low Density Rural Residential	32
Urban Area Reserve	292
Rural Communities	
Tumalo (TUR/TUR5)	32
Terrebonne (TER/TER5)	134
Total Vacancies, Rural Residential Areas	3,447

Future Opportunities for Rural Residential Lots

Rural Residential Areas	Count
Thornburgh Destination Resort	950
Caldera Springs Destination Resort Phase 2	340
West Side Transect	187
Tumalo Irrigation District Rezoned Parcel	72
Gopher Gulch (North of Bend)	10
Total Vacancies, Rural Residential Areas	1,559

WATER AVAILABILITY AND CONSUMPTION

A growing demand for water for residential, business, recreation, and agricultural uses; changes in water table depth; allocation of water rights; and potential future changes in water supply related to climate change all may impact the availability of water to support new housing. Water resources are discussed in Chapter 5 in more detail.

HOMELESSNESS

The incidence and impacts of homelessness have been rising in Deschutes County, as well as across the state and nation in recent years. A variety of factors have contributed to this trend, including rising housing costs, increasing income disparities, and limited transitional housing and supportive resources. As a result, impacts on both urban areas and natural resources have increased, with elevated levels of community concern and support for more action by the County and its partners to address these issues.

BALANCING DEVELOPMENT OPPORTUNITIES WITH VISITOR ACCOMMODATIONS

Although population growth in unincorporated Deschutes County is forecasted to be relatively limited, rural parts of the County, including several destination resorts, include significant capacity for new residential development. Community members have expressed concern regarding the use of these homes as primary residences, second homes, or vacation rentals.

RECENT CHANGES IN COUNTY HOUSING RULES

The County has recently adopted and/or is currently considering new rules related to development and regulation of different types of housing. These include:

- Changes to where accessory dwelling units are allowed.
- Repeal of the County’s “Conventional Housing Combining Zone” which prohibited manufactured homes in three large unincorporated areas east and west of Tumalo and east of Bend.

What type of housing is allowed in unincorporated Deschutes County?

Residential development in Deschutes County is less dense than the Cities of Bend, La Pine, Redmond and Sisters due to state land use rules. Single family homes are most common type of housing throughout the county in all zones. Recreational vehicles are allowed to be placed on property for temporary living situations or as medical hardship dwellings for family members but are not intended to be permanent living situations. Accessory Dwelling Units or ADUs, also known as “granny flats” or “carriage houses” are smaller secondary residences on a property. In 2021, the Oregon legislature passed Senate Bill 391 which allows for rural ADUs with certain parameters, and Deschutes County is currently in the process of implementing this legislation.

Key Community Considerations

Given the range of issues and conditions discussed related to this important topic, the Comprehensive Plan includes a variety of policies to guide future development of housing and address impacts to residents in rural areas. Additional related policies are found in Chapter 2 (Land Use) and Chapter 13 (Transportation). These strategies are underpinned by community sentiment, as described below.

- Some community members expressed support for allowing or encouraging growth in rural areas, particularly to alleviate housing pressure and provide larger-lot options. However, engagement showed greater opposition to residential development outside of Urban Growth Boundaries.
- Overall support for allowing a wider range of types of housing (e.g., accessory dwelling units, manufactured homes, recreational vehicles, etc.), but concerns about the quality of this housing and additional rural residential development in general.
- Concern about homelessness and its impacts, coupled with strong support for a proactive approach by the County to work with partner agencies and groups to address this issue.
- Relatively strong opposition for rezoning low productivity farmland with poor soil to allow greater opportunities for housing, due to negative impact on open space, habitat, transportation, and active farm practices.



Goals and Policies

Goal 10.1: Support housing opportunities and choices for rural County residents in unincorporated Deschutes County, while meeting health and safety concerns, minimizing environmental and resource land impacts.

Policy 10.1.1. Incorporate annual farm and forest housing reports into a wider system for tracking the cumulative impacts of rural housing development.

Policy 10.1.2. Continue to update the County zoning ordinance and work with partnering organizations to address health and safety issues associated with housing.

Policy 10.1.3. Encourage and/or require, where consistent with County policies and requirements, new subdivisions to incorporate alternative development patterns, such as cluster development, that mitigate community and environmental impacts.

Policy 10.1.4. Implement legislation allowing accessory dwelling units in rural areas to expand housing choices.

Policy 10.1.5. Create and encourage opportunities for flexibility in rural housing including development of manufactured home parks, safe parking sites, and RV parking areas.

Policy 10.1.6. Reduce barriers to housing development and supporting services (such as locally serving medical offices or similar uses) in unincorporated communities.

Policy 10.1.7. Explore grants and funding opportunities for ongoing maintenance and rehabilitation of existing housing stock.

Policy 10.1.8. Evaluate the impacts of short-term rentals and consider regulations to mitigate impacts, as appropriate.

Goal 10.2: Support agencies and non-profits that provide affordable housing.

Policy 10.2.1. Support Central Oregon Regional Housing Authority and other stakeholders to meet the housing needs of all Deschutes County residents by assisting, as needed, in coordinating and implementing housing assistance programs.

Policy 10.2.2. Utilize block grants and other funding to assist in providing and maintaining low- and moderate-income housing in partnership with Housing Works and other housing agencies and providers in Deschutes County.

Goal 10.3: Regulate the location and density of housing in the area located between the Bend UGB and Shevlin Park through Westside Transect policies

Policy 10.3.1. Protect the sensitive eco-systems and interrelationships of the urban/rural interface on the west side of Bend between the urban area and Shevlin Park and the public and forestlands to the west.

Policy 10.3.2. Protect natural resources and environmentally sensitive areas and provide special setbacks between development and Shevlin Park, Tumalo Creek, and forestlands.

Policy 10.3.3. Development patterns shall reflect the protection of land with environmental significance and fire-wise and other fire prevention community design best practices.

Policy 10.3.4. Limit residential development to 200 single-family residential lots.

Policy 10.3.5. Manage all areas outside of the structural building envelopes on residential lots for wildfire mitigation and wildlife habitat in accordance with coordinated plans prepared by professionals, reviewed annually with reports submitted to the County every three years. The wildfire mitigation and wildlife habitat

plans shall be funded through homeowner assessments and administered and enforced by a homeowners association established at the time of creation of any residential lots.

Policy 10.3.6. Reduce the impact of construction by using best management practices to minimize site disturbance during construction and construction impacts (i.e., erosion) on Shevlin Park, Tumalo Creek, and forestlands.

Policy 10.3.7. Coordinate with the City of Bend for mitigation of impacts to City infrastructure from development within the Transect.

Goal 10.4: Participate in regional efforts to plan for housing.

Policy 10.4.1. Collaborate with cities and private sector partners on innovative housing developments to meet the region’s housing needs.

Policy 10.4.2. Partner with cities to incentivize development within urban growth boundaries and reduce infrastructure costs for workforce and affordable housing.

Policy 10.4.3. Partner with local, state, and federal agencies to address and limit nuisance and public health issues related to homelessness.

Policy 10.4.4. Utilize County owned land in city limits for affordable and workforce housing, where appropriate.

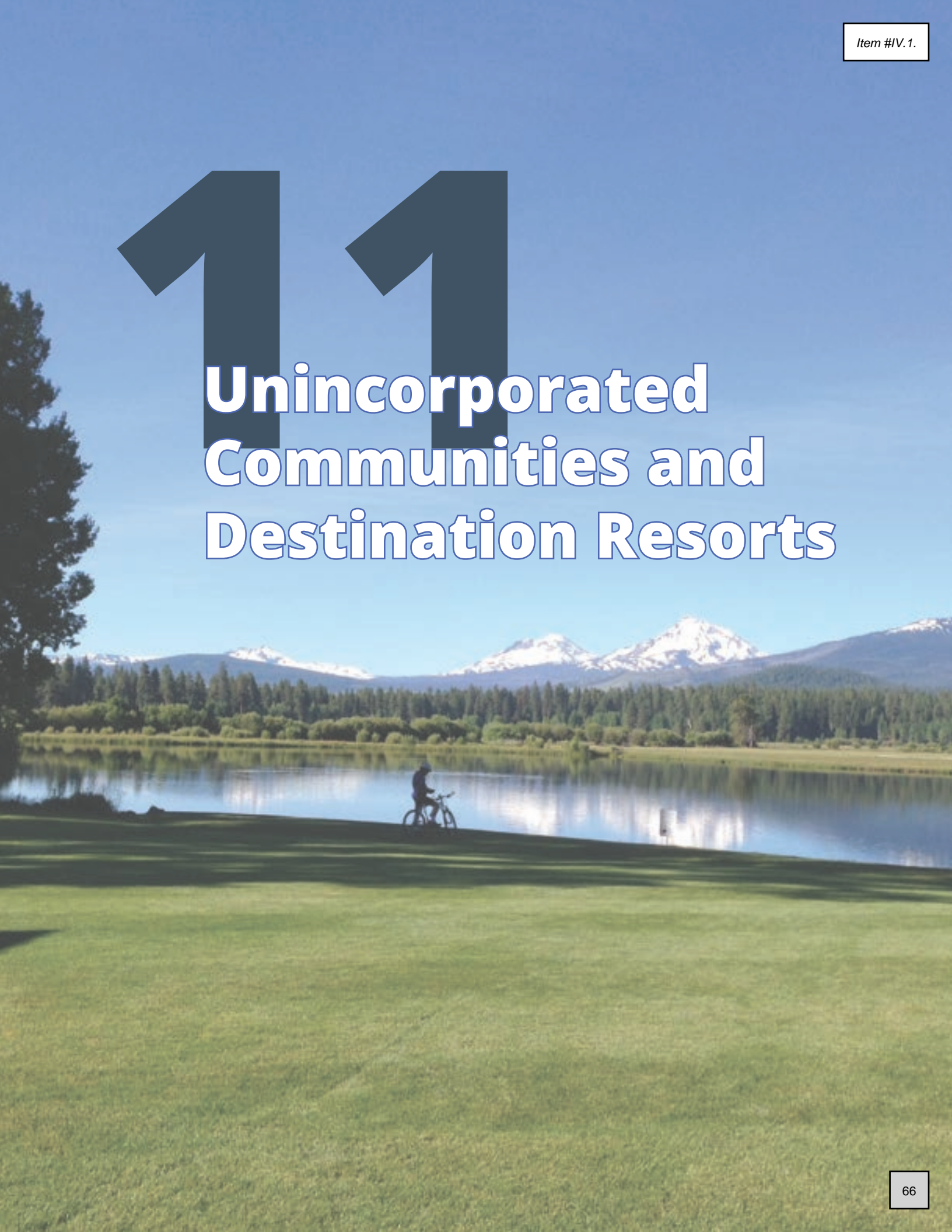
Policy 10.4.5. Promote regional housing planning, including urban reserve planning for cities, to allow for longer term and multi-jurisdictional housing strategies.

Policy 10.4.6. Limit parcelization and development adjacent to cities or in conflict with planned and/or known road/utility corridors to preserve land for future urban development.



11

Unincorporated Communities and Destination Resorts



Opportunities, Challenges, and Considerations

Deschutes County is home to numerous unincorporated communities, which contain urban levels of development outside of city limits. Many of these communities provide services and amenities to rural residents. As the county continues to grow, many residents are concerned about increasingly dense development in these unincorporated areas which may feel out of scale with the surrounding rural uses. However, many residents also see the need for more opportunities for small-scale rural services and retail opportunities to serve existing and future community members. Deschutes County will need to continue to refine the vision and guidelines for development in these areas while balancing infrastructure needs, protection of natural resources and rural land uses, and community desires.

In addition to these unincorporated communities, Destination Resorts are another form of development outside of urban areas. In recent years, community members have expressed concern about the creation of new resorts for a variety of reasons. While Destination Resorts are an opportunity for economic development and housing in the rural County, many residents have expressed opposition to additional development of this type.

Context

Unincorporated Communities

Deschutes County's unincorporated communities generally pre-date Oregon's statewide land use system and have more urban-scale uses in outlying rural areas, within a defined geographic boundary.

In 1994, Oregon Administrative Rules (OARs) were amended to define unincorporated communities and the types of uses that could be allowed in these areas. The OARs established four types of unincorporated communities, all of which were required to be in existence at the time of the change - the Rule did not allow for new rural communities to be established. These community types are described below.

URBAN UNINCORPORATED COMMUNITY

This is a community which contains at least 150 permanent dwelling units, a mixture of land uses, and contains a community water and sewer system. Sunriver is an Urban Unincorporated community. One parcel just outside of the City of La Pine was mistakenly left outside of the City's urban growth boundary, and is technically under this classification as well.

RURAL COMMUNITY

This is a community which consists of permanent residential dwellings and at least two other types of land uses – such as commercial, industrial, or public uses provided to the community or travelers. Terrebonne and Tumalo are Rural Communities.

RESORT COMMUNITY

This type of community was established for a recreation-related use on private land prior to 1989 when the state adopted its Destination Resort rules. Black Butte Ranch and Inn of the 7th Mountain/Widgi Creek are Resort Communities. It's important to note that there are several other resort style developments in the County on private lands called "Destination Resorts." See the next section for more information.

RURAL SERVICE CENTER

This is an unincorporated community that has primarily commercial or industrial uses that provide goods and services to the surrounding rural area and travelers. These are the most common type of unincorporated community in Deschutes County and include Alfalfa, Brothers, Hampton, Millican, Whistlestop, and Wildhunt.

Destination Resorts

Since 1979 destination resorts have increased in importance to the economy of Deschutes County. In 1989, recognizing the importance of tourism to the economy of the State of Oregon, the state legislature and the Land Conservation and Development Commission (LCDC) took steps to make it easier to establish destination resorts on rural lands in the state. Statewide Planning Goal 8, the recreation goal, was amended to specify a process for locating destination resorts on rural land without taking an exception to Goals 3, 4, 11 and 14, which govern development in rural resource lands. Under these changes, destination resorts may be sited in EFU zones where they weren't previously allowed. In 1990, LCDC amended the rule for siting destination resorts on forest lands as well.

Eagle Crest Resort, although it had existed prior to these changes, applied for legislative changes to comply with these new rules and expand onto adjacent lands.

In 2010, Deschutes County completed an amendment to its destination resort mapping process, adding "clear and objective" requirements for eligible and ineligible sites, and the process for amending the destination resort map based on changes in state law. Since that time, Pronghorn, Caldera Springs, and Tetherow resorts have gone through the siting process. Resorts existing prior to the legislative change, such as Black Butte, Sunriver, and the Inn of the Seventh Mountain have also expanded and been rezoned to Urban Unincorporated Community and Resort Community, respectively. Thornburgh Resort has received preliminary approvals, but has not yet broken ground.



Key Community Considerations

Unincorporated Communities are limited in their development potential due to their specific geographic footprint. Protecting open space and natural resources while providing economic opportunities in these unincorporated areas continues to be a balancing act.

As additional rural development occurs, so does the demand for services and goods that can be reached without having to drive to an incorporated city. Aging residents have expressed a desire for additional medical care and offices in rural areas to support aging in place. On the other hand, many residents would prefer limiting development in unincorporated communities in order to preserve the rural of the area.

Destination Resort development continues to be a contentious issue. Community members have expressed concern regarding the water use of large-scale development – specifically the effects to groundwater for neighboring property owners. Many community members have expressed a desire to further limit destination resorts, golf courses, and visitor accommodations in order to preserve water access and availability for year-round residents.



Goals and Policies

Resort Community Policies

General Resort Community Policies

Policy 11.1.1. Land use regulations shall conform to the requirements of OAR 660 Division 22 or any successor.

Policy 11.1.2. Designated open space and common area, unless otherwise zoned for development, shall remain undeveloped except for community amenities such as bike and pedestrian paths, park and picnic areas. Areas developed as golf courses shall remain available for that purpose or for open space/recreation uses.

Policy 11.1.3. The provisions of the Landscape Management Overlay Zone shall apply in Resort Communities where the zone exists along Century Drive, Highway 26 and the Deschutes River.

Policy 11.1.4. Residential minimum lot sizes and densities shall be determined by the capacity of the water and sewer facilities to accommodate existing and future development and growth.

Policy 11.1.5. The resort facility and resort recreation uses permitted in the zoning for Black Butte Ranch and the Inn of the Seventh Mountain/Widgi Creek shall serve the resort community.

Black Butte Ranch General Policies

Policy 11.2.1. County comprehensive plan policies and land use regulations shall ensure that new uses authorized within the Black Butte Ranch Resort Community do not adversely affect forest uses in the surrounding Forest Use Zones.

Policy 11.2.2. The County supports the design review standards administered by the Architectural Review Committee.

Policy 11.2.3. Residential, resort and utility uses shall continue to be developed in accordance with the Master Design for Black Butte Ranch and the respective Section Declarations.

Policy 11.2.4. Industrial activities, including surface mining, shall only occur in the area zoned Black Butte Ranch Surface Mining, Limited Use Combining District (Black Butte Ranch SM/LU) located in the northwest corner of Black Butte Ranch.

Policy 11.2.5. Employee housing shall be located in the area zoned Black Butte Ranch-Utility/Limited Use Combining District (Black Butte Ranch-U/LU).

Policy 11.2.6. Any amendment to the allowable use(s) in either the Resort Community District or the Limited Use Combining District shall require an exception in accordance with applicable statewide planning goal(s), OAR 660-04-018/022 and DCC 18.112 or any successor.

Policy 11.2.7. The westerly 38-acres zoned Black Butte Ranch Surface Mining, Limited Use Combining District (Black Butte Ranch SM/LU) shall be used for the mining and storage of aggregate resources. Uses that do not prevent the future mining of these resources, such as disposal of reclaimed effluent and woody debris disposal from thinning and other forest practices may be allowed concurrently. Other resort maintenance, operational and utility uses, such as a solid waste transfer station, maintenance facility or equipment storage may be allowed only after mining and reclamation have occurred.

Policy 11.2.8. The 18.5 acres zoned Black Butte Ranch-Utility/Limited Use Combining District (Black Butte Ranch-U/LU) may be used for the disposal of reclaimed sludge.

Policy 11.2.9. The area west of McCallister Road and east of the area zoned Black Butte Ranch may be used for large equipment storage, general storage, maintenance uses, RV storage, telephone communications, administration offices, housekeeping facilities and employee housing.

Policy 11.2.10. Employee housing shall be set back at least 250 feet from the eastern boundary of the area zoned Black Butte Ranch Surface Mining, Limited Use Combining District (Black Butte Ranch SM/LU).

Policy 11.2.11. Surface mining within the Black Butte Ranch community boundary shall adhere to the following Goal 5 ESEE "Program to Meet Goal" requirements:

- a. Only the western most 38 acres of the site shall continue to be mined.
- b. Setbacks shall be required for potential conflicting residential and other development. A minimum 50-foot setback shall be maintained from the perimeter of tax lot 202 for all surface mining activity.
- c. Noise impact shall be mitigated by buffering and screening.
- d. Hours of operation shall be limited to between 7:00 a.m. and 6:00 p.m. weekdays. No operations shall be allowed on weekends and holidays.
- e. Processing shall be limited to 45 days in any one year, to be negotiated with Deschutes County in the site plan process in consultation with the Oregon Department of Fish and Wildlife (ODFW).
- f. The conditions set forth in the August 10, 1989, letter of ODFW shall be adhered to.
- g. Extraction at the site shall be limited to five acres at a time with on-going incremental reclamation (subject to DOGAMI review and approval).

- h. Mining operations, siting of equipment, and trucking of product shall be conducted in such a manner that applicable DEQ standards are met and minimizes noise and dust.
- i. DOGAMI requirements for a permit once mining affects more than five acres outside the 8.6-acre exemption area shall be met.
- j. A conditional use permit shall be obtained from Deschutes County, under the provisions of section 18.128.280. Surface mining of resources exclusively for on-site personal, farm or forest use or maintenance of irrigation canals, before mining activity affects more than five acres outside the 8.6-acre exempt area.

Black Butte Ranch Public Facility Policies

Policy 11.3.1. Police protection services shall be provided by the Black Butte Ranch Police Services District.

Policy 11.3.2. The Black Butte Ranch Water Distribution Company and the Black Butte Ranch Corporation shall confirm the water and sewer service, respectively, can be provided for new uses or expansion of existing uses that require land use approval.

Policy 11.3.3. The Black Butte Ranch Water Distribution Company shall provide water service for the Black Butte Ranch Resort Community.

Policy 11.3.4. The Black Butte Ranch Corporation shall provide sewer service for Black Butte Ranch.

Policy 11.3.5. The Black Butte Ranch Fire Protection District shall provide fire protection services for Black Butte Ranch.

Policy 11.3.6. The roads and the bicycle/pedestrian path system within the Black Butte Ranch Resort Community boundary shall be maintained by the Black Butte Ranch Owners Association.

Inn of the 7th Mountain Widgi Creek General Policies

Policy 11.4.1. Any amendment to the allowable uses in either the Resort Community District or the Widgi Creek Residential District shall require an exception in accordance with applicable statewide planning goal(s), OAR 660-04-018/022 or any successor, and DCC 18.112 or any successor.

Policy 11.4.2. The County shall encourage and support land exchanges efforts by and between private property owners, public agencies, and public trusts for the purpose of fostering public access to and protection of natural resources, such as rivers, streams, caves, areas/features of historical importance and other natural features.

Inn of the 7th Mountain/Widgi Creek Public Facility Policies

Policy 11.5.1. Police protection services shall be provided under contract with the Deschutes County Sheriff.

Policy 11.5.2. Water service shall be supplied by on-site wells for the Inn/Widgi Resort Community.

Policy 11.5.3. New uses or expansion of existing uses that require land use approval shall be approved only upon confirmation from the City of Bend that sewer service can be provided.

Policy 11.5.4. Fire protection services for the Inn/Widgi shall be provided through a contract with the City of Bend until such time as Inn/Widgi develops another plan to provide adequate fire protection.

Policy 11.5.5. The Resort Community, not Deschutes County, shall maintain roads in the community.

Policy 11.5.6. The bicycle/pedestrian path system shall be maintained by the Inn/Widgi Owners Association.

Policy 11.5.7. Emergency access between Widgi Creek and the Inn of the Seventh Mountain shall be provided in accordance with the approved development plan for the Elkai Woods town homes. The respective resort property owners shall maintain emergency access between the Inn and Widgi Creek

Policy 11.7.3. Ensure that destination resort developments support and implement strategies to provide workers with affordable housing options within or in close proximity to the resorts.

Policy 11.7.4. Mapping for destination resort siting.

Destination Resorts Policies

Goal 11.6: Provide for development of destination resorts in the County in a manner that will be compatible with farm and forest uses, existing rural development, and in a manner that will maintain important natural features including habitat of threatened or endangered species, streams, rivers, and significant wetlands.

Policy 11.6.1. Provide a process for the siting of destination resorts facilities that enhance and diversify the recreational opportunities and economy of Deschutes County, on lands that have been mapped by Deschutes County as eligible for this purpose.

Goal 11.7: Provide for development of destination resorts consistent with Statewide Planning Goal 12 in a manner that will ensure the resorts are supported by adequate transportation facilities.

Policy 11.7.1. Destination resorts shall only be allowed within areas shown on the “Deschutes County Destination Resort Map” and when the resort complies with the requirements of Goal 8, ORS 197.435 to 197.467, and Deschutes County Code 18.113.

Policy 11.7.2. Create and implement additional limitations on the siting and development of destination resorts that go beyond current state regulations to ensure protection of water quality, recreational resources, and other County resources and values.

a. To assure that resort development does not conflict with the objectives of other Statewide Planning Goals, destination resorts shall pursuant to Goal 8 not be sited in Deschutes County in the following areas:

- 1) Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more unless residential uses are limited to those necessary for the staff and management of the resort;
- 2) On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service or within three miles of farm land within a High-Value Crop Area;
- 3) On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception;
- 4) On areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource;
- 5) Especially sensitive big game habitat, and as listed below, as generally mapped by the Oregon Department of Fish and Wildlife in July 1984 and as further refined through development of comprehensive plan provisions implementing this requirement.
 - i. Tumalo deer winter range;
 - ii. Portion of the Metolius deer winter range;

- iii. Antelope winter range east of Bend near Horse Ridge and Millican;
- 6) Sites less than 160 acres.
- b. To assure that resort development does not conflict with Oregon Revised Statute, destination resorts shall not be sited in Deschutes County in Areas of Critical State Concern.
- c. To assure that resort development does not conflict with the objectives of Deschutes County, destination resorts shall also not be located in the following areas:
 - 1) Sites listed below that are inventoried Goal 5 resources, shown on the Wildlife Combining Zone, that the County has chosen to protect:
 - i. Antelope Range near Horse Ridge and Millican;
 - ii. Elk Habitat Area; and
 - iii. Deer Winter Range;
 - 2) Wildlife Priority Area, identified on the 1999 ODFW map submitted to the South County Regional Problem Solving Group;
 - 3) Lands zoned Open Space and Conservation (OS&C);
 - 4) Lands zoned Forest Use 1 (F-1);
 - 5) Irrigated lands zoned Exclusive Farm Use (EFU) having 40 or greater contiguous acres in irrigation;
 - 6) 6. Non-contiguous EFU acres in the same ownership having 60 or greater irrigated acres;
 - 7) Farm or forest land within one mile outside of urban growth boundaries;
 - 8) Lands designated Urban Reserve Area under ORS 195.145;
 - 9) Platted subdivisions;
- d. For those lands not located in any of the areas designated in Policy 3.9.5(a) though (c), destination resorts may, pursuant to Goal 8, Oregon Revised Statute and Deschutes County zoning code, be sited in the following areas:
 - 1) Forest Use 2 (F-2), Multiple Use Agriculture (MUA-10), and Rural Residential (RR-10) zones;
 - 2) Unirrigated Exclusive Farm Use (EFU) land;
 - 3) Irrigated lands zoned EFU having less than 40 contiguous acres in irrigation;
 - 4) Non-contiguous irrigated EFU acres in the same ownership having less than 60 irrigated acres;
 - 5) All property within a subdivision for which cluster development approval was obtained prior to 1990, for which the original cluster development approval designated at least 50 percent of the development as open space and which was within the destination resort zone prior to the effective date of Ordinance 2010-024 shall remain on the eligibility map;
 - 6) Minimum site of 160 contiguous acres or greater under one or multiple ownerships;
- e. The County shall adopt a map showing where destination resorts can be located in the County. Such map shall become part of the Comprehensive Plan and Zoning Ordinance and shall be an overlay zone designated Destination Resort (DR).

Policy 11.7.5. Ordinance Provisions

- a. The County shall ensure that destination resorts are compatible with the site and adjacent land uses through enactment of land use regulations that, at a minimum, provide for the following:

- 1) Maintenance of important natural features, including habitat of threatened or endangered species, streams, rivers, and significant wetlands; maintenance of riparian vegetation within 100 feet of streams, rivers and significant wetlands; and
 - 2) Location and design of improvements and activities in a manner that will avoid or minimize adverse effects of the resort on uses on surrounding lands, particularly effects on intensive farming operations in the area and on the rural transportation system. In order to adequately assess the effect on the transportation system, notice and the opportunity for comment shall be provided to the relevant road authority.
 - 3) Such regulations may allow for alterations to important natural features, including placement of structures, provided that the overall values of the feature are maintained.
- b. Minimum measures to assure that design and placement of improvements and activities will avoid or minimize the adverse effects noted in Policy 3.9.4(a) shall include:
- 1) The establishment and maintenance of buffers between the resort and adjacent land uses, including natural vegetation and where appropriate, fenced, berms, landscaped areas, and other similar types of buffers.
 - 2) Setbacks of structures and other improvements from adjacent land uses.
- c. The County may adopt additional land use restrictions to ensure that proposed destination resorts are compatible with the environmental capabilities of the site and surrounding land uses.
- d. Uses in destination resorts shall be limited to visitor- oriented accommodations, overnight lodgings, developed recreational facilities, commercial uses limited to types and levels necessary to meet the needs of visitors to the resort, and uses consistent with preservation and maintenance of open space.
 - e. The zoning ordinance shall include measures that assure that developed recreational facilities, visitor-oriented accommodations and key facilities intended to serve the entire development are physically provided or are guaranteed through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilitated intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding.

SUNRIVER POLICIES

General Sunriver Policies

Policy 11.8.1. Land use regulations shall conform to the requirements of OAR 660 Division 22 or any successor.

Policy 11.8.2. County comprehensive plan policies and land use regulations shall ensure that new uses authorized within the Sunriver Urban Unincorporated Community do not adversely affect forest uses in the surrounding Forest Use Zones.

Policy 11.8.3. To protect scenic views and riparian habitat within the community, appropriate setbacks shall be required for all structures built on properties with frontage along the Deschutes River.

Policy 11.8.4. Open space and common area, unless otherwise zoned for development, shall remain undeveloped except for community amenities such as bike and pedestrian paths, and parks and picnic areas.

Policy 11.8.5. Public access to the Deschutes River shall be preserved.

Policy 11.8.6. The County supports the design review standards administered by the Sunriver Owners Association.

Sunriver Residential District Policies

Policy 11.9.1. Areas designated residential on the comprehensive plan map shall be developed with single family or multiple family residential housing.

Sunriver Commercial District Policies

Policy 11.10.1. Small-scale, low-impact commercial uses shall be developed in conformance with the requirements of OAR Chapter 660, Division 22. Larger, more intense commercial uses shall be permitted if they are intended to serve the community, the surrounding rural area and the travel needs of people passing through the area.

Policy 11.10.2. No additional land shall be designated Commercial until the next periodic review.

Policy 11.10.3. Multiple-family residences and residential units in commercial buildings shall be permitted in the commercial area for the purpose of providing housing which is adjacent to places of employment. Single-family residences shall not be permitted in commercial areas.

Policy 11.10.4. Approval standards for conditional uses in the commercial district shall take into consideration the impact of the proposed use on the nearby residential and commercial uses and the capacity of the transportation system and public facilities and services to serve the proposed use.

Sunriver Town Center District Policies

Policy 11.11.1. Small-scale, low-impact commercial uses shall be developed in conformance with the requirements of OAR Chapter 660, Division 22. Larger, more intense commercial uses shall be permitted if they are intended to serve the community, the surrounding rural area or the travel needs of people passing through the area.

Policy 11.11.2. Development standards in the town center district should encourage new development that is compatible with a town center style of development that serves as the commercial core of the Sunriver Urban Unincorporated Community. The following policies should guide development in the Town Center District in Sunriver:

- a. Combine a mixture of land uses that may include retail, offices, commercial services, residential housing and civic uses to create economic and social vitality and encourage pedestrian use through mixed use and stand alone residential buildings.
- b. Develop a commercial mixed-use area that is safe, comfortable and attractive to pedestrians.
- c. Encourage efficient land use by facilitating compact, high-density development that minimizes the amount of land that is needed for development.
- d. Provide both formal and informal community gathering places.
- e. Provide visitor accommodations and tourism amenities appropriate to Sunriver.
- f. Provide design flexibility to anticipate changes in the marketplace.
- g. Provide access and public places that encourage pedestrian and bicycle travel.
- h. Provide road and pedestrian connections to residential areas.

- i. Facilitate development (land use mix, density and design) that supports public transit where applicable.
- j. Develop a distinct character and quality design appropriate to Sunriver that will identify the Town Center as the centerpiece/ focal point of the community.

Policy 11.11.3. Development within the Town Center (TC) District will be substantially more dense than development elsewhere in Sunriver. This increased density will require changes to existing topography and vegetation in the TC District to allow for screened, underground parking. The requirements of the County's site plan ordinance shall be interpreted to reflect this fact.

Sunriver Resort District Policies

Policy 11.12.1. Areas designated resort on the comprehensive plan map shall be designated resort, resort marina, resort golf course, resort equestrian or resort nature center district on the zoning map to reflect a development pattern which is consistent with resort uses and activities.

Sunriver Business Park District Policies

Policy 11.13.1. A variety of commercial uses which support the needs of the community and surrounding rural area, and not uses solely intended to attract resort visitors, should be encouraged.

Policy 11.13.2. Allow small-scale, low-impact commercial uses in conformance with the requirements of OAR Chapter 660, Division 22. Larger more intense commercial uses shall be permitted if they are intended to serve the community, the surrounding rural area and the travel needs of people passing through the area.

Policy 11.13.3. Small-scale, low-impact industrial uses should be allowed in conformance with the requirements of OAR Chapter 660, Division 22.

Sunriver Community District Policies

Policy 11.14.1. Areas designated community on the comprehensive plan map shall be designated community general, community recreation, community limited or community neighborhood district on the zoning map to reflect a development pattern which is consistent community uses and activities.

Policy 11.14.2. Lands designated community shall be developed with uses which support all facets of community needs, be they those of year-round residents or part-time residents and tourists.

Policy 11.14.3. Development shall take into consideration the unique physical features of the community and be sensitive to the residential development within which the community areas are interspersed.



Sunriver Airport District Policies

Policy 11.15.1. Future development shall not result in structures or uses which, due to extreme height or attraction of birds, would pose a hazard to the operation of aircraft.

Policy 11.15.2. Future development should not allow uses which would result in large concentrations or gatherings of people in a single location.

Sunriver Utility District Policies

Policy 11.15.3. Lands designated utility shall allow for development of administrative offices, substations, storage/repair yards, distribution lines and similar amenities for services such as water, sewer, telephone, cable television and wireless telecommunications.

Sunriver Forest District Policies

Policy 11.16.1. Uses and development on property designated forest that are within the Sunriver Urban Unincorporated Community boundary shall be consistent with uses and development of other lands outside of the community boundary which are also designated forest on the Deschutes County comprehensive plan map.

Policy 11.16.2. Forest district property shall be used primarily for effluent storage ponds, spray irrigation of effluent, biosolids application and ancillary facilities necessary to meet Oregon Department of Environmental Quality sewage disposal regulations.

Policy 11.16.3. The development of resort, residential or non-forest commercial activities on Forest district lands shall be prohibited unless an exception to Goal 14 is taken.

Sunriver General Public Facility Policies

Policy 11.17.1. Residential minimum lot sizes and densities shall be determined by the capacity of the water and sewer facilities to accommodate existing and future development and growth.

Policy 11.17.2. New uses or expansion of existing uses within the Sunriver Urban Unincorporated Community which require land use approval shall be approved only upon confirmation from the Sunriver Utility Company that water and sewer service for such uses can be provided.

Policy 11.17.3. Expansion of the Sunriver Water LLC/Environmental/LLC Water and Sewer District outside of the historic Sunriver boundaries shall adequately address the impacts to services provided to existing property owners.

Sunriver Water Facility Policies

Policy 11.18.1. Water service shall continue to be provided by the Sunriver Utilities Company.

Sunriver Sewer Facility Policies

Policy 11.19.1. Sewer service shall continue to be provided by the Sunriver Utilities Company.

Sunriver Transportation System Maintenance Policies

Policy 11.20.1. Privately-maintained roads within the Sunriver Urban Unincorporated Community boundary shall continue to be maintained by the Sunriver Owners Association.

Policy 11.20.2. The bicycle/pedestrian path system in Sunriver shall continue to be maintained by the Sunriver Owners Association or as otherwise provided by a maintenance agreement.

Policy 11.20.3. The County will encourage the future expansion of bicycle/pedestrian paths within the Sunriver Urban Unincorporated Community boundary in an effort to provide an alternative to vehicular travel.

Policy 11.20.4. All public roads maintained by the County shall continue to be maintained by the County. Improvements to County maintained public roads shall occur as described the County Transportation System Plan.

14 Energy





Opportunities, Challenges, and Considerations

The amount, source, and distribution of energy used in Deschutes County is a fundamental component of how we live our lives, and it is influenced by land use and other decisions made at the County level. The State of Oregon requires land uses to be managed with an eye to their energy impacts.

Statewide Planning Goal 13

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.



In Deschutes County, the key energy issues include:

- Community design in more urban areas to limit the need for large vehicles (generally powered with fossil fuel) for everyday tasks.
- Generating, transporting, and storing energy locally from a variety of sources, and managing the impacts of these facilities.
- Conservation of energy through building design and orientation, the use of energy-efficient technologies, and incentives/regulations/education to encourage others to do so.

Deschutes County coordinates with utility providers that serve the area, including:

- Central Electric Cooperative
- Midstate Electric Cooperative
- Pacific Power (PacifiCorps)
- Cascades Natural Gas

Context

The role of Deschutes County in planning for energy is addressed in more detail below.

SOLAR ORIENTATION

The solar orientation of structures can create significant energy savings and allows for photovoltaic energy generation. The County has long promoted energy conservation through a passive solar code that requires new structures to be sited so that they do not block the sun from falling on adjacent properties.

SITING LARGE-SCALE ENERGY FACILITIES

In general, cities and counties have siting authority over energy projects below a certain size or generating capacity. This includes individual projects powering or supplementing homes and businesses or small commercial projects which produce energy for sale. Larger facilities are regulated by the Oregon Energy Facility Siting Council. The thresholds for Siting Council jurisdiction are determined by the Legislature and are defined in Oregon Revised Statutes (ORS) 469.300. The Siting Council does not regulate hydroelectric development. Instead, the Oregon Water Resources Commission has the authority to issue licenses for hydroelectric development.

Deschutes County currently has five developed large-scale energy facilities, primarily located on the eastern side of the County, approved between 2015-2017. In 2018, the Department of Land Conservation and Development altered statewide rules related to these types of large-scale energy facilities on high value farmland, limiting development opportunities in parts of the County. Community members have expressed concern regarding impacts of these facilities on wildlife habitat and aesthetics.

In addition to solar, several irrigation districts have developed in conduit hydroelectric facilities in which existing canals are upgraded with equipment for power generation. Three of these facilities currently exist, two of which are owned

and operated by Central Oregon Irrigation District, and the third owned and operated by Three Sisters Irrigation District.

SMALL-SCALE RESIDENTIAL, BUSINESS, AND COMMERCIAL ENERGY GENERATION

The State oversees construction and approval of large commercial energy facilities, as noted above. However, there is a role for local governments to oversee smaller commercial projects. Commercial energy generation is considerably more complex than permitting small projects for homes and businesses. From a land use perspective, the scale, extended time frame, investment required and required off-site components all complicate the approval process. For example, to move the electricity generated at an alternative energy facility to market there is often a need for approval of roads, transmission lines or substations. The accessory facilities may or may not be in place at the same site as the main facility, but are an integral part of the project and are currently reviewed separately, based on State regulations.

Wind Energy Generation

As shown in the following figure, wind energy is most abundant in the eastern portion of Deschutes County.

Potential impacts of this type of facility include temporary construction impacts, habitat loss and animal fatalities due to collision with turbines, visual impacts from towers and accessory structures, and noise. Deschutes County regulates small scale wind energy development generating less than 100 kilowatts of power. This allowance was added to the Deschutes County Code in 2010, although since that time no applications have been received to establish this type of facility.

Solar Energy Generation

The following figure gives a broad sense of where in the US solar irradiance is highest, and therefore where solar generation will be most efficient. Deschutes County is generally favorable to solar generation.

Potential impacts of this type of facility include temporary construction impacts, habitat loss, animal fatalities due to reflected sunlight (for some solar facilities), and visual impacts. As noted previously, the Department of Land Conservation and Development amended its rules in 2018 to limit solar development on high value farmland. Typically, solar developments require large acreage and relatively flat terrain for their operations. This requirement is a limiting factor in Deschutes County, as many of the properties that would meet large acreage and terrain requirements are actively used for farming purposes. The Bureau of Land Management is exploring an amendment to its rules to allow for greater opportunity for solar development in the western United States. The County anticipates limited solar development on private land going forward and an increase of leased BLM land for this type of development in the future.

Commercial Biomass

Commercial biomass uses organic material such as wood, agricultural waste or crop residues to power boilers to generate heat. According to the Oregon Forest Resources Institute an estimated 4.25 million acres (about 15% of Oregon's forestland) have the potential to provide useful woody biomass through thinning to reduce the risk of uncharacteristic forest fires.

Potential impacts include temporary construction impacts, transportation impacts (as materials need to be transported to a central location), visual impacts, and air quality and climate impacts due to combustion of biofuels.

The County's first biomass facility is under construction through a partnership with the Deschutes National Forest and Mt. Bachelor Ski Resort. The project is located on federal land and outside of the purview of Deschutes County regulations.

Geothermal Energy Generation

Geothermal energy is a form of renewable energy derived from heat in the earth. This heat is transferred to water through various means and the steam produced is used to produce

electricity. Geothermal energy is dependent on the location of geothermal resources; central Oregon may contain some of the best prospects for geothermal exploration in the continental United States.

Potential impacts include construction and visual impacts of geothermal facilities.

Deschutes County regulates geothermal energy in accordance with state law, although no geothermal development projects have been proposed to date.

Hydroelectric Energy Generation

Several water districts in Deschutes County have implemented hydropower projects to harness the energy of moving water. These projects may have impacts on wildlife habitat and migration, as well as construction, visual, and noise impacts.

Currently, Deschutes County has three approved "in conduit" hydroelectric facilities that are owned and operated by irrigation districts within existing irrigation district canals. Approval of these facilities have previously been contentious with many community members expressing concern about wildlife and impacts to other basin users. Irrigation districts have expressed interest in reducing barriers to permitting these types of developments to promote renewable energy development using man-made waterways.

Key Community Considerations

Community discussions related to energy have revolved around the following topics:

- Interest in planning for and adapting to climate change, including using more renewable energy sources.
- Concern about the design and location of energy facilities and their impacts on environmental resources and scenic views.
- Preparation for more use of electric vehicles in the future, which often require specialized charging infrastructure.

Goals and Policies

Goal 14.1: Promote Energy Conservation and Alternative Energy Production

Policy 14.1.1. Continue to incorporate energy conservation into the building and management of all County operations and capital projects using regular energy audits to refine the results.

Policy 14.1.2. Reduce energy demand by supporting energy efficiency in all sectors of the economy.

Policy 14.1.3. Encourage energy suppliers to explore innovative alternative energy conservation technologies and provide energy audits and incentives to patrons.

Policy 14.1.4. Provide flexibility and exemptions for small properties and anomalous sites in the development code to promote energy conservation. Promote affordable, efficient, reliable, and environmentally sound commercial energy systems for individual homes, and business consumers.

Policy 14.1.5. Promote development of solar, hydropower, wind, geothermal, biomass and other alternative energy systems while mitigating impacts on neighboring properties and the natural environment.

Policy 14.1.6. Provide incentives for homes and businesses to install small-scale on-site alternative energy systems consistent with adopted County financing programs.

Policy 14.1.7. Support development of electric vehicle charging stations and facilities to help promote use of electric vehicles.

Policy 14.1.8. Use the development code to promote commercial renewable energy projects while addressing and mitigating impacts on the community and natural environment.

Policy 14.1.9. Use Oregon's Rural Renewable Energy Development Zones to support the creation of renewable energy projects.

Policy 14.1.10. Identify, protect, and support the development of significant renewable energy sites and resources.

