



## BOARD OF COMMISSIONERS

### BOARD OF COUNTY COMMISSIONERS MEETING

1:00 PM, MONDAY, JUNE 10, 2024

Allen Room - Deschutes Services Building - 1300 NW Wall Street – Bend

(541) 388-6570 | [www.deschutes.org](http://www.deschutes.org)

## AGENDA

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

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

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

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

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

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



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

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

## CALL TO ORDER

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

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

## AGENDA ITEMS

1. **1:00 PM** Preparation for a public hearing concerning a request for a Comprehensive Plan Amendment and Zone Change for properties on the northeast corner of the Deschutes Junction Highway 97 overpass
2. **1:15 PM** Deliberations: Draft 2020-2040 Deschutes County Comprehensive Plan
3. **2:15 PM** Deliberations: RVs as Rental Dwellings
4. **3:15 PM** Discussion and Possible Action on CHRO RFQ Process

## OTHER ITEMS

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

## EXECUTIVE SESSION

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

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

## ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: June 10, 2024

SUBJECT: Preparation for a public hearing concerning a request for a Comprehensive Plan Amendment and Zone Change for properties on the northeast corner of the Deschutes Junction Highway 97 overpass

RECOMMENDED MOTION:

N/A

BACKGROUND AND POLICY IMPLICATIONS:

A public hearing before the Board of County Commissioners ("BOCC") is scheduled on June 12, 2024, for a Comprehensive Plan Amendment and Zone Change request. The subject properties are located at the northeast corner of the Deschutes Junction Highway 97 overpass. The applicant requests approval of a Comprehensive Plan Amendment to change the designation of the subject properties from Agricultural ("AG") to Rural Industrial ("RI") and a corresponding Zone Change to rezone the subject properties from Exclusive Farm Use ("EFU") to Rural Industrial ("RI"). No exceptions to the Statewide Planning Goals are requested.

The BOCC hearing will be the second of two required hearings for this proposal. The first hearing was held on March 21, 2023, before a Deschutes County Hearings Officer and the Hearings Officer found the applicant demonstrated compliance with all applicable standards except the requirements of Statewide Planning Goal 5 related to protected scenic resources. For this reason, the Hearings Officer recommended the BOCC deny the applicant's request unless the applicant subsequently demonstrates compliance with Goal 5.

On June 10, 2024, staff will be available to provide background information to the BOCC in preparation for this hearing.

BUDGET IMPACTS:

None.

ATTENDANCE:

Caroline House, Senior Planner
Anthony Raguine, Principal Planner



**STAFF MEMORANDUM**

**TO:** Board of County Commissioners ("BOCC")

**FROM:** Caroline House, Senior Planner

**DATE:** June 5, 2024

**RE:** Preparation for an Upcoming BOCC Public Hearing for a Comprehensive Plan Amendment and Zone Change Request (ref. File Nos. 247-22-000573-ZC & 247-22-000574-PA)

On June 10, 2024, staff will be available to provide background information for an upcoming BOCC public hearing scheduled on June 12, 2024, for a Comprehensive Plan Amendment and Zone Change request.

**I. PROPOSAL**

The Applicant requests approval of a Comprehensive Plan Amendment to change the designation of the subject properties from Agricultural (AG) to Rural Industrial (RI) and a corresponding Zone Change to rezone the subject properties from Exclusive Farm Use (EFU) to Rural Industrial (RI). No exceptions to the Statewide Planning Goals are requested. The subject properties are located at northeast corner of the Deschutes Junction overpass adjacent to Highway 97 (see attached location map).

**II. BACKGROUND**

The BOCC public hearing scheduled on June 12, 2024, will be the second of two (2) required hearings for this proposal. The first hearing was held on March 21, 2023, before a Deschutes County Hearings Officer and the Hearings Officer found the Applicant demonstrated compliance with all applicable standards *except* the requirements of Statewide Planning Goal 5 related to protected scenic resources. For this reason, the Hearings Officer recommended the BOCC deny the Applicant's request *unless* the Applicant subsequently demonstrates compliance with Statewide Planning Goal 5.

During this same time, the BOCC reviewed a similar Comprehensive Plan Amendment and Zone Change request submitted by LBNW, LLC, where this same issue of compliance with Statewide Planning Goal 5 was before the Board. In that case, the Land Use Board of Appeals ("LUBA")



remanded the previously approved LBNW, LLC Comprehensive Plan Amendment and Zone Change request back to the County for further review to confirm new uses allowed in the RI Zone, that were previously not allowed in the EFU Zone, would not conflict with the designated Highway 97 Goal 5 protected scenic resource. In the summer of 2023, LBNW, LLC initiated a Deschutes County remand application and submitted supporting materials, such as an expanded Economic, Social, Environmental, and Energy (“ESEE”) analysis, to demonstrate compliance with Statewide Planning Goal 5. Based on the submitted materials, the BOCC again approved the LBNW, LLC Comprehensive Plan Amendment and Zone Change request. This decision was not appealed and became final in the fall of 2023.

The Applicant waited for the LBNW, LLC remand application to be approved and has since submitted additional materials to demonstrate compliance with Statewide Planning Goal 5. Based on staff’s review of the Applicant’s most recent submittals, the Applicant has taken a similar approach to LBNW, LLC’s remand application to demonstrate compliance with Statewide Planning Goal 5 and the Applicant will be presenting their arguments to the BOCC at the June 12, 2024, public hearing.

Staff notes, during the Hearings Officer’s review, Central Oregon LandWatch and 1,000 Friends of Oregon submitted comments in opposition to the Applicant’s proposal.

**III. TIMELINE**

This proposal is not subject to the statutory 150-day review timeline.

**IV. BOARD CONSIDERATION**

As the subject properties include lands designated for agricultural use, Deschutes County Code 22.28.030(C) requires the applications to be heard *de novo* before the BOCC, regardless of the Hearings Officer’s recommendation.

At the hearing, the BOCC will be asked to consider the materials in the record, new materials and arguments presented by the Applicant regarding compliance with Statewide Planning Goal 5, and testimony from other interested parties.

**V. RECORD**

The record is presented at the following Deschutes County Community Development Department website:

<https://www.deschutes.org/cd/page/247-22-000573-zc-247-22-000574-pa-last-ranch-llc-comprehensive-plan-amendment-zone-change>

Attachments:

- 1. Location Map
- 2. Hearings Officer’s Recommendation



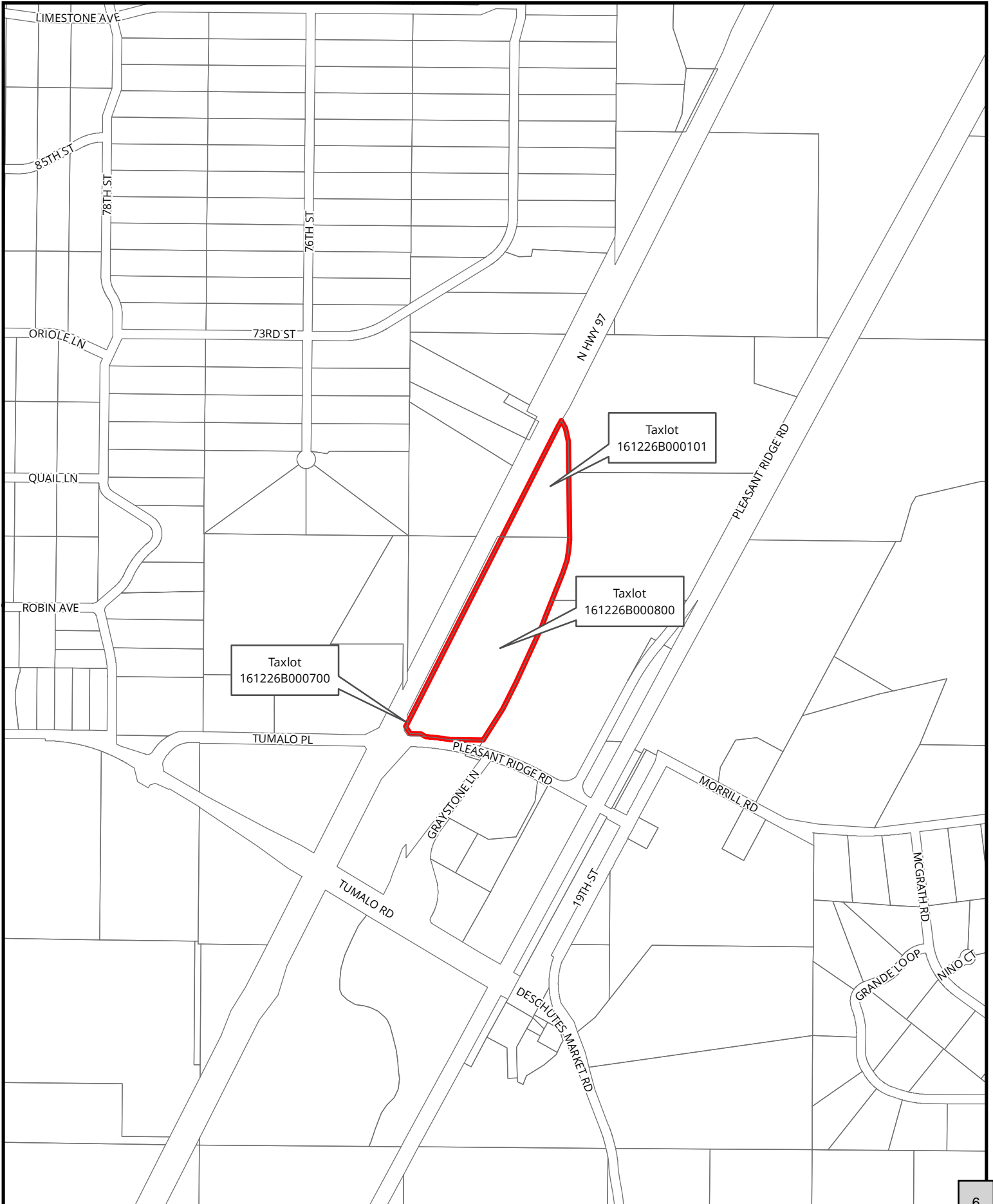
1" = 80'

# 247-22-000573-ZC / 247-22-000574-PA

06/10/2024 Item #1.



## Location Map



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

**FILE NUMBERS:** 247-22-000573-ZC / 247-22-000574-PA

**HEARING DATE:** March 21, 2023, 6:00 p.m.

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

**APPLICANT/OWNER:** Mark Rubbert; Last Ranch, LLC

**SUBJECT PROPERTIES:** Map and Tax Lots:  
161226B000101  
161226B000700  
161226B000800

Situs Addresses:  
No Situs Address  
64994 Deschutes Market Road, Bend, OR 97701  
64975 Deschutes Pleasant Road, Bend, OR 97701

**REQUEST:** The Applicant requests approval of a Comprehensive Plan Amendment to change the designation of the Subject Properties from Agricultural (AG) to Rural Industrial (RI) and a corresponding Zone Change to rezone the properties from Exclusive Farm Use (EFU-TRB) to Rural Industrial (RI).

**HEARINGS OFFICER:** Tommy A. Brooks

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

**I. APPLICABLE STANDARDS AND CRITERIA**

Deschutes County Code (DCC)

Title 18, Deschutes County Zoning Ordinance:

Chapter 18.04, Title, Purpose, and Definitions

Chapter 18.16, Exclusive Farm Use Zones (EFU)  
Chapter 18.84, Landscape Management Combining Zone (LM)  
Chapter 18.100, Rural Industrial Zone  
Chapter 18.136, Amendments  
Title 22, Deschutes County Development Procedures Ordinance

Deschutes County Comprehensive Plan  
Chapter 2, Resource Management  
Chapter 3, Rural Growth Management  
Appendix C, Transportation System Plan

Oregon Administrative Rules (OAR) - Chapter 660  
Division 12, Transportation Planning  
Division 15, Statewide Planning Goals  
Division 33, Agricultural Land

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

**II. BACKGROUND AND PROCEDURAL FINDINGS**

A. Nature of Proceeding

This matter comes before the Hearings Officer as a request for approval of a Comprehensive Plan Map Amendment (“Plan Amendment”) to change the designation of the Subject Properties from Agricultural (AG) to Rural Industrial (RI). The Applicant also requests approval of a corresponding Zoning Map Amendment (“Zone Change”) to change the zoning of the Subject Properties from Exclusive Farm Use (EFU-TRB) to Rural Industrial (RI). The basis of the request in the Application is the Applicant’s assertion that the Subject Properties do not qualify as “agricultural land” under the applicable provisions of the Oregon Revised Statutes or Oregon Administrative Rules governing agricultural land. Based on that assertion, the Applicants are not seeking an exception to Statewide Planning Goal 3 for the Plan Amendment or Zone Change.

B. Notices, Hearing, Record Materials

The Application was filed on July 13, 2022. Following notice from the Deschutes County Planning Division (“Staff”) that the Application was incomplete, the Applicant provided responses to the incomplete letter on November 14, 2022, and confirmed no further information or materials would be provided. Staff therefore deemed the Application to be complete as of that date.

On January 26, 2023, after the Application was deemed complete, Staff mailed a Notice of Public Hearing to all property owners within 750 feet of the Subject Properties (“Hearing Notice”). The Hearing Notice was also published in the Bend Bulletin on Sunday, January 29, 2023. Notice of the Hearing was also submitted to the Department of Land Conservation and Development (“DLCDD”).

Pursuant to the Hearing Notice, I presided over the Hearing as the Hearings Officer on March 21, 2023, opening the Hearing at 6:00 p.m. The Hearing was held in person and via videoconference, with the Hearings Officer appearing remotely. At the beginning of the Hearing, I provided an overview of the quasi-judicial process and instructed participants to direct comments to the approval criteria and standards, and to raise any issues a participant wanted to preserve for appeal if necessary. I stated I had no *ex parte* contacts to disclose or bias to declare. I invited but received no objections to the County’s jurisdiction over the matter or to my participation as the Hearings Officer.

The Hearing concluded at approximately 8:17 p.m. Prior to the conclusion of the Hearing, I announced that the written record would remain open as follows: (1) any participant could submit additional materials until April 4, 2023 (“Open Record Period”); (2) any participant could submit rebuttal materials (evidence or argument) until April 11, 2023 (“Rebuttal Period”); and (3) the Applicant could submit a final legal argument, but no additional evidence, until April 18, 2023. Staff provided further instruction to participants, noting that all post-Hearing submittals needed to be received by the County by 4:00 p.m. on the applicable due date. No participant objected to the post-hearing procedures.

A representative for the Applicant submitted a document on April 18, 2023, the due date for the Applicant’s final legal argument. That document responds to some of the arguments previously raised by other participants. However, it also includes statements and attachments that were not previously in the record. Because the Applicant’s final legal argument should have included only argument and no new evidence, I have not considered any of the evidentiary materials in that submittal that were not already in the record.<sup>1</sup>

C. Review Period

Because the Application includes a request for the Plan Amendment, the 150-day review period set forth in ORS 215.427(1) is not applicable.<sup>2</sup> The Staff Report also concludes that the 150-day review period is not applicable by virtue of Deschutes County Code (“DCC” or “Code”) 22.20.040(D). No participant to the proceeding disputes that conclusion.

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<sup>1</sup> Specifically, this submittal includes: (1) a letter, dated November 29, 2015, relating to County file 247-14-000456; (2) excerpts from a soil study relating to County file PA-11-7; and (3) testimony from the Applicant regarding its attempt to offer the Subject Properties to others for agricultural use.

<sup>2</sup> ORS 215.427(7).

**III. SUBSTANTIVE FINDINGS AND CONCLUSIONS**

**A. Staff Report**

On March 7, 2023, Staff issued a report setting forth the applicable criteria and presenting evidence in the record at that time (“Staff Report”).<sup>3</sup>

The Staff Report, although it expresses agreement with the Applicant in many places, does not make a final recommendation. Instead, the Staff Report asks the Hearings Officer to determine if the Applicant has met the burden of proof necessary to justify the Plan Amendment and the Zone Change. Other participants objected to the Application, but did so primarily based on legal arguments and through the submittal of additional evidence that supported those legal arguments, rather than dispute the evidence provided by the Applicant and summarized in the Staff Report. As a result, much of the evidence provided by the Applicant and summarized in the Staff Report remains unrefuted.

**B. Findings**

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

**1. Exceptions to Statewide Planning Goals**

Pursuant to ORS 197.175(2), if the County amends its Comprehensive Plan (“DCCP” or “Plan”), it must do so in compliance with Statewide Planning Goals (each a “Goal” and, together, the “Goals”). Because the Plan has been acknowledged, the Plan Amendment must adhere to the procedures for a post-acknowledged plan amendment (“PAPA”) set forth in state statutes and rules. The fundamental disputes raised in this proceeding relate to whether the Application satisfies the requirement for a PAPA and, more specifically, whether the Applicant is required to take an exception to Goal 3, Goal 5, and Goal 14. The disposition of those issues is relevant to the Applicant’s ability to show compliance with the other criteria applicable to the Plan Amendment and Zone Change. These findings will therefore address those issues first.<sup>4</sup>

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<sup>3</sup> Other than the evidence provided by the Applicant, much of the evidence in the record was submitted after the date of the Staff Report.

<sup>4</sup> COLW, during the Hearing, also stated that the Application requires an exception to Goal 6 and Goal 11. I find that neither of those arguments were presented with enough detail that allows me to address them in this Recommendation. With respect to Goal 6, COLW appears to be arguing that the Applicant cannot satisfy Goal 6 without identifying the specific uses that will be developed on the Subject Properties. However, COLW does not address the Application materials, which describe compliance with Goal 6 through the County’s acknowledged regulations in DCC Chapter 18.100. Based on the materials in the record, I find that Goal 6 is satisfied and does not require an exception. With respect to

**Goal 3 – Agricultural Lands**

Goal 3 and its implementing rules protect agricultural lands for farm use.<sup>5</sup> The Applicant’s proposed Plan Amendment and Zone Change is premised on its assertion that the Subject Properties do not qualify as “Agricultural Land” under Goal 3 and its implementing rules and, therefore, do not require protection under Goal 3. Other participants in this proceeding – namely 1000 Friends of Oregon (“1000 Friends”) and Central Oregon Land Watch (“COLW”) – assert that the Subject Properties do qualify as “Agricultural Land” and, as a result, that the Plan Amendment requires the Applicant to seek an exception to Goal 3.

All participants addressing this issue rely on the language in OAR 660-033-0020(1) that defines “Agricultural Land” as follows:

*(a) "Agricultural Land" as defined in Goal 3 includes:*

- (A) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;*
- (B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and*
- (C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.*

*(b) Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;*

The NRCS designation for the Subject Properties indicates they are predominantly Class I through Class VI soils. Under OAR 660-033-0020(1)(a)(A), the Subject Properties would therefore qualify as Goal 3 agricultural land. Notwithstanding that designation, the Applicant relies on an Agricultural Soils Capability Assessment (an “Order 1 soil survey”) for the Subject Properties. The expert conclusion in the Applicant’s Order 1 soil survey is that the Subject Properties consist predominantly of Class VII and

Goal 11, COLW provided no additional detail other than the bare statement that an exception is required. Again, COLW does not refute the information in the Application addressing this Goal, and I find that, based on that information, Goal 11 is satisfied and does not require an exception.

<sup>5</sup> See, e.g., OAR 660-033-0010.

Class VIII soils that are unsuitable for farm use and, therefore, do not qualify as agricultural land under Goal 3.

1000 Friends and COLW do not dispute any of the facts or conclusions regarding the soil conditions set forth in the Order 1 soil survey. Rather, they each argue that the NRCS designation is conclusive under the Goal 3 implementing rules as a matter of law. COLW specifically argues the “Hearings Officer cannot rely on information other than the predominant NRCS land capability classification to determine whether the subject property meets LCDC’s special definition of ‘agricultural land.’”

The legal argument 1000 Friends and COLW present – that only the NRCS designation can be relied on – is contrary to other state statutes and administrative rules addressing this issue. As the Land Use Board of Appeals (“LUBA”) recently explained, “ORS 215.211 allows a site-specific analysis of soils where a person believes that such information would, compared to the information provided by the NRCS, assist a county in determining whether land is agricultural land.”<sup>6</sup> In that case, which is remarkably similar to the present case, the applicant sought a PAPA to change a property’s Plan designation from AG to RI with a corresponding zone change from EFU-TRB to RI. The applicant in that case also relied on a site-specific Order 1 soil survey prepared by a qualified soil scientist. LUBA upheld the County’s reliance on that soil survey as part of its determination that the property at issue in that case consisted predominantly of Class VII and Class VIII soils unsuitable for farming.

Based on the language in ORS 215.211 and LUBA’s acknowledgment of that statute, I find that the County is not precluded from considering the Order 1 soil survey when applying OAR 660-033-0020(1)(a)(A), as long as doing so is consistent with OAR 660-033-0030(5), which implements ORS 215.211.

I again note that, because the participants raising this issue argued that the Hearings Officer must rely only on the NRCS classification, no participant disputed the information or conclusions in the Order 1 soil survey, nor did they dispute whether the survey complies with OAR 660-033-0030(5). Even so, I find that the record shows the Applicant’s Order 1 soil survey does comply with that administrative rule, as explained in the following findings.

OAR 660-033-0030(5)(a) requires that the alternative to the NRCS include more detailed data on soil capability and be “related to the NRCS land capability classification system.” Information provided by the Applicant’s soil scientist states that the NRCS classification for the Subject Property was completed at a very broad scale and based on high altitude photography, whereas the Order 1 soil survey has more detailed data based on onsite field research. Further, the soil scientist states that the Order 1 soil survey uses the same NRCS classification system, but applies more precise mapping of soil map units with better distribution and quantification of each unit.

OAR 660-033-0030(5)(b) requires the person seeking to use the alternative soil survey to request DLCD “to arrange for an assessment of the capability of the land by a professional soil classifier who is chosen

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<sup>6</sup> *Central Oregon Land Watch v. Deschutes County*, \_\_\_ Or LUBA \_\_\_ (LUBA No. 2023-008, April 24, 2023) (“LUBA No. 2023-008”).



by the person, using the process described in OAR 660-033-0045.” The Applicant asserts this requirement is met through its coordination with DLCD, and the record includes a letter from DLCD indicating the Order 1 soil survey is consistent with the agency’s reporting requirements.

The remaining portions of this rule are procedural in nature and there is no dispute among the participants whether these procedures apply to the Application or whether the Applicant followed those procedures.

Based on the foregoing, and considering the more detailed evidence provided by the Applicant’s soil scientist against the NRCS designation of the Subject Properties, I find that that the Subject Properties do not qualify as agricultural land under Goal 3 as defined in OAR 660-033-0020(1)(a)(A). That does not end the inquiry, however, as 1000 Friends and COLW each argue that the Subject Properties qualify as agricultural land under the other sections of OAR 660-033-0020(1)(a).

Turning to OAR 660-033-0020(1)(a)(B), the Subject Properties may qualify for Goal 3 protections if they are “suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices.”

1000 Friends argues that the Subject Properties are currently in farm tax deferral status, have water rights, and contain certain farm structures such as a goat barn and farm implement garage. COLW provides an exhaustive list of various farm commodities that occur throughout the County and, like 1000 Friends, asserts that the Applicant has not demonstrated that the Subject Properties cannot be used for some of those purposes.

The Applicant provides an exhaustive history of the site and its relationship to various farm activities. According to that history, the chain of owners for the Subject Property since 1941 has mostly consisted of retirees who were not engaged in farming. Prior to that time, there were apparently limited farming activities on the site at a time when the Subject Properties were part of larger holdings that also had farm uses. While the Subject Property does have some historical water rights, the Applicant notes that not all of those rights have been developed. Other structures were apparently used for small-scale hobby farming activities rather than for profitable farm uses. More recent uses of the site, however, included use as a roadside attraction called the “Funny Farm” which, according to the Applicant, at one point had a “hot dog eating goat.”

Testimony opposing the Application describing how the property could be used, and the Applicant’s testimony describing how the property has been used, do not resolve this issue. Instead, OAR 660-033-0020(1)(a)(B) requires an assessment of whether the Subject Properties are “suitable for farm use as defined in ORS 215.203(2)(a)” based on the various factors set forth in this rule. To that end, only the Applicant has fully addressed those factors.

With respect to soil fertility and cattle grazing, the Applicant relies on the Order 1 soil survey to demonstrate that the soils are not fertile and that the property is unsuitable for grazing. The Applicant notes that this also makes it difficult to provide food for other non-grazing animals. With respect to

climatic conditions, the Applicant notes the limited growing season, cold temperatures, and current drought conditions also hamper farm activities. While some water for farm irrigation purposes is available, the Applicant notes that irrigating the soils on the Subject Property is not warranted in light of their low classification. The Applicant also asserts that existing land use patterns in the area are not conducive to agriculture, for example because the Subject Properties are surrounded by non-farm uses and disrupted by the transportation system.

Overall, the Applicant asserts that the technological and energy inputs required to conduct farm uses are too great, which the Applicant believes is a major reason the Subject Properties have not historically been farmed.

ORS 215.203(2)(a) defines “farm use” in part as “the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.”

Considering the factors set forth in OAR 660-033-0020(1)(a)(B), I find that it is more likely than not that the Subject Properties are not suitable for farm use as defined in ORS 215.203(2)(a). While it may be possible to conduct some farm activities on the site, that is not the same as employing the land for the primary purpose of obtaining a profit in money from those activities. The low productive soils serve as an initial limit on any profitable farm activities. As the Applicant’s soil scientist notes, even irrigating the soils found on site does not improve their quality for farm uses. The Subject Properties are relatively small, irregularly-shaped, and bisected by a rocky outcropping, compounding the difficulties associated with the soil conditions. The portion of the site with the best soils is even smaller and not large enough to support meaningful farming activities. Further, while historical use of the site is not determinative of its current suitability, it is notable that the majority of the farming activities taking place on the site occurred at a time when the Subject Properties were part of a larger tract, or were part of a residential use.

Finally, under OAR 660-033-0020(1)(a)(C), the Subject Properties may still be considered agricultural land if they include land “that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.”

1000 Friends asserts that the presence of a Central Oregon Irrigation District (“COID”) canal on the Subject Properties, which is used to convey irrigation water to other farms, demonstrates the Subject Properties qualify as agricultural land under this rule. That argument, however, is difficult to follow because it is based on the assertion that the Applicant “must address the proposed rezone’s potential impact on agricultural uses in the surrounding area based on the presence of the COID irrigation canals on and abutting the property.” This rule does not appear to impose any sort of “impacts test,” and the question is whether the Subject Properties, not a canal on the property owned by a third party, are necessary to permit farm practices on adjacent and nearby lands. In contrast, the Applicant notes that very few farm practices occur on adjacent and nearby lands, even on nearby lands that currently have a farm use designation. The Applicant was unable to identify any land that relies on the Surrounding

Properties for their farm practices. In the absence of any evidence to the contrary, I find that the Applicant has met its burden of addressing that rule provision.

Based on the foregoing, I find that the Applicant has met its burden of demonstrating the Subject Properties do not qualify as agricultural lands under Goal 3 and, as a result, an exception to Goal 3 is not required.

**Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces**

Goal 5 and its implementing rules protect natural resources, scenic and historic areas, and open spaces. Pursuant to OAR 660-023-0250(3), the County does not have to apply Goal 5 as part of a PAPA “unless the PAPA affects a Goal 5 resource.” One scenario in which a PAPA may affect a Goal 5 resource is when the “PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list.”<sup>7</sup>

COLW argues that the Plan Amendment and Zone Change is in direct conflict with a Goal 5 resource and, therefore, requires compliance with Goal 5. The Goal 5 resource COLW refers to is the County’s designation of a scenic corridor along Highway 97 between Bend and Redmond as a scenic resource.

The County regulates conflicting uses with the Highway 97 scenic resource through the application of the Landscape Management Combining Zone (“LM Zone”), which the County applies to the area that is within one-quarter mile of the highway. The Subject Properties fall within the area subject to that zone.

The Applicant does not fully respond to COLW’s Goal 5 argument. Instead, the Applicant asserts that there is no need to apply Goal 5 in light of the County’s acknowledged Plan, which contains the LM Zone. According to the Applicant, to the extent there are any conflicts with the scenic resource, those will be resolved at the time when specific development occurs and the County requires site plan approval for any structures within the LM Zone. The Applicant specifically states that “[t]he zone change and plan amendment do not trigger this provision.”

The Applicant’s argument appears consistent with prior County decisions. However, LUBA No. 2023-008 is again instructive, and it rejects the Applicant’s approach to Goal 5. In that case, LUBA explained that its prior decisions require a local jurisdiction “to apply Goal 5 if the PAPA allows a new use that could conflict with Goal 5 resources.” LUBA then directly addressed the situation presented in this case and analyzed “whether the new RI zoning allows uses on the subject property that were not allowed under the previous EFU zoning and whether those uses could conflict with protected Goal 5 resources.”

LUBA’s decision acknowledged that the County previously conducted the appropriate Goal 5 analysis for other RI-zoned properties and applied the LM Zone to protect the Highway 97 scenic resource from conflicting uses on those properties. However, LUBA determined that, in the absence of evidence showing the prior Goal 5 analysis considered impacts from RI-type development on all properties, that analysis did not consider whether RI uses on farm-zoned property affected a Goal 5 resource. Indeed, LUBA concluded

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<sup>7</sup> OAR 660-023-0250(3)(b).

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

Based on that LUBA decision, I find that the Applicant’s argument that Goal 5 is not applicable is incorrect. The Plan Amendment and Zone Change would allow new uses on the Subject Property that could conflict with a protected Goal 5 resource. It may be possible for the Applicant to show that the County’s prior Goal 5 analysis considered such development on the Subject Properties, or, if not, the Applicant may be able to demonstrate that the new uses allowed on the Subject Properties do not significantly affect a Goal 5 resource. However, I find that the current record does not allow me to address either option. I therefore find that I cannot recommend approval of the Application on this basis and the Applicant must address this issue further before the Application is approved.

**Goal 14 – Urbanization**

Goal 14 and its implementing rules “provide for an orderly and efficient transition from rural to urban land use.” See OAR 660-015-0000(14).

COLW asserts that the Application violates Goal 14. COLW’s specific argument is that the designation of the Subject Properties to the RI zone would constitute urbanization of the Subject Properties. COLW asserts that the County must further analyze the Application and either make a determination that the Plan Amendment “does not offend the goal because it does not in fact convert rural land to urban uses, or it may comply with the goal by obtaining acknowledgment of an urban growth boundary based upon considering [sic] of factors specified in the goal, or it may justify an exception to the goal.”

The heart of this issue is whether the RI zone actually authorizes urban uses. COLW argues that this can be determined only by the application of a “Shaffer analysis.” The Shaffer analysis is a reference to *Shaffer v. Jackson County*, 17 Or LUBA 922 (1989), in which LUBA concluded that the determination of whether a use is urban or rural must be made on a case-by-case basis, considering factors discussed in that case (e.g. workforce size, dependency on resources, public facility requirements).

The flaw in COLW’s argument is that the County has already determined that all uses in the RI Zone are rural in nature. That decision was upheld on review by LUBA and the Court of Appeals. See *Central Oregon Landwatch v. Deschutes County*, \_\_ Or LUBA \_\_ (LUBA No. 2022-075, Dec. 6, 2002); *aff’d* 324 Or App 655 (2023). In that case, LUBA concluded in part:

the county correctly determined that the policies and provisions of the DCCP and DCC that apply to the RI zone are independently sufficient to demonstrate that PAPAs that apply the RI plan designation and zone to rural land are consistent with Goal 14 and that uses and development permitted pursuant to those acknowledged provisions constitute rural uses, do not constitute urban uses, and maintain the land as rural land.

LUBA addressed the same issue in LUBA No. 2023-008. In that case, LUBA reiterated its holding and rationale in an earlier case, again concluding “that the county was entitled to rely on its acknowledged RI zone to ensure compliance with Goal 14.

The two prior LUBA cases, one of which has already been affirmed by the Court of Appeals, are clear. The County’s RI zone complies with Goal 14. For that reason, I find that the Applicant has demonstrated the Application does not propose urban uses and Goal 14 is satisfied without the need to take an exception to that Goal.

2. Title 18 of the Deschutes County Code, County Zoning

Section 18.136.010, Amendments

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

The owner of the Subject Properties has requested a quasi-judicial Plan Amendment and filed an application for that purpose, together with an application for the requested Zone Change. No participant to this proceeding objects to this process. I find it appropriate to review the Application using the applicable procedures contained in Title 22 of the Deschutes County Code.

Section 18.136.020, Rezoning Standards

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

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

According to the Applicant, this Code provision requires a consideration of the public interest based on whether: (1) the Zone Change conforms to the Comprehensive Plan; and (2) the change is consistent with the Comprehensive Plan’s introduction statement and goals. No participant to this proceeding disputes that interpretation. I also find that this is the appropriate method for applying this Code provision.

With respect to the first factor, the Applicant asserts the Application conforms to the Comprehensive Plan because it conforms to the procedural components of the Comprehensive Plan, re-designates the Subject Properties to a designation allowed by the Comprehensive Plan, does not result in the loss of resource land, and is compatible with the surrounding land uses and character of the land in the vicinity of the Subject Properties. With the exception of the assertion that no loss of resource land will result – addressed in more detail above relating to Goal 3 – no participant in this proceeding objects to the Applicant’s assertions in this regard.

With respect to the second factor, the Applicant notes that introductory statements and goals in the Comprehensive Plan are not approval criteria, and no participant to this proceeding asserts otherwise. Additionally, the Applicant identifies several Comprehensive Plan policies and goals, and then analyzes whether the Application is consistent with those policies and goals. The Applicant specifically points to some of the policies and goals in Chapter 3, Rural Growth Management, of the Comprehensive Plan. The Applicant states that the Application is consistent with those policies and goals, largely based on their reference to “Deschutes Junction”, which is the area encompassing the Subject Properties, and the historic non-resource use of that area. While some participants to this proceeding dispute the extent to which the Plan Amendment and Zone Change would “urbanize” the Subject Properties, there does not appear to be any dispute about the historical non-resource use of the Deschutes Junction area or whether the Plan Amendment and Zone Change are consistent with the goals and policies the Applicant identifies.

As explained in more detail in earlier findings, the contested issues in this proceeding address whether the Application satisfies the standards for a Plan Amendment as required by state law (e.g. whether the request requires an exception to Statewide Planning Goals 3, 5, and 14). The arguments raised in support of those contested issues do mention some policies in the County’s current Plan. However, those policies are relied on as the basis for arguing that certain exceptions are required to the Goals, and they are not presented in support of any specific argument that the Application violates Plan policies. Even so, for the same reason that the Application is consistent with the Goals (other than Goal 5), I find that the Application conforms to the Plan. Additional findings addressing Plan goals and policies are set forth later in this Recommendation.

However, because the Plan also contains goals and policies implementing Goal 5, which I have concluded has not been satisfied, I cannot conclude that the Zone Change conforms to all Plan policies, particularly those that implement Goal 5, discussed below. I therefore find that this Code provision is not satisfied unless and until the Applicant demonstrates compliance with that Goal.

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

Only the Applicant and Staff offer any evidence or argument with respect to whether the Zone Change is consistent with the purpose and intent of the RI zoning district. Unlike almost every other zoning district, DCC 18.100, which governs uses in the RI zoning district, does not contain a purpose statement. The RI zoning district, appears to implement the Rural Industrial plan designation in the Comprehensive Plan, and Section 3.4 of the Comprehensive Plan provides the following:

The county may apply the Rural Industrial plan designation to specific property within existing Rural Industrial exception areas, or to any other specific property that satisfies the requirements for a comprehensive plan designation change set forth by State Statute, Oregon Administrative Rules, this Comprehensive Plan and the Deschutes County Development Code, and that is located outside unincorporated communities and urban growth boundaries. The Rural Industrial plan designation and zoning brings these areas and specific properties into compliance with state rules by adopting zoning to ensure that they remain rural and that the uses allowed are less

intensive than those allowed in unincorporated communities as defined in OAR 660-022.

As the Staff Report notes, the Subject Properties are not within existing Rural Industrial exception areas, but they are located outside unincorporated communities and urban growth boundaries. This Code section is therefore satisfied only if the Application “satisfies the requirements for a Comprehensive Plan designation change set forth by State Statute, Oregon Administrative Rules, the DCCP and the Deschutes County Development Code.”

This recommendation determines that the Application satisfies the requirements for a Plan designation change, except as it relates to Goal 5. I therefore find that this Code provision is not satisfied unless and until the Applicant demonstrates compliance with that Goal.

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

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

Only the Applicant addresses this Code provision, and the Applicant provided the following as support for why this criterion is met:

- The Applicant has received “will serve” letters from applicable service providers.
- Public facilities and services are available to serve future industrial development.
- On-site wastewater and sewage and disposal systems can be developed to meet specific user needs.
- The proposal satisfies the Transportation Planning Rule.

The Staff Report asks the Hearings Officer to determine the scope of public services and facilities that must be reviewed as part of this Code provision. However, such a determination is likely to change on a case-by-case basis, informed in part by the zoning designation being requested. As it applies to this case, the Applicant has identified fire, police, electric power, domestic water, wastewater, and transportation as being relevant. No participant has disputed the necessity of those services or identified other services that are necessary. Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that this Code provision is satisfied as set forth in the Application.

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

The Applicant states that the Applicant’s proposal is consistent with all applicable Plan goals and policies. In support of that statement, the Applicant refers to its discussion of those goals and policies as they relate to DCC 18.136.020(A). The only discussion of those goals and policies by other participants relates to their arguments that certain statewide Goals have not been satisfied. Those arguments are addressed above. Although I conclude the Application is consistent with most Plan goals and policies, for the same reasons I concluded DCC 18.136.020(A) is not satisfied, I conclude that this Code provision is not satisfied; the current record does not demonstrate that impacts on surrounding land uses will be consistent with some of the Plan’s goals and policies implementing Goal 5.

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

Only the Applicant offers any evidence or argument with respect to this Code provision. According to the Applicant, the original zoning of the Subject Properties did not take into account several factors, including the low agricultural capability of the site. Further, conditions have changed over time, especially with respect to the transportation system in the area and the development of other non-resource uses. No other participant addresses this Code provision or otherwise disputes the Applicant’s characterization of the change in circumstances.

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

*3. Deschutes County Comprehensive Plan Goals and Policies*

The Applicant and the Staff Report identified several Plan goals and policies that may be relevant to the Application.<sup>8</sup>

**Chapter 2, Resource Management**

Chapter 2 of the Plan relates to Resource Management. Section 2.2 of that Chapter relates specifically to Agricultural Lands.

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

According to the Applicant, it is pursuing the Plan Amendment and Zone Change because the Subject Properties do not constitute "agricultural lands", and therefore, it is not necessary to preserve or maintain the Subject Properties as such. In support of that conclusion, the Applicant relies primarily on a soils report showing the Subject Properties consist predominantly of Class VII and Class VIII non-agricultural soils. Such soils have severe limitations for agricultural use as well as low soil fertility, shallow and very shallow soils, abundant rock outcrops, low available water capacity, and major management limitations for livestock grazing.

Other comments in the record assert that the Subject Properties qualify as agricultural land because of their NRCS classification, or because they satisfy other definitions of “agricultural land” in OAR 660-030-0020(1). Those arguments are addressed in earlier findings, which conclude the Subject Properties are not agricultural land.

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<sup>8</sup> The Applicant and Staff Report note that earlier County decisions have concluded that many Plan goals and policies are directed at the County rather than at an Applicant in a quasi-judicial proceeding. I generally agree with respect to Plan goals, which provide the context for Plan policies. Plan goals are therefore listed in this section to better explain the Plan policies that are being applied and considered. However, some of the findings below do address the goal language specifically. Where the goal language is not discussed, I have deemed that goal to not apply directly to a quasi-judicial application.



With respect to the agricultural industry, the Applicant provides an analysis of surrounding land uses and notes that the surrounding area contains mostly non-agricultural uses. Some opposing comments in the record can be construed as asserting that the conversion of this land to an industrial use has a larger impact on the agricultural industry. However, those comments presume that the Subject Properties are agricultural land. Not only are the Subject Properties not agricultural land, the Applicant has demonstrated that no other farm parcels rely on this parcel.

Based on the foregoing, I find that the Application is consistent with this Plan goal.

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

The Applicant has not asked to amend the EFU subzone that applies to the Subject Properties. Instead, the Applicant requests a change under Plan Policy 2.2.3 and has provided evidence to support rezoning the Subject Properties to the RI zone.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Plan.

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

The Applicant requests approval of the Plan Amendment and Zone Change to re-designate the Subject Properties from Agricultural to Rural Industrial and to rezone the Subject Properties from EFU to RI. The Applicant does not seek an exception to Goal 3 for that purpose, but rather seeks to demonstrate that the Subject Properties do not meet the state definition of “Agricultural Land” as defined in Goal 3 and its implementing rules.

The Staff Report notes that the County has previously relied on LUBA’s decision in *Wetherell v. Douglas County*, 52 Or LUBA 677 (2006), where LUBA states as follows:

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

The facts presented in the Application are similar to those in the *Wetherall* decision and in other Deschutes County plan amendment and zone change applications. Under this reasoning, the Applicant

has the potential to prove the Subject Properties are not agricultural land, in which case an exception to Goal 3 under state law is not required.

Notwithstanding the foregoing, Policy 2.2.3 is satisfied only if the Plan Amendment is consistent with state law. As discussed in previous findings, I have concluded that the Applicant has not demonstrated compliance with Goal 5, which is a necessary requirement of the Plan Amendment. The Application is therefore not consistent with this portion of the Plan unless and until the Applicant demonstrates compliance with Goal 5.

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

The Applicant assert this plan policy is not an approval criterion and, instead, provides direction to Deschutes County to develop new policies to provide clarity when EFU parcels can be converted to other designations and that the Application is consistent with this policy. The Applicant also notes that prior County decisions interpreting this policy have concluded that any failure on the County’s part to adopt Plan policies and Code provisions describing the circumstances under which EFU-zoned land may be converted to a non-resource designation does not preclude the County from considering requests for quasi-judicial plan amendments and zone changes.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Plan as described by the Applicant.

*Goal 3, Ensure Exclusive Farm Use policies, classifications and codes are consistent with local and emerging agricultural conditions and markets.*

*Policy 2.2.13 Identify and retain accurately designated agricultural lands.*

This Plan policy requires the County to identify and retain agricultural lands that are accurately designated. The Applicant proposes that the Subject Properties were not accurately designated, as discussed in more detail in the findings above. While some participants have argued that the Subject Properties should retain an agricultural designation, no participant has expressly asserted that the Application is inconsistent with this Plan policy.

Based on the earlier findings that the Subject Properties are not agricultural land, I find that the Application is consistent with Policy 2.2.13.

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Section 2.5 of Plan Chapter 2 relates specifically to Water Resource Policies. The Applicant has identified the following goal and policy in that section as relevant to the Application.

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

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

**FINDING:** The Applicant asserts that the Applicant is not required to address water impacts associated with development because no specific development application is proposed at this time. Instead, the Applicant will be required to address this criterion during development of the Subject Properties, which would be reviewed under any necessary land use process for the site.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with Policy 2.5.24.

\* \* \*

Section 2.7 of Plan Chapter 2 relates specifically to Open Spaces, Scenic Views and Sites and is the County’s implementation of Goal 5. Among the specific policies in this Section are:

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

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

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

The initial Application did not address these policies, but the Applicant did provide supplemental information and argument in response to a comment from Staff.

The Applicant assert that these policies are met because the Subject Properties are not visually prominent and are relatively hidden by and lower than Highway 97 and other transportation facilities. The Applicant notes that a 100-foot setback and 30-foot height limit will ensure that any new structures will be sensitive to the LM zone.

COLW, although it did not address these policies directly, argues that the Plan Amendment is not consistent with Goal 5 because it allows new uses that may conflict with a Goal 5 resource – the scenic corridor along Highway 97. I find that these issues are related and, therefore, consider COLW’s argument applicable to these policies.

The Applicant responds to that argument by relying on the County’s application of the LM zone as the protection for that resource. The findings above, however, conclude that the current record is not sufficient to demonstrate compliance with Goal 5.

Only the Applicant addresses whether the Application will allow development that is “sensitive to” scenic resources. Based on the Applicant’s unrefuted evidence and argument, I find that the Application is consistent with Policy 2.7.5.

However, I do not arrive at the same conclusion for Policy 2.7.3. For the same reasons set forth in the earlier findings relating to Goal 5, I find that the Application is not consistent with policy 2.7.3. The policy

requires the County to support efforts to identify and protect scenic resources. The County has identified the scenic corridor along Highway 97 as a scenic resource. That resource is protected through the County’s application of the LM zone. That protection, however, was put into place in the context of the Subject Properties being zoned for farm use rather than industrial uses. The Applicant must demonstrate that the County can continue to protect that inventoried resource with the Plan Amendment. It is not clear from the record if the LM Zone protects the resource with the Plan Amendment.

\* \* \*

Chapter 3 of the Plan relates to Rural Growth. Within that chapter, Section 3.4 relates specifically to Rural Industrial uses. The Applicant and Staff have identified the following language in that section as relevant to the Application.

*In Deschutes County some properties are zoned Rural Commercial and Rural Industrial. The initial applications for the zoning designations recognize uses that predated State land use laws. However, it may be in the best interest of the County to provide opportunities for the establishment of new Rural Industrial and Rural Commercial properties when they are appropriate and regulations are met. Requests to re-designate property as Rural Commercial or Rural Industrial will be reviewed on a property-specific basis in accordance with state and local regulations.*

...

*Rural Industrial*

*The county may apply the Rural Industrial plan designation to specific property within existing Rural Industrial exception areas, or to any other specific property that satisfies the requirements for a comprehensive plan designation change set forth by State Statute, Oregon Administrative Rules, this Comprehensive Plan and the Deschutes County Development Code, and that is located outside unincorporated communities and urban growth boundaries. The Rural Industrial plan designation and zoning brings these areas and specific properties into compliance with state rules by adopting zoning to ensure that they remain rural and that the uses allowed are less intensive than those allowed in unincorporated communities as defined in OAR 660-022.*

The language in this portion of the Plan is addressed in findings above relating to DCC Section 18.136.020(B). Those findings are incorporated here by this reference.<sup>9</sup>

\* \* \*

Section 3.4 of Plan Chapter 3 relates to the County’s goals for its rural economy.

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<sup>9</sup> The Staff Report also identifies Policy 3.4.36 as applicable. That policy simply states that properties for which it can be demonstrated Goal 3 does not apply may be considered for the RI designation under the Plan. Because I have concluded that the Subject Properties are not agricultural land and do not qualify for Goal 3 protections, the Application is consistent with that policy and the County can consider applying the RI designation.

*Goal 1, Maintain a stable and sustainable rural economy, compatible with rural lifestyles and a healthy environment.*

*Policy 3.4.1 Promote rural economic initiatives, including home-based businesses, that maintain the integrity of the rural character and natural environment.*

*a. Review land use regulations to identify legal and appropriate rural economic development opportunities.*

...

*Policy 3.4.3 Support a regional approach to economic development in concert with Economic Development for Central Oregon or similar organizations.*

Addressing these policies, the Applicant asserts that the rural industrial designation will maintain a stable and sustainable rural economy that is compatible with a rural lifestyle. In support of that argument, the Applicant notes the potential number of jobs that can occur on the Subject Properties, some of which can be held by rural residents. No participant refutes the Applicant’s evidence or argument in this regard.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with these policies.

*Lands Designated and Zoned Rural Industrial*

...

*Policy 3.4.23 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.*

Whether the Plan Amendment and Zone Change would allow urban uses is the same issue raised in COLW’s arguments that an exception to Goal 14 is required. Those arguments are addressed in more detail in the findings above relating to Goal 14. Those findings are incorporated here and, based on those findings, I find the Application is consistent with this Plan policy.

*Policy 3.4.27 Land use regulations shall ensure that new uses authorized within the Rural Industrial sites do not adversely affect agricultural and forest uses in the surrounding area.*

The Applicant asserts that there are no forest uses in the surrounding area, and that assertion is unchallenged by any participant.

The Applicant addresses the agricultural component of this Plan policy by asserting that the Plan Amendment and Zone Change do not have an adverse effect on agricultural uses in the surrounding area. The Applicant notes there is one hobby farm nearby, and a nearby parcel with apple trees. The Applicant consulted with the owners of both properties, each of which indicated the Applicant’s proposal will not

adversely affect them. The Applicant states it has also done an exhaustive inventory of uses within half mile of the site and found no conflict with any agricultural uses. No participant to this proceeding asserts this policy is not met or otherwise refutes the evidence the Applicant relies on.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this Plan policy.

*Policy 3.4.28 New industrial uses shall be limited in size to a maximum floor area of 7,500 square feet per use within a building, except for the primary processing of raw materials produced in rural areas, for which there is no floor area per use limitation.*

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*Policy 3.4.31 Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.*

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*Policy 3.4.32 Residential and industrial uses shall be served by on-site wells or public water systems.*

The Applicant asserts that these policies are codified in Chapter 18.100 governing the RI Zone and are implemented through those provisions. The Applicant also notes that the current residential and future industrial uses are already being served by and will be served by a public water system. No participant to this proceeding asserts this policy is not met or otherwise refutes the evidence the Applicant relies on.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with these policies.

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Section 3.5 of Plan Chapter 3 relates to natural hazards. Goal 1 of that section is to “protect people, property, infrastructure, the economy and the environment from natural hazards.” Addressing this Plan goal, the Applicant notes that there are no mapped flood or volcano hazards on the Subject Properties and that there is no evidence of increased risk from hazards from wildfire, earthquake, or winter storm risks. No participant to this proceeding asserts this goal is not met or otherwise refutes the evidence or argument the Applicant relies on.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Plan.

\* \* \*

Section 3.7 of Comprehensive Plan Chapter 3 relates specifically to Transportation. The Applicants and Staff have identified the following goal and policy in that section as relevant to the Application.

*Appendix C – Transportation System Plan  
ARTERIAL AND COLLECTOR ROAD PLAN*

...

*Goal 4. Establish a transportation system, supportive of a geographically distributed and diversified economic base, while also providing a safe, efficient network for residential mobility and tourism.*

*Policy 4.1 Deschutes County shall:*

- a. Consider the road network to be the most important and valuable component of the transportation system; and*
- b. Consider the preservation and maintenance and repair of the County road network to be vital to the continued and future utility of the County’s transportation system.*

...

*Policy 4.3 Deschutes County shall make transportation decisions with consideration of land use impacts, including but not limited to, adjacent land use patterns, both existing and planned, and their designated uses and densities.*

*Policy 4.4 Deschutes County shall consider roadway function, classification and capacity as criteria for plan map amendments and zone changes. This shall assure that proposed land uses do not exceed the planned capacity of the transportation system.*

The Applicant asserts that the Application is consistent with these policies. In support of that assertion, the Applicant relies on a Transportation Impact Analysis (“TIA”) prepared by a transportation engineer. The County’s Senior Transportation Planner reviewed the TIA, which the Applicant notes constitutes the County’s consideration of land use impacts and roadway function, classification, and capacity. No participant to this proceeding asserts these goals and policies are not met or otherwise refutes the evidence or argument the Applicant relies on.<sup>10</sup>

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Plan.

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Section 3.10 of Plan Chapter 3 contains provisions for “Area Specific Policies.”

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<sup>10</sup> The Staff Report notes that the County previously denied an application on the Subject Properties based in part on certain traffic impacts. Staff requests the Hearings Officer address whether that prior decision has any bearing on the present Application. I find that it does not. As noted by the County’s Senior Transportation Planner, that decision predates various transportation improvements the County made on Highway 97. The Applicant can rely on the more recent TIA that is based on the transportation system as it currently exists.

*Goal 1, Create area specific land use policies and/or regulations when requested by a community and only after an extensive public process.*

...

*Deschutes Junction*

*Policy 3.10.5 Maximize protection of the rural character of neighborhoods in the Deschutes Junction area while recognizing the intended development of properties designated for commercial, industrial and agricultural uses.*

The Applicant addresses this Plan policy with a detailed description of the history, previous owners, surrounding uses and the transportation system of the Deschutes Junction area. The Applicant asserts that the Plan Amendment and Zone Change is consistent with how the Deschutes Junction area has developed and the rural character of that particular area. No participant to this proceeding asserts these goals and policies are not met or otherwise refutes the evidence or argument the Applicant relies on.<sup>11</sup>

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Plan.

*4. Oregon Administrative Rules*

In addition to the administrative rules discussed in the findings above relating to Goal 3, Goal 5, and Goal 14, the Applicant and the Staff Report identify and address several administrative rules as potentially applicable to the Application. No other participant in this proceeding identified other applicable rules.<sup>12</sup>

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<sup>11</sup> The Staff Report also identifies Policies 3.10.6 through 3.10.8 as potentially relevant and asks the Hearings Officer to determine either if the policies apply or if they are satisfied. Policy 3.10.6 and 3.10.7 require the County to review impacts to the transportation system. The County has done that through the review of the Applicant’s TIA. Policy 3.10.8 requires the County to review other policies and initiate a Deschutes Junction Master Plan. I find that policy to be directed solely to the County and not applicable to a quasi-judicial land use application.

<sup>12</sup> Some administrative rules the Applicants address, or which appear in the Staff Report, have been omitted from this Recommendation where the rule does not expressly impose an approval criterion.



OAR 660-006-0005

- (7) *“Forest lands” as defined in Goal 4 are those lands acknowledged as forest lands, or, in the case of a plan amendment, forest lands shall include:*
  - (a) *Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and*
  - (b) *Other forested lands that maintain soil, air, water and fish and wildlife resources.*

The Applicant asserts that the Subject Properties do not qualify as forest land and, therefore, the administrative rules relating to forest land are not applicable.

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

OAR 660-033-0030

- (1) *All land defined as "agricultural land" in OAR 660-033-0020(1) shall be inventoried as agricultural land.*
- (2) *When a jurisdiction determines the predominant soil capability classification of a lot or parcel it need only look to the land within the lot or parcel being inventoried. However, whether land is "suitable for farm use" requires an inquiry into factors beyond the mere identification of scientific soil classifications. The factors are listed in the definition of agricultural land set forth at OAR 660-033-0020(1)(a)(B). This inquiry requires the consideration of conditions existing outside the lot or parcel being inventoried. Even if a lot or parcel is not predominantly Class I-IV soils or suitable for farm use, Goal 3 nonetheless defines as agricultural “lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands”. A determination that a lot or parcel is not agricultural land requires findings supported by substantial evidence that addresses each of the factors set forth in 660-033-0020(1).*
- (3) *Goal 3 attaches no significance to the ownership of a lot or parcel when determining whether it is agricultural land. Nearby or adjacent land, regardless of ownership, shall be examined to the extent that a lot or parcel is either "suitable for farm use" or "necessary to permit farm practices to be undertaken on adjacent or nearby lands" outside the lot or parcel.*

This Recommendation finds that the Subject Properties do not qualify as agricultural land as defined by administrative rule, and they are not suitable for farming. Based on the foregoing, I find that the administrative rules do not require the Subject Properties to be inventoried as agricultural land. This conclusion, however, does not alter other findings in this Recommendation relating to the process for

redesignating the Subject Properties and the requirement to demonstrate the Plan Amendment is consistent with Goal 5.

OAR 660-012-0060

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
  - (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
  - (b) *Change standards implementing a functional classification system; or*
  - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
    - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
    - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
    - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

This administrative rule is applicable to the Plan Amendment because it involves an amendment to an acknowledged comprehensive plan. The Applicant asserts that the Plan Amendment will not result in a significant effect to the transportation system. In support of that assertion, the Applicant submitted its TIA (and supplemental information), discussed above. No participant to this proceeding disputed the information in the TIA or otherwise objected to the use of that information. The County Transportation Planner agreed with the TIA’s conclusions as supplemented.

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

- (2) *If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.*
  - (a) *Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
  - (b) *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
  - (c) *Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
  - (d) *Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.*
  - (e) *Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:*
    - (A) *The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;*

(B) *The providers of facilities being improved at other locations provide written statements of approval; and*

(C) *The local jurisdictions where facilities are being improved provide written statements of approval.*

While the Applicant’s TIA concludes that the Plan Amendment and Zone Change would not have a significant effect on the transportation system, that analysis appears to be premised on various recommendations. As stated in the TIA:

1. It is recommended that right of way dedications along Pleasant Ridge Road be provided to the County standard as part of any future development application. County standards identify a 60-foot standard for Collectors.
2. The existing driveway onto Pleasant Ridge Road may require relocation to support realignment of Graystone Lane's connection to Pleasant Ridge Road. The need for access relocation should be addressed as part of any future land use application and coordinated with the County's transportation planning and engineering departments. An approved approach permit is required by the County for property access.
3. At the time of future property development transportation system development charges will be applied, based on the specific use, to help fund regional transportation system improvements.

Although these findings conclude that the record as a whole does not support approval of the Application, the County Board may arrive at a different conclusion. If it does, I recommend the Board incorporate the recommendations from the TIA in any final decision.

*Statewide Planning Goals and Guidelines*

Division 15 of OAR chapter 660 sets forth the Statewide Planning Goals and Guidelines, with which all comprehensive plan amendments must demonstrate compliance. The Applicant asserts the Application is consistent with all applicable Goals and Guidelines. Except for Goal 3, Goal 5, Goal 6, Goal 11, and Goal 14, which are addressed in more detail in earlier findings, and in the absence of any counter evidence or argument, I adopt the Applicants’ position on the remaining Goals and find that the Plan Amendment and Zone Change are consistent with the applicable Goals and Guidelines as follows:

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

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

**Goal 4, Forest Lands.** Goal 4 is not applicable because the Subject Properties do not include any lands that are zoned for, or that support, forest uses.

**Goal 7, Areas Subject to Natural Disasters and Hazards.** here are no mapped flood or volcano hazards on the subject property. Wildfire, earthquake, and winter storm risks are identified in the County’s DCCP. The subject property is not subject to unusual natural hazards nor is there any evidence in the record that the proposal would exacerbate the risk to people, property, infrastructure, the economy, and/or the environment from these hazards on-site or on surrounding lands.

**Goal 8, Recreational Needs.** The property is not a recreational site. The proposed plan amendment and zone change do not affect recreational needs, and nonspecific development of the property is proposed. Therefore, the proposal does not implicate Goal 8.

**Goal 9, Economy of the State.** This goal is to provide adequate opportunities throughout the state for a variety of economic activities. The Applicant asserts that the proposed plan amendment and zone change are consistent with this goal because it will provide opportunities for economic development in the county in general, and in the Deschutes Junction area in particular, by allowing the property to be put to a more productive use.

**Goal 10, Housing.** There are already two houses on site, which can be used, adaptively reused or demolished. The proposed plan amendment and zone change will not affect existing or needed housing and Goal 10 is not applicable.

**Goal 12, Transportation.** This application complies with the Transportation System Planning Rule, OAR 660-012-0060, the rule that implements Goal 12. Compliance with that rule also demonstrates compliance with Goal 12.

**Goal 13, Energy Conservation.** The Applicant's proposal, in and of itself, will have no effect on energy use or conservation since no specific development has been proposed in conjunction with the subject applications. The record shows that providing additional economic opportunities on the subject property may decrease vehicle trips for persons working in the Deschutes Junction area, therefore conserving energy.

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

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**IV. CONCLUSION**

Based on the foregoing findings, I find the Applicant has NOT met the burden of proof with respect to the standards for approving the requested Plan Amendment and Zone Change. I therefore recommend to the County Board of Commissioners that the Application be DENIED unless the Applicant can meet that burden.

Dated this 12<sup>th</sup> day of June 2023



Tommy A. Brooks  
Deschutes County Hearings Officer



BOARD OF  
COMMISSIONERS

**AGENDA REQUEST & STAFF REPORT**

**MEETING DATE:** June 10, 2024

**SUBJECT:** Deliberations: Draft 2020-2040 Deschutes County Comprehensive Plan

**RECOMMENDED MOTION:**

Provide direction to staff on the preferred approach to deliberations.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Board of Commissioners will begin the deliberations process in consideration of the Draft Deschutes County 2040 Comprehensive Plan. The full record is located on the project website: <https://www.deschutes.org/cd/page/247-23-000644-pa-deschutes-county-2040-comprehensive-plan-update-hearing-page>.

**BUDGET IMPACTS:**

N/A

**ATTENDANCE:**

Nicole Mardell, AICP, Senior Long Range Planner  
Will Groves, Planning Manager  
Stephanie Marshall, Senior Assistant Legal Counsel



**MEMORANDUM**

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

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

**DATE:** June 5, 2024

**SUBJECT:** Deliberations: Deschutes County 2040 Comprehensive Plan Update

The memo outlines the potential approach for the Board to deliberate on the Deschutes County 2040 Comprehensive Plan Update. It recommends automatically integrating technical edits, placing certain items in a "parking lot" for future consideration, and focusing discussion on four key chapters that received the most public feedback. The Board is being asked to provide feedback on this proposed approach to structure the deliberations.

**I. BACKGROUND**

The Board held public hearings to gather testimony for the Deschutes County 2040 Comprehensive Plan Update on April 10, 2024, in Bend<sup>1</sup>; April 23, 2024, in Sunriver<sup>2</sup>; and April 30, 2024, in Sisters<sup>3</sup>; and May 8, 2024 in Bend<sup>4</sup>. At the conclusion of the May 8 hearing, the Commission voted to close the oral record, leave the written record open until May 30, and commence deliberations at a subsequent meeting.

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

<sup>1</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-162>  
<sup>2</sup> <https://www.deschutes.org/bcc/page/public-hearing-2020-2040-comprehensive-plan-update>  
<sup>3</sup> <https://www.deschutes.org/bcc/page/public-hearing-2020-2040-comprehensive-plan-update-0>  
<sup>4</sup> <https://www.deschutes.org/bcc/page/2020-2040-comprehensive-plan-update-public-hearing>



**II. PROPOSAL**

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. Updates to the Tumalo Community Plan and Transportation System Plan were completed separately from this project. Updates to the Terrebonne Community Plan and Newberry Country Plan are not included within the scope of this project.

**III. APPROACH TO DELIBERATIONS**

The draft Deschutes County 2040 Comprehensive Plan update provides background information, a summary of community considerations, and overarching goal and policy guidance pertaining to key issues surrounding management of growth, development, and resource protection in the rural county. Staff has received 363 public comments and 11 agency comments on a variety of topics and in the following formats:

- Scrivener’s errors / purely technical edits.
- Issues precluded by state law.
- Issues outside of the scope of the project or one-time actions.
- Specific, redlined revisions suggestions.
- Broader feedback on topics.

To streamline deliberations, staff proposes to automatically integrate any edits that are purely technical in nature (scrivener’s errors, references, updated figures) into the final draft of the document.

Legal, in coordination with staff, recommends the Board place any items that may be currently precluded by state law or rule, those outside of the project scope and vulnerable to appeal, or those that are one-time actions into a “parking lot”. These items can then be discussed as part of a separate action plan that will provide guidance at one-, five-, and ten-year intervals to guide future CDD work plan tasks. An example of this would be to place a revisit of the County’s destination resort mapping process into the parking lot. Due to the depth of analysis, necessity for focused community engagement on this topic, and risk of appeal, staff recommends this topic be reconsidered outside of the Comprehensive Plan Update process. Staff has provided a list of “parking lot” items in Attachment A.

As public commenters have provided both broad feedback and specific redlines, staff is not intending to produce a matrix to aid in the Board’s discussion. Instead, staff recommends the Board revisit four chapters of the draft document in detail to discuss any desired revisions based on comments in the record and bring forward any additional suggested

changes in other chapters for discussion. The four chapters that were most discussed and had the broadest variety of suggested revisions through the hearing process are listed below and attached to this document:

- Chapter 3 – Farm and Forest Land (Attachment B)
- Chapter 5 – Natural Resources (Attachment C)
- Chapter 7 – Natural Hazards (Attachment D)
- Chapter 11 – Unincorporated Communities and Destination Resorts (Attachment E)

Using this approach will allow the Commissioners to thoroughly engage with the multitude of issues and suggested edits in the record pertaining to this chapters, while still allowing for Commissioners to bring forward other topics for discussion in the remainder of the document as needed.

**IV. NEXT STEPS**

Staff will be looking to the Board for feedback on the described approach to deliberations.

**Attachments**

- Attachment A – “Parking Lot” Issues
- Attachment B – Chapter 3 – Farm and Forest Land
- Attachment C – Chapter 5 – Natural Resources
- Attachment D – Chapter 7 – Natural Hazards
- Attachment E – Chapter 11 – Unincorporated Communities and Destination Resorts



## COMMUNITY DEVELOPMENT

### Attachment A "Parking Lot"

#### Issues identified by staff that are:

- **Potentially precluded by state law or land use goals; or**
- **Action items that may be more fitting for an action plan and subsequent separate project.**

Issue Area	Comprehensive Plan Chapter	Category	Comments
Revise code to have clear and objective standards for all uses	Ch. 2 – Land Use Planning	Action Item	This could be considered through an action plan and subsequent text amendment process.
Conduct area-specific studies for the Three Rivers area	Ch. 2 – Land Use Planning	Action Item	This project is already listed for action in CDD's 2024-2025 work plan.
Require appellants to pay appeal costs	Ch. 2 – Land Use Planning	Precluded by State Law	The procedures and costs associated with appeals are determined by state law.
Limit standing for appeals to adjacent landowners	Ch. 2 – Land Use Planning	Precluded by State Law	The procedures and costs associated with appeals are determined by state law.
Place a moratorium on development to limit future growth	Ch. 2 – Land Use Planning	Precluded by State Law	The process to enact a moratorium on development requires a specific need associated with the moratorium, such as a public health hazard, and can only be for a specified period of time to address that need.
Create a County strategic plan	Ch. 2 – Land Use Planning	Action Item	This could be considered through an action plan item and subsequent process.

Retain agricultural lands zoning for property deemed commercially viable	Ch. 3 – Farm Land	Precluded by State law	DLCD expressed concern regarding this statement, as there are specific criteria in state law to define “agricultural land” relating to soil classification, existing farm uses, and supporting nearby lands. Integrating this language may put the County at risk for appeal.
Ensure regulations do not exceed requirements of ORS or LCDC rule.	Ch. 3 – Farm Land	Action Item	DLCD noted that counties have ability to be stricter, but not less strict on farm related uses. This topic could be explored through the action plan and subsequent text amendment process.
Eliminate or revisit EFU Sub-zones	Ch. 3 – Farm Land	Action Item	This item is more fitting for an action plan. Statute sets a minimum lot size, generally at 80 acres, and allows smaller parcel sizes under a farm study. Elimination of subzones would likely result in larger minimum parcel sizes.
Regulate development through water availability	Ch. 5 – Water Resources	Action Item	This would be more fitting for an action item and would require extensive coordination with DLCD and OWRD.
Require approval of water permits prior to processing applications	Ch. 5 – Water Resources	Action Item	Same comment as above.
Re-evaluate use of water rights	Ch. 5 – Water Resources	Precluded by State Law	The County does not have jurisdiction to regulate water rights.
Require water budgets and monitoring for public lands	Ch. 5 – Water Resources	Precluded by State Law	The County does not have jurisdiction to impose additional water regulations on public landowners.
Require consideration of water availability during UGB expansion processes	Ch. 5 – Water Resources	Precluded by State Law	The County has limitations in authority as UGB expansion processes are regulated by state OAR and ORS. Additionally, any policies related to

			UGBs should include extensive discussions with the County's four cities.
Construct infrastructure to manage or limit water waste	Ch. 5 – Water Resources	Action Item	This topic could be explored through an action plan and subsequent text amendment process.
Replace all wildlife regulations with incentives	Ch. 5 – Wildlife Resources	Action Item	This topic could be explored through an action plan and subsequent text amendment process.
Remove regulations associated with Goal 5 wildlife resources	Ch. 5 – Wildlife Resources	Precluded by State Law	DLCD has noted this item is precluded by state law without an extensive Goal 5 review process and would put the County at risk for appeal.
Remove Floodplain zoning from irrigation districts and canals	Ch. 7 – Natural Hazards	Action Item	This topic could be explored through an action plan and subsequent text amendment process.
Advocate for legislation to enable transitional housing outside UGBs	Ch. 10 – Housing	Action Item	This topic could be explored through an action plan and coordination with the County's lobbyist.
Make the Three Rivers census designated place an unincorporated community	Ch. 11 – Unincorporated Communities	Precluded by State Law	A county cannot designate new unincorporated communities, state rule notes that only those communities existing as of 1994 can have this status. This language could put the County at risk of appeal.
Restrict development of destination resorts	Ch. 11 – Destination Resorts	Action Item	This topic received many public comments, both in favor and against. Staff recommends this topic be further explored through an action plan item and subsequent text amendment process.
Clarify that no restrictions can be imposed that limit, make unfeasible or prevent development of destination resorts	Ch. 11 – Destination Resorts	Precluded by state law	DLCD noted in their comment letter that eligibility of a site does not guarantee compliance with applicable regulations or secure land use approval. This language could put the County at risk of appeal.

# 3

## Farm and Forest Resources







## Opportunities, Challenges, and Considerations

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

### PREVALENCE OF SMALL FARMING OPERATIONS AND HOBBY FARMS

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

### MARGINAL OR LOW PRODUCTIVITY SOILS

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

### FINANCIAL CHALLENGES

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

### DECLINING FOREST PRODUCTS INDUSTRY

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



### WATER SUPPLY AND IRRIGATION

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

### CHANGES IN CLIMATE CONDITIONS

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

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

### Context

#### Agriculture

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

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

#### Forest Lands

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

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

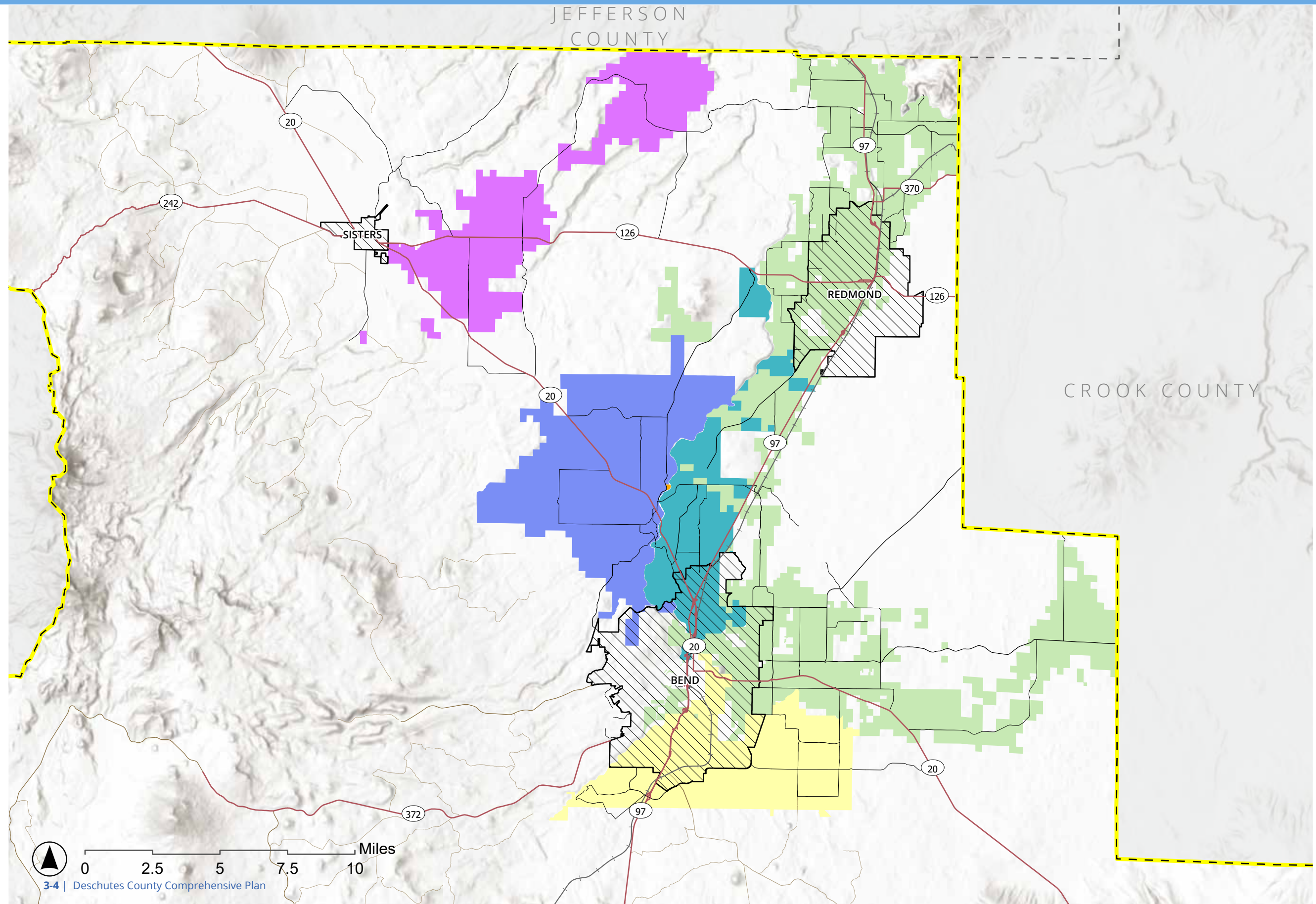
### Days Above 90 Degrees in Brothers





# IRRIGATION DISTRICTS

## Map 3-1



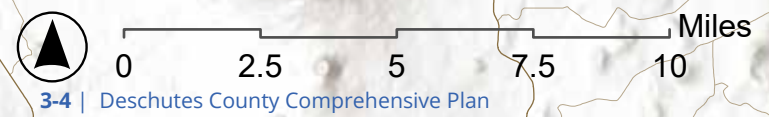
DESCHUTES COUNTY  
2040  
A PLAN FOR THE FUTURE

### Irrigation Districts

- Arnold Irrigation District
- Central Oregon Irrigation District
- Rimrock Water Improvement District
- Swalley Irrigation Dist (DRIC)
- Three Sisters Irrigation District
- Tumalo Irrigation District
- State Routes

### Transportation

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



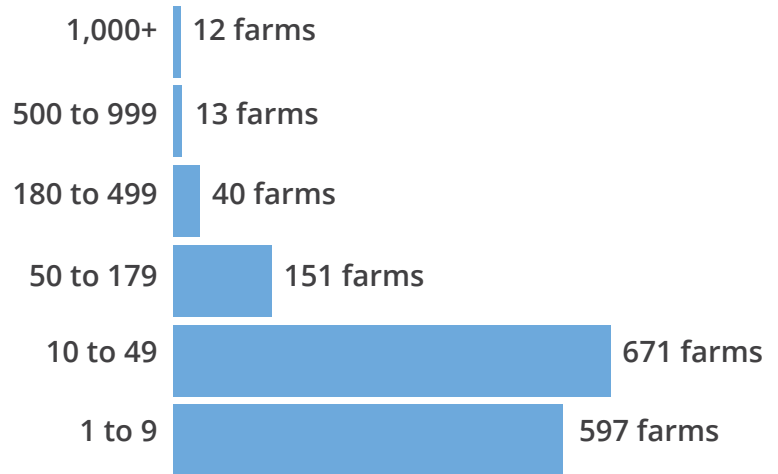
Prepared by   
Revised 8/1/2023

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

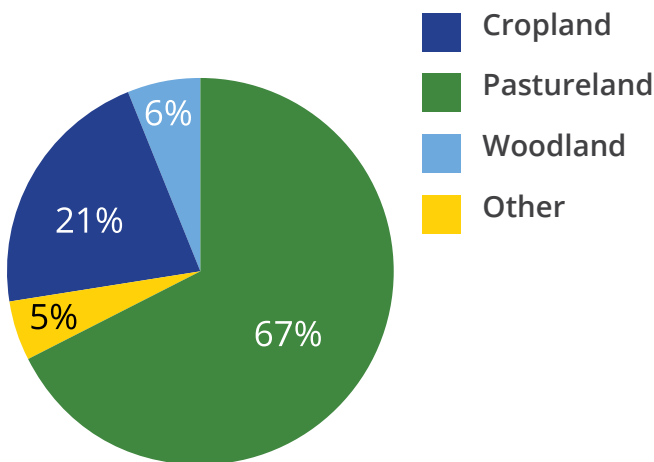
development in these areas each year. Even with this limitation on development, forest managers and service providers continue to express concern with wildfire risk associated with residential development in heavily wooded areas.

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

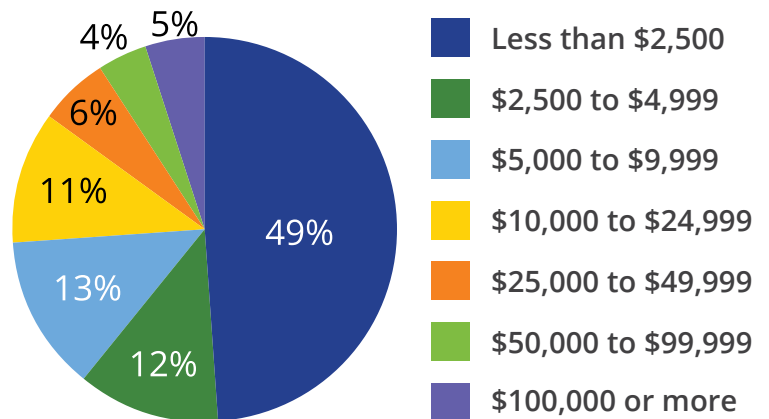
### Farms By Size (acres)



### Land in Farms by Use



### Farms By Value of Sales



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

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

- **Secondary forest products (forest operations):** There is an increasing use of secondary forest products, such as hog fuel (chipped wood) or wood slash. This type of product is generally seen as providing dual benefit, by providing economic opportunity while also reducing wildfire risk through thinning projects.
- **Alternative Energy:** Biomass is an emerging technology for renewable energy and can also be integrated with these products. The first biomass facility in the County is currently under development through a partnership with Mt. Bachelor Ski Resort and the US Forest Service.
- **Recreation (environmental, agricultural and recreation uses):** The proximity of federal forests for hiking, mountain biking, skiing, hunting, fishing, wildlife viewing and other outdoor recreation draws tourists and residents alike. Skyline Forest, a 33,000-acre privately owned property in the Forest 1 zone has been identified as a potential community asset, with several groups and nonprofits seeking to acquire and utilize the property as a community forest. In 2022, Deschutes Land Trust facilitated a community visioning process to identify preferred community uses if land were to be purchased as a privately held recreational asset.

## Key Community Considerations

Given the range of issues and conditions discussed above and, this plan includes a variety of policies to support farm and forest operations in Deschutes County. Additional related policies also are found in Chapter 2: Land Use and Regional Coordination, Chapter 5: Natural Resources, and Chapter 9: Economic Development. These strategies are underpinned by the following results of Comprehensive Plan outreach efforts.

- 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.
- There is strong support for conducting educational outreach to encourage water conservation and on-farm efficiency measures.
- Community members also strongly support allowing greater flexibility for income-producing supplemental activities on farms such as farm-to-table dinner, farm stands, weddings, or similar events.
- Outreach participants expressed support for investment in the agricultural economy through grants or exploring a farmland conservation program.



## Goals and Policies

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

**Policy 3.3.1.** Identify and retain accurately designated agricultural lands.

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

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

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

- a. The large number of platted lots not meeting the minimum acreage;
- b. The need for non-farm dwellings and location requirements for farm dwellings;

- c. Concerns over the impact on private property from off-road vehicles, facilities, and trails located on adjacent public lands.

**Policy 3.3.4.** Continue to work with the State to review and revise accessory farm dwelling requirements to address the needs of local farmers.

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

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

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

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

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

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

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

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

- a. Consist predominantly of ownerships developed for residential or non-forest uses;
- b. Consist predominantly of ownerships less than 160 acres;
- c. Consist of ownerships generally contiguous to tracts containing less than 160 acres and residences, or adjacent to acknowledged exception areas; and
- d. Provide a level of public facilities and services, including roads, intended primarily for direct services to rural residences.”

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

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

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

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

**Policy 3.4.6.** Coordinate and cooperate with the U.S. Forest Service, the Bureau of Land Management and other public agencies to promote sustainable forest uses, including recreation and biomass facilities, on public forest land, including currently adopted Forest and Land Management Plans prepared by the US Forest Service (USFS) and US Bureau of Land Management (BLM).

- a. Using the Deschutes National Forest Land and Resource Management Plan, or its successor, as the basis for mutual coordination and cooperation with the U.S. Forest Service;



- b. Using the Prineville Bureau of Land Management Upper Deschutes Resource Management Plan, or its successor, as the basis for mutual coordination and cooperation with the Bureau of Land Management.

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

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

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

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

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

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





# 5

## Natural Resources







## Opportunities, Challenges, and Considerations

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

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

Topics covered in this chapter include:

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

### PROTECTED WILDLIFE RESOURCES

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

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

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

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

### SCENIC VIEWS AND OPEN SPACE

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

With close to 80% of the County under public ownership, many community members enjoy access to natural resources on public lands. A perennial issue among community members is

preserving scenic views and open spaces closer to home on undeveloped private properties.

**WATER RESOURCES**

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. 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. 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 transmission losses in irrigation canals from seepage into groundwater and evaporation, piped canals typically require only half the amount of water to be diverted from the river or stream to deliver the same volume of water to the end user compared to open canals. Community members have expressed concern that piping canals contribute to aquifer declines.

Deschutes County plays 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.

**Context**

**Protected Wildlife Resources**

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

**Statewide Planning Goal 5**

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

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

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



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

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

**MULE DEER**

Migration corridors and winter range are essential habitats needed to support mule deer in Deschutes County. The Bend/La Pine migration corridor is approximately 56 miles long and 3 to 4 miles wide and parallels the Deschutes and Little Deschutes Rivers. The corridor is used by deer migrating from summer range in the forest along the east slope of the Cascades to the North Paulina deer winter range. Deschutes County adopted a "Deer Migration Priority Area" based on a 1999 ODFW map submitted to the South County Regional Problem Solving Group. This specific sub-area is precluded from destination resorts.

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

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

**SENSITIVE BIRDS**

Nest sites for the bald eagle, osprey, golden eagle, prairie falcon, great grey owl, greater sage-grouse, and great blue heron rookeries are inventoried by the County. The area required for each nest site varies between species. The minimum area required for protection of nest sites has been identified by the ODFW in their management guidelines for protecting colony

nesting birds, osprey, eagles, and raptor nests. The USFW works closely with ODFW on eagle-related issues and enforces federal guidelines to ensure protection of bald and golden eagles.

**ELK**

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

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

**ANTELOPE**

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



*Credit: Andrew Walch/ODFW*



## Scenic Views and Open Space

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

Open spaces and scenic views are an important draw for visitors and are often mentioned as important to the area's quality of life. The backdrop of the Cascade Mountains, with its vast forest and sagebrush landscapes and riparian and wetland habitats, all provide an inspirational setting for visitors and residents alike. Statewide Planning Goal 5 recommends, but does not require, creating an inventory and protections for open spaces, scenic views and sites. Oregon Administrative Rule (OAR) 660-023 defines open space designations as parks, forests, wildlife preserves, nature sanctuaries, and golf courses.

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

## Water Resources

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

### REGULATORY AGENCIES

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

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

### STATEWIDE PLANNING GOALS

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



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

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

**WATER USE**

The Deschutes aquifer has a recharge rate of roughly 3 million acre feet per year. The current water usage comes to roughly 720 thousand acre feet per year. Roughly 40 to 50 thousand acre feet of that water goes toward municipal and non-agricultural use, while the remaining goes toward crop and pasture irrigation. The majority of that municipal water use goes towards outdoor watering (gardens, sports fields, etc.). As an example: the City of Bend uses 5 times as much water in the summer as in the winter.

**SNOWPACK**

Although there is expected to be a slight increase in winter precipitation by the middle of the century, snowpack is expected to decline throughout the Cascades. The decline in snowpack (which has already been observed, see figure below)<sup>1</sup> is due largely to increasing temperatures causing some precipitation to fall as rain rather than snow. This has the double effect of decreasing snowfall and melting the previously fallen snow. At the Mt Bachelor Ski Resort, April snowpack is expected to decline between 11% and 18% by the middle of the

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

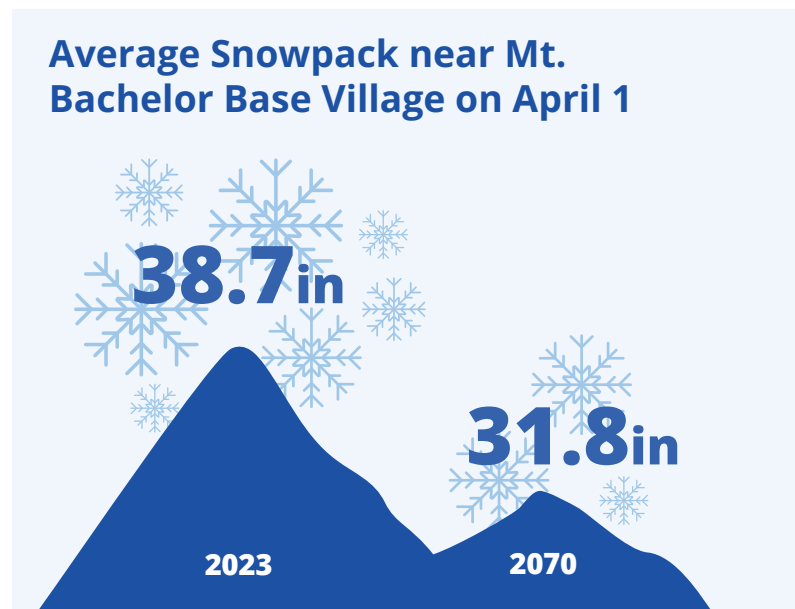
century and between 18% and 43% by the end of the century.

**LAVA SPONGE**

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

**GROUNDWATER**

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.<sup>2</sup>

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

The Department of Environmental Quality (DEQ) Laboratory and Water Quality Divisions' Groundwater Quality Report for the Deschutes Basin (March 2006) identifies areas of concern for groundwater contamination based on various sources of data and groundwater quality studies. Based on collected data, development patterns and the geology of the underlying aquifer, the report makes recommendations for a couple of areas in the County. The report notes the groundwater aquifer in the Redmond area is vulnerable to contamination from human activities and recommends further study by the DEQ. The La Pine aquifer in the southern portion of the county from the Sunriver area to the Klamath County line between Newberry Caldera and the Cascades is an area of particular concern because of data collected through several studies and the high level of development in the area. The report also identifies underground injection systems that could contaminate the aquifer with pollutants from stormwater drywells or sewage drillholes.

In South Deschutes County, the concern for groundwater quality arises from nitrate

<sup>2</sup> Information from the Oregon Water Resources Board Mitigation Program.

## Deschutes Basin Hydrogeology

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

Groundwater flows eastward from the Cascade Range through permeable volcanic rocks out into the basin and then generally northward. Groundwater recharge comes from precipitation in the Cascade Range, inter-basin flow and leaking irrigation canals. No long-term water-level declines attributable to groundwater pumping were found in the upper Deschutes Basin. Approximately one-half of the ground water flowing from the Cascade Range discharges to spring-fed streams along the margins of the range. The remaining groundwater flows through the subsurface, and eventually discharges to streams near the confluence of the Deschutes, Crooked, and Metolius Rivers.

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

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

Considerable work has gone into studying the groundwater in South County. In 1999 Deschutes County and the Department of Environmental Quality (DEQ) identified the need for a better understanding of the processes that affect the movement and chemistry of nitrogen in the aquifer underlying the La Pine area. In response, the U.S. Geological Service (USGS), in cooperation with Deschutes County and DEQ, began a study to examine the hydrologic and chemical processes that affect the movement and chemical transformation of nitrogen within the aquifer. A primary objective was to provide tools for evaluating the effects of existing and future residential development on water quality and to develop strategies for managing groundwater quality.

Field research from the USGS study shows that in a 250-square-mile study area near La Pine the groundwater underlying the La Pine sub-basin is highly vulnerable and being polluted by continued reliance on traditional onsite systems. Environmental impacts from residential development include higher nitrate concentrations in groundwater that is tapped for domestic water supply and discharges to rivers. Nitrates are regulated by the federal Environmental Protection Agency and DEQ as a human health concern. Vulnerability of the shallow aquifer to contamination led to concern that wastewater from septic systems poses a threat to the primary drinking water supply and local river systems. The Upper Deschutes and

Little Deschutes Sub-basins have abundant, natural sources of phosphorus from volcanic soils and rocks so the rivers are naturally nitrogen limited. Nitrogen-limited rivers are sensitive to low concentrations of available nitrogen until some other component becomes limiting, and that may lead to ecological impacts.

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

Many South County residents expressed concern over the costs involved with converting their septic systems and disputed the science behind the rule. Placed on the ballot by petition, the local rule was rescinded by voters in March 2009.

As of 2010 the DEQ is leading the effort to address nitrates in South County, with the full cooperation of the County. One solution being considered is creating a sewer system or extending Sunriver's to serve some of the nearby areas. Sewer systems are tightly restricted on rural lands by Statewide Planning Goal 11 and OAR 660-11, so the Department of Land Conservation and Development is also involved in these efforts.

## RESERVOIRS

The majority of the irrigation in Deschutes County comes from reservoirs. 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. Regional droughts in recent years have resulted in lower water levels in these reservoirs.







## Goals and Policies

### Water Goals and Policies

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

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

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

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

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

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

**Goal 5.2:** Increase water conservation efforts.

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

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

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

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

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

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

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

- a. Cooperate to improve surface waters, especially those designated water quality impaired under the federal Clean Water Act;
- b. Support research on methods to restore, maintain and enhance river and riparian ecosystems and wetlands;
- c. Support restoration efforts for river and riparian ecosystems and wetlands;
- d. Inventory and consider protections for cold water springs;
- e. Evaluate waterways in coordination with OPRD for possible designation under the Scenic Waterways program;

- f. In collaboration with appropriate federal, state, tribal and local agency resource managers stakeholders, map channel migration zones and identify effective protections;
- g. Develop comprehensive riparian management or mitigation practices that enhance ecosystems, such as criteria for removal of vegetation that adversely impacts water availability and soil health.

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

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

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

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

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

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

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

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

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

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

- a. Spawning and rearing areas for salmonid species should be considered significant habitat and should be protected in rivers and streams.
- b. Cooperate with covered parties in restoring or enhancing spawning and rearing areas for salmonid species, where feasible.
- c. Support efforts to address riparian restoration associated with streamflow management under approved plans.

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

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

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

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

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

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

**Policy 5.4.10.** Coordinate and work with the Oregon Department of Agriculture, agricultural uses, and available voluntary programs to support and implement proven new technologies and best practices to maintain and enhance water quality,

such as minimizing nitrate contamination, maintaining streamside vegetation, reducing streambank soil erosion and runoff, reducing fish passage barriers, managing return flows, limiting livestock access to riparian areas, and minimizing weeds and bare patches in grazing areas.

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

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

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

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

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

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

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

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

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

### Open Space and Scenic Views Goals & Policies

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

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

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

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

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

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

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

### Wildlife Goals and Policies

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

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

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

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

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

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

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

**Policy 5.8.1.** Encourage responsible and sustainable wildlife related tourism and recreation.

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

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

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

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

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

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

### Environmental Quality Goals and Policies

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

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

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

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

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

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

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

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

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

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

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

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



# 7

## Natural Hazards





### Opportunities, Challenges, and Considerations

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

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

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

According to the NHMP, the hazards with greatest risk in Deschutes County are:

- **Winter Storm.** Destructive storms producing heavy snow, ice and cold temperatures occurred throughout the County's history. Increases in population and tourism make potential impacts to shelter, access to medical services, transportation, utilities, fuel sources, and telecommunication systems more acute. The relative frequency of these events combined with their widespread impacts make winter storms the highest-ranked hazard in the NHMP.

- **Wildfire.** Historically, wildland fires have shaped the forests and wildlands valued by residents and visitors. These landscapes, however, are now significantly altered due to increased rural development, warmer and drier conditions, and a general lack of large-scale treatments due to outdated forest management practices, resulting in increased event of wildfires that burn more intensely than in the past.

Statewide Planning Goal 7 requires local comprehensive plans to address Oregon's natural hazards. Protecting people and property from natural hazards requires knowledge, planning, coordination, and education. Good planning does not put buildings or people in harm's way. Planning, especially for the location of essential services like schools, hospitals, fire and police stations, is done with sensitivity to the potential impact of nearby hazards.



- **Windstorm.** A windstorm is generally a short duration event involving straight-line winds and/or gusts in excess of 50 mph. Although windstorms can affect the entirety of Deschutes County, they are especially dangerous in developed areas with significant tree stands and major infrastructure, especially above ground utility lines.
- **Drought.** Periods of drought can have significant impacts on public health, agriculture, and industry. Many counties in eastern Oregon are experiencing more frequent and severe droughts than is historically the norm, and many climate predictions see this trend continuing into the future.
- **Earthquake.** The Pacific Northwest is located at a convergent plate boundary, called the Cascadia Subduction Zone, where the Juan de Fuca and North American tectonic plates meet. This fault line is subject to rare but potentially very large

earthquakes. Such an event would impact Deschutes County communities both directly through damage to infrastructure and property, as well as economically and socially as the broader region recovers from the disaster.

## Context

Informed by an understanding of natural hazards, Deschutes County can reduce the risks to property, environmental quality, and human safety through land use planning and review of specific development proposals. The County's policies provide the framework for the County's natural hazards review program. This includes: identification of areas subject to natural hazards, regulations for evaluating land use actions for how they may result in exposure to potential harm from natural hazards, and programmatic elements including partnerships and funding opportunities to support natural hazard risk reduction.

Deschutes County has taken on a number of proactive projects, including:

- 2021 Natural Hazards Mitigation Plan (NHMP)
- 2019 Wildfire Mitigation Advisory Committee
- Project Wildfire, a County-led wildfire education and mitigation program has been in operation since 2012 and has been very successful in changing attitudes towards wildfire and prevention.
- Community Wildfire Protection Plans (CWPP) for many communities, including:
  - » Greater Bend CWPP (2016, expected revision 2021)
  - » Greater La Pine CWPP (2020, expected revision 2025)
  - » Greater Redmond CWPP (2018, expected revision 2023)
  - » Greater Sisters Country CWPP (2019, expected revision 2024)



- » Sunriver CWPP (2020, expected revision 2025)
- » East and West Deschutes County CWPP (2018, expected revision 2023)
- » Upper Deschutes River Coalition CWPP (2018, expected revision 2023)

In addition, dozens of neighborhoods are pursuing or have received FireWise certification through the National Fire Protection Association. The County also supports the Heart of Oregon and Youth Conservation Corps crews in fuels reduction work and other mitigation efforts, with financial assistance from other entities.

## Wildfire

According to the Natural Hazards Mitigation Plan, wildfire is the second most significant hazard to the county (after winter storms) and was the most discussed natural hazard discussed during outreach events. Throughout the 20<sup>th</sup> century, the years with warm and dry conditions corresponded with larger fires that have burned greater areas. Overall increases in heat will also lengthen growing seasons - building greater fuel loads and decreasing soil and fuel moisture, thereby increasing the likelihood of larger fires. By mid-century, the annual potential for very

large fires is projected to increase by at least 350% over the 20<sup>th</sup> century average.<sup>1</sup>

The annual frequency of very high and extreme fire danger days is expected to increase by 10-15 additional days per year by mid-century<sup>4</sup> (up from 36 currently). These trends are due to exacerbated conditions with a combination of high air temperatures and very low fuel moisture, which increases the likelihood of fire starts that can spread. As Deschutes County communities have experienced, increased fire activity - even at quite a distance - will impact air quality, increasing public health risks and impacting aspects of everyday life.

Research indicates that in regions where fire has moved through the landscape with increased severity, regrowth is changing the species composition of the forests, which are likely to be more resilient to future fires.<sup>2</sup> Other compounding factors, like drought and pest outbreaks, will continue to build fuel loads in the forests and change the forest's composition. Post-fire landscapes in Deschutes County will likely see increases in the prevalence of invasive and pioneer tree species, and a reduction in fire-susceptible species such as western hemlock, subalpine fir, and some spruce. Fire resistant species like mature Douglas fir and western larch will have greater survival capacity to fire,<sup>3</sup> but perhaps not to other stressors. Larger fires that occur over shorter intervals will negatively impact seed dispersion capacity, and reduced moisture available in ponderosa forest regions will be vulnerable to reforestation failures, leading to conversion to other ecosystem types. In the mountain forests, the average yearly area burned is expected to nearly double by mid-century, while the area burned in the grass/shrub plateau areas is likely to decrease slightly by mid-century. This is partly due to extended

<sup>1</sup> Halofsky, J. Peterson, D, Harvey, B. "Changing Wildfire, changing forests: the effects of climate change on fire regimes and vegetation in the Pacific Northwest, USA. Fire Ecology. 2020.

<sup>2</sup> Sebastian U. Busby, Kevan B. Moffett, Andrés Holz. High severity and short interval wildfires limit forest recovery in the Central Cascade Range. Ecosphere, 2020; 11 (9) DOI: 10.1002/ecs2.3247

<sup>3</sup> 6 Halofsky et al. 2020.



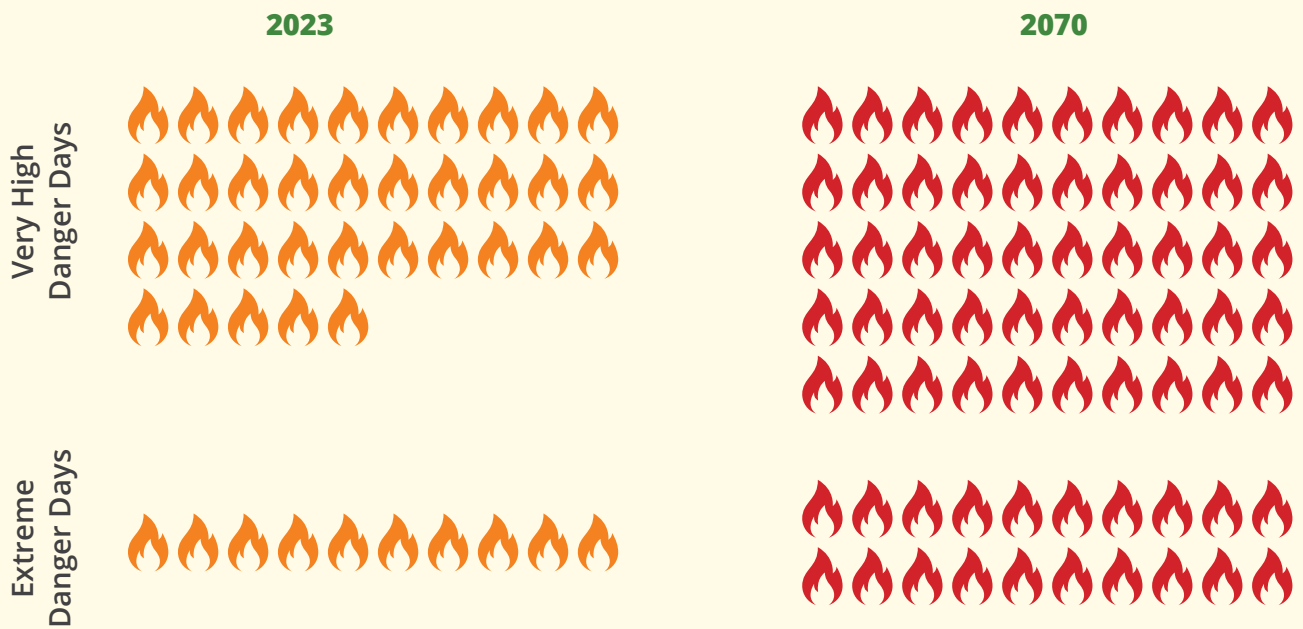
drought decreasing plant growth and therefore available fuel. The risk of unusually severe fires is expected to increase across large swaths of Oregon, including Deschutes County.<sup>4</sup>

**WILDFIRE AND HEAT**

By the middle of this century, increasing temperatures are expected to drive increasing wildfire risk, especially in the Cascades. The yearly percentage of area burned is likely to increase in the mountains and the interval of return (years between fires) is expected to decrease across the county. Both the highest and lowest summer temperatures will increase, leading to more extreme heat days and reducing the historical nighttime cooling effect of the high desert.

Under all change projections, there will be an increase in the number of days with a heat index above both 90° and 100°F by mid-century.<sup>8</sup> By 2100, Deschutes County can expect summer maximum temperatures to be 12°F hotter than current highs. Overall, extreme heat is not considered a human health risk in Deschutes County because of low night temperatures and the low humidity in the region. However, the Redmond airport, which sees the hottest temperatures in the county, will likely start to see occasional temperatures above 105° every few years by mid-century, and at least once a year by 2100. In addition, summer night lows are likely to increase by up to 5° degrees by mid-century, reducing the cooling effect of the high desert climate.

**Fire Danger near Mt. Bachelor Village**



<sup>4</sup> Oregon Forest Resources Institute Fact Sheet



## Key Community Considerations

Community conversations related to natural hazards have centered around the following topics:

- **Impacts of Climate Change.** Throughout the community engagement process, community members spoke to the importance of recognizing and addressing the impacts of climate change in Deschutes County and its relationship with natural hazard events.
- **Education and Communication.** Providing information about potential risks to residents and visitors can help the community as a whole be more prepared for natural hazards.
- **Development Code Regulations and Incentives.** Some community members expressed a desire for stricter regulations and additional incentives about “fire-wise” construction and defensible space practices.
- **Limiting Development in hazard-prone areas.** Increased development in remote areas of the County, where life-saving services may be scarce and human impacts may exacerbate risks, was a concern for some.

## Vulnerable Populations

The socio-demographic qualities of the community population such as language, race and ethnicity, age, income, and educational attainment are significant factors that can influence the community's ability to cope, adapt to and recover from natural disasters. A disproportionate burden is placed upon special needs groups, particularly children, the elderly, the disabled, minorities, and low-income persons. Population vulnerabilities can be reduced or eliminated with proper outreach and community mitigation planning. For planning purposes, it is essential that Deschutes County and the cities of Bend, La Pine, Redmond, and Sisters consider both immediate and long-term socio-demographic implications of hazard resilience.



## Goals and Policies

**Goal 7.1:** Develop policies, partnerships, and programs to increase resilience and response capacity in order to protect people, property, infrastructure, the economy, natural resources, and the environment from natural hazards.

**Policy 7.1.1.** Partner with county, state, and regional partners to regularly update and implement the Deschutes County Natural Hazards Mitigation Plan.

**Policy 7.1.2.** Collaborate with federal, state, and local partners to maintain updated mapping of high wildfire risk areas, floodplains, and other natural hazard areas within the county.

**Policy 7.1.3.** Communicate and cooperate with federal, state, and local entities to clarify responsibilities regarding wildfire mitigation and suppression to improve fire protection services.

**Policy 7.1.4.** Use the development code to provide incentives and regulations to manage development in areas prone to natural hazards.

**Policy 7.1.5.** Work with agency partners to address and respond to increased episodes of poor air quality resulting from wildfires in the region.

**Policy 7.1.6.** Protect wildlife with wildland fire mitigation measures on private lands.

**Policy 7.1.7.** Address wildfire risk, particularly in the wildland urban interface.

**Policy 7.1.8.** Identify all areas not protected by structural fire protection agencies and promote discussions to address fire protection in unprotected lands in the County.

**Policy 7.1.9.** Support forest management practices that reduce wildfire risk.

**Policy 7.1.10.** Support local fire protection districts and departments in providing and improving fire protection services.

**Policy 7.1.11.** Continue to review and revise County Code as needed to:

- a. Ensure that land use activities do not aggravate, accelerate or increase the level of risk from natural hazards.
- b. Require development proposals to include an impact evaluation that reviews the ability of the affected fire agency to maintain an appropriate level of service to existing development and the proposed development.
- c. Minimize erosion from development and ensure disturbed or exposed areas are promptly restored to a stable, natural and/or vegetated condition using natural materials or native plants.
- d. Ensure drainage from development or alterations to historic drainage patterns do not increase erosion on-site or on adjacent properties.
- e. Reduce problems associated with administration of the Floodplain Zone.
- f. Require new subdivisions and destination resorts to achieve FireWise Standards or other currently accepted fire mitigation standards from the beginning of the projects and maintain those standards in perpetuity.

**Goal 7.2:** Ensure the County's built environment and infrastructure are adequately prepared for natural disasters.

**Policy 7.2.1.** Increase the quality, resiliency, diversity, and redundancy of utility and transportation infrastructure to increase chances of continued service following a natural disaster.

**Policy 7.2.2.** Prohibit the development of new essential public facilities and uses that serve vulnerable populations from being located within areas at high risk of flooding and wildfire, and aim to relocate existing uses in these areas.

**Policy 7.2.3.** Support siting of Central Oregon Ready, Responsive, Resilient (CORE3) regional coordinated emergency services training facility.

**Policy 7.2.4.** Coordinate with emergency service providers when new development is proposed to ensure that response capacity can meet the needs of the new development.

**Policy 7.2.5.** Require new development to follow home hardening, defensible space, and other resilient design strategies in areas prone to wildfires and other natural hazards.

**Policy 7.2.6.** Encourage and incentivize development that exceeds minimum building code standards and promote retrofitting of existing development for better natural disaster resiliency.

**Policy 7.2.7.** Require development to be designed to minimize alteration of the natural landform in areas subject to slope instability, drainage issues or erosion.

**Policy 7.2.8.** Regulate development in designated floodplains identified on the Deschutes County Zoning Map based on Federal Emergency Management Act regulations.

- a. Continue evaluation of participation in and implementation of the Community Rating System as part of the National Flood Insurance Program.
- b. Cooperate with other stakeholders to identify alternatives for acquiring and/or relocating existing structures prone to flooding.

- c. Continue to coordinate with stakeholders and agency staff to correct mapping errors.

**Goal 7.3:** Develop programs that inform the public about the increased risks from natural hazards.

**Policy 7.3.1.** Identify high risk, high need populations and ensure equitable access to emergency preparedness and recovery services.

**Policy 7.3.2.** Increase outreach and education for hazard awareness and natural disaster preparedness, especially for low-income, elderly, non-English speaking, and other vulnerable populations.

**Policy 7.3.3.** Expand partnerships with government agencies, utilities, and other groups that can help Deschutes County residents prepare for natural disasters.

**Policy 7.3.4.** Work with regional partners to establish and maintain adequate support for a Deschutes County Community Emergency Response Team (CERT) to aid in responding to natural hazard events.

**Policy 7.3.5.** Promote and support business resilience planning.





# 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 7<sup>th</sup> 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.

Destination resorts are a key economic development strategy for Deschutes County. Many community members and visitors enjoy the recreational amenities and accommodations that Destination Resorts provide.



## 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. Other community members express support for the economic and amenity benefits of destination resorts, noting that the current requirements sufficiently address natural resource concerns. Additional community conversations will be valuable to understand the diversity of perspectives on this topic.



## Goals and Policies

### 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 11.7.2.** Ensure protection of water quality, recreational resources, and other County resources and values.

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

**Policy 11.7.4.** Mapping for destination resort siting.

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

- 1) Within 24 air miles of an urban growth boundary with an existing population of 100,000 or more unless residential uses are limited to those necessary for the staff and management of the resort;
- 2) On a site with 50 or more contiguous acres of unique or prime farm land identified and mapped by the Soil Conservation Service or within three miles of farm land within a High-Value Crop Area;
- 3) On predominantly Cubic Foot Site Class 1 or 2 forest lands which are not subject to an approved Goal exception;
- 4) On areas protected as Goal 5 resources in an acknowledged comprehensive plan where all conflicting uses have been prohibited to protect the Goal 5 resource;

### 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.

- 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) through (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.Policy 11.9.2.** Lands designated community shall be developed with uses which support all facets of community needs, be they those of year-round residents or part-time residents and tourists.

**Policy 11.14.3.Policy 11.9.3.** Development shall take into consideration the unique physical features of the community and be sensitive to the residential development within which the community areas are interspersed.

### Sunriver Airport District Policies

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

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

### Sunriver Utility District Policies

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

### Sunriver Forest District Policies

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

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

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

### Sunriver General Public Facility Policies

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

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

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



### Sunriver Water Facility Policies

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

### Sunriver Sewer Facility Policies

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

### Sunriver Transportation System Maintenance Policies

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

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

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

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



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: June 10, 2024

SUBJECT: Deliberations: RVs as Rental Dwellings

RECOMMENDED MOTION:

At the conclusion of the meeting, the Board can:

- Continue deliberations to a date certain, at which time staff will return with more specific options based on today's discussion;
• Close deliberations and propose a motion to adopt/deny during this meeting.

BACKGROUND AND POLICY IMPLICATIONS:

On June 10, 2024 the Deschutes County Board of Commissioners (Board) will conduct deliberations on a legislative text amendment to consider allowing recreational vehicles as rental dwellings (File No. 247-23-000700-TA) under Senate Bill (SB) 1013. The purpose of this item is to provide an opportunity for staff to orient the Board to issues raised in the record and for staff to receive Board feedback on areas of Board interest or concern. Staff will use this information to develop materials to support future Board deliberations on this topic.

BUDGET IMPACTS:

None

ATTENDANCE:

Will Groves, Planning Manager



MEMORANDUM

**TO:** Deschutes County Board of Commissioners

**FROM:** Tanya Saltzman, AICP, Senior Planner  
Will Groves, Planning Manager

**DATE:** June 5, 2024

**SUBJECT:** Deliberations – RVs as Rental Dwellings

On June 10, 2024 the Deschutes County Board of Commissioners (Board) will conduct deliberations on a legislative text amendment to consider allowing recreational vehicles (RV) as rental dwellings (File No. 247-23-000700-TA) under Senate Bill 1013. The purpose of this memorandum and this first deliberation meeting is to provide an opportunity for staff to orient the Board to issues raised in the record and to receive feedback on areas of Board interest or concern.

Staff Recommendation:

- If the Board is generally supportive of RVs as rental dwellings, it needs to first provide direction to staff on the restrictive nature of the code amendments. Based on that input, staff can return at a subsequent meeting with more specific code options.

**I. PROCEDURAL BACKGROUND**

Staff submitted a Post-Acknowledgement Plan Amendment notice to the Department of Land Conservation and Development on October 4, 2023. Staff presented information on the proposed amendments at a Planning Commission work session on October 12, 2023.<sup>1</sup> The Planning Commission held an initial public hearing on November 9, 2023,<sup>2</sup> which was continued to December 14, 2023.<sup>3</sup> At that time, the hearing was closed, and the written record was held open until December 28 at 4:00 p.m. The Planning Commission began deliberating on January 11, 2024<sup>4</sup> and elected to continue the discussion to January 23 to form a complete recommendation to forward to the Board. After deliberating, the Planning Commission voted 4-3 to **not** recommend adoption by the Board. In addition, the Planning Commission chose to provide recommendations concerning the draft amendments if the Board chooses to move forward with adoption.

<sup>1</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-41>  
<sup>2</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-40>  
<sup>3</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-43>  
<sup>4</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-44>

Staff provided a summary of the amendments and the process thus far at a February 28 work session<sup>5</sup> to the Board and followed up with additional information on several topics on March 27,<sup>6</sup> at which time the Board directed staff to proceed with a public hearing. A public hearing was held before the Board on May 8, 2024. At that time, the public hearing was closed, and the written record was held open until 4 p.m. on May 29.<sup>7</sup>

Attached to this memorandum are the proposed text amendments and findings for reference. Within the proposed amendments, added language is shown underlined and deleted shown as ~~strikethrough~~.

**II. OVERVIEW OF TESTIMONY**

A summary of the testimony received is provided below. Many people provided both written and verbal testimony; both are captured in the count and, as such, the total number of individuals providing testimony is less than the sum of the written and verbal testimony.

- Written testimony (received between January 23 and May 29):
  - 60 comments received (some individuals provided more than one comment)
  - One comment received after the close of the written record
- Public hearing verbal testimony (May 8): 6 individuals

**A. Testimony in Support:**

Provides additional housing options. This sentiment was the most repeated amongst supporters. Allowing RVs as rental dwellings would provide a means for less expensive housing options. This could allow people to remain in the county who otherwise might be forced out by the housing market. One commenter noted that their own experiences of living in an RV/tiny home RV allowed them to live in a smaller footprint while allowing them to save up to buy a traditional home several years later. Another noted that this option could help her age in place and feel safer having another resident on the same lot.

Financial opportunities for property owners. By allowing property owners to become landlords, this provides a potential supplementary income.

Gives opportunity for those living illegally in RVs to do it legally. Commenters noted that there are currently many people using RVs as permanent residences illegally—the proposed amendments would provide a means for them to comply with the law, allowing for more certainty for themselves as well as the surrounding community.

Other comments from supporters:

- Request for smaller minimum acreage than one acre to allow for more opportunities for this type of

<sup>5</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-157>

<sup>6</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-161>

<sup>7</sup> The record, which contains all memoranda, notices, and written testimony received, is available at the following website: [www.deschutes.org/rvamendments](http://www.deschutes.org/rvamendments)

- housing—specifically, to just under one acre to allow for numerous properties that are 0.97-0.99 acres
- Request for other alternatives for sewage disposal, such as a pumping contract as is utilized for temporary medical hardship dwellings
- Request for no will-serve letter for water be required for those not utilizing wells; water company has previously indicated it would not support an Accessory Dwelling Unit (ADU), but would support an addition, for example
- Opportunity for community building, promotes inclusivity via diverse housing opportunities
- No need for snow protection via a ramada. The three RV parks the commenter reached out to stated they've never had a collapse due to snow
- Funding could perhaps be supported by a yearly permit fee

**B. Testimony in Opposition:**

Concerns about enforcement. This was one of the most widely shared concerns and touches many of the other concerns that were voiced in opposition. In general, commenters felt that this proposal would create a host of enforcement issues, including septic, trash, noise, vehicles, and animals, and noted that this would place an additional strain on the Code Enforcement Division, which already has a backlog of cases and limited resources. Commenters also noted that existing illegal RV dwellings are already an enforcement issue and therefore expressed doubt that RVs permitted under this proposal would be able to be enforced adequately or at all.

Adverse effects on property values. Many opponents expressed concern that this could lower property values owing to the concerns noted by opponents.

Adverse effects on rural character/community. Many noted that adding RVs as rental dwellings could compromise the rural character that residents sought by moving into the unincorporated county in the first place. This proposal would have the potential to add significant population to the area and many felt it would be more appropriate to have RVs as dwellings either in cities or in RV parks.

Wildfire. Many commenters voiced concerns that additional dwellings—especially those with some component of outdoor living—could increase fire risk in an already at-risk region.

Legal complications and landlord-tenant law. Some testimony noted the difficulties in the event of landlord-tenant disputes and landlord-tenant law that could potentially involve the County.

Other concerns from opponents:

- Concerns about impacts on wildlife
- Concerns about additional traffic
- Concerns about effect on water
- Concerns about impacts on sewer system that does not have adequate capacity (Oregon Water Wonderland 2 Sanitary District)
- Concerns about effect on dark skies
- Suggestion to wait and see the impact of the recent ADU legislation before adopting this proposal
- Concerns about crime

- Concerns using the Oregon Revised Statute definition of RV because it allows self-certification of fire safety standards.
- Concerns about additional vehicles parking on the street to accommodate RVs on properties

**III. AGENCY / SPECIAL DISTRICT / QUASI-MUNICIPAL TESTIMONY**

**A. Fire Districts**

The Planning Commission recommended developing wildfire protection requirements in coordination with local fire districts, since SB 1013 did not include any wildfire-related criteria. Based on the comments from various fire districts regarding the proposed amendments for RVs as rental dwellings in unincorporated Deschutes County, the main concerns and recommended actions are:

1. Maintain fire access to the RV dwelling and ensure it is within 150 feet of the fire apparatus access lane.
2. Require a 10-foot spacing between the RV and any other structure for fire safety.
3. Assign RV dwellings an address (e.g. adding a letter to the main property address) and post signage visible from the street to indicate there are separate dwellings. This is important for emergency response.
4. Apply defensible space, fuel break, and non-combustible ground cover requirements similar to those for ADUs. Suggestions include a 5-foot non-combustible ground cover around the RV and meeting Oregon Defensible Space Code and Wildland Urban Interface Code standards.
5. Require RVs to have circuit breaker protection for power supply, smoke and CO alarms, and portable fire extinguishers.
6. Ensure access roads to RV sites have an all-weather surface, not just dirt, to enable fire truck and ambulance access.
7. Consider an annual "emergency response surcharge" fee for RVs since they likely won't be assessed taxes.

The entirety of the comments received by the fire districts can be found in the record and are summarized on page A1-3 of the February 28 Board work session memorandum.<sup>8</sup>

**B. Code Enforcement Division**

During the public hearing, the Board requested additional information from the Code Enforcement Division regarding its capacity to enforce existing and potential future code enforcement cases related to RV dwellings. A memo from the Community Development Department (CDD) to the Board, dated May 29, outlines several key concerns and challenges:

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<sup>8</sup> <https://mccmeetingspublic.blob.core.usgovcloudapi.net/deschutes-meet-b746d6af07a64a99a2c2e8e673a79fa3/ITEM-Attachment-001-fa025865385948e593f969020f17863c.pdf>



1. Code Enforcement case load is already high and increasing - new cases are up 21% in 2024 compared to 2023, with each enforcement officer currently managing about 124 violations across 68 properties on average. The department has limited staff (1 lead and 3 officers).
2. Analyzing current RV occupancy violation cases (78 open), 47% may meet minimum proposed requirements to allow the RV as a rental dwelling under SB 1013. However, this does not account for resolving other violations that may be occurring or demonstrating compliance with things like septic requirements, which can be costly for property owners (around \$30K for a new septic system).
3. Investigating and proving violations of proposed SB 1013 criteria could be very time-consuming and complicated if property owners do not grant access, as the County carries the burden of proof. Officers would need to send certified letters to start investigations. Key challenges include:
  - Verifying if a single-family dwelling is the owner's primary residence
  - Confirming the RV is owned/leased by the tenant
  - Determining if essential services like sewer, water, power are provided
  - Inspecting inside the RV to check for operable toilet/sink
4. Landlord-tenant laws and disputes could further complicate enforcement, requiring significant legal input. Safety concerns may necessitate Sheriff escorts during inspections.

**C. Onsite Wastewater Division**

Comments from the Deschutes County Onsite Wastewater Division highlight several key points regarding septic system requirements:

1. RVs used as permanent dwellings must connect all plumbing fixtures to an approved sewer system or onsite wastewater (septic) system, per Oregon Department of Environmental Quality (DEQ) rules. The rules define "dwellings" broadly to include RVs.
2. Permanent dwellings differ from temporary uses - they cannot utilize holding tanks, portable tanks, or portable toilets for sewage disposal. This is to prevent illegal discharges that pose public health hazards.
3. DEQ rules limit wastewater flows based on lot size to protect water resources. Lots between 0.5 and 1 acre with highly permeable soils and unprotected aquifers are capped at 450 gallons per day, which covers a primary residence. Adding an RV dwelling on these lots would exceed the allowed flow and be prohibited.
4. A 1-acre minimum lot size for RV dwellings would reduce but not eliminate septic denial issues, as installing an additional septic system for the RV may still not be feasible due to limited space or soil conditions. Larger parcels provide more flexibility.
5. From a health and safety perspective, the Onsite Wastewater Division with the Building Safety Division that RVs used as permanent dwellings should have living, sleeping, eating, cooking, and

sanitation facilities comparable to a typical dwelling unit. This includes sinks, toilets, showers, etc. connected to proper sewage disposal.

**D. Oregon Water Wonderland Unit II Sanitary District**

The Board of Directors of the Oregon Water Wonderland Unit II Sanitary District expressed their concern with the proposed amendments and potential adverse effects on its sewer system, both in terms of overall capacity issues as well as potential damage to their vacuum and pressure system. The full testimony, dated May 29, is available in the record.

**IV. DELIBERATION DISCUSSION**

Based on testimony received to date and questions raised by the Board, staff highlighted several issues for the Board to consider before proceeding with extensive deliberations. Some of the eligibility criteria and development standards might overlap. After June 10, staff will further refine them for the Board's consideration during additional deliberations, ultimately returning at a later date to provide an ordinance-ready code amendment, if applicable. If the Board does not support proceeding with the amendments in any form, further discussion is not necessary.

**A. Regulatory Approach**

Besides the baseline requirements provided in SB 1013, which cannot be altered locally unless they are made more restrictive than state law, the Board can choose to adopt regulations that reflect its preferred approach. For instance, if the Board wants RVs as rental dwellings to have maximum availability to Deschutes County residents, it might choose to have fewer regulations, ensuring that the largest number of properties are eligible. The Board could also choose to have a more restrictive program, but this would mean that there would be fewer eligible properties.

Staff Recommendation:

- If the Board is generally supportive of RVs as rental dwellings, it needs to first provide direction to staff on the restrictive nature of the code amendments. Based on that input, staff can return at a subsequent meeting with more specific code options.

The broad issues that arose during the process are discussed below.

**B. Rural Character**

Many residents noted the potential threat that RVs pose as rental dwellings to the rural character of Deschutes County. Rural character can mean different things to different people (and have repercussions as it relates to traffic, noise, light, impacts on wildlife, wildfire, and nearly every concern noted in public testimony), but in most cases comes down to the additional population density RV dwellings could bring to rural residential zones. Approximately 12,500 properties meet the baseline criteria of the proposal (not taking into account variables such as septic availability or setbacks/lot dimensions), with an

additional 3,000 that could meet the criteria once a primary dwelling is established. If there is interest in reducing the number of eligible lots, it could be achieved by:

- Establishing a larger minimum lot size (in all or some areas)
- Increasing required setbacks, thereby rendering some properties ineligible depending on lot dimensions
- Other.

Reducing the number of eligible lots would lower the potential density of RVs as rental dwellings but would therefore also reduce the availability of this housing type. Similarly, reducing the number of eligible properties would reduce the overall density of RV dwellings but would not necessarily address potential neighbor impacts on individual properties. Increasing setbacks could also reduce neighbor impacts and the number of potentially eligible properties.

**C. Impacts on Neighbors**

Concern for localized impacts on neighboring properties included noise, light, odor, traffic, animals, and visual qualities. While some of these might be addressed by reducing density, others would not. Strategies to reduce impacts on neighbors could potentially be achieved by:

- Larger setbacks from property lines
- Requiring that the RV be placed closer to the dwelling than to a property line or other regulations to cluster the RV with the existing house.
- Visual screening requirements
- Outdoor storage limitations
- Limitations for on-site waste incineration or fires generally

Some of these measures could also preclude the siting of an RV on certain properties, thereby reducing the availability of this housing type.

**D. Code Enforcement**

Code enforcement was a dominant theme in public testimony—whether about current issues with illegal RV dwellings, or the potential increase in enforcement cases that could develop with the proposed amendments and new RV dwellings. At the public hearing, the Board requested more information from the Code Enforcement Division concerning capacity, backlog, and the proposed amendments. A memorandum was submitted into the record addressing these topics on May 29 and is summarized above.

The more permissive/less restrictive the proposed amendments are, the less code there is to enforce, but this would not mean that those issues of concern would no longer exist—they would just not be regulated by Deschutes County Code and therefore would not incur a code violation, nor would the County have the ability to rectify them. Amendments with stricter regulations would have more code to enforce and therefore more violations and opportunities to come into compliance but would rely on the Code Enforcement Division’s capacity to do so.

**E. Wildfire**

Several rural fire districts provided suggestions for wildfire mitigation, summarized above; they also voiced concerns for the lack of resources for enforcement. As discussed previously, RVs as rental dwellings are not taxed as real property; improvements to the property for the parking pad and pedestal for essential services could trigger a nominal increase in property tax collected, but is not anticipated to be significant, or compare to the property tax revenue that could come with other types of dwellings/additions. Therefore, the proposed amendments would potentially place more demands on rural fire districts without a commensurate increase in revenue to pay for it.

Preliminary discussions within CDD indicate that it may have the ability to collect separate fees on behalf of the fire districts and distribute them accordingly. This scenario however, would first require the fire districts to coordinate with each other to determine and adopt the appropriate fee. CDD currently does this for Transportation and Park System Development Charges. This option however, would likely take time for coordination amongst the fire districts.

**F. Other Fees**

Impacts on traffic/roads could potentially be addressed by System Development Charges. CDD has had preliminary discussions with the Road Department regarding this and if directed by the Board, would likely follow a similar model used for ADUs, which led to charging a lower amount than a single family dwelling.

**V. NEXT STEPS**

At the conclusion of the meeting, the Board can:

- Continue deliberations to a date certain, at which time staff will return with more specific options based on today's discussion;
- Close deliberations and propose a motion to adopt/deny during this meeting.

Attachment:

Proposed Text Amendments and Findings

**CHAPTER 16.12 ADDRESS NUMBERING**

[16.12.020 Procedures And Standards For Assigning New Address Numbers](#)

[16.12.030 Procedures And Standards For Changing Existing Address Numbers](#)

[16.12.040 Posting Of Address Numbers](#)

\* \* \*

**16.12.020 Procedures And Standards For Assigning New Address Numbers**

The procedures for assigning new address numbers are as follows:

- A. When a building permit is issued for a new dwelling or other structure on a lot or parcel that does not have an address, the Community Development Department shall assign an address number based on the street location of the structure's access and its location in the Deschutes County Grid System.
- B. A new dwelling or structure with its access point on a North/South road will be assigned an address number based on its relationship to the grid system and where the access meets the road.
- C. A new dwelling or structure with its access point on an East/West road will be assigned an address number based on its relationship to the grid system and where the access meets the road.
- D. A new dwelling or structure with access on a North/South road will have an even address number assigned to it if it is on the East side of the road, and an odd address number assigned to it if it is on the West side of the road.
- E. A new dwelling or structure with access on an East/West road will have an even address number assigned to it if it is on the North side of the road, and an odd address number assigned to it if it is on the South side of the road.
- F. The numbers assigned to new dwellings or structures shall increase sequentially going North on a North/South road, and shall increase sequentially going East on an East/West road.
- G. New dwellings or structures on cul-de-sacs shall be numbered in a consecutive alternating sequence with even and odd numbers, as illustrated in [Appendix "B,"](#) attached hereto.
- H. New dwellings or structures on circles or loops shall be numbered as illustrated in [Appendix "C,"](#) attached hereto.
- I. Each new single-family dwelling or recreational vehicle as rental dwelling shall have one address number.
- J. New duplexes, triplexes and four-plexes shall be given an address number for each living unit.



- K. New apartment complexes, mobile home parks and other multi-unit complexes shall be given an address number as one dwelling. The owner of each such multi-unit establishment shall assign unit address numbers in a manner that is acceptable to the Community Development Department.
- L. After the effective date of Ordinance 2011-009, for the areas served by Redmond Fire and Rescue:
  - 1. A new dwelling or structure with access on an East/West road will have an odd number assigned to it on the North side of the road, and an even number assigned to it on the South side of the road, to the extent possible, consistent with existing addresses in the immediate area; and
  - 2. The addresses shall increase going north of Antler Avenue and shall increase going south of Antler Avenue.
  - 3. Numbers shall increase going east of 1st Street, and shall increase going west of 1st Street.

HISTORY

*Adopted by Ord. [89-010](#) §1 on 12/20/1989*

*Amended by Ord. [2012-009](#) §2 on 5/2/2012*

*[Amended by Ord. 2024-xxx §x on x/x/2024](#)*

**[16.12.030 Procedures And Standards For Changing Existing Address Numbers](#)**

The provisions of DCC 16.12.020 shall apply. In addition, the following procedures and standards shall apply to the changing of existing address numbers.

- A. The changing of an existing address number may be initiated by the Community Development Department, or by application by the property owner or any public agency that may be affected by the address number.
- B. All changes in address numbers shall conform to the County Grid System and the standards for address numbers set forth in DCC 16.12.020. Any application or proposed change not in conformance with these standards shall be denied.
- C. An existing address number may be changed by the Community Development Department if it is not in conformance with the County Grid System and the standards for address numbers set forth in DCC 16.12.020. Proposed address number changes shall be carried out pursuant to the procedures set forth in DCC 16.12.030(F) through (I).
- D. An application to change an address number shall be made to the Community Development Department and shall include, at a minimum, the following:
  - 1. Name of applicant;
  - 2. Location of dwelling or structure;

- 3. Existing address number;
  - 4. Reason for address number change; and
  - 5. Fee, if any, as established by the Board.
- E. The Community Development Department shall evaluate any proposed change to determine whether it conforms to the standards set forth in DCC 16.12.020. If it does not, the application shall be denied. If the Community Development Department determines that the application is consistent with the standards set forth in DCC 16.12.020, it shall proceed consistent with the procedures set out in DCC 16.12.030(F) through (I).
- F. Notice of a proposed address number change shall be provided to the property owner and occupant. The notice shall inform the property owner and occupant of the County's intent to change the subject address 30 days from the date of the notice and the reason for the change. The property owner and occupant shall be given 10 days from the date of the notice to comment in writing on the proposal.
- G. The proposed address change shall become effective 30 days from the date of the notice provided for in DCC 16.12.030(F), unless the County determines from the comments received in response to the notice provided under DCC 16.12.030(F) that the proposed change does not conform to the standards set forth herein.
- H. Within 10 days of receipt of timely comments, notice shall be sent to commenting owners or occupants informing them of whether the proposed address number change was corrected in response to their comments. In cases where proposed address number changes are corrected in response to comments, the corrected address number shall become effective as of the effective date proposed in the original notice of proposed address change, unless the corrected address is the address already in use by the owner or occupant.
- I. The Community Development Department shall notify the offices of the County Clerk, County Assessor, Road Department, Postmaster and any affected public safety departments of a changed address number within 30 days of the date the new number becomes effective. In addition, on a monthly basis, the Community Development Department shall publish a list of changed address numbers in a newspaper of general circulation designated for the purpose by the Board.

HISTORY

Adopted by Ord. [89-010](#) §1 on 12/20/1989

**16.12.040 Posting Of Address Numbers**

- A. General Requirements.
  - 1. All property located outside the incorporated cities of Bend, Redmond and Sisters on which a structure is located shall display an address number.
  - 2. Such address numbers shall be permanently affixed in a location on the property that is clearly visible from the road used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted upon or affixed to the dwelling or

structure in a contrasting and visible color, and shall comply with zoning or other ordinance standards for signs.

- 3. In cases where the dwelling or structure is not visible from the access road and where the mailbox is not located at the end of the access driveway, the applicable fire district or emergency services agency, if any, shall be contacted to determine another location for address display so that emergency vehicles can quickly locate the house or building.
  - 4. All construction sites or structures under construction shall display a street address number. The numbers as displayed shall conform to the requirements in DCC 16.12.040(B) and (C), except that the numbers may be affixed to a sign visible from the road used as the basis for numbering.
  - 5. Every owner or commercial lessee of any structure shall be responsible for having the address number displayed thereon in conformance with the requirements of DCC 16.12.040(A).
- B. Assigned or Changed Address Numbers. Address numbers assigned or changed by the County under DCC 16.12 shall comply with the requirements of DCC 16.12.040 in addition to the requirements of DCC 16.12.040(B)(1).
- 1. Address numbers assigned or changed by the County must be displayed within 30 days from the date on which construction begins or on which the address becomes effective, as provided in DCC 16.12.030(G), except that address numbers assigned to sites with new construction shall be displayed from the start of construction on site.
  - 2. Address numbers assigned by the County to structures erected after the effective date of DCC Title 16 must be permanently displayed before occupancy or use. At the time of final inspection of a new structure, the building official or his designee shall verify that assigned address numbers have been affixed as required above.
  - 3. Every owner or commercial lessee shall be responsible for ensuring that the address number as assigned or changed by the County is displayed in accordance with the requirements of DCC 16.12.040(B).
- C. Failure to display an address number in conformance with the requirements set forth in DCC 16.12.040, or the display of an address number other than one assigned or changed in accordance with the provisions of DCC 16.12, shall be a violation.

HISTORY

Adopted by Ord. [89-010](#) §1 on 12/20/1989

**CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS**

**18.04.030 Definitions**

**18.04.030 Definitions**

\* \* \*

"Recreational vehicle" means a vehicle with or without motive power that is designed for human occupancy and as further defined, by rule, by the Director of Transportation, at OAR 735-022-0140.

~~mobile unit which is designed for temporary human occupancy and licensed as a motor home, recreational trailer or camper by the Oregon Motor Vehicles Division or similar units licensed by another state. This mobile unit is designed to be:~~

- ~~A. self propelled or permanently towable by a light duty truck;~~
- ~~B. built on a single chassis; and~~
- ~~C. 400 square feet or less when measured at the largest horizontal projection~~

**HISTORY**

- Adopted by Ord. [PL-15](#) on 11/1/1979*
- Amended by Ord. [82-013](#) §1 on 5/25/1982*
- Amended by Ord. [83-037](#) §2 on 6/1/1983*
- Amended by Ord. [83-033](#) §1 on 6/15/1983*
- Amended by Ord. [84-023](#) §1 on 8/1/1984*
- Amended by Ord. [85-002](#) §2 on 2/13/1985*
- Amended by Ord. [86-032](#) §1 on 4/2/1986*
- Amended by Ord. [86-018](#) §1 on 6/30/1986*
- Amended by Ord. [86-054](#) §1 on 6/30/1986*
- Amended by Ord. [86-056](#) §2 on 6/30/1986*
- Amended by Ord. [87-015](#) §1 on 6/10/1987*
- Amended by Ord. [88-009](#) §1 on 3/30/1988*
- Amended by Ord. [88-030](#) §3 on 8/17/1988*
- Amended by Ord. [88-030](#) §4 on 8/17/1988*
- Amended by Ord. [89-004](#) §1 on 3/24/1989*
- Amended by Ord. [89-009](#) §2 on 11/29/1989*
- Amended by Ord. [90-014](#) §2 on 7/12/1990*
- Amended by Ord. [91-002](#) §11 on 2/6/1991*
- Amended by Ord. [91-005](#) §1 on 3/4/1991*
- Amended by Ord. [92-025](#) §1 on 4/15/1991*
- Amended by Ord. [91-020](#) §1 on 5/29/1991*
- Amended by Ord. [91-038](#) §§3 and 4 on 9/30/1991*
- Amended by Ord. [92-004](#) §§1 and 2 on 2/7/1992*
- Amended by Ord. [92-034](#) §1 on 4/8/1992*
- Amended by Ord. [92-065](#) §§1 and 2 on 11/25/1992*
- Amended by Ord. [92-066](#) §1 on 11/25/1992*
- Amended by Ord. [93-002](#) §§1, 2 and 3 on 2/3/1993*

Amended by Ord. [93-005](#) §§1 and 2 on 4/21/1993  
Amended by Ord. [93-038](#) §1 on 7/28/1993  
Amended by Ord. [93-043](#) §§1, 1A and 1B on 8/25/1993  
Amended by Ord. [94-001](#) §§1, 2, and 3 on 3/16/1994  
Amended by Ord. [94-008](#) §§1, 2, 3, 4, 5, 6, 7 and 8 on 6/8/1994  
Amended by Ord. [94-041](#) §§2 and 3 on 9/14/1994  
Amended by Ord. [94-038](#) §3 on 10/5/1994  
Amended by Ord. [94-053](#) §1 on 12/7/1994  
Amended by Ord. [95-007](#) §1 on 3/1/1995  
Amended by Ord. [95-001](#) §1 on 3/29/1995  
Amended by Ord. [95-075](#) §1 on 11/29/1995  
Amended by Ord. [95-077](#) §2 on 12/20/1995  
Amended by Ord. [96-003](#) §2 on 3/27/1996  
Amended by Ord. [96-082](#) §1 on 11/13/1996  
Amended by Ord. [97-017](#) §1 on 3/12/1997  
Amended by Ord. [97-003](#) §1 on 6/4/1997  
Amended by Ord. [97-078](#) §5 on 12/31/1997  
Amended by Ord. [2001-037](#) §1 on 9/26/2001  
Amended by Ord. [2001-044](#) §2 on 10/10/2001  
Amended by Ord. [2001-033](#) §2 on 10/10/2001  
Amended by Ord. [2001-048](#) §1 on 12/10/2001  
Amended by Ord. [2003-028](#) §1 on 9/24/2003  
Amended by Ord. [2004-001](#) §1 on 7/14/2004  
Amended by Ord. [2004-024](#) §1 on 12/20/2004  
Amended by Ord. [2005-041](#) §1 on 8/24/2005  
Amended by Ord. [2006-008](#) §1 on 8/29/2006  
Amended by Ord. [2007-019](#) §1 on 9/28/2007  
Amended by Ord. [2007-020](#) §1 on 2/6/2008  
Amended by Ord. [2007-005](#) §1 on 2/28/2008  
Amended by Ord. [2008-015](#) §1 on 6/30/2008  
Amended by Ord. [2008-007](#) §1 on 8/18/2008  
Amended by Ord. [2010-018](#) §3 on 6/28/2010  
Amended by Ord. [2010-022](#) §1 on 7/19/2010  
Amended by Ord. [2011-009](#) §1 on 10/17/2011  
Amended by Ord. [2012-004](#) §1 on 4/16/2012  
Amended by Ord. [2012-007](#) §1 on 5/2/2012  
Amended by Ord. [2013-008](#) §1 on 7/5/2013  
Amended by Ord. [2014-009](#) §1 on 8/6/2014  
Amended by Ord. [2015-004](#) §1 on 4/22/2015  
Amended by Ord. [2016-015](#) §1 on 7/1/2016  
Amended by Ord. [2016-026](#) §1 on 11/9/2016  
Amended by Ord. [2016-006](#) §1 on 2/27/2017  
Amended by Ord. [2017-015](#) §1 on 11/1/2017  
Repealed by Ord. [2018-005](#) §8 on 10/10/2018



Amended by Ord. [2018-006](#) §4 on 11/20/2018  
Amended by Ord. [2019-010](#) §1 on 5/8/2019  
Amended by Ord. [2019-016](#) §1 on 2/24/2020  
Amended by Ord. [2020-001](#) §1 on 4/21/2020  
Amended by Ord. [2020-010](#) §1 on 7/3/2020  
Amended by Ord. [2020-007](#) §7 on 10/27/2020  
Amended by Ord. [2021-013](#) §3 on 4/5/2022  
Amended by Ord. [2023-001](#) §2 on X/XX/2023  
Amended by Ord. 2024-xxx §x on X/XX/2024

**CHAPTER 18.116 SUPPLEMENTARY PROVISIONS**

18.116.095 Recreational Vehicle As A Residence On An Individual Lot

\* \* \*

**18.116.095 Recreational Vehicle As A Residence On An Individual Lot**

- A. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel in a manufactured dwelling park, mobile home park or recreational vehicle park, consistent with ORS 197.493(1), provided that:
  - 1. The recreational vehicle is occupied as a residential dwelling; and
  - 2. The recreational vehicle is lawfully connected to water and electrical supply systems and a sewage disposal system.
  
- B. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel not containing a dwelling unit and not within in a manufactured dwelling park, mobile home park or recreational vehicle park and used as a temporary dwelling unit:
  - 1. For a period totaling not more than 30 days in any consecutive 60-day period without obtaining a land use permit from the Deschutes County Planning Division; or
  - 2. For a total period not to exceed six months in a calendar year by obtaining a temporary use permit under the terms of DCC 18.116.095 from the Deschutes County Planning Division. A temporary use permit may be renewed annually for use of a recreational vehicle under the terms of DCC 18.116.095 on the same lot or parcel.
  
- C. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel containing a manufactured dwelling or single-family dwelling, where such dwelling is uninhabitable due to damages from natural disasters, including wildfires, earthquakes, flooding or storms, until no later than the date:
  - 1. The dwelling has been repaired or replaced and an occupancy permit has been issued;
  - 2. The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
  - 3. Twenty-four months after the date the dwelling first became uninhabitable.

**D. In the RR-10 and MUA-10 Zones, a single recreational vehicle, as defined in DCC Title 18, may be established as a rental dwelling provided the following requirements are met:**

- 1. Prior to locating any recreational vehicle as a rental dwelling on a lot or parcel, the property owner must obtain County siting approval for the area of the lot or parcel upon which the recreational vehicle will be located and demonstrate compliance with the following standards:**
  - a. The subject lot or parcel contains a single-family dwelling or manufactured dwelling that is occupied as the primary residence of the property owner;**

- i. As used in this section, “siting approval” includes County approval and/or property owner application for review of the proposed area for a recreational vehicle as a rental dwelling;
  - ii. As used in this section, “primary residence” means a dwelling occupied by the property owner on a long-term or permanent basis.
- b. The property is not within an area designated as an urban reserve in the Deschutes County Comprehensive Plan;
- c. The lot area is at least one acre in size;
- d. There are no other dwelling units, guest houses, or occupied recreational vehicles on the property and no portion of the manufactured dwelling or single-family dwelling is rented for residential tenancy. This prohibition does not apply to RVs under 18.116.095(C).
- e. The recreational vehicle shall maintain a setback of at least 10 feet from other structures;
- f. The property owner will provide essential services to the recreational vehicle space including:
  - i. Sewage disposal, frost protected water supply, electrical supply and, if required by applicable law, any drainage system, all installed with permits and to applicable codes;
  - ii. Any other service or habitability obligation imposed by the rental agreement or ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition), the lack or violation of which creates a serious threat to the tenant’s health, safety or property or makes the rented space unfit for occupancy; and
  - iii. A letter confirming that the supplier of water is “Willing and Able to Serve” the recreational vehicle shall be provided if the recreational vehicle is to be served by any water source other than an onsite domestic well.
- g. The property owner shall provide a parking pad for the recreational vehicle with a surface material of compacted gravel with a minimum thickness of 4”, concrete with a minimum thickness of 3.5”, or asphalt with a minimum thickness of 3”;
- h. If the recreational vehicle will be located within a structure, the structure shall be entirely open on two or more sides;
- i. For properties located in the Wildlife Area Combining Zone, a recreational vehicle approved under this section is subject to DCC 18.88.060(B); and

j. For properties located in the Surface Mining Impact Area Combining Zone, a recreational vehicle approved under this section is subject to DCC 18.56.

2. Prior to siting any recreational vehicle as a rental dwelling, the property owner must obtain County approval for each recreational vehicle used as a rental dwelling and demonstrate compliance with the following standards:

a. The recreational vehicle rental dwelling is subject to a written residential rental agreement as defined in ORS 90.100(39);

b. The recreational vehicle shall be owned or leased by the tenant;

c. The recreational vehicle shall include an operable toilet and sink;

d. The recreational vehicle has not been rendered structurally immobile; and

e. The recreational vehicle shall be titled with a Department of Transportation.

E. Prior to issuance of a Building Division permit, the property owner shall sign and record with the County Clerk a restrictive covenant stating a recreational vehicle unit allowed under this section cannot be used for vacation occupancy, as defined in DCC 18.116.095(E)(1) and consistent with ORS 90.100, or other short-term uses.

1. "Vacation occupancy" means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

a. The occupant rents the unit for vacation purposes only, not as a principal residence; and

b. The occupant has a principal residence other than at the unit; and

c. The period of authorized occupancy does not exceed 45 days.

~~D.F.~~ All necessary permits shall be obtained from the Deschutes County Building Safety Division before connecting a recreational vehicle to sewer, water and/or electric utility services.

~~E.G.~~ A permit shall be obtained from the Deschutes County Onsite Wastewater Environmental Health Division before disposing any wastewater or sewage on-site.

~~F.H.~~ A recreational vehicle ~~used as a residential dwelling unit or temporary dwelling unit~~ shall meet the same setbacks required of a manufactured dwelling or single-family dwelling on the subject lot.

~~G.I.~~ A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions.

~~H.J.~~ As identified in this section, a single-recreational vehicle located within a special flood hazard area is subject to the standards and criteria established by DCC 18.96.

HISTORY

Amended by Ord. 91-038 §3 on 9/30/1991

Amended by Ord. [95-075](#) §1 on 11/29/1995

Amended by Ord. [98-062](#) §1 on 12/9/1998

Amended by Ord. [2007-019](#) §4 on 9/28/2007

Amended by Ord. [2023-001](#) §16 on 5/30/2023

Amended by Ord. [2024-0XX](#) §XX on X/XX/2024

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**CHAPTER 18.120 EXCEPTIONS**

18.120.020 Nonconforming Lot Sizes

\* \* \*

18.120.020 Nonconforming Lot Sizes

- A. Any parcel of land or portion thereof which is to be dedicated to a public or other entity for a road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements set forth by DCC Title 18.
- B. Whereas land sections in the County are affected by survey adjustments, minimum requirements relative to lot sizes, where applicable, shall be considered as standard metes and bounds land section division, (i.e., 160 acres, 80 acres, 40 acres, 20 acres, etc.); lot sizes, therefore, may be reasonably smaller than set forth by DCC Title 18 if a total section acreage reduction is due to a survey adjustment or other man made barriers over which the applicant has had no control.
- C. Any lot or parcel that is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone provided that:
  - 1. The lot or parcel is a lot of record, as defined in DCC 18.04.030, Lot of record.
  - 2. The use conforms to all other requirements of that zone.
  - 3. If there is an area deficiency, residential use shall be limited to a single dwelling unit.
    - a. For residential uses with minimum acreage standards specified elsewhere in Title 18, those standards shall prevail.
  - 4. All necessary permits are obtained.
- D. Lots or parcels within the Rural Residential Zone (RR-10) that are separated by an arterial right of way created after June 30, 1993, shall be exempt from the minimum lot dimension of 10 acres in size. Such parcels may be partitioned only as separated by the right of way and shall not be smaller than one acre.

**HISTORY**

*Adopted by Ord. [PL-15](#) §6.020 on 11/1/1979*  
*Amended by Ord. [87-015](#) §§1 and 2 on 6/10/1987*  
*Amended by Ord. [93-034](#) §2 on 6/30/1993*  
*Amended by Ord. [2017-015](#) §2 on 11/1/2017*  
*[Amended by Ord. 2024-xxx §x on x/x/2024](#)*



**CHAPTER 19.04 TITLE, COMPLIANCE, APPLICABILITY AND DEFINITIONS**

19.04.040 Definitions

**19.04.040 Definitions**

\* \* \*

“Recreational vehicle” means a vehicle with or without motive power that is designed for human occupancy and as further defined, by rule, by the Director of Transportation, at OAR 735-022-0140.

HISTORY

- Adopted by Ord. [80-217](#) §1 Exhibit A on 12/18/1980*
- Amended by Ord. [82-011](#) on 8/9/1982*
- Amended by Ord. [83-041](#) §2 on 6/1/1983*
- Amended by Ord. [86-032](#) §1 on 4/2/1986*
- Amended by Ord. [86-033](#) §1 on 4/2/1986*
- Amended by Ord. [86-017](#) §1 Exhibit a on 6/30/1986*
- Amended by Ord. [86-055](#) §1 on 6/30/1986*
- Amended by Ord. [86-058](#) §1 on 6/30/1986*
- Amended by Ord. [88-042](#) §3 on 12/19/1988*
- Amended by Ord. [90-038](#) §1 on 10/3/1990*
- Repealed & Reenacted by Ord. [90-007](#) §1 on 12/7/1990*
- Amended by Ord. [91-001](#) §1 on 1/28/1991*
- Amended by Ord. [91-029](#) §§1, 8, 9 and 10 on 8/7/1991*
- Amended by Ord. [92-043](#) §1 on 5/20/1992*
- Amended by Ord. [93-018](#) §1 on 5/19/1993*
- Amended by Ord. [94-005](#) §§1 & 2 on 6/15/1994*
- Amended by Ord. [95-045](#) §15 on 6/28/1995*
- Amended by Ord. [96-071](#) §1D on 12/30/1996*
- Amended by Ord. [97-017](#) §1 on 3/12/1997*
- Amended by Ord. [97-038](#) §1 on 8/27/1997*
- Amended by Ord. [99-001](#) §§2-4 on 1/13/1999*
- Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009*
- Amended by Ord. [2013-013](#) §1 on 7/25/2013*
- Amended by Ord. [2014-016](#) §1 on 12/29/2014*
- Amended by Ord. [2016-016](#) §1 on 6/1/2016*
- Amended by Ord. [2017-009](#) §7 on 7/21/2017*
- Amended by Ord. [2020-001](#) §17 on 4/21/2020*
- Amended by Ord. [2020-010](#) §8 on 7/3/2020*
- Amended by Ord. [2021-009](#) §2 on 6/18/2021*
- Amended by Ord. [2024-xxx](#) §x on x/x/2024*

**CHAPTER 19.76 SITE PLAN REVIEW**

**19.76.020 Site Plan Requirements**

\* \* \*

**19.76.020 Site Plan Requirements**

In all zones, except for a single-family dwelling, accessory dwelling unit, duplex or triplex unit on one lot, all new uses, buildings, recreational vehicles as rental dwellings, outdoor storage or sales areas and parking lots or alterations thereof shall be subject to the provisions of DCC 19.76.020. Site plan approval shall not be required where a proposed alteration of an existing building does not exceed 25 percent of the size of the original structure unless the Planning Director finds the original structure or proposed alteration does not meet the requirements of DCC Title 19 or other ordinances of the County.

HISTORY

*Adopted by Ord. PL-11 on 7/11/1979*

*Repealed & Reenacted by Ord. 90-038 §1 on 10/3/1990*

*Amended by Ord. 2024-0XX §XX on X/XX/2024*

**CHAPTER 19.92 INTERPRETATIONS AND EXCEPTIONS**

**19.92.170 Recreational Vehicles as Rental Dwellings In UAR-10, SR-2 ½, And WTZ Zones**

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**19.92.170 Recreational Vehicles as Rental Dwellings In UAR-10, SR-2 ½, And WTZ Zones**

A. In the UAR-10, SR 2 ½, and WTZ Zones, a single recreational vehicle, as defined in DCC 19.04, may be established as a rental dwelling provided the following requirements are met:

1. Prior to locating any recreational vehicle as a rental dwelling on a lot or parcel, the property owner must obtain County siting approval for the area of the lot or parcel upon which the recreational vehicle will be located and demonstrate compliance with the following standards:

- a. The subject lot or parcel contains a single-family dwelling or manufactured dwelling that is occupied as the primary residence of the property owner;
  - i. As used in this section, “siting approval” includes County approval and/or property owner application for review of the proposed area for a recreational vehicle as a rental dwelling;
  - ii. As used in this section, “primary residence” means a dwelling occupied by the property owner on a long-term or permanent basis.
- b. The property is not within an area designated as an urban reserve in the Deschutes County Comprehensive Plan;
- c. The lot area is at least one acre in size;
- d. There are no other dwelling units, guest houses, or occupied recreational vehicles on the property and no portion of the manufactured dwelling or single-family dwelling is rented for residential tenancy;
- e. The recreational vehicle shall maintain a setback of at least 10 feet from other structures;
- f. The property owner will provide essential services to the recreational vehicle space including:
  - i. Sewage disposal, frost protected water supply, electrical supply and, if required by applicable law, any drainage system, all installed with permits and to applicable codes; and
  - ii. Any other service or habitability obligation imposed by the rental agreement or ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition), the lack or



- 5. A permit shall be obtained from the Deschutes County Onsite Wastewater Division before disposing any wastewater or sewage on-site.
- 6. A recreational vehicle shall meet the same setbacks required of a manufactured dwelling or single-family dwelling on the subject lot.
- 7. A recreational vehicle shall be fully licensed and ready for highway use, on its wheels or jacking system, shall be attached to the site only by quick disconnect type utilities and security devices, and shall have no permanently attached additions.
- 8. As identified in this section, a recreational vehicle located within a special flood hazard area is subject to the standards and criteria established by DCC 19.72.

HISTORY

Adopted by Ord. 2024-00x §x on [date]

DRAFT



## FINDINGS

### I. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning, and Title 19, Bend Urban Growth Boundary Zoning Ordinance. The primary purpose of the amendments is to allow RVs as rental dwellings subject to certain criteria per the adoption of SB 1013. The proposal creates two new subsections (effectively the same but pertaining to different zones in Titles 18 and 19) that govern the criteria for RVs as rental dwellings.

### II. BACKGROUND

#### A. Senate Bill 1013

The Oregon Legislature adopted SB 1013 into law on July 23, 2023; the law becomes effective January 1, 2024. SB 1013 authorizes a county to allow an owner of a lot or parcel in a rural area to site on the property one recreational vehicle that is used for residential purposes and is subject to a residential rental agreement and additional criteria outlined below. SB 1013 does not obligate a county to allow RVs as rental dwellings. SB 1013 shares some criteria with recent rural ADU legislation in SB 391, such as the requirement to provide sewage disposal, and differs in other ways—for instance, no fire hardening requirements are written into SB 1013.

Rural residential exception areas and their corresponding zones exist throughout Oregon. By definition, rural residential zones exist outside of urban growth boundaries (UGBs) but are excluded from the state’s resource land (farm and forest zone) protections. With certain exceptions, those protections allow residential uses only in conjunction with a farm or forest use. However, in rural residential zones, a dwelling can be a primary use of the land. State law allows counties to permit an additional dwelling on a property containing a house built prior to 1945 and SB 391 more generally allows accessory dwelling units in rural residential areas. However, unlike in urban zones, rural residential zones do not have any other by-right accessory dwelling options, making inter-generational and alternative housing options difficult to achieve.

SB 1013 only authorizes RVs as rental dwellings in “rural areas.” For the purposes of SB 1013, a rural area has two definitions: either an area zoned for rural residential use as defined in ORS 215.501, or land that is within the urban growth boundary of a metropolitan service district, but not within the jurisdiction of any city, and zoned for residential use. Deschutes County’s jurisdiction only includes lands outside of UGBs, so only the first component of the definition applies. Areas zoned for rural residential use are defined by ORS 215.501 to mean “land that is not located inside a UGB as defined in ORS 195.060 (Definitions) and that is subject to an acknowledged exception to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.” The applicable zoning designations in Deschutes



County for these lands are Multiple Use Agricultural (MUA-10), Rural Residential (RR-10), Suburban Low Density Residential (SR 2.5), Urban Area Reserve (UAR-10), and Westside Transect Zone (WTZ).

**B. Deschutes County Residential RV Amendments**

In addition to only applying to lands recognized as rural residential exception areas, SB 1013 also contains minimum criteria that must be met for a lot or parcel to qualify for an RV residential dwelling. As noted above, SB 1013 shares some similarities with SB 391, which allows for rural accessory dwelling units. In certain cases, the proposed amendments echo components of the zoning code developed in Deschutes County for rural ADUs. Lastly, the proposed amendments also contain additional criteria not included in SB 1013, for reasons of safety as well as compatibility.

Table 1 provides a summary of each provision of the amendments that are required by SB 1013.

**Table 1 - SB 1013 Requirements**

Topic	SB 1013 Requirements	Comment
<b>Single Family Dwelling</b>	SB 1013 Section 2(2)(b) requires one single-family dwelling that is occupied as the primary residence to be located on the lot or parcel.	DCC 18.116.095(D)(1)(a) and DCC 19.92.170(A)(1)(a) are consistent with SB 1013.
<b>Urban Reserve Area</b>	SB 1013 Section 2(2)(a) requires that the lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137.	DCC 18.116.095(D)(1)(b) and DCC 19.92.170(A)(1)(b) are consistent with SB 1013.
<b>Vacation Occupancy</b>	SB 1013 Section 2(2)(d) prevents an RV allowed in this law from being used for vacation occupancy as defined in ORS 90.100 or other short-term uses.	DCC 18.116.095(E) and DCC 19.92.170(A)(3) are consistent with SB 1013.  Both require a restrictive covenant be recorded to ensure compliance.
<b>Other Dwelling Units</b>	SB 1013 Section 2(2)(c) requires that there are no other dwelling units on the property and no portion of the single-family dwelling is rented as a residential tenancy.	DCC 18.116.095(D)(1)(d) and DCC 19.92.170(A)(1)(d) are consistent with SB 1013.
<b>RV Ownership</b>	SB 1013 Section 2(2)(e) requires the RV to be owned or leased by the tenant.	DCC 18.116.095(D)(2)(b) and DCC 19.92.170(A)(2)(b) are consistent with SB 1013. The RV may either be owned by the tenant or leased by the tenant from the property owner.
<b>Essential Services</b>	SB 1013 Section 2(2)(f) requires that the property owner provides essential services to the RV space, as defined in ORS 90.100(13)(b).  ORS 90.100(13)(b) defines “essential services” as: “For a tenancy consisting of rental space for a manufactured dwelling, floating home or recreational vehicle owned by the tenant or	DCC 18.116.095(D)(1)(f) and DCC 19.92.170(A)(1)(f) are consistent with SB 1013.  In addition, these sections require the water supply to be frost protected and for a “Will Serve” letter to be provided if the recreational vehicle is to be

Topic	SB 1013 Requirements	Comment
	<p>that is otherwise subject to ORS 90.505 (Definitions for ORS 90.505 to 90.850) to 90.850 (Owner affidavit certifying compliance with requirements for sale of facility):</p> <p>(A) Sewage disposal, water supply, electrical supply and, if required by applicable law, any drainage system; <b>and</b></p> <p>(B) Any other service or habitability obligation imposed by the rental agreement or ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition), the lack or violation of which creates a serious threat to the tenant's health, safety or property or makes the rented space unfit for occupancy."</p>	<p>served by any water source other than an onsite domestic well.</p>

Topic	SB 1013 Requirements	Comment
<p><b>Reasonable appearance, repair, inspection, or siting standards</b></p>	<p>SB 1013 Section 2(3)(d) allows counties to require that the RV complies with any reasonable appearance, repair, inspection, or siting standards adopted by the county.</p>	<p>DCC 18.116.095(D) and DCC 19.92.170(A) contain the following appearance, repair, inspection, or siting standards developed at the local level:</p> <p>DCC 18.116.095(D)(1)(c) and DCC 19.92.170(A)(1)(c) require the lot area to be at least one acre in size.</p> <p>DCC 18.116.095(D)(2)(c) and DCC 19.92.170(A)(2)(c) require that the recreational vehicle include an operable toilet and sink.</p> <p>DCC 18.116.095(D)(1)(h) and DCC 19.92.170(A)(1)(h) require that if the recreational vehicle is located within a structure, the structure must be entirely open on two or more sides.</p> <p>DCC 18.116.095(D)(1)(e) and DCC 19.92.170(A)(1)(e) require that the recreational vehicle maintains a setback of at least 10 feet from the primary residence.</p> <p>DCC 18.116.095(D)(1)(g) and DCC 19.92.170(A)(1)(g) require that the property owner provide a parking pad for the recreational vehicle.</p> <p>DCC 18.116.095(D)(1)(e) requires that for properties located within the Wildlife Area Combining Zone, recreational vehicles are considered a structure and therefore must comply with the siting standards in 18.88.060(B).</p>

Using the baseline eligibility criteria of SB 1013 plus the lot size criteria suggested by staff, approximately 12,410 properties meet the zoning requirement, are at least one acre in size, and already have a single-family dwelling on the property. An additional 2,909 properties are currently vacant but meet the other baseline criteria.

**III. REVIEW CRITERIA**

Deschutes County lacks specific criteria in DCC Titles 18, 19, 22, or 23 for reviewing a legislative text amendment. Nonetheless, since Deschutes County is initiating one, the County bears the

responsibility for justifying that the amendments are consistent with Statewide Planning Goals and its existing Comprehensive Plan.

**IV. FINDINGS**

**CHAPTER 22.12, LEGISLATIVE PROCEDURES**

Section 22.12.010.

***Hearing Required***

**FINDING:** This criterion will be met because a public hearing was held before the Deschutes County Planning Commission and Board of County Commissioners.

Section 22.12.020, Notice

***Notice***

***A. Published Notice***

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

**FINDING:** This criterion will be met as notice was published in the Bend Bulletin newspaper for the Planning Commission public hearing, and the Board of County Commissioners' public hearing.

***B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.***

**FINDING:** Posted notice was determined by the Planning Director not to be necessary.

***C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.***

**FINDING:** Given the proposed legislative amendments do not apply to any specific property, no individual notices were sent.

***D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.***

**FINDING:** Notice was provided to the County public information official for wider media distribution. This criterion is met.

Section 22.12.030 Initiation of Legislative Changes.

***A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.***

**FINDING:** The application was initiated by the Deschutes County Planning Division at the direction of the Board of County Commissioners and has received a fee waiver. This criterion is met.

Section 22.12.040. Hearings Body

- A. *The following shall serve as hearings or review body for legislative changes in this order:***
  - 1. The Planning Commission.***
  - 2. The Board of County Commissioners.***
  
- B. *Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.***

**FINDING:** The Deschutes County Planning Commission held the initial public hearing on November 9. The Board then held a public hearing on [DATE TBD]. These criteria are met.

Section 22.12.050 Final Decision

***All legislative changes shall be adopted by ordinance***

**FINDING:** The proposed legislative changes will be implemented by Ordinance No. [number TBD] upon approval and adoption by the Board of County Commissioners. This criterion will be met.

**B. Statewide Planning Goals and Guidelines**

Goal 1: Citizen Involvement: The amendments do not propose to change the structure of the County's citizen involvement program. Notice of the proposed amendments was provided to the *Bulletin* for the Board public hearing.

Goal 2: Land Use Planning: This goal is met because ORS 197.610 allows local governments to initiate post acknowledgments plan amendments (PAPA). An Oregon Land Conservation and Development Department 35-day notice was initiated on October 4, 2023. The Planning Commission held a public hearing on November 9, 2023 and the Board of County Commissioners held a public hearing on [DATE TBD]. The Findings document provides the adequate factual basis for the amendments.

Goal 3: Agricultural Lands: No changes related to agricultural lands are proposed as part of the text amendments. This goal does not apply.

Goal 4: Forest Lands: No changes related to forest lands are proposed as part of the text amendments. This goal does not apply.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: By adopting SB 1013 in 2023, the Oregon Legislature added a new use, recreational vehicle as residential tenancy (or rental dwelling), to rural residential exception areas. Local governments can choose to allow this use by amending their zoning codes and complying with SB 1013’s development standards. Goal 5 does not apply.

However, to the extent it is determined that Goal 5 does apply, local governments apply Goal 5 to a PAPA when the amendment allows a new use and the new use could be a conflicting use with a particular Goal 5 resource site on an acknowledged resource list. Certain areas in rural Deschutes County, zoned MUA-10 and RR-10, contain Goal 5 resources because they are overlaid with a Wildlife Area Combining Zone. These two zones are being amended to allow RVs as rental dwellings and are therefore subject to an ESEE Analysis. No other changes to the code warrant specific ESEE Analysis as they are not adding new uses that conflict with Goal 5 resources. The ESEE analysis is included in *Appendix A* which is attached to this document.

Goal 6: Air, Water and Land Resources Quality: The proposed text amendments do not propose changes to the County’s Comprehensive Plan policies or implementing regulations for compliance with Goal 6, and therefore are in compliance. However, it is worth noting that the amendments require a minimum lot size of 1 acre in an effort to protect sensitive groundwater resources that can be further stressed by the wastewater disposal of denser development patterns. To further protect these resources, SB 1013 requires that the property owner provide sewage disposal, and applicants must receive a permit from Deschutes County Onsite Wastewater Division before disposing any wastewater or sewage on-site.

Goal 7: Areas Subject to Natural Disasters and Hazards: The proposed text amendments do not propose to change the County’s Comprehensive Plan or implementing regulations regarding natural disasters and hazards; therefore, they are in compliance.

Goal 8: Recreational Needs: Recreational vehicles as rental dwellings are not a recreational use or need, but rather are intended to provide housing. This goal does not apply.

Goal 9: Economic Development: Recreational vehicles as rental dwellings are not primarily economic in nature. This goal does not apply.

Goal 10: Housing: This goal is not applicable because unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.

Goal 11: Public Facilities and Services: Recreational vehicles as rental dwellings in the rural county typically rely on domestic wells and onsite wastewater treatment systems. A Goal 11 exception would be required for a centralized sewer system and would need to be applied on a property specific, needs related basis. This goal does not apply.



Goal 12: Transportation: By adopting SB 1013 in 2023, the Oregon Legislature added a new use, recreational vehicles as rental dwellings, to rural residential exception areas. Local governments can choose to allow this use by amending their zoning codes and complying with SB 1013's development standards. Staff does not anticipate that the addition of recreational vehicles as rental dwellings on approximately 12,410 currently eligible lots will create a significant or adverse effect to the County transportation system and thus complies with the TPR.

Goal 13: Energy Conservation: The proposed text amendments do not propose to change the County's implementing regulations regarding energy conservation. This goal does not apply.

Goal 14: Urbanization: The purpose of Goal 14 is to direct urban uses to areas inside UGBs. As the proposed amendments do not seek to allow urban uses on rural land, nor do they seek to expand an existing urban growth boundary, this goal does not apply.

Goals 15 through 19: Deschutes County does not contain any of the relevant land types included in Goals 15-19. Therefore, these goals do not apply.

**C. Deschutes County Comprehensive Plan**

**Chapter 3, Rural Growth**

Section 3.3, Rural Housing

*Goal 1 Maintain the rural character and safety of housing in unincorporated Deschutes County.*

*Policy 3.3.5 Maintain the rural character of the County while ensuring a diversity of housing opportunities, including initiating discussions to amend State Statute and/or Oregon Administrative Rules to permit accessory dwelling units in Exclusive Farm Use, Forest and Rural Residential zones.*

**FINDING:** Implementing SB 1013, which allows recreational vehicles as rental dwellings to be sited in rural residential exception areas, is consistent with Policy 3.3.5, providing a needed housing option in the rural county.

**V. CONCLUSION:**

Based on the information provided herein, the staff recommends the Board of County Commissioners approve the proposed text amendments to allow an owner of a lot or parcel within a rural residential exception area to site a recreational vehicle as rental dwelling subject to certain restrictions and limitations.

# Recreational Vehicles as Rental Dwellings Text Amendment

## Appendix A: ESEE Analysis Document to File No. 247-23-000700-TA

Deschutes County Community Development

October 4, 2023

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### References

- Attachment 1 – Deschutes County Goal 5 Inventory Summary Table
- Attachment 2 – Inventory Site Maps

# Chapter 1: Overview of Goal 5 and ESEE Analyses

## Introduction

This appendix report was prepared to supplement the findings document associated with File No. 247-22-000700-TA. Deschutes County is amending Deschutes County Code (DCC), Titles 18 and 19 to allow recreational vehicles (RV) as rental dwellings consistent with Senate Bill (SB) 1013 (2023) in Multiple Use Agricultural (MUA-10), Rural Residential (RR-10), Suburban Low Density Residential (SR 2.5), Urban Area Reserve (UAR-10), and Westside Transect Zones (WTZ). DCC Chapter 18.88 is the Wildlife Area (WA) Combining Zone, which recognizes four Goal 5 inventories: Antelope Range, Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. Certain areas in rural Deschutes County, zoned MUA-10 and RR-10, are overlaid with a Deer Migration Corridor, Deer Winter Range, and/or Significant Elk Habitat.

In addition, there are some areas zoned MUA-10 and RR-10 that contain Goal 5 riparian resources and their associated fish, furbearer, waterfowl, and upland game bird habitat. Recognizing that an RV as rental dwelling is a new conflicting use in the WA Combining Zone, Deschutes County is applying Goal 5 in consideration of this Post Acknowledgment Plan Amendment (PAPA). The full findings document provides additional detail and background information regarding the intent of the amendments and compliance with other applicable local and state regulations outside of Statewide Land Use Planning Goal 5 – *Natural Resources, Scenic and Historic Areas, and Open Spaces*.

## Deschutes County Goal 5 Program

The purpose of Goal 5 is “to protect natural resources and conserve scenic and historic areas and open spaces.” Local governments, as part of the Comprehensive Planning process, are required to inventory the extent, location, quality, and quantity of significant natural resources within their jurisdictional boundaries. Following this inventory, local governments then conduct an economic, social, environmental, and energy (ESEE) analysis to determine the extent to which land uses should be limited in order to adequately protect significant resources. Following an ESEE analysis, governments then establish a program to protect significant natural resources. Deschutes County established its initial Goal 5 natural resource inventory, ESEE analyses, and protection programs between the years of 1988-1994, as part of periodic review.

In reviewing this document, it is important to acknowledge there are six policies and development standards within the Deschutes County Comprehensive Plan and DCC that were established through ESEEs over time that could still limit the development of RVs as rental dwellings near inventoried Goal 5 resources. Deschutes County finds the proposed amendments do not alter the following existing protections.

1. Setback Protections: 100-foot structural setback from the ordinary high water mark (OHWM) of rivers and streams.

2. Scenic Protections: Development near rivers in the Landscape Management Combining Zone must be reviewed for aesthetic compatibility.
3. Wetland Protections: Prohibition of fill or removal of any material or wetland vegetation, regardless of the amount, within the bed and banks of any stream or river or in any wetland unless approved as a conditional use.
4. Mitigation Protections: Impacts to any wetland or riverbank impacts to be fully mitigated, as evaluated by Oregon Department of Fish and Wildlife (ODFW).
5. Flood Plain Protections: All new construction, expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building in a designated Flood Plain must obtain a conditional use permit.
6. Combining Zone Requirements: Deer Migration Corridor, Deer Winter Range, Elk Habitat, and Sensitive Bird and Mammal Habitat have site specific requirements including development setbacks and/or seasonal construction requirements to prevent impacts to sensitive species and habitat.

## Required Steps and Discretionary Review

Local governments are required to comply with Goal 5 when a PAPA allows a new use and the new use “could be” a conflicting use with a particular Goal 5 resource site on an acknowledged resource list.<sup>1</sup> Deschutes County is amending the MUA-10, RR-10, SR 2.5, UAR-10 and WTZ zoning chapters to allow recreational vehicles as rental dwellings consistent with SB 1013 (2023).

Residential RVs have the potential to generate a certain level of noise and habitat alteration. As this new use could potentially impact Goal 5 resources, Deschutes County is conducting an ESEE Analysis to identify potential consequences and protections related to the amendments. RVs as rental dwellings will be added as a new permitted use in the MUA-10, RR-10, SR 2.5, UAR-10 and WTZ zones. As shown below, only two of those zones, MUA-10 and RR-10, contain Goal 5 resources and are being reviewed as part of this ESEE analysis.

**Table 2: Zones Containing Goal 5 Resources**

Contain Goal 5 Resources	Do Not Contain Goal 5 Resources
<ul style="list-style-type: none"> <li>• DCC Chapter 18.32, Multiple Use Agricultural Zone</li> <li>• DCC Chapter 18.60, Rural Residential Zone</li> </ul>	<ul style="list-style-type: none"> <li>• DCC Chapter 19.12, Urban Area Reserve Zone</li> <li>• DCC Chapter 19.20, Suburban Low Density Residential Zone</li> <li>• DCC Chapter 19.22, Westside Transect Zone</li> </ul>

<sup>1</sup> OAR 660-023-0250(3)(b)

ESEEs are meant to be analytical tools. The content of the ESEE is discretionary and is intended to be conducted by planning staff using existing information. An ESEE is not meant to focus exclusively on environmental impacts such as an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). Additionally, Goal 5 explains “the ESEE analysis need not be lengthy or complex, but should enable reviewers to gain a clear understanding of the conflicts and the consequences to be expected.”<sup>2</sup> In utilizing this analytical tool, there are a few steps jurisdictions must include and address in accordance with OAR 660-023 – *Procedures and Requirements for Complying with Goal 5*:

1. Identify Conflicting Uses – Does the land use or activity negatively impact natural resources?
2. Determine Impact Area – What is the geographic extent to which land uses or activities adjacent to natural resources could negatively impact those resources?
3. Analyze ESEE Consequences – What are the positive and negative consequences (both for development and natural resources) of a decision to fully protect natural resources, fully allow conflicting uses, or limit conflicting uses?
4. Develop a program – How and to what extent will the natural resources be protected based on the ESEE analysis?

A response to each of these steps is included throughout this report. The relevant page and chapter can be found in the table of contents.

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<sup>2</sup> OAR 660-023-0040(1)



# Chapter 2: Deschutes County Goal 5 Inventory and Methodology

## 660-23-0030 – Inventory Goal 5 Resources

Stemming from periodic review, Deschutes County adopted inventories for a variety of Goal 5 natural resources (Attachment 1). Some of these resources have mapped geographic boundaries such as Deer Winter Range, whereas others are described as being located in general areas – such as furbearer habitat in riparian corridors. The inventories were produced at a countywide scale, with additional detail for the Deschutes River and its tributaries through the Deschutes County/City of Bend River Study. County staff digitized these habitat boundaries into Geographic Information Systems (GIS) shape files in the 2000s for public awareness. The shape files were created from hard copy maps and descriptions found in the ordinances establishing the County’s Goal 5 program, in consultation with the Oregon Department of Fish and Wildlife (ODFW).

Maps provided in this document include inventoried habitat that spatially overlaps with the MUA-10 and RR-10 zones impacted by the proposed text amendments (Attachment 2). The habitat areas include: deer migration corridor, deer winter range, elk habitat, flood plain, and wetlands. Staff utilized the County’s WA Combining Zone layers to determine the general extent of habitat for big game species as the Combining Zone was designed to cover a larger area than the habitat itself (Ordinance 92-046). Inventoried streams and rivers are shown on the map, as well as wetlands and flood plains. Goal 5 Riparian areas (flood plain, wetlands and 100 feet measured from ordinary high water mark) associated with these water bodies is also the habitat area for fish, furbearers, waterfowl, and upland game birds (Ordinance 92-041, 94-007). As the proposed text amendments are legislative and do not impact any specific properties, staff did not review Goal 5 impacts on an individual parcel level basis. Instead, staff identified the following potential resource sites in which the allowance of RVs as rental dwellings could potentially intersect with Goal 5 resources:

Riverine Resources: Some properties in the MUA-10 and RR-10 zones are located in relative proximity to the Deschutes River, Little Deschutes River, Paulina Creek, and Whychus Creek and its associated Goal 5 Riparian Area.<sup>3</sup> Ordinance 92-041 stated the following additional Goal 5 resources depend on riparian corridors for habitat: furbearer, waterfowl, and upland game bird habitat. As the extent of the habitat locations for these species are not detailed in a boundary description or on a map, staff assumes the species habitat is found entirely inside the Riparian Area boundary shown in Attachment 2.

Wildlife Area Combining Zone: The WA Combining Zone was adopted as a protection measure for antelope, deer, and elk in Deschutes County. As an overlay zone, the mapped area conservatively identified typical habitat and migration areas and provided additional development requirements to ensure impacts to wildlife are properly mitigated alongside the underlying base zone regulations.

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<sup>3</sup> There are 404 RR-10 tax lots that are one acre or larger with a single-family dwelling and 247 that are vacant that abut the Little Deschutes River or Deschutes River. There are 479 tax lots one acre or larger that are split-zoned RR-10 or MUA-10 with the Flood Plain Zone that contain a single-family dwelling and 291 that are vacant. The Flood Plain Zone is not recognized as a rural residential exception area. RR-10 and MUA-10 split zoned properties will be required to contain the minimum lot or parcel area to qualify for an RV as rental dwelling.

The zone encompasses the previously inventoried area for Antelope Range, Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. The proposed amendments add a conflicting use, RVs as rental dwellings, which affect three habitat ranges in MUA-10 and RR-10: Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. These habitat ranges are shown in Attachment 2. The maps include federal land; however, these properties are not subject to Deschutes County land use regulations.

The Deschutes County Goal 5 inventory also includes scenic and open space sites such as Landscape Management Rivers and Streams, State Scenic Waterways and Federal Wild and Scenic Rivers, and Ecologically and Scientifically Significant Natural Areas - Little Deschutes River / Deschutes Confluence (Attachment 1). Protection of these resources is focused on mitigating visual impacts of individual development proposals. Staff finds these resources are not impacted by the proposed amendments and therefore are not reviewed in this document.

### Chapter 3: Conflicting Use Analysis

**660-023-0040(2): Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site.**

Deschutes County is proposing to add RVs as rental dwellings in the MUA-10 and RR-10 zones in the WA Combining Zone. RVs could be a conflicting use to significant Goal 5 resources as they generate vehicle trips and noise. Other uses that are allowed in the two zones are shown below.

**Table 3: Allowed Uses**

Zoning	Outright Uses	Conditional Uses
MUA-10	Agricultural uses Single family dwelling or manufactured home Harvesting a forest product Class I and II road or street projects subject to land division standards Class III road or street project Noncommercial horse stables Horse events Operation, maintenance and piping of canals Type I Home occupation Historic accessory dwelling units	Public use Semipublic use Dude ranch Kennel and/or veterinary clinic Guest house Manufactured home as a secondary accessory farm dwelling Exploration for minerals Private parks Personal use airstrip Golf course Type 2 or 3 Home occupation Destination resorts Planned developments Cluster developments Landfills Timeshare Hydroelectric facility Storage, crushing and processing of minerals Bed and breakfast inn Excavation, grading and fill Religious institutions Private or public schools Utility facility Cemetery Commercial horse stables Horse events Manufactured home park or RV park Wireless telecommunication facilities Guest lodge Surface mining in conjunction with operation and maintenance of irrigation system

Zoning	Outright Uses	Conditional Uses
RR-10	Single family dwelling or manufactured home Utility facility Community center Agricultural use Class I and II road or street projects subject to land division standards Class III road or street project Noncommercial horse stables Horse events Operation, maintenance and piping of canals Type I Home occupation Historic accessory dwelling units	Public park Dude ranch Personal use airstrip Planned developments Cluster developments Recreation-oriented facility Landfills Cemetery Timeshare Hydroelectric facility Bed and breakfast inn Golf course Excavation, grading and fill Religious institutions Public use Semipublic use Commercial horse stables Private or public schools Manufactured home park or RV park Wireless telecommunication facilities Surface mining in conjunction with operation and maintenance of irrigation system

**General Impacts of Conflicting Uses**

The proposed amendments would allow RVs as rental dwellings in inventoried Goal 5 resources. As part of the ESEE review “a local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning”.<sup>4</sup> In reviewing the proposed amendments, Deschutes County finds that the impacts from RVs in the MUA-10 and RR-10 zones as they relate to Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat are of such a similar nature that the impacts for these areas may be reviewed together via the general impacts described below.

- *Noise and Light*

RVs as a secondary dwelling may distress inventoried wildlife, as they seek to avoid noise and light.

- *Habitat Removal*

Preparing an appropriate site on a lot for an RV could require removal of upland vegetation, grading, and soil compaction that could alter drainage and runoff patterns. This could increase peak runoff, cause bank erosion, flooding, or increase the flow of sediment into water bodies. The removal of upland vegetation could also reduce tree canopy and understory vegetation which could be utilized by wildlife, outside of their primary habitat.

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<sup>4</sup> OAR 660-023-0040(4)

- *Introduction of Invasive, Nonnative Plants*

RVs may contribute to the spread of invasive, nonnative plants which could replace and degrade native vegetation of which many species depend.

- *Habitat Fragmentation*

Additional human development may result in fences, roads, traffic and other barriers to the movement of terrestrial wildlife that is critical to their survival.

Greater detail on these potential conflicts and their consequences is provided below.

# Chapter 4: Impact Areas

**660-023-0040(3): Determine the impact area. Local governments shall determine an impact area for each significant resource site. The impact area shall be drawn to include only the area in which allowed uses could adversely affect the identified resource. The impact area defines the geographic limits within which to conduct an ESEE analysis for the identified significant resource site.**

This step is discretionary and allows for the local jurisdiction to define which areas are the most vulnerable and/or most likely to be affected by the proposed amendments. The impact area for this ESEE analysis are properties that are within the Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat in the MUA-10 and RR-10 zones. As this ESEE is not for any specific property, but instead reflects changes to the code generally, there is no individual property specific data.

Properties in this impact area can be found in Attachment 2 – *Impact Area Maps*

## Impact Area Methodology

To understand the impact of the proposed amendments within the areas of significance noted above, an estimate of the number of parcels in those areas that meet the baseline RV as rental dwelling criteria and are non-federal (i.e. subject to Deschutes County zoning) is shown in Table 4 below. The table also provides an estimate for vacant parcels that meet the other eligibility criteria; these properties would not be eligible until a single-family dwelling is constructed first.

**Table 4: Number of Affected Non-Federal Properties in Impact Area**

Zone	Deer Migration	Deer Winter	Elk
Properties Containing One Single-Family Dwelling	4,059	518	169
Vacant Properties (Not Yet Eligible)	1,317	185	104
<b>Total</b>	<b>5,376</b>	<b>703</b>	<b>273</b>



# Chapter 5: ESEE Analysis

**660-023-0040(4): Analyze the ESEE consequences. Local governments shall analyze the ESEE consequences that could result from decisions to allow, limit, or prohibit a conflicting use. The analysis may address each of the identified conflicting uses, or it may address a group of similar conflicting uses. A local government may conduct a single analysis for two or more resource sites that are within the same area or that are similarly situated and subject to the same zoning. The local government may establish a matrix of commonly occurring conflicting uses and apply the matrix to particular resource sites in order to facilitate the analysis. A local government may conduct a single analysis for a site containing more than one significant Goal 5 resource. The ESEE analysis must consider any applicable statewide goal or acknowledged plan requirements, including the requirements of Goal 5. The analyses of the ESEE consequences shall be adopted either as part of the plan or as a land use regulation.**

## Background

Deschutes County is choosing to conduct a single analysis for all resource sites as the impacts from RVs as rental dwellings could have very similar impacts to both riparian areas and fish and wildlife that depend on the riparian area for their habitat, and for big game including deer and elk.

As described above, the potential impacts fall into four general areas:

- *Noise and Light*

RVs as a rental dwelling may distress inventoried wildlife, as they seek to avoid noise and light.

- *Habitat Removal*

Preparing an appropriate site on a lot for an RV could require removal of upland vegetation, grading, and soil compaction that could alter drainage and runoff patterns. This could increase peak runoff, cause bank erosion, flooding, or increase the flow of sediment into water bodies. The removal of upland vegetation could also reduce tree canopy and understory vegetation which could be utilized by wildlife, outside of their primary habitat.

- *Introduction of Invasive, Nonnative Plants*

RVs may contribute to the spread of invasive, nonnative plants which could replace and degrade native vegetation of which many species depend.

- *Habitat Fragmentation*

Additional human development may result in fences, roads, traffic and other barriers to the movement of terrestrial wildlife that is critical to their survival.

This step is discretionary. The purpose of an ESEE analysis is to provide a qualitative exercise for local governments to weigh the positive and negative consequences of three scenarios in order to determine a preferred outcome. Governments may choose to use quantitative data as necessary but are not required to gather new information or hire wildlife biologists, economists, sociologists, or energy consultants.

**ESEE Scenario Descriptions**

*Scenario (A) – Allow the Conflicting Use*

In this scenario, the local government may decide that a conflicting use should be allowed fully, without any restrictions, no matter the potential impacts on the inventory site(s). In this instance, the Goal 5 rule would require the government to determine the conflicting use is of such importance compared to the site that the use should be allowed without any protections or limitations. In choosing this scenario, the local government could still use other tools to protect the inventories that are currently in place.

*Scenario (B) – Prohibit the Conflicting Use*

In this scenario, the local government may decide that the inventory site is of such importance or the conflicting use has the potential to be so detrimental to the inventory site(s), that the conflicting use should be entirely prohibited.

*Scenario (C) – Limit the Conflicting Use*

In this scenario, the local government may decide that the inventory site and the conflicting use are both important when compared to each other, and the use should be allowed with limitations to balance the impacts to the inventory site(s).

**RVs as Rental Dwellings ESEE Analysis**

**Scenario (A) Allow the Conflicting Use**

In this scenario, Deschutes County would allow RVs as rental dwellings in MUA-10 and RR-10 zones without any additional requirements to protect the inventoried resources.

***Economic Consequences:***

Permitting RVs as rental dwellings would have positive consequences by allowing a second dwelling on a property. Deschutes County is experiencing a housing shortage. Allowing RVs, which are generally small in size and cannot be used as vacation rentals, could help address work force housing shortages in the region and provide a housing type that has not historically been readily available in the rural county. It could reduce commuting costs for those workers that live in adjoining Crook, Jefferson and Klamath counties, and coupled with other workforce housing strategies, attract businesses and employment opportunities in Central Oregon.

Allowing RVs could also have negative consequences. The development of RVs as rental dwellings in MUA-10 and RR-10 zones could increase land value, which could price out low and middle-income residents from the opportunity to own a home. Previous testimony from ODFW estimates that hunting and wildlife viewing contributed more than \$50 million to the Deschutes County economy

annually. Deschutes County is proposing to allow RVs in some areas that contain riparian areas and species that rely on the riparian area for habitat including fish, furbearers, upland game birds, and waterfowl. Allowing RVs near these areas could reduce income associated with wildlife viewing and hunting of these species.

In some parts of the county, mule deer populations have declined up to 70% since 2000 as a result of human caused habitat reduction, fragmentation, and disturbance on winter range. By allowing RVs in Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat, there is the potential for greater disturbance of deer and elk populations that could reduce hunting and viewing opportunities.

**Social Consequences:**

Permitting RVs as rental dwellings could have positive consequences by allowing property owners with an existing single family dwelling to rent out an RV that accommodates aging parents or family members, farm help for those that are working on MUA-10 zoned agricultural properties or nearby Exclusive Farm Use zoned properties. By providing affordable housing, it could help lift people out of poverty and increase economic mobility. It could bring a positive impact on the surrounding community, encouraging social connections and lowering crime rates.

It could also have negative consequences by allowing RVs as rental dwellings in rural areas with inadequate access to employment, schools, food markets, medical facilities and parks. This could lead to higher automobile dependence and vehicle emissions caused by more people driving to and from rural areas. Based on previous testimony from ODFW, there could also be negative impacts due to the potential loss of wildlife habitat. Many residents, advocacy organizations, and wildlife agencies continue to express concerns regarding the loss of fish and wildlife habitat due to the region’s rapid growth and development. There is a recognition that increases in human activity, especially in rural areas, displace habitat and diminish, however incrementally, Deschutes County’s rural character and quality of life. The proposed amendments could have negative consequences due to increased human presence and infrastructure near the inventoried Goal 5 resources, which could lead to a reduced level of access and enjoyment for recreationalists.

**Environmental Consequences:**

In this scenario, RVs as rental dwellings would be permitted outright. As stated previously, RVs could present negative impacts as they have the potential to increase noise and light near fish and wildlife habitats, and in turn cause distress to inventoried Goal 5 species.

Developing an appropriate site for an RV may require removal of upland vegetation, grading, and soil compaction that could alter drainage and runoff patterns. This could increase peak runoff, cause bank erosion, flooding, or increase the flow of sediment into water bodies. The removal of upland vegetation could also reduce tree canopy and understory vegetation which could be utilized by wildlife, outside of their primary habitat. Given the relatively small footprint of RVs, however, these impacts may be minor compared to other development types. Permitting RVs could create negative impacts to designated habitat for Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. Based on previous testimony from ODFW, mule deer populations have declined up to 70% since 2000. Their testimony identified other elements contributing to reductions

in mule deer populations tied to human caused habitat reduction, fragmentation, and disturbance on winter range.

As previously stated, the following Goal 5 protections established during the creation of the initial inventory would remain in place:

1. Setback Protections: 100-foot structural setback from the ordinary high water mark of rivers or streams.
2. Scenic Protections: Development near rivers in the Landscape Management Combining Zone must be reviewed for aesthetic compatibility.
3. Wetland Protections: Prohibition of fill or removal of any material or wetland vegetation, regardless of the amount, within the bed and banks of any stream or river or in any wetland unless approved as a conditional use.
4. Mitigation Protections: Impacts to any wetland or riverbank impacts to be fully mitigated, as evaluated by ODFW.
5. Flood Plain Protections: All new construction, expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building in a designated Flood Plain shall obtain a conditional use permit.
6. Combining Zone Requirements: Deer Migration Corridor, Deer Winter Range, Significant Elk Habitat and Sensitive Bird and Mammal Habitat have site specific requirements including development setbacks and seasonal construction requirements to prevent impact to sensitive species and habitat.

Existing protections would prevent riparian areas from being developed with ADUs established near them. As the existing Goal 5 measures in place today protect riparian areas and the fish and wildlife within that habitat area, the addition of ADUs near these areas will be neutral.

**Energy Consequences:**

RVs as rental dwellings are unlikely to cause any major energy consequences. Per SB 1013, the property owner must provide essential services, which includes electricity and wastewater disposal, to the RV site. It can also rely on an existing domestic well.

A potential negative consequence of the proposed amendments could be additional development in rural Deschutes County. Depending on the location of the RV, it could lead to additional Vehicle Miles Traveled and greater congestion on county-owned roads for employment, education, and basic services.

**Scenario (B) Prohibit the Conflicting Use**

In this scenario, Deschutes County would not allow RVs as rental dwellings in the MUA-10 and RR-10 zones associated with the WA Combining Zone and Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat.

***Economic Consequences:***

Prohibiting RVs could have negative economic consequences, as it prevents certain property owners from using their land and having a secondary dwelling unit. This could contribute to workforce housing deficiencies in the region and compel residents to commute from adjoining areas in Crook, Jefferson, and Klamath Counties.

It could also have neutral consequences based on previous testimony from ODFW. Prohibiting RVs could contribute to stabilizing mule deer populations, thereby maintaining economic benefits from wildlife viewing or hunting. Wildlife viewing, hunting, and fishing experiences in Deschutes County are major economic assets to the region. Prohibiting RVs could minimize further habitat fragmentation and help maintain wildlife viewing, hunting, and fishing revenues in Deschutes County.

***Social Consequences:***

Prohibiting ADUs could have negative social consequences. Many residents and multi-generational families in Deschutes County need affordable housing and are rent-burdened. Limiting the potential supply of a unique housing type could exacerbate Central Oregon’s housing crisis by forcing some residents to pay higher rents, commute longer distances for basic services, or relocate. Those circumstances could lead to further mental and physical stress.

It could also have positive consequences. Many residents express their appreciation for undisturbed landscapes because they contribute to Deschutes County’s rural character and quality of life. Prohibiting RVs, which generate noise and light would continue to limit disturbance to existing fish and wildlife habitats.

***Environmental Consequences:***

There are 404 RR-10 tax lots, one acre or larger with a single-family dwelling and 247 that are vacant that abut the Little Deschutes River or Deschutes River. There are 479 tax lots one acre or larger that are split-zoned RR-10 or MUA-10 with the Flood Plain Zone that contain a single-family dwelling and 291 that are vacant. These properties contain a Goal 5 Riparian Area which is also the habitat for Goal 5 inventoried waterfowl, upland game bird, furbearers, and fish. The WA Combining Zone contains Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. By prohibiting RVs and maintaining the status quo, these species will continue to be protected against habitat fragmentation and distress from second dwellings. The environmental consequences are therefore neutral.

***Energy Consequences:***

Energy consumption would have neutral consequences as this scenario maintains the status quo. Development associated with RVs may be displaced to other areas of rural Deschutes County, which could still have demands on utilities.

**Scenario (C) Limit the Conflicting Use**

In this scenario, Deschutes County would allow RVs as rental dwellings in the MUA-10 and RR-10 zones, with additional limitations to protect the inventoried resources, outside of existing protections. For example, a limitation could require the RV to be within a certain distance of the existing dwelling.

***Economic Consequences:***

Permitting RVs as rental dwellings would have positive consequences by allowing a second dwelling on a property. Deschutes County is experiencing a housing shortage. Allowing RVs, which are generally small in size and cannot be used as vacation rentals, could help address work force housing shortages in the region. It could reduce commuting costs for those workers that live in adjoining Crook, Jefferson and Klamath counties and coupled with other work force housing strategies, attract businesses and employment opportunities in Central Oregon.

Compared to scenario (a) where there is no required area in relation to the primary residence in which the RV must be sited, the addition of limitations could lessen the impact by minimizing the buildable footprint and ultimately, the number of eligible properties, recognizing that some may not have enough area to accommodate an RV depending on site constraints. This could positively impact the hunting and wildlife viewing economy in Central Oregon, valued at \$50 million annually. While such measures could lessen impacts, the overall burden caused by allowing RVs nevertheless may still overall impact wildlife and thereby impact revenue generated from the recreation economy.

In comparison to scenario (a), which would allow the use outright, Deschutes County finds that this scenario would provide a limitation to reduce the amount of impacts, even if those impacts still exist.

***Social Consequences:***

The positive social consequences in this scenario are very similar to scenario (a). Permitting RVs could have positive consequences by allowing property owners with an existing single-family dwelling to have a dwelling that accommodates aging parents or family members, farm help for those that are working on MUA-10 zoned agricultural properties or nearby Exclusive Farm Use zoned properties. By providing affordable housing, it could help lift people out of poverty and increase economic mobility. It could bring a positive impact on the surrounding community, encouraging social connections and lowering crime rates.

Adding a limitation requiring the RV to be within a certain distance of the existing dwelling (or other limitation) could establish a negative consequence, depending on siting, of RVs in rural areas with inadequate access to employment, schools, food markets, medical facilities and parks. This could lead to higher automobile dependence and vehicle emissions caused by more people driving to and from rural areas. Based on previous testimony from ODFW, there could also be negative impacts due to the potential loss of wildlife habitat stemming from the possible removal of habitat areas and construction of structures and their associated human presence. Many residents, advocacy



organizations, and wildlife agencies continue to express concerns regarding the loss of fish and wildlife habitat due to the region’s rapid growth and development. There is a recognition that increases in human activity, especially in rural areas, displace habitat and diminish, incrementally, Deschutes County’s rural character and quality of life. The proposed amendments could have negative consequences due to increased human presence and infrastructure near or within the inventoried Goal 5 resources, which could lead to a reduced level of access and enjoyment for recreationalists.

**Environmental Consequences:**

RVs as rental dwellings could present negative consequences as they have the potential to increase activity, noise, and light near fish and wildlife habitats, and in turn cause distress to inventoried Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat.

Siting of an RV may require removal of upland vegetation, grading, and soil compaction that could alter drainage and runoff patterns. This could increase peak runoff, cause bank erosion, flooding, or increase the flow of sediment into water bodies. The removal of upland vegetation could also reduce tree canopy and understory vegetation which could be utilized by fish and wildlife species, outside of their primary habitat. Given the relatively small footprint of RVs, however, these impacts may be minor compared to other development types. Permitting RVs could result in further negative impacts to the Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. Based on recent testimony from ODFW, mule deer populations have declined up to 70% since 2000. Their testimony identified other elements contributing to reductions in mule deer populations tied to human caused habitat reduction, fragmentation, and disturbance on winter range.

Existing protections in place today (discussed above) would prevent Goal 5 riparian areas from being developed when RVs are nearby. The establishment of RVs in these areas would likely be neutral.

By limiting the RV to within a certain distance of the existing dwelling, the negative environmental consequences associated with RVs could be mitigated to a certain extent.

**Energy Consequences:**

The energy consequences in this scenario are the same as in scenario (a). Limiting the RV to within a certain distance of the existing dwelling could decrease the amount of energy used to operate the RV, considering the essential services that are required to be provided.

# Chapter 6: ESEE Decision

**660-023-0040(5): Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:**

**(c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.**

The graphic below is meant to be a simplified representation to balance each of the ESEE factors. As stated in the ESEE analysis, there are a variety of positive, negative, and neutral consequences associated with each scenario. Deschutes County finds that the issue of allowing an RV as rental dwellings in MUA-10 and RR-10 zones are both a social and economic issue that outweighs the other ESEE consequences. The County considered allowing the use with limitations by limiting the siting of the RV to within a certain distance of the existing dwelling, but this practice could limit the number of affordable housing opportunities. Therefore, the County is choosing scenario (a), which will allow the use fully, notwithstanding the possible impacts on the resource sites.

**Table 5: ESEE Factors**

<b>ESEE Factors</b>	<b>Support habitat functions (Environmental, economic, social)</b>	<b>Support Affordable Housing (Social, economic)</b>	<b>Support Recreational Economy (Economic, Social)</b>	<b>Preserves Rural Character (Social, economic)</b>	<b>Transportation (Energy)</b>
<b>Prohibit conflicting use</b> (No code change)	<b>0</b>	<b>-</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Allow conflicting use</b> Allow RVs with no additional requirements	<b>-</b>	<b>+</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Limit conflicting use</b> Allow RVs with additional limitation	<b>-</b>	<b>+</b>	<b>-</b>	<b>-</b>	<b>-</b>

## Chapter 7: Program to Achieve Goal 5

**660-023-0050(1):** *For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).*

**660-023-0050(2):** *When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:*

- (a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;*
- (b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or ...*

Deschutes County has determined that allowing RVs as rental dwellings within the MUA-10 and RR-10 zones and within the Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat should be allowed fully, notwithstanding the possible impacts on the inventoried resources. The implementing measures do not include alternative, discretionary procedures for compliance.

**Attachment 1 - Deschutes County Significant Goal 5 Resources**

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Fish Habitat</b> (Inventory – Ord. No. 92-041, page 18; creeks, rivers and lakes)</p>	<p><b>Yes</b></p>	<p>Major conflicts are removal of riparian vegetation, fill and removal activities within the bed and banks of streams or wetlands, hydroelectric, rural residential development and water regulation</p>	<p>Floodplain zone recognized as program to achieve the goal to conserve fish habitat (Ordinance Nos. 88-030, 88-031, 89-009).</p> <p>Others include: fill and removal permits, wetland removal regulations, hydro prohibitions, rimrock setbacks, 100’ setback from OHW, conservation easements and restrictions on boats and docks.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041</p>
<p><b>Deer Winter Range</b> (Inventory – Ord. No. 92-041, page 22; Metolius, Tumalo, North Paulina, and Grizzly ranges identified by ODFW)</p>	<p><b>Yes</b></p>	<p>Major conflicts are dwellings, roads, and dogs. Activities which cause deterioration of forage quality and quantity or cover are conflicting uses. Fences which impede safe passage are also a conflicting use.</p>	<p>Floodplain zone recognized as a program to achieve the goal to protect deer winter range (Ordinance Nos. 88-030, 88-031, 89-009).</p> <p>Others include Wildlife Area Combining Zone. Requires 40-acre minimum lot size for all new residential land divisions. Underlying zoning in most of the deer winter range is: EFU, Forest, and Floodplain. These zones provide for large lot sizes and limit uses that are not compatible with farm or forest zones.</p>	<p>Ordinance Nos. 88-030, 88-031, 89-009, 92-040, 92-041, 92-042, 92-046</p>
<p><b>Deer Migration Corridor</b> (Inventory – Ord. No. 92-041, page 26; Bend-La Pine migration corridor identified by ODFW)</p>	<p><b>Yes</b></p>	<p>Major conflicts are dwellings, roads, and dogs. Fences which impede safe passage are also a conflicting use.</p>	<p>Wildlife Area Combining Zone was recognized as the only program to achieve the goal to protect the deer migration corridor. Underlying zoning is RR-10. It was amended to require cluster development for all land divisions in the RR-10 zone in the Bend/La Pine migration corridor (92-042). A 20-acre parcel is the minimum size required for a cluster development. Siting and fencing standards also apply in the deer migration corridor. Migration corridor includes some EFU, Forest, and Floodplain zoned land. These resource zones provide for large lot sizes and limit uses that are not compatible with farm or forest zones.</p>	<p>Ordinance Nos. 92-040, 92-041, 92-042, 92-046</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Elk Habitat</b> (Inventory – Ord. No. 92-041 – page 32; identified by USFS and ODFW)</p>	<p><b>Yes</b></p>	<p>Major conflict is the loss of habitat due to increased residential densities in the habitat areas. Increased human disturbance can cause conflict with elk. The use of land which necessitates the removal of large amounts of vegetative cover can also alter the quality of elk habitat.</p>	<p>Wildlife Area Combining Zone was recognized as the only program to achieve the goal to protect the elk habitat.</p> <p>It was amended to require a 160-acre minimum lot size for areas identified as significant elk habitat. Siting standards are required to minimize conflicts of residences with habitat protection.</p> <p>Underlying zoning in the elk habitat areas is either Floodplain, Forest, or Open Space and Conservation. These resource zones restrict high density residential development and prohibit industrial and commercial uses.</p> <p>* Some lands are zoned RR10, including lots that are split zoned with flood plain. They are already parcelized, preventing future land divisions.</p>	<p>Ordinance Nos. 88-030, 88-031, 89-009, 92-040, 92-041, 92-042, 92-046</p>
<p><b>Antelope Habitat</b> (Inventory – Ord. No. 92-041 – page 38; identified by ODFW)</p>	<p><b>No</b></p>	<p>Land use or development activities which would result in the loss of habitat, and animal harassment and disturbance associated with human activity.</p>	<p>To achieve the goal to conserve antelope habitat, uses conflicting with antelope habitat are limited to the Wildlife Area Combining Zone. In antelope range, the minimum lot size is 320 acres. Except for rural service centers, the antelope habitat is zoned EFU or F1.</p>	<p>Ordinance Nos. 92-040, 92-041, 92-042, 92-046</p>
<p><b>Habitat for Sensitive Birds</b> (Inventory – Ord. No. 92-041 – page 41 and Table 5; identified by ODFW, ODF, OSU, Oregon Natural Heritage Data Bases).</p> <p>The area required for each nest site varies between species.</p>	<p><b>No</b></p>	<p>Nest sites are found in Forest, EFU and Open Space and Conservation zones. Uses that could conflict with the habitat site are surface mining, residential use, recreation facilities, roads, logging, and air strips.</p> <p>Any activity which would disturb the nesting birds, including intensive recreational use or removal of trees or</p>	<p>The Sensitive Bird and Mammal Combining Zone achieves the goal to protect sensitive bird sites.</p>	<p>Ordinance Nos. 92-040, 92-041, 92-042, 92-046</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
		vegetation could conflict with the habitat site.		
<p><b>(UPDATE -</b> Inventory – Ord. No. 94-004 –pages 3 to 140 Site specific ESEE analysis and decisions follow each site.</p>	<p><b>No</b></p>	<p>See above.</p>	<p>Habitat areas for sensitive birds of the Fish and Wildlife Element, adopted in No. 92-041 is repealed and replaced by inventories in Exhibit 1. Area required around each nest site needed to protect the nest from conflict varies between species. It’s called “sensitive habitat area.”</p> <p>Note: Northern bald eagle, osprey, golden eagle, prairie falcon, and great blue heron rookeries are located on federal land. Classified as “2A” Goal 5 Resources. Great Grey owl site no longer exists. Some bald eagle, golden eagle sites are controlled by the Sensitive Bird and Mammal Combining Zone.</p>	<p>Ordinance Nos. 94-004, 94-005 and 94-021</p>
<p><b>Waterfowl Habitat</b> (Inventory – Ord. No. 92-041 – page 56; includes all rivers, streams, lakes and perennial wetlands and ponds identified on the 1990 US Fish and Wildlife Wetland Inventory Maps; ODFW provided lists of all bird species; Co/City of Bend River Study provides additional information)</p>	<p><b>Yes</b></p>	<p>Future resort and vacation home development, human activity associated with recreation along rivers and lakes, timber-cutting around sensitive habitats, fill and removal of material in wetlands and within the bed and banks of rivers and streams, and removal of riparian vegetation are conflicting uses.</p>	<p>Floodplain zone recognized as program to achieve the goal to conserve waterfowl habitat (Ordinance Nos. 88-030, 88-031, 89-009).</p> <p>Others include: fill and removal permits, wetland removal regulations, rimrock setbacks, 100’ setback from OHW, conservation easements, restrictions on boats and docks, landscape management, state and federal scenic water regulations. In addition, the Forest and EFU zones require large minimum lot size which limits the potential density of development in the areas adjacent to many of the rivers, streams, wetlands, and ponds used for waterfowl habitat.</p>	<p>Ordinance Nos. 86-018, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-042- 92-045, 92-046</p>



Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Upland Game Bird Habitat</b> (Inventory – Ord. No. 92-041 – page 60; ODFW did not identify critical habitat for any of the upland game species except for the sage grouse; habitat for upland game birds is dispersed throughout the county in riparian, forest, agricultural, and rangeland areas)</p>	<p>Yes</p>	<p>Pheasant and quail are affected whenever agricultural land is taken out of production through urban sprawl, road construction, industrial development and other land clearing activities.</p> <p>Farming practices on existing agricultural lands also have an impact. Fence row, woodlots, and riparian vegetation are constantly being removed at the expense of upland bird use.</p> <p>Chapter 6 of County/City of Bend River Study identifies conflicting uses with upland bird habitat.</p>	<p>For all of the upland game birds except sage grouse, the habitat is adequately protected by the existing EFU and Forest zoning and the provisions to protect wetlands and riparian areas to achieve the goal of protecting upland game birds.</p> <p>County provisions to protect riparian areas and wetlands protect one of the most significant components of upland game habitat.</p> <p>Note: conflicts with sage grouse are limited by EFU zoning with a 320 acre minimum parcel size. Sensitive Bird and Mammal Combining Zone pertaining to sage grouse and leks have been repealed due to LCDC enacted rules in OAR 660, Division 23.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-042, 92-046</p>
<p><b>UPDATE</b> - Inventory – Ord. No. 94-004 – pages 156-201.</p>	<p>Yes</p>	<p>See above.</p>	<p>Habitat areas for Upland Game Bird Habitat, adopted in No. 92-041 is repealed and replaced and further amended in Exhibit 4 with the ESEE Analysis and inventory for upland game bird habitat.</p> <p>Conflicts with sage grouse are reduced by the limitations on uses in the EFU and Floodplain zone, by the 320 acre minimum lot size and predominance of BLM lands.</p> <p>Note: conflicts with sage grouse are limited by EFU zoning with a 320 acre minimum parcel size. Sensitive Bird and Mammal Combining Zone pertaining to sage grouse and leks have been repealed due to LCDC enacted rules in OAR 660, Division 23.</p>	<p>Ordinance Nos. 94-004 and 94-021</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Furbearer Habitat</b> (Inventory – Ord. No. 92-041 – page 65; ODFW has not identified any specific habitat sites other than riparian and wetland areas that are critical for the listed species.</p>	<p><b>Yes</b></p>	<p>The conflicting uses are those activities or development which would degrade or destroy habitat, or disturb the animals causing them to relocate.</p> <p>Conflicts between furbearers and other land uses are minimal in the county.</p>	<p>Furbearer habitat is adequately protected by the existing EFU and Forest zoning and the provisions to protect farm use and forest zoning, and the provisions to protect wetlands and riparian areas to achieve the goal to protect furbearers.</p> <p>The farm and forest zones require large minimum lot sizes and many uses are permitted only as conditional uses. The measures to protect riparian and wetland habitat are detailed in this plan in the Riparian and Wetland Habitat section.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041</p>
<p><b>Habitat Areas for Townsend’s Big-Eared Bats</b> (Inventory – Ord. No. 92-041 – page 69; identified by ODFW, ODF, OSU, Oregon Natural Heritage Data Bases)</p>	<p><b>No</b></p>	<p>Caves located in EFU zones. Uses permitted in those zones that could conflict with the habitat site are surface mining, recreation facilities including golf courses and destination resorts, roads, logging, and air strips.</p>	<p>Program to achieve the goal is Sensitive Bird and Mammal Combining Zone</p>	<p>Ordinance No. 92-041 and 042</p>
<p><b>UPDATE</b> - Inventory – Ord. No. 94-004 – pages 140 to 155 Site specific ESEE analysis and decisions follow each site.</p>	<p><b>No</b></p>	<p>See above.</p>	<p>Habitat areas for Townsend Bats, adopted in No. 92-041 is repealed and replaced and further amended in Exhibit 2. The ESEE for Townsend’s big-eared bats is amended for additional bat sites in Exhibit 3.</p>	<p>Ordinance Nos. 94-004 and 94-021</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Wetlands and Riparian Areas</b> (Inventory – Ord. No. 92-041 – page 73; identified on USFWS NWI)</p>	<p><b>Yes</b></p>	<p>Conflicting uses include fill and removal of material, including vegetation which could cause a reduction in the size or quality or function of a wetland, or cause destruction or degradation of the riparian habitat and vegetation.</p> <p>Structural development in wetlands or riparian areas would reduce the habitat and the use of the structure could cause conflicts such as harassment or disturbance or wildlife dependent on the habitat. Cutting of riparian vegetation can remove important shade for streams, eliminate habitat for various waterfowl, furbearers, and nongame bird species, and can increase the potential for erosion or bank instability in riparian areas.</p>	<p>Floodplain zone recognized as program to achieve the goal to conserve wetland and riparian habitat (Ordinance Nos. 88-030, 88-031, 89-009).</p> <p>Others include: fill and removal permits, wetland removal regulations, hydro prohibitions, 100’ setback from OHW, conservation easements, restrictions on boats and docks, and landscape management.</p>	<p>Ordinance Nos. 86-018, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-045</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>UPDATE – Riparian inventory</b> – Ord. No. 94-007; Significant riparian habitat is located in three areas:</p> <p>Area within 100’ of OHW of an inventoried stream or river;</p> <p>Area adjacent to an inventoried river or stream and located within a flood plain mapped by FEMA and zoned Floodplain by the county (Deschutes River, Little Deschutes River, Paulina Creek, Fall River, Indian Ford Creek, Tumalo Creek, Squaw (Whychus) Creek, and Crooked River</p> <p>Area adjacent to a river or stream and inventoried as a wetland on the NWI</p>	<p><b>Yes</b></p>	<p>Conflicting uses:</p> <p>Locating septic systems in riparian area could cause pollution of ground and surface water systems. The potential for this conflict depends on the characteristics of the soil.</p> <p>Locating structural development in riparian areas can reduce the habitat and the use of structures could cause conflicts such as harassment or disturbance of wildlife dependent on habitat.</p> <p>Recreational use of the riparian area including boat landing areas, formal and informal trails, and camping areas can alter soil composition and cause destruction of vegetation.</p> <p>Increase in density of residential lots in or adjacent to riparian areas could result in a decrease of habitat effectiveness because of disturbance to wildlife.</p>	<p>Riparian Areas inventory and ESEE analysis adopted by Ordinance No. 92-041 is deleted and replaced by an inventory and ESEE contained in Exhibit A.</p> <p>New parcels meeting the minimum lot size in the resource zones (EFU, Forest, non-exception flood plain) will not cause an increase in residential density that would conflict with riparian habitat values.</p> <p>In RR10, MUA-10, and Floodplain zones found adjacent to inventoried riparian areas, the creation of new 10 acre parcels would not significantly increase the overall density of residential use adjacent to riparian areas because the areas where new parcels could be created, with the exception of Tumalo Creek, are already divided into lots considerably smaller than 10 acres.</p> <p>Program to achieve Goal 5 for Riparian Habitat: fill and removal regulations to protect wetlands, 100’ setback from OHW, Floodplain zone (regulates docks too), Landscape Management zone, Conservation easements, State Scenic Waterway</p>	<p>Ordinance Nos. 94-007</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>UPDATE – Wetland Inventory</b> – Ord. No. 94-007, Exhibit B – inventory is NWI (Ord. No. 92-045)</p>	<p><b>Yes</b></p>	<p>Conflicting uses include fill and removal of material, including vegetation, which could cause reduction in the size, quality or function of a wetland.</p> <p>Locating structural development in wetlands could reduce the habitat and the use of the structure could cause conflicts such as harassment or disturbance of wildlife dependent on the habitat.</p> <p>Draining wetlands for agriculture or other development purposes destroys the hydrological function of the wetland and alters the habitat qualities that certain wildlife depend on.</p> <p>Cutting wetland vegetation adjacent to streams can remove important shade for streams, eliminate habitat for various waterfowl, furbearers, and nongame bird species, and can also increase the potential for erosion or bank instability in riparian areas.</p>	<p>Wetlands Inventory and ESEE analysis adopted by Ordinance No. 92-041 is deleted and replaced by an inventory and ESEE contained in Exhibit B, Wetlands.</p> <p>Program to achieve Goal 5 for Wetland Habitat:</p> <ul style="list-style-type: none"> <li>• Fill and removal regulations to protect wetlands</li> <li>• 100’ setback from OHW</li> <li>• Flood plain zone (regulates docks too)</li> <li>• DSL Removal / Fill law</li> </ul>	<p>Ordinance Nos. 94-007</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Ecologically and Scientifically Significant Natural Areas * Little Deschutes River / Deschutes River Confluence</b>                      (Inventory – Ord. No. 92-052, Exhibit B, Page 1; identified by Oregon Natural Heritage Program); Analysis of Pringle Falls and Horse Ridge Research Areas, West Hampton Butte and Davis Lakes excluded b/c they’re on federal land and/or not related to flood plains.</p>	<p><b>Yes</b></p>	<p>Resort and vacation home development, recreational uses, livestock grazing, and fill and removal in wetlands are conflicting uses.</p>	<p>Programs for resource protection include the zoning of the property, the provisions of the flood plain, wetlands and the river corridor.</p> <p>The implementing measures which protect and regulate development in the confluence area are: EFU zoning, Floodplain zoning, conservation easements, and fill and removal permits.</p> <p>The confluence area is located in the undeveloped open space area of the Sunriver development (Crosswater). 80% of the property is retained as open space.</p> <p>Today, zoning is Floodplain and Forest Use.</p>	<p>Ordinance Nos. 86-018, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-045</p>
<p><b>Landscape Management Rivers and Streams</b>                      (Inventory – Ord. No. 92-052, Exhibit C, Page 3; identified by state and federal wild and scenic corridors; and within 660’ of OHW of portions of Deschutes River, Little Deschutes River, Paulina Creek, Fall River, Spring river, Tumalo Creek, Squaw (Whychus) Creek, and Crooked River not on the state or federal scenic designations)</p>	<p><b>Yes</b></p>	<p>Uses conflicting with open space and scenic resources along the designated Landscape Management rivers and streams include land management activities that result in habitat loss or development within river or stream corridors which would excessively interfere with the scenic or natural appearance of the landscape as seen from the river or stream or alteration of existing natural landscape by removal of vegetative cover.</p>	<p>Program for resource protection includes: Floodplain zone and restrictions, fill and removal permits, wetland removal regulations, hydro prohibitions, rimrock setbacks, conservation easements, restrictions on boats and docks, and landscape management.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-033, 93-034</p>

Inventoried Resource	Flood Plain Relationship	Conflicts	Comments	Relevant Ordinances
<p><b>Lakes and Reservoirs</b>                      (Inventory – Ord. No. 92-052, Exhibit C, Page 10; includes Upper Tumalo Reservoir; remaining are on federal land)</p>	<p><b>No</b></p>	<p>Conflicting uses with the open space and scenic values of the land adjacent to the inventoried lakes include development which would cause a loss of open space or a decrease in the aesthetic and scenic resources, and land management activities resulting in the removal of natural vegetation which provides wildlife habitat and scenic value.</p>	<p>Conflicting uses around Tumalo Reservoir are specifically limited by Title 18.48, Open Space Conservation Zone and a 100’ setback for any structure from OHW.</p>	<p>Ordinance No. 91-020</p>
<p><b>State Scenic Waterways and Federal Wild and Scenic Rivers</b>                      (Inventory – Ord. No. 92-052, Exhibit E, Page 1;</p>	<p><b>Yes</b></p>	<p>See County / City of Bend River Study and 1986 River Study Staff Report. Both referenced in Ord. 92-005, Exhibit E.</p>	<p>Program for resource protection includes:                      Floodplain zone and restrictions, fill and removal permits, wetland removal regulations, hydro prohibitions, rimrock setbacks, conservation easements, restrictions on boats and docks, and landscape management.</p>	<p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-033, 93-034</p>
<p><b>Wilderness Areas, Areas of Special Concern, Energy Sources (Ord. No 92-052), and Groundwater Resources (Ord. No. 94-003)</b> not analyzed because they’re on federal land or don’t relate to flood plains.</p>	<p><b>No</b></p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>



**Attachment 2 - Inventory Site Maps**



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: June 10, 2024

SUBJECT: Discussion and Possible Action on CHRO RFQ Process

RECOMMENDED MOTION:

Direct staff as determined by the Board

BACKGROUND AND POLICY IMPLICATIONS:

On behalf of the Coordinated Houseless Response Office (CHRO), on March 12, 2024, the Central Oregon Intergovernmental Council (COIC) issued a solicitation from qualified entities to design, develop, and operate temporary shelter sites in Deschutes County.

Staff from COIC, the Homeless Leadership Coalition (HLC), the City of Bend, the City of Redmond, and Deschutes County reviewed and scored the applications. The table below summarizes the seven applications and their scores.

Table with 3 columns: Entity and Cost, Project and Proposed Location, and Score. It lists four applications: Oasis Village, Central Oregon Villages (two entries), and Mountain View Community Development.

Gales Brothers, LLC - \$729k for startup costs and 1-year of operations	Soft Parking program on private property, off Hamby Road	Tier 3 – not recommend to move forward at this time
Home More Network - \$349k for startup costs and 1-year of operations	Safe Parking program on County owned property, Huntington Road, La Pine	Tier 3 – not recommend to move forward at this time
Home More Network – \$1.724m for startup costs and 1-year of operations	Managed Camp/Long Term Visitor Area at County-owned Juniper Ridge property	Tier 3 – not recommend to move forward at this time

Attached is the “Intergovernmental Review Team Member Summary Tabulation Page” which summarizes the Team’s scoring, notes, and recommendations.

Listed below are discussion items/possible next steps for each of the Tier 1 and 2 submittals if the Board supports moving forward with any of these proposals.

1. Oasis Village Expansion
  - a. Work with Oasis Village to finalize proposal and draft an ARPA agreement for Board consideration
  - b. Staff can discuss with Oasis Village and the State of Oregon the option of using shelter pods that have been offered by the State of Oregon.
  
2. Central Oregon Villages Safe Parking at DAWN’s House
  - a. Work with Central Oregon Villages to finalize proposal and draft an ARPA agreement for Board consideration. The agreement should include Board public outreach expectations.
  
3. Central Oregon Villages Tiny Home Village on City of Bend Property
  - a. Determine if the City of Bend supports using City property for the project.
  - b. Work with Central Oregon Villages to finalize proposal and draft an ARPA agreement for Board consideration. The agreement should include Board public outreach expectations.
  
4. Mountain View Community Development Safe Parking Additional Sites
  - a. Work with Mountain View Community Development to identify safe parking sites.
  - b. Work with Mountain View Community Development to finalize proposal. Draft an ARPA agreement for Board consideration.

Managed Camp on County 45-Acres

The Board of Commissioners and the Redmond City Council have discussed prioritizing a managed camp on 45 acres of County-owned land. The project would assist with the land swap that Deschutes County and the Department of State Lands (DSL) have been working on for 20 years. While there were no proposals associated with the 45-acres, with Board direction, staff is prepared to take the following steps:

- Meet with City of Redmond staff to discuss resources and options for a managed camp on the 45 acres.
- Meet with service providers for discussion and input on the concept of a managed camp; discuss challenges service providers see in operating a managed camp; and discuss potential partnerships among service providers to determine if there is a path forward for a managed camp.

Resources

The Board has allocated the following ARPA funds for projects coming out of the CHRO RFQ process. In addition, there are funds available that were set aside for future County obligations to continue funding the CHRO:

- \$1.5 million for CHRO RFQ process
- \$300,000 from the \$500,000 that was held back from the original \$2 million. \$200,00 of the \$500,000 was awarded to Mountain View Community Development for Safe Parking.
- \$250,000 earmarked to pay for future County obligations to continue operating the CHRO once the state funds are expended.

ARPA funds must be obligated before December 31, 2024 and expended by December 31, 2026.

The cities of Bend and Redmond have agreed to provide investments in infrastructure and one-time capital funding to assist with the development and buildout of safe parking sites and alternative outdoor shelter facilities.

Conclusion

Staff seeks direction on which projects from the CHRO RFQ process the Board would like to move forward.

Attachments

- COIC Request for Qualifications Document
- “CHRO RFQ Update” Presentation made to the CHRO on May 16, 2024
- Intergovernmental Review Team Member Summary Tabulation Page

**BUDGET IMPACTS:**

TBD.

**ATTENDANCE:**

Erik Kropp, Deputy County Administrator



### REQUEST FOR QUALIFICATIONS

RFQ CED #24-01

Seeking qualified entities to design, site, and operate temporary outdoor shelters in Deschutes County

**CLOSE DATE:** Tuesday, March 26 2024 **TIME:** 11:59 p.m.

**DESCRIPTION:** Professional services – Seeking qualified entities to design, site, and operate temporary outdoor shelters in Deschutes County

**CONTACT:** Kimberly Banner, Executive Coordinator, Central Oregon Intergovernmental Council (COIC)

**PHONE:** (541) 548-8163

**E-MAIL:** kbanner@coic.org

**LOCATION:** The solicitation document may be reviewed at COIC, 1250 NE Bear Creek Road, Bend, OR 97701 or online at <https://www.coic.org/open-procurements/>.

***THIS IS A FORMAL PROCUREMENT.***

***SINGLE POINT OF CONTACT:*** There will be only one point of contact for this Request for Qualifications. The contact point is the person listed above, unless otherwise stated. Any questions or issues that may arise regarding the specifications, the RFQ process, and/or the award process shall be directed to the Contact listed above.

***FOR MORE INFORMATION*** please refer to “Instructions for Responses” (page 2).

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<b>PROCUREMENT DOCUMENT:</b>	
Request for Qualifications/Table of Contents	1
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a. Preparation of Responses	2
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***Attachments:*** The following attachments are hereby incorporated by reference:

Exhibit A – Project Scope of Services	9
Exhibit B – List of Properties	12
Exhibit C – Eligible Project Types	17
Exhibit D – CHRO Values & Commitments	22
Exhibit E – Community Engagement Recommendations	24



### INSTRUCTIONS FOR RESPONSES

#### 1. PREPARATION AND SUBMISSION OF STATEMENTS OF QUALIFICATIONS:

1. GENERAL INFORMATION: Central Oregon Intergovernmental Council (COIC), is soliciting statements of qualifications from qualified entities, on behalf of the Coordinated Houseless Response Office (CHRO), to design, develop, and operate temporary shelter sites in Deschutes County for Central Oregonians living in settings not intended for human habitation. The shelters will be provided year-round and will ensure a safe and dignified location for individuals and/or families to reside. The shelters will also provide opportunities to connect individuals and families to resources to move out of homelessness and into more permanent housing.

The following Request for Qualifications (RFQ) process will allow COIC staff and the Intergovernmental Review Team (IRT) to evaluate and create a shortlist of qualified potential developers and/or operators, who may then be invited to present a proposal for such services. Ultimately, a public agency will enter into a contractual agreement with an entity to develop a site or sites, and support operations. Multiple agreements may be entered with different applicants on different sites, as appropriate based on the content of proposals and what funding is available.

2. FORMAT OF RESPONSES: Responses shall be submitted to COIC in electronic format only, as set forth in item 4 below. Faxed or hard-copy submissions will not be accepted.

Inquiries regarding this RFQ shall be directed by e-mail: [kbanner@coic.org](mailto:kbanner@coic.org)

COIC is not responsible for the proper identification and handling of any response not submitted in a timely manner.

All statements of qualifications submitted become part of the public file for the project, without obligation to COIC. COIC reserves the right to reject any or all submittals for good cause and in the public interest. Firms or organizations responding to this RFQ do so solely at their expense, and COIC is not responsible for any expenses associated with the preparation of any response.

3. SOLICITATION SCHEDULE: Following is a proposed schedule for the submission, evaluation, and selection of an organization for designing, developing, and/or operating sites:

Issuance of RFQ	March 12 <sup>th</sup> , 2024
<a href="#">RFQ Open House (Attendance Optional)</a>	<a href="#">March 19<sup>th</sup>, 2024 at 3pm</a>
Questions Deadline	March 20 <sup>th</sup> , 2024 at 5pm
COIC Response to Questions	March 22 <sup>nd</sup> , 2024 at 5pm
Deadline for Submission of Statements of Qualifications (Phase 1)	March 26 <sup>th</sup> , 2024
Notice to Shortlisted Organizations	(Anticipated) April 8 <sup>th</sup> , 2024
Deadline for Proposal Submission (Phase 2)	(Anticipated) April 29 <sup>th</sup> , 2024
Notice(s) of Intent to Award	(Anticipated) May 2024



4. SUBMISSION OF STATEMENTS OF QUALIFICATIONS: All electronic responses to this Request for Qualifications shall be delivered via email to Kimberly Banner, Executive Assistant at kbanner@coic.org by 11:59 PM, March 26<sup>th</sup>, 2024

**Responses submitted after that date and time will not be accepted.**

5. ACCEPTANCE OF SUBMISSIONS OR PROPOSALS: COIC reserves the right to cancel the procurement or reject any or all submissions in accordance with ORS 279B.100.

COIC reserves the right to withdraw this RFQ at any time without prior notice and makes no guarantee that any contract will be awarded to any firm or individual responding to this RFQ. Depending on the statements of qualifications submitted, more than one contract may be awarded from this Solicitation.

6. RESPONSE FORMAT: Responses submitted for this project should include a narrative that conveys the respondent’s understanding of the project’s purpose and goals, including the Scope of Services, and how the firm or organization will assist COIC and our project partners in meeting these goals. The description should demonstrate the firm’s capabilities, approach, and problem-solving abilities to accomplish each component of this project. The narrative should provide a description of how this project’s goals will be met. Identify key personnel to be utilized for this project, their qualifications, and areas of responsibility.

6.1 The statement of qualifications shall contain at minimum the following information:

- a. **Organizational Profile, Structure, and Qualifications** – Provide a summary profile of the firm/organization, including:
  - Firm name, address, contact information, and the name of the primary contact in reference to this RFQ;
  - Information about your firm, including: the year founded and form of organization (corporation, partnership, sole proprietorship, non-profit organization, etc.), background, size, types of services provided, and experience designing or operating shelter sites,
  - Any relevant professional accreditations held by the firm/organization, and
  - A one-page executive summary of the content of your submission.
- b. **Relevant Experience** – Describe your organization’s experience:
  - Demonstrate understanding of and experience managing similar projects;
  - Demonstrate experience collaborating with public partners;
  - Demonstrate experience with public engagement and outreach; and
  - Demonstrate experience receiving government funds and meeting reporting requirements.
- c. **Statement of Work** – Provide a summary of how the respondent would meet the responsibilities as outlined in Exhibit A – Scope of Services. Please provide specific recommendations on the **type of program** (for the list of eligible program options, please refer to Exhibit C) that should be operated at a **specified site** (for the list of available properties, refer to Exhibit B). Please be as in-depth as possible, including recommended site design, type(s) of shelter offered, amount of people served, etc.





- d. **Signature Page** – All statements of qualifications shall be signed and dated prior to submission deadline.
- e. **Page Limit** – Limit submissions to no more than 20 pages in length, in PDF format (8.5” x 11” size), not including any schematic graphic designs.

6.2 Notice Regarding Oregon Public Records Law. Submissions made in response to this RFQ become public records under Oregon law and, following contract award, will be subject to disclosure to any person or organization that submits a public records request. Respondents submitting statements of qualifications are required to acknowledge that any such statement may be disclosed in its entirety to any person or organization making a records request, except for such information as may be exempt from disclosure under the law. Each respondent submitting a statement in response to this Solicitation must clearly identify in its submission all information included in the documents that is claimed to be exempt from disclosure. The respondent is responsible to only mark material that legitimately qualifies under an exemption to disclosure under ORS 192.311 through 192.478, and to identify the specific exemption. If COIC receives a records request, including subpoena, covering information the respondent believes is covered by an applicable public records exemption, it is the respondent’s responsibility to defend and indemnify COIC for any costs associated with establishing such an exemption.

6.3 Questions: Any questions concerning the meaning, definition, or interpretation of the contents of this Request for Qualifications shall be submitted via email to Kimberly Banner, [kbanner@coic.org](mailto:kbanner@coic.org). Responses to all questions will be emailed to all known prospective respondents and posted on the COIC web site: <https://www.coic.org/open-procurements/>.

7. REQUESTS FOR CLARIFICATION OF RFQ PROVISIONS OR SPECIFICATIONS; CHANGES OR MODIFICATIONS; PROTESTS: The appropriate means of seeking clarification of RFQ provisions or specifications is through the submittal of a request for clarification. Any submission that takes exception to the specifications or contractual terms of the Solicitation may be deemed non-responsive and may be rejected.

7.1 Request for Clarification: Any respondent requiring clarification of any provision or specification of this Solicitation may submit a request for clarification to the RFQ Contact. To be considered, the request for clarification must be in writing. Requests for clarification may only be submitted by email message.

7.2 Response to Requests for Clarification: COIC will make reasonable efforts to promptly respond to each properly-submitted written request for clarification. Should COIC determine that a clarification is significant in terms of universally affecting this Solicitation, COIC will post the clarification response on the COIC web site. COIC may also informally respond to respondents’ questions. However, informal responses will not affect the provisions of the Solicitation. COIC is not responsible for, nor required to, respond to requests for clarification that are not submitted in time to reasonably provide a response, as such time is determined by the Agency. COIC’s failure to respond to a request for clarification within any particular time period shall not affect this Solicitation in any way.

7.3 Responses, once submitted, may be modified in writing before the time and date set for closing of submissions, by email to the address stated in this RFQ for submission of statements of qualifications.



Any modification must clearly set forth the change or, if a replacement page or document is submitted, must clearly state which prior submission or portion thereof is to be replaced. Emails containing modifications must clearly state that they contain “modifications and identify the RFQ name and closing date and time. Submissions may not be modified after the date and time stated for closing of the RFQ.

8. CHANGES IN SOLICITATION SPECIFICATIONS, REQUIREMENTS, OR TERMS: All specific service components, requirements, and criteria are defined in this Solicitation. COIC reserves the right to change, add, or delete service components and requirements, should COIC become aware of information during the Solicitation period that would affect the intent or goals of this procurement in such a manner that changes would be in the best interest of COIC. Notice will be posted of any changes to this Solicitation that may occur, in accordance with Section 7. If COIC determines that changes to any specifications, requirements and terms of the Solicitation are in the best interest of COIC, COIC will post notice of the changes, including the complete original language of the affected section, and the new language of the affected section, on the COIC website.

9. RESERVATION OF COIC RIGHTS: COIC reserves all rights regarding this Solicitation, including, without limitation, the right to:

- (a) Amend or cancel this Solicitation without liability if doing so is in the best interest of COIC;
- (b) Reject any and all statements of qualifications upon finding that it is in the best interest of COIC to do so;
- (c) Waive any minor irregularity, informality, or non-conformance with the provisions or procedures of this Solicitation, and to seek clarification from the respondent that submitted the statement, if required;
- (d) Reject any submission that fails to substantially comply with all prescribed Solicitation procedures and requirements;
- (e) Engage other contractors by selection or procurement independent of this Solicitation process and/or any contracts/agreements under it;
- (f) Negotiate contract terms with any respondent selected under this Solicitation;

10. WITHDRAWAL OF SUBMISSIONS: A statement of qualifications submitted in response to this Solicitation may be withdrawn with a request in writing sent by email to the address stated for submissions and received by COIC prior to the time and date set for Solicitation closing.

11. NOTIFICATION OF RESPONDENTS: COIC will provide notice by email to all shortlisted respondents and will, at time of award, give notice of its intent to award a contract to all respondents that submitted a responsive statement of qualifications. Such notice will be for procedural purposes only, subject to successful negotiation of a final contract, and will create no obligation for receipt of a contract by any party.

12. COST OF PREPARING AND SUBMITTING RESPONSES: All costs incurred in preparing and submitting a statement of qualifications shall be the responsibility of the Proposer and will not be reimbursed by COIC.



13. CONTINUITY OF OPERATIONS: COIC reserves the right, as a condition of consideration under this Solicitation, to require any respondent to submit a statement or plan to demonstrate that the responding firm or organization is prepared to provide continuity of its operations in the event of the loss of key owners or staff.

14. BUSINESS INCLUSION AND DIVERSITY: Minority, Women Owned, Emerging Small and Veteran Owned businesses are encouraged to submit a proposal. Proposers are encouraged to involve participation of small, minority, women and veteran owned business enterprises. A Directory is available from the Certification Office for Business Inclusion and Diversity (COBID) web site at: <http://www.oregon4biz.com/How-We-Can-Help/COBID/>, or by telephone, 503-986-0078.

15. CULTURALLY SPECIFIC ORGANIZATIONS AND/OR SPECIFIC SERVICES: Culturally specific services are services provided by and for specific populations based on particular needs, where the majority of members/customers are reflective of that community. These programs use language, structures, and settings familiar to the culture of the target population to create an environment of belonging and safety in which services are delivered. Culturally specific organizations typically refer to organizations with a majority of members/customers from a particular community. Culturally specific organizations also have a culturally focused organizational identity and environment, a positive track record of successful community engagement, and recognition from the community served as advancing the best interests of that community. These definitions describe the organizational and programmatic elements intended to eliminate structural barriers and create environments that ensure safety and belonging.

**B. PROPOSAL EVALUATION AND AWARD:**

1. MINIMUM REQUIREMENTS: Evaluation of statements of qualifications will be based on compliance with the terms and conditions of this RFQ.

2. EXCEPTIONS: Any deviation from this Solicitation’s specifications, terms, and conditions may result in rejection of a submission.

3. MINIMUM REQUIRED PROPOSER QUALIFICATIONS: Respondents, to be considered, must meet the following minimum qualifications in order to be considered for any shortlist or contract resulting from this Solicitation. Respondents must not only possess the following qualifications, abilities and experience; but must be able to individually apply them in performing the required services; and the statement of qualifications should demonstrate the respondent’s possession of each attribute.

- A. The respondent has demonstrated experience serving homeless individuals or families.
- B. The respondent has demonstrated experience supporting public engagement, including working in partnership with public entities.
- C. The respondent is committed to the principles of diversity, equity, and inclusion as demonstrated through program policies, project development, and operations.
- D. The respondent is registered to conduct business in the State of Oregon.



- E. The respondent has familiarity and is willing to comply with Local, State, and Federal Requirements relating to the management and operation of temporary outdoor shelters in Deschutes County.

4. EVALUATION CRITERIA: The following Evaluation Factors will be used to evaluate the statements of qualifications submitted (80 points total):

- a) Technical Qualifications of Firm and Personnel (20 points)
  - Proposer organization strength, experience, and stability
  - Experience and technical competence
  - Degree to which proposer meets the required qualifications (listed previously in Section B, Item 3)
- b) Relevant Experience (30 Points)
  - Experience with similar projects – designing and/or operating shelter sites.
  - Experience working on projects where there is a diverse, multi-agency environment, with a series of community partners to maintain productive relationships with.
  - Demonstrated experience managing public engagement and outreach.
  - Demonstrated experience receiving government funds and meeting reporting requirements.
- c) Statement of Work Proposal (30 points)
  - Completeness of proposal
  - Demonstrated understanding of the work to be performed
  - Rigor of the analytical processes proposed to complete the work
  - Includes site design proposal, with specifics on number of people to be served, program design, high-level cost estimate, site layout, etc.

5. EVALUATION PROCESS: An Intergovernmental Review Team (IRT) will review, score, and rank all responsive submissions according to the evaluation criteria. The IRT will include, but not be limited to, representatives from COIC, a CoC representative, and representatives from each entity contributing resources to the process.

COIC reserves the right to waive minor irregularities and omissions if the best interest of COIC will be served by doing so. If any submission indicates minor noncompliance or variance with the RFQ, COIC may, but need not, request that the respondent agree to modify the submission to conform. If requested, the respondent must submit a written response within the time period established in such request, and COIC may receive and consider the response in conjunction with the submission.

The IRT shall identify all statements of qualifications that meet the minimum requirements for shortlisting. COIC’s Executive Director shall have full authority over COIC’s final shortlist of respondents. The Coordinated Houseless Response Office (CHRO) is a joint endeavor of multiple local government agencies, including Deschutes County and the Cities of Bend, LaPine, Redmond, and Sisters, working together with COIC. Any contract ultimately resulting from this Solicitation may be entered into between the selected firm and either COIC or any of the CHRO members.



6. CLARIFICATION AND NEGOTIATION: COIC reserves the right to seek clarifications of each submission, and the right to negotiate the Statement of Work described in this RFQ.

7. PROPRIETARY DATA/PUBLIC RECORD: This Request for Qualifications, together with copies of all documents submitted in response, shall be kept by COIC and made a part of a file or record which shall be open to public inspection.





### Exhibit A – Scope of Services

#### Alternatives to Unsanctioned Camping in Deschutes County Scope of Services

##### f. Definitions

As used on this Project, the following terms and acronyms shall have the meanings defined for each in this section. Where multiple terms or acronyms have the same definition, such terms may be used interchangeably with one another.

- CoC – Continuum of Care
- CHRO – Coordinated Houseless Response Office
- COIC – Central Oregon Intergovernmental Council
- IRT – Intergovernmental Review Team
- ARPA – American Rescue Plan Act

##### g. Background

There were 1,467 individuals living unhoused in Deschutes County, according to the 2023 Point-In-Time Count. This is a 28% increase from the year prior. The vast majority (73%) of these individuals live unsheltered, which means they reside in a place not intended for human habitation. In Deschutes County, there are several areas of public land that have established unsanctioned camps, some with hundreds of people living unhoused concentrated in one area.

Recognizing the dire need for action, Governor Kotek signed a series of Executive Orders in 2023 to address the crisis of homelessness in Oregon. In mid-2023, Central Oregon received nearly \$15 million in State funding to address homelessness, with the task of meeting three goals:

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

The Coordinated Houseless Response Office (CHRO) continues to work in close partnership with Central Oregon Intergovernmental Council (COIC) on the facilitation and implementation of the historic Executive Order funding. Ultimately our region exceeded the established goals.

However, more progress is needed to address the gaps in Central Oregon’s Homeless Response System. The CHRO Board has set the goal of expanding immediate sheltering options to accommodate 30% of Deschutes County’s unsheltered population. We’re ultimately looking for proposals on what should be developed, and where, to meet the needs of those living unsheltered in Central Oregon.

##### A. Project Area

Public agencies have identified publicly-owned properties in Deschutes County that could be utilized to develop a shelter site or sites, which are included in Exhibit B. The properties are divided into two groups (highlighted in Green), the Tier 1 properties are those that the entities involved believe are best suited to be developed for some type of shelter, the Tier 2 properties are available, but have some characteristic that makes development or operations a challenge. Applicants may propose to develop a piece of privately owned property, as well.



**B. Project Committees**

Intergovernmental Review Team (IRT) – The IRT is comprised of representatives from COIC, the CoC, and entities contributing resources to this effort. The IRT will be responsible for reviewing applications, scoring them, and selecting which projects should move forward in the process.

**h. Project Goal**

COIC is soliciting a Request for Qualifications on behalf of the CHRO from qualified entities to design, site, and operate temporary outdoor shelters in Deschutes County. The shelters will be provided year-round and will ensure a safe and dignified location for individuals and/or families to reside. The shelters will also provide opportunities to connect individuals and families to resources to move out of homelessness and into more permanent housing.

When qualifications are submitted and reviewed by the IRT, COIC staff will reach out to applicants to let them know whether or not they will be invited to submit a Proposal. Ultimately, a public agency will enter into a contractual agreement with an entity to develop a site or sites, and support operations. Multiple agreements may be entered with different applicants on different sites, as appropriate based on the content of proposals and what funding is available. It is also possible that this solicitation does not result in any agreement with an applicant, depending on what is ultimately proposed. Non-profit and for-profit entities alike are encouraged to submit proposals.

**Qualifications, Experience, Site Identification, and Public Engagement:**

This solicitation is intended to collect feedback from organizations that serve homeless individuals or families in Deschutes County, on what shelter options are most needed in Central Oregon’s houseless response system and where they should be developed. Organizations will review the published list of publicly owned properties identified by the CHRO Exhibit B or other private properties they may be aware of and submit a proposal or proposal(s) that explains what the applicant recommends developing (Exhibit C) at the proposed site, to address Central Oregon’s crisis of unsheltered homelessness.

A successful submission will include information on the agency’s experience designing and/or operating similar sites, a high level proposed site design(s), a commitment to partnering with public agencies, as well as high-level cost estimates for development and operations, as well as the number of clients served. A successful submission will also include a robust public engagement plan, that includes commitments to regular communication, information sharing, and responsiveness to community concerns.

Applications will be scored based on the matrix listed in Section B, item 4 and will be notified by the date on the timeline in Section A, item 3 whether or not their application will move forward to the RFP process. *This is to ensure that an applicant does not spend too much time designing a program that won’t come to fruition at this time.*

**4. Other Project Requirements**

a. The selected entity(s) will work collaboratively with public entities, including COIC and/or Deschutes County, the City of Bend, the City of Redmond, and any additional stakeholders throughout the duration of the contract.





- i. The funding source for payments of any contract resulting from this process will be from a combination of funding sources, including Federal (ARPA), State, and local dollars. As such, the selected contractor shall be required to meet and comply with all applicable regulations and standards for funding.
- j. Refer to Exhibit C for eligible project types.

To see each site in more detail use the following link:

[https://deschutescounty-my.sharepoint.com/:x:/g/personal/chris\\_ogren\\_deschutes\\_org/EW9PQMwseTxkk-YAS8aYwh8Bfz9ZWwDgQbko67MhHogAA?e=5SBbHv](https://deschutescounty-my.sharepoint.com/:x:/g/personal/chris_ogren_deschutes_org/EW9PQMwseTxkk-YAS8aYwh8Bfz9ZWwDgQbko67MhHogAA?e=5SBbHv)

Taxlot	Address (if available)	Description and Comments	Acreage	Property Owner
171232AC06300	1056 NW WALL ST	Safe Parking option	0.32	<a href="#">City of Bend Properties</a>
171232CA05100	NO SITUS ADDRESS	Safe Parking option	0.32	<a href="#">City of Bend Properties</a>
171232CA05200	NO SITUS ADDRESS	Safe Parking option	0.16	<a href="#">City of Bend Properties</a>
171232CA05300	726 NW WALL ST	Safe Parking option	0.08	<a href="#">City of Bend Properties</a>
171232CA05400	NO SITUS ADDRESS	City Hall Parking Lot, Safe Parking option	0.16	<a href="#">City of Bend Properties</a>
171232CA05700	745 NW BOND ST	Safe Parking option	0.80	<a href="#">City of Bend Properties</a>
171232CA09000	710 NW WALL ST	City Hall Parking Lot, Safe Parking option	0.24	<a href="#">City of Bend Properties</a>
171233DA00300	1439 NE FORBES RD	Safe Parking option	0.17	<a href="#">City of Bend Properties</a>
171232DD10000	275 NE 2ND ST	Existing Shelter	0.92	<a href="#">City of Bend Properties</a>
171232DA04400	154 NE FRANKLIN AVE	Existing Shelter - double lot	0.64	<a href="#">City of Bend Properties</a>
171232DA04401	154 NE FRANKLIN AVE	Existing Shelter - double lot	0.39	<a href="#">City of Bend Properties</a>
171229AD04000	2346 NE DIVISION ST	Existing Shelter	0.66	<a href="#">City of Bend Properties</a>
181206A000804	1212 SW SIMPSON AVE	Divided parking lots reduce capacity, Safe Parking option	1.49	<a href="#">City of Bend Properties</a>
171231C000400	222 NW SKYLINER SUMMIT LOOP	Water Tower - Topography challenge, Safe Parking option - access from Gleneagles	35.27	<a href="#">City of Bend Properties</a>
171233DA00400	NO SITUS ADDRESS	Safe Parking in lower lot against cemetery, Safe Parking option	0.85	<a href="#">City of Bend Properties</a>
171233DA00500	575 NE 15TH ST	Safe Parking option	3.96	<a href="#">City of Bend Properties</a>
171233DD00102	1246 NE BEAR CREEK RD	Partial lot, Safe Parking/Outdoor Shelter option (SEC -15th & Bear Creek)	22.39	<a href="#">City of Bend Properties</a>
1812170001600	61071 Hwy 97	South of Murphy Road, Safe Parking/Outdoor Shelter option		<a href="#">City of Bend Properties</a>
181217BA00500	61110 HWY 97	ROW - Steep slope	1.81	<a href="#">City of Bend Properties</a>
171231BB01500	2015 NW BLACK PINES PL	Pump Station, No public access easement	0.47	<a href="#">City of Bend Properties</a>
171232BD06301	NO SITUS ADDRESS	Breezeway	0.03	<a href="#">City of Bend Properties</a>
171232BD07001	NO SITUS ADDRESS	ROW	0.00	<a href="#">City of Bend Properties</a>
171232DB02501	61 NW OREGON AVE	Parking Garage & Commercial Spaces, Existing parking garage	1.09	<a href="#">City of Bend Properties</a>
171232DD08500	90 NE SCOTT ST	Pump Station, within 1000 feet of shelter	0.16	<a href="#">City of Bend Properties</a>
181204CC01203	NO SITUS ADDRESS	ROW remnant - too small	0.01	<a href="#">City of Bend Properties</a>
1812170001606	NO SITUS ADDRESS	ROW, Hwy 97 remant/sliver - too small	0.01	<a href="#">City of Bend Properties</a>
171233DA00200	555 NE 15TH ST	Pilot Butte Elementary	2.89	<a href="#">City of Bend Properties</a>
171229AD04000	2346 NE DIVISION ST	Transitional Shelter, Existing facility	0.66	<a href="#">City of Bend Properties</a>
171229DD00099	NO SITUS ADDRESS	ROW remnant	0.00	<a href="#">City of Bend Properties</a>
171232CA06700	51 NW LOUISIANA AVE	Troy Field Parking Lot, Safe Parking buffer	0.13	<a href="#">City of Bend Properties</a>
171232CA06800	60 NW KANSAS AVE	Troy Field Parking Lot, Safe Parking buffer	0.13	<a href="#">City of Bend Properties</a>
181204BC07600	NO SITUS ADDRESS	Former Hong Kong - GO Bond Project, Requires repayment of GO Fund - not available until July '24	0.34	<a href="#">City of Bend Properties</a>
181204BC07601	530 SE 3RD ST	Former Hong Kong - GO Bond Project, Requires repayment of GO Fund - not available until July '24	0.46	<a href="#">City of Bend Properties</a>
181204A002401	NO SITUS ADDRESS	ROW remnant	0.03	<a href="#">City of Bend Properties</a>
181204BA01700	NO SITUS ADDRESS	Small lot - selling	0.12	<a href="#">City of Bend Properties</a>
1712100000106	NO SITUS ADDRESS	Juniper Ridge - No access & CC&Rs	0.10	<a href="#">City of Bend Properties</a>
1712100000109	NO SITUS ADDRESS	Juniper Ridge - No access & CC&Rs	0.38	<a href="#">City of Bend Properties</a>
1712100000115	NO SITUS ADDRESS	Juniper Ridge - No access & CC&Rs	0.14	<a href="#">City of Bend Properties</a>
1712100000116	NO SITUS ADDRESS	Juniper Ridge - No access & CC&Rs	0.14	<a href="#">City of Bend Properties</a>
171221C000105	62975 BOYD ACRES RD	Short term, Gated & security issues	5.02	<a href="#">City of Bend Properties</a>
171228BC00100	NO SITUS ADDRESS	Section Remnant, Major Power Line Easement	0.46	<a href="#">City of Bend Properties</a>
171228BC00200	NO SITUS ADDRESS	Section Remnant, Major Power Line Easement	0.26	<a href="#">City of Bend Properties</a>
171232AA02401	NO SITUS ADDRESS	ROW	0.27	<a href="#">City of Bend Properties</a>
171232DA08900	NO SITUS ADDRESS	Adjacent to US97 - Slope - small	0.10	<a href="#">City of Bend Properties</a>
181206D000600	NO SITUS ADDRESS	Pump Station, Existing facility	0.35	<a href="#">City of Bend Properties</a>

181206D000712	NO SITUS ADDRESS	ROW	0.10	<a href="#">City of Bend Properties</a>
171230DD00100	1000 NW TRENTON AVE	Utility Site & Hillside Park - Small possible parking under safe parking (6), Buildings occupying site & plans for addit	12.88	<a href="#">City of Bend Properties</a>
171232BD04800	NO SITUS ADDRESS	Mirror Pond Parking Lot	1.97	<a href="#">City of Bend Properties</a>
171232BD05000	875 NW BROOKS ST	Commercial Space, Existing facility	0.22	<a href="#">City of Bend Properties</a>
171233A000101	1200 NE LAFAYETTE AVE	Land behind Pilot Butte Elementary., Adjacent to schools	1.03	<a href="#">City of Bend Properties</a>
171233A000102	1300 NE LAFAYETTE AVE	Water Tower - Pilot Butte Middle School, Adjacent to schools	1.72	<a href="#">City of Bend Properties</a>
171233A000105	NO SITUS ADDRESS	Water Tower, Pilot Butte - too steep	4.60	<a href="#">City of Bend Properties</a>
171233A000107	1190 NE LAFAYETTE AVE	Land behind Pilot Butte Elementary., Adjacent to schools	1.72	<a href="#">City of Bend Properties</a>
171233DA00600	NO SITUS ADDRESS	Public Works	0.30	<a href="#">City of Bend Properties</a>
171233DC00100	1200 NE BEAR CREEK RD	Cemetery	11.48	<a href="#">City of Bend Properties</a>
171233DC01701	NO SITUS ADDRESS	ROW - North of Bend High	0.80	<a href="#">City of Bend Properties</a>
171233DD00101	NO SITUS ADDRESS	Public Works	0.87	<a href="#">City of Bend Properties</a>
181207BB03601	61535 WEST RIDGE AVE	Connected to Cascade Middle School, Within 150 feet of school	1.09	<a href="#">City of Bend Properties</a>
181207DB00100	61360 COLUMBINE LN	Water Tower	6.74	<a href="#">City of Bend Properties</a>
171228CB04600	NO SITUS ADDRESS	ROW	0.08	<a href="#">City of Bend Properties</a>
171228CB04602	NO SITUS ADDRESS	Adjacent to Orchard Park & SFR - too small	0.08	<a href="#">City of Bend Properties</a>
171228CB04603	406 NE THURSTON AVE	0 acre, too small	0.06	<a href="#">City of Bend Properties</a>
171233BC07201	NO SITUS ADDRESS	Cascade Community Development - too small	0.03	<a href="#">City of Bend Properties</a>
171233BC07301	NO SITUS ADDRESS	Cascade Community Development - too small	0.06	<a href="#">City of Bend Properties</a>
181210AC05800	21088 SE AVERY LN	2.5 miles to services, HOA and distance from services	0.72	<a href="#">City of Bend Properties</a>
181217BA00910	61119 PARRELL RD	ROW, Parrell RAB	0.20	<a href="#">City of Bend Properties</a>
181217BA00912	61110 PARRELL RD	ROW, Parrell RAB	0.27	<a href="#">City of Bend Properties</a>
171220AB02001	63151 BRITTA ST	Pump Station	0.03	<a href="#">City of Bend Properties</a>
171227CA01000	2017 NE FULL MOON DR	Affordable Housing - Apartments, Existing Facility	5.00	<a href="#">City of Bend Properties</a>
171228BD05600	NO SITUS ADDRESS	ROW	0.12	<a href="#">City of Bend Properties</a>
171231AA00400	NO SITUS ADDRESS	ROW	0.28	<a href="#">City of Bend Properties</a>
171231AA01900	NO SITUS ADDRESS	ROW, Utility Easement - Large Slope	0.21	<a href="#">City of Bend Properties</a>
171232AB03400	NO SITUS ADDRESS	Pump Station Deschutes River Front off of Portland Ave	0.68	<a href="#">City of Bend Properties</a>
171232BA03800	NO SITUS ADDRESS	Small, limited access	0.10	<a href="#">City of Bend Properties</a>
171232DB09200	NO SITUS ADDRESS	Small - no access	0.01	<a href="#">City of Bend Properties</a>
171232DC00400	NO SITUS ADDRESS	Too small	0.04	<a href="#">City of Bend Properties</a>
171233CC06000	NO SITUS ADDRESS	Used for Storm Drain facilities	0.08	<a href="#">City of Bend Properties</a>
181205DA06400	115 SE ROOSEVELT AVE	Park addition (only .14), Used for Storm Drain facilities	0.14	<a href="#">City of Bend Properties</a>
181205DA06500	105 SE MCKINLEY AVE	Park addition (only .12), Used for Storm Drain facilities	0.12	<a href="#">City of Bend Properties</a>
181217BA00600	20183 OLD MURPHY RD	ROW, Used for Storm Drain facilities	1.68	<a href="#">City of Bend Properties</a>
171125AC01300	NO SITUS ADDRESS	CC&Rs & health hazard easment	0.58	<a href="#">City of Bend Properties</a>
171136AB04100	NO SITUS ADDRESS	Pedestrian path - narrow	0.03	<a href="#">City of Bend Properties</a>
171136AB05600	NO SITUS ADDRESS	Pedestrian path - narrow	0.02	<a href="#">City of Bend Properties</a>
171136BA09900	NO SITUS ADDRESS	Pedestrian path - narrow	0.03	<a href="#">City of Bend Properties</a>
171209AD10900	NO SITUS ADDRESS	Drainage Easement - no access	0.08	<a href="#">City of Bend Properties</a>
171217DB00801	20210 GLEN VISTA RD	Pump Station	0.03	<a href="#">City of Bend Properties</a>
171222BC00500	NO SITUS ADDRESS	steep slope	0.09	<a href="#">City of Bend Properties</a>
171222DA00102	NO SITUS ADDRESS	Small - no access	0.03	<a href="#">City of Bend Properties</a>
171223CB00805	2630 NE ALTAIR CT	Topography, too steep	0.15	<a href="#">City of Bend Properties</a>
171227CC05300	NO SITUS ADDRESS	ROW - Pilot Butte Middle	0.20	<a href="#">City of Bend Properties</a>
171227CC05400	NO SITUS ADDRESS	Too small, ROW - Pilot Butte Middle	0.05	<a href="#">City of Bend Properties</a>

171230BA00200	2992 NW THREE SISTERS DR	Water Tower - small	0.92	<a href="#">City of Bend Properties</a>
171230BD00100	2501 NW COE CT	Water Tower - CCRs	0.68	<a href="#">City of Bend Properties</a>
171230CB00600	2356 NW PALISADES DR	Water Tower - CCRs topography access, on a slope	2.36	<a href="#">City of Bend Properties</a>
171231CB00100	NO SITUS ADDRESS	Overturf - Access Road - No public access	0.40	<a href="#">City of Bend Properties</a>
171232BB00700	NO SITUS ADDRESS	ROW	0.13	<a href="#">City of Bend Properties</a>
171232BB01001	NO SITUS ADDRESS	ROW	0.02	<a href="#">City of Bend Properties</a>
171233BA00301	755 NE PENN AVE	Pocket Park, Cul-de-sac	0.11	<a href="#">City of Bend Properties</a>
171233DB10400	NO SITUS ADDRESS	Park, Franklin - RFP for AH	0.41	<a href="#">City of Bend Properties</a>
171233DB10500	NO SITUS ADDRESS	Cemetery	0.28	<a href="#">City of Bend Properties</a>
171233DB10600	NO SITUS ADDRESS	Franklin - RFP for AH & Cemetery	1.36	<a href="#">City of Bend Properties</a>
171233DB10700	520 NE 8TH ST	Community Garden	0.35	<a href="#">City of Bend Properties</a>
171235BC03900	822 NE LOCKSLEY DR	Pump Station	0.06	<a href="#">City of Bend Properties</a>
171235BC05300	NO SITUS ADDRESS	ROW	0.03	<a href="#">City of Bend Properties</a>
171235BC05400	NO SITUS ADDRESS	ROW	0.01	<a href="#">City of Bend Properties</a>
181203BB02301	NO SITUS ADDRESS	Too small	0.01	<a href="#">City of Bend Properties</a>
181203BB03701	NO SITUS ADDRESS	No public access easement	0.33	<a href="#">City of Bend Properties</a>
181204A000100	NO SITUS ADDRESS	Across From Bend High, RFP for Housing	2.00	<a href="#">City of Bend Properties</a>
181205CC07700	19998 BIRCHWOOD DR	Sewer Lift Station & Fire Turnaround	0.14	<a href="#">City of Bend Properties</a>
181207BC02000	61429 WEST RIDGE AVE	Water Tower, School	0.61	<a href="#">City of Bend Properties</a>
181207BC02133	61452 LINTON LOOP	Too small	0.04	<a href="#">City of Bend Properties</a>
181207BC02148	61450 ELDER RIDGE ST	Too small	0.08	<a href="#">City of Bend Properties</a>
181207DA06900	NO SITUS ADDRESS	ROW - Powers Rd & Cliffrose Dr	0.67	<a href="#">City of Bend Properties</a>
181207DB00404	19931 QUAIL PINE LOOP	Utility infrastructure	0.14	<a href="#">City of Bend Properties</a>
181209AA00317	NO SITUS ADDRESS	Pump Station	0.02	<a href="#">City of Bend Properties</a>
181215BB03000	61190 SE 15TH ST	Pump Station, buildings occupying site	0.16	<a href="#">City of Bend Properties</a>
181216B001701	20555 MURPHY RD	Pump Station, buildings occupying site	0.88	<a href="#">City of Bend Properties</a>
181217AA00103	20309 ABERDEEN DR	Pump Station, too small	0.03	<a href="#">City of Bend Properties</a>
181217BD10000	20190 LORA LN	Pump Station, too small	0.02	<a href="#">City of Bend Properties</a>
181218AD00099	19960 CRYSTAL LN	Access	0.28	<a href="#">City of Bend Properties</a>
181217BA00601	20199 OLD MURPHY RD	ROW	0.36	<a href="#">City of Bend Properties</a>
18S12E08CA-0019		29,290 Sq. Ft.; Vacant lot off of Hwy 97 at Powers Rd. in Bend. Region 4 is checking to to see if there is a current lea	0.67	<a href="#">State of Oregon Properties</a>
03N21E28BD-0005	<a href="https://www.google.com/maps/place/45">https://www.google.com/maps/place/45</a>	15,246 Sq. Ft.; Parcel north of Hwy 19, south of E 3rd St., Arlington. This parcel is in a remote location with few ser	0.31	<a href="#">State of Oregon Properties</a>
03N21E28BD-0006	<a href="https://www.google.com/maps/place/45">https://www.google.com/maps/place/45</a>	40,511 Sq. Ft.; Parcel north of Hwy 19 and south of E 3rd St., Arlington. This parcel is in a remote location with few	0.80	<a href="#">State of Oregon Properties</a>
18S12E05AA-0007	<a href="https://www.google.com/maps/place/44">https://www.google.com/maps/place/44</a>	15,000 Sq. Ft.; Non-tax lotted triangular parcels north and south of railroad tracks, west of Hwy 97 at NW Colorad	0.34	<a href="#">State of Oregon Properties</a>
18S12E08CA-0002	<a href="https://www.google.com/maps/place/44">https://www.google.com/maps/place/44</a>	2.08 Acres; Vacant lot behind sound wall along Hwy 97 in south Bend. This parcel is in a confined space that is in v	2.08	<a href="#">State of Oregon Properties</a>
18S12E17-001800	<a href="https://www.google.com/maps/place/44">https://www.google.com/maps/place/44</a>	17.41 Acres; Large sparsely wooded parcel west of Hwy 97, in southern Bend. Reasonable access is currently very	17.41	<a href="#">State of Oregon Properties</a>
18S12E17BA-0004	<a href="https://www.google.com/maps/place/44">https://www.google.com/maps/place/44</a>	1.50 Acres; Surplus parcel east of Hwy 97, NW of Murphy Rd.-3rd St. Roundabout, in Bend. This parcel is currently	1.50	<a href="#">State of Oregon Properties</a>
18S12E18DD-0068	<a href="https://www.google.com/maps/place/44">https://www.google.com/maps/place/44</a>	37,462 Sq. Ft.; Surplus parcel west of Hwy 97, north of Ponderosa St., South Bend. This parcel was in surplus and fo	0.86	<a href="#">State of Oregon Properties</a>
18S12E18DD-0068	<a href="https://www.google.com/maps/place/44">https://www.google.com/maps/place/44</a>	22,651 Sq. Ft.; Surplus parcel west of Hwy 97, north of Ponderosa St., South Bend. Being sold with Lot 6801. This p	0.52	<a href="#">State of Oregon Properties</a>
35S07E04A0-0006	<a href="https://www.google.com/maps/place/42">https://www.google.com/maps/place/42</a>	4.01 Acres; Vacant lot along Hwy 422, SW @ Chiloquin Blvd. in Chiloquin, 26 north of Klamath Falls. This parcel is a	4.01	<a href="#">State of Oregon Properties</a>
39S08E12D-00070	<a href="https://www.google.com/maps/place/42">https://www.google.com/maps/place/42</a>	3.07 Acres; Parcel west of Hwy 66, east of Orindale Rd., 4 miles SW of Klamath Falls. Ownership of this parcel is un	3.07	<a href="#">State of Oregon Properties</a>
39S09E1400-0009	<a href="https://www.google.com/maps/place/42">https://www.google.com/maps/place/42</a>	17.78 Acres; Vacant parcel at the SW corner of Southside Expy (Hwy 140) and Homedale Rd. in Klamath Falls. Klam	17.78	<a href="#">State of Oregon Properties</a>
21S10E36AB-0014	<a href="https://www.google.com/maps/place/43">https://www.google.com/maps/place/43</a>	14,375 Sq. Ft.; Parcel east of Hwy 97, 3.6 miles north of La Pine.	0.32	<a href="#">State of Oregon Properties</a>
11S13E02DD-0005	<a href="https://www.google.com/maps/place/44">https://www.google.com/maps/place/44</a>	2.19 Acres; Staging Lot along SW 5th Street in Madras. This parcel is currently being used as truck parking area and	2.19	<a href="#">State of Oregon Properties</a>
11S21E36CD-0005	<a href="https://www.google.com/maps/place/44">https://www.google.com/maps/place/44</a>	20,934 Sq. Ft; Vacant parcel along Hwy 26 @ W. Main St. in Mitchell. This parcel is a very small section of land next	0.48	<a href="#">State of Oregon Properties</a>

15S13E03-001402	<a href="https://www.google.com/maps/place/44">https://www.google.com/maps/place/44</a>	17,860 Sq. Ft.; Parcel west of Highway 97, in north Redmond. Leftover from canal change.	0.41	<a href="#">State of Oregon Properties</a>
15S13E29A-00030	<a href="https://www.google.com/maps/place/44">https://www.google.com/maps/place/44</a>	17,859 Sq. Ft.; Vacant split lots off Hwy 97 at SE Airport Way (SW Yew Ave) in Bend. This parcel is very close to hot	0.41	<a href="#">State of Oregon Properties</a>
15S13E29D-00090	<a href="https://www.google.com/maps/place/44">https://www.google.com/maps/place/44</a>	0.44 Acres; Potential excess parcel located in Redmond. Access is through ODOT parcel 15S13E29D-001000.	0.44	<a href="#">State of Oregon Properties</a>
15S13E29D-00100	<a href="https://www.google.com/maps/place/44">https://www.google.com/maps/place/44</a>	3.59 Acres; Vacant parcel along Hwy 97 in Redmond.	3.59	<a href="#">State of Oregon Properties</a>
171217D000609	63255 Service Road, Bend	Located adjacent to Veterans Village -includes outcropping. Due to topography, significant earthwork would be re	1.80	<a href="#">Deschutes County Properties</a>
1513280000100	3800 SW Airport Way, Redmond	166 acres is roughly the east side of the parcel. DC-owned -in UGB >1-acre	166.00	<a href="#">Deschutes County Properties</a>
1513000000103	2525 E HWY 126, Redmond	Roughly 45 acres located within City limits/JGB -not including 12 acres currently leased to City of Redmond for fut	1800.00	<a href="#">Deschutes County Properties</a>
2210000000109	16725 Burgess Road, La Pine	DC-owned -in UGB >1-acre	321.38	<a href="#">Deschutes County Properties</a>
2210110000400	51950 Huntington Road, La Pine	5-acres pending conveyance to Habitat for Humanity. DC-owned -in UGB >1-acre	24.59	<a href="#">Deschutes County Properties</a>
2210110000500	51850 Bluewood Avenue, La Pine	DC-owned -in UGB >1-acre	17.66	<a href="#">Deschutes County Properties</a>
221011BC00100	No situs, adjacent to 51781 Huntington R	Sale pending. DC-owned -in UGB >1-acre	3.44	<a href="#">Deschutes County Properties</a>
221014AB00133	16622 Box Way, La Pine	DC-owned -in UGB >1-acre	0.43	<a href="#">Deschutes County Properties</a>
221014AB00132	16630 Box Way, La Pine	DC-owned -in UGB >1-acre	0.43	<a href="#">Deschutes County Properties</a>
221014AB00131	16638 Box Way, La Pine	DC-owned -in UGB >1-acre	0.43	<a href="#">Deschutes County Properties</a>
221014AB00134	16613 Box Way, La Pine	DC-owned -in UGB >1-acre	0.43	<a href="#">Deschutes County Properties</a>
221014AB00157	16618 Dillon Way, La Pine	DC-owned -in UGB >1-acre	0.43	<a href="#">Deschutes County Properties</a>
221014AB00156	16624 Dillon Way, La Pine	DC-owned -in UGB >1-acre	0.43	<a href="#">Deschutes County Properties</a>
221014AB00155	16632 Dillon Way, La Pine	DC-owned -in UGB >1-acre	0.43	<a href="#">Deschutes County Properties</a>
221014AB00154	16644 Dillon Way, La Pine	DC-owned -in UGB >1-acre	0.43	<a href="#">Deschutes County Properties</a>
2210140000100	16705 Reed Road, La Pine	DC-owned -in UGB >1-acre	27.63	<a href="#">Deschutes County Properties</a>
2210140000101	No situs, adjacent to 16705 Reed Road, L	DC-owned -in UGB >1-acre	19.50	<a href="#">Deschutes County Properties</a>
2210140000200	No situs, sout of 16705 Reed Road, La Pir	DC-owned -in UGB >1-acre	0.21	<a href="#">Deschutes County Properties</a>
221013B001900	51575 Russell Road, La Pine	DC-owned -in UGB >1-acre	3.07	<a href="#">Deschutes County Properties</a>
221013C000300	16857 Finley Butte Road, La Pine	Leased. DC-owned -in UGB >1-acre	1.00	<a href="#">Deschutes County Properties</a>
221013C000200	16869 Finley Butte Road, La Pine	Leased. DC-owned -in UGB >1-acre	1.00	<a href="#">Deschutes County Properties</a>
2210140000302	51205 Mitts Way, La Pine	DC-owned -in UGB >1-acre	38.73	<a href="#">Deschutes County Properties</a>
221014DA00400	No situs, south of CW Reeves Lane, La Pir	Sale pending. DC-owned -in UGB >1-acre	2.95	<a href="#">Deschutes County Properties</a>
221014DA00300	No situs, south of CW Reeves Lane, La Pir	DC-owned -in UGB >1-acre	2.43	<a href="#">Deschutes County Properties</a>
221014DD00200	No situs, east of Mitts Way, La Pine	DC-owned -in UGB >1-acre	2.53	<a href="#">Deschutes County Properties</a>
221014DD00100	No situs, west of Silver Lake Lane, La Pine	DC-owned -in UGB >1-acre	1.92	<a href="#">Deschutes County Properties</a>
221014DD00300	No situs, east of Mitts Way, La Pine	DC-owned -in UGB >1-acre	2.14	<a href="#">Deschutes County Properties</a>
221014DD00400	No situs, west of Silver Lake Lane, La Pine	DC-owned -in UGB >1-acre	1.48	<a href="#">Deschutes County Properties</a>
221014DD00600	No situs, east of Mitts Way, La Pine	DC-owned -in UGB >1-acre	1.73	<a href="#">Deschutes County Properties</a>
221014DD00500	No situs, west of Silver Lake Lane, La Pine	DC-owned -in UGB >1-acre	1.49	<a href="#">Deschutes County Properties</a>
221014DD00700	No situs, east of Mitts Way, La Pine	DC-owned -in UGB >1-acre	1.18	<a href="#">Deschutes County Properties</a>
221014DA00200	No situs, south of CW Reeves Lane, La Pir	DC-owned -in UGB >1-acre	1.27	<a href="#">Deschutes County Properties</a>
221014DD01400	No situs, east of Silver Lake Lane, La Pine	DC-owned -in UGB >1-acre	1.00	<a href="#">Deschutes County Properties</a>
221014DD01300	No situs, east of Silver Lake Lane, La Pine	DC-owned -in UGB >1-acre	1.00	<a href="#">Deschutes County Properties</a>
221014DD01200	No situs, east of Silver Lake Lane, La Pine	DC-owned -in UGB >1-acre	1.00	<a href="#">Deschutes County Properties</a>
221014DD01100	No situs, east of Silver Lake Lane, La Pine	DC-owned -in UGB >1-acre	1.00	<a href="#">Deschutes County Properties</a>
221014DD01000	No situs, east of Silver Lake Lane, La Pine	DC-owned -in UGB >1-acre	1.00	<a href="#">Deschutes County Properties</a>
221014DD00900	No situs, east of Silver Lake Lane, La Pine	DC-owned -in UGB >1-acre	1.00	<a href="#">Deschutes County Properties</a>
1712030000800	64295 HWY 97, Bend	Bisected by HWY 97, includes 50 acres at North Juniper Ridge with current supportive services. Would need signifi	106.74	<a href="#">Deschutes County Properties</a>
1712040000100	No situs, near 64295 HWY 97, Bend	DC-owned -within 5-miles	79.81	<a href="#">Deschutes County Properties</a>
1712030000700	No situs, near 64295 HWY 97, Bend	DC-owned -within 5-miles	39.85	<a href="#">Deschutes County Properties</a>
1612330000700	No situs, near 64295 HWY 97, Bend	DC-owned -within 5-miles	80.00	<a href="#">Deschutes County Properties</a>



1612340000400	No situs, near 64295 HWY 97, Bend	DC-owned -within 5-miles	200.00	<a href="#">Deschutes County Properties</a>
1612340000800	No situs, near 64295 HWY 97, Bend	DC-owned -within 5-miles	38.80	<a href="#">Deschutes County Properties</a>
1713170000100	No situs	DC-owned -within 5-miles	187.75	<a href="#">Deschutes County Properties</a>
1813040000800	22850 HWY 20, Bend	DC-owned -within 5-miles	11.38	<a href="#">Deschutes County Properties</a>
1612230000100	65600 61st Street, Bend	Bisected by HWY 97. DC-owned -within 5-miles	66.94	<a href="#">Deschutes County Properties</a>
1612240000300	65390 Deschutes Pleasant Ridge Rd, Bend	DC-owned -within 5-miles	38.58	<a href="#">Deschutes County Properties</a>
1612240000500	No situs	DC-owned -within 5-miles	33.93	<a href="#">Deschutes County Properties</a>
1612000012201	No situs	DC-owned -within 5-miles	40.00	<a href="#">Deschutes County Properties</a>
<a href="#">171229A000501</a>	2750 NE Division St, Bend	Green space possibility north of area near Pilot Butte Canal grate. DC-owned - in City < 1-acre	0.28	<a href="#">Deschutes County Properties</a>
<a href="#">171221DC00400</a>	62810 Boyd Acres Rd, Bend	Legal Access would need to be granted by Federal Gov. DC-owned - in City < 1-acre	0.52	<a href="#">Deschutes County Properties</a>
<a href="#">151320DC06700</a>	No Situs Address	Vacant parcel, next to Lateral C Canal and needs legal access research to SW 27th St, Redmond. DC-owned - in City	0.25	<a href="#">Deschutes County Properties</a>
<a href="#">151320DC06800</a>	No Situs Address	Vacant parcel, next to Lateral C Canal and needs legal access research to SW 27th St, Redmond. DC-owned - in City	0.12	<a href="#">Deschutes County Properties</a>
<a href="#">1513000000131</a>	No Situs Address	Vacant parcels bisected by E. Antler Ave; pending exchange with DSL. DC-owned - in City < 1-acre	135.91	<a href="#">Deschutes County Properties</a>
<a href="#">1513000000103</a>	Multiple Situs Address	Approx. 45-acres north of 12-acres leased to City of Redmond for Oasis Village and future RV park for unhoused. DC	45.00	<a href="#">Deschutes County Properties</a>
<a href="#">171232AA05800</a>	1263 NW Division St, Bend	Actively used parking lot for official County business. DC-owned - building&parking	0.16	<a href="#">Deschutes County Properties</a>
<a href="#">171232AC02800</a>	1190 NW Wall St, Bend	Actively used parking lot for official County business. DC-owned - building&parking	0.18	<a href="#">Deschutes County Properties</a>
<a href="#">171232AA03800</a>	30 NW Norton Ave, Bend	Actively used parking lot for official County business, secure fleet. DC-owned - building&parking	0.23	<a href="#">Deschutes County Properties</a>
<a href="#">171232AA05900</a>	34 NW Marshall Ave, Bend	Actively used parking lot for official County business. DC-owned - building&parking	0.23	<a href="#">Deschutes County Properties</a>
<a href="#">171232AA06000</a>	31 NW Norton Ave, Bend	Actively used parking lot for official County business. DC-owned - building&parking	0.23	<a href="#">Deschutes County Properties</a>
<a href="#">171232AA03700</a>	No Situs Address	Half Lot secured fleet and half lot Actively used parking lot for official County business. DC-owned - building&parki	0.27	<a href="#">Deschutes County Properties</a>
<a href="#">171232AC00100</a>	No Situs Address	Actively used parking lot for official County business. DC-owned - building&parking	0.48	<a href="#">Deschutes County Properties</a>
<a href="#">171232AA06100</a>	No Situs Address	Actively used parking lot for official County business. DC-owned - building&parking	0.53	<a href="#">Deschutes County Properties</a>
<a href="#">171232AA06200</a>	1306 NW Hill St, Bend	Actively used parking lot for official County business. DC-owned - building&parking	0.53	<a href="#">Deschutes County Properties</a>
<a href="#">171232AB05500</a>	1300 NW Wall St, Bend	Actively used parking lot for official County business. DC-owned - building&parking	0.79	<a href="#">Deschutes County Properties</a>
<a href="#">171217D000100</a>	Multiple Situs Addresses	Actively used parking lots/campus for official Public Safety business, most of this Tax Lot is not within City Limits, e	2.70	<a href="#">Deschutes County Properties</a>
<a href="#">171227DA02315</a>	2577 NE Courtney Dr, Bend	Actively used parking lot for Lessee. DC-owned - building&parking	3.09	<a href="#">Deschutes County Properties</a>
<a href="#">171232AA06300</a>	1300 NW Wall St, Bend	Actively used parking lot for official County business. DC-owned - building&parking	3.47	<a href="#">Deschutes County Properties</a>
<a href="#">171217D000609</a>	Multiple Situs Addresses	Actively used parking lot across the street from 911 Building. DC-owned - building&parking	7.79	<a href="#">Deschutes County Properties</a>
<a href="#">171232AC03800</a>	1128 NW Harriman St, Bend	Actively used parking lot for Lessee. DC-owned - building&parking	1.47	<a href="#">Deschutes County Properties</a>
<a href="#">1812140000100</a>	61150 27th St, Bend	Actively used parking lot for Road Department. DC-owned - building&parking	285.96	<a href="#">Deschutes County Properties</a>
<a href="#">171232AC03100</a>	1130 NW Harriman St, Bend	Actively used parking lot for Mike Maier Services Building. DC-owned - building&parking	0.00	<a href="#">Deschutes County Properties</a>
<a href="#">171232AC03300</a>	No Situs Address	Actively used parking lot for Mike Maier Services Building. DC-owned - building&parking	0.00	<a href="#">Deschutes County Properties</a>
<a href="#">171232AC03400</a>	153 NW Lafayette Ave, Bend	Actively used parking lot for Mike Maier Services Building. DC-owned - building&parking	0.11	<a href="#">Deschutes County Properties</a>
<a href="#">171232AC03500</a>	125 NW Lafayette Ave, Bend	Actively used parking lot for Mike Maier Services Building, adjacent to Munchkin Manor Daycare. DC-owned - build	0.00	<a href="#">Deschutes County Properties</a>
<a href="#">151316AA01700</a>	406 W. Antler Ave, Redmond	Actively used parking lot for Health Services. DC-owned - building&parking	0.23	<a href="#">Deschutes County Properties</a>
<a href="#">151316AA01801</a>	No Situs Address, but located south of TL	Actively used parking lot for Health Services. DC-owned - building&parking	0.11	<a href="#">Deschutes County Properties</a>
<a href="#">151309A000805</a>	236 NW Kingwood Ave, Redmond	Actively used parking lot for Lessee. DC-owned - building&parking. DC-owned - building&parking	0.87	<a href="#">Deschutes County Properties</a>
<a href="#">151309A000806</a>	244 NW Kingwood Ave, Redmond	Actively used parking lot for Lessee. DC-owned - building&parking. DC-owned - building&parking	1.13	<a href="#">Deschutes County Properties</a>
<a href="#">1513280000100</a>	3800 SW Airport Way, Redmond	Actively used for fairgrounds and parking. DC-owned - building&parking	287.88	<a href="#">Deschutes County Properties</a>
<a href="#">151316AB09600</a>	405 SW 8th St, Redmond	Actively used parking lot for Becky Johnson Community Center. DC-owned - building&parking	0.11	<a href="#">Deschutes County Properties</a>
<a href="#">151316AB09601</a>	No Situs Address	Actively used parking lot for Becky Johnson Community Center. DC-owned - building&parking	0.11	<a href="#">Deschutes County Properties</a>
<a href="#">151316AB05400</a>	737 SW Cascade Ave, Redmond	Actively used parking lot for Parole & Probation. DC-owned - building&parking	0.35	<a href="#">Deschutes County Properties</a>
<a href="#">1513000000103</a>	No Situs Address	County owned site as part of the East Redmond Campus	45.00	<a href="#">City of Redmond Properties</a>
<a href="#">1513000000103</a>	No Situs Address	Part of the East Redmond Campus, leased from the County by the City. Oasis Village currently occupies 3.5 acres o	~8.5	<a href="#">City of Redmond Properties</a>

## Models to Provide Alternatives to Unsanctioned Camping

### Current State:

- According to the 2023 Point in Time Count 1,073 unsheltered individuals camped in several locations throughout Deschutes County
- Unique factors of Deschutes County's urban-rural status has resulted in many individuals encamped on close-in public lands
- Concerns about safety of unsheltered individuals and families in encampments, damage to public lands, public health threats, community distress
- Increased congregate and non-congregate indoor shelter options will not address needs of some unhoused individuals.
- Current housing continuum has significant gaps in safe parking locations and safe sleeping sites, and no supported or managed camps

### Definitions

- **Low Barrier:** Shelters have limited entry requirements that enable people, who otherwise are not willing or able to access shelter services, to be off the streets. Low barrier shelters do not expect guests to abstain from using alcohol or other drugs, so long as they do not engage in these activities onsite and are respectful of other guests and staff. Low barrier shelters do not require background checks or participation in services. Policies and procedures are centered on trauma informed care and mitigating harms. They encourage individuals to seek resources by eliminating barriers/obstacles. Housing focused case management and resource navigation are not required, though both often are provided.  
Weapons and violence (threats of) are not permitted; individuals are not required to complete a drug screen or background check, but no substances are permitted on-site; may allow pets and couples or families (kinship) to stay together; offer secure storage space for personal items. Low-barrier shelters are a state priority and should be implemented whenever feasible.
- **High Barrier:** Shelters where residents must meet and maintain specific entry requirements such as passing a sobriety/drug or alcohol test, maintaining abstinence, passing criminal background check (ID requirements), allow belongings to be searched, participate in program activities or case management. May also serve specific populations (youth, single sex, veterans, etc.) or require a vehicle (Safe Parking). Participation in the shelter "programming" (chores, case management, community events, etc.) typically expected.
- **No-Barrier Shelter:** Shelter options where residents are not required to meet any specific entry requirements.



Model	Existing Program	Space/Size	Amenities / Facilities	Services, Supports, Staffing	Cost	Low/High Barrier	Other Logistics
<b>Safe Parking – Overnight Camping</b>	3 sites  Currently REACH manages and operates 3 Safe Parking Sites at local churches, 10 total spaces	Space for up to 3 vehicles per site (more than 3 not permitted)  Vehicles must be in a parking lot, or on a paved or gravel surface  1-3 parking spots  Space or access to sanitation  1 acre or less – current sites are on less than .3 acres	No fee may be charged for overnight stays.  Access to sanitation, including bathroom / porta john, water & hand washing, trash disposal  Properties leased or owned by a business, religious, non-profit or public entity  No fee may be required for overnight stays	Case management and referrals out to community partners – not on site (no one is onsite)  Part time FTE or in-reach may be adequate to support #s	Facility/sanitation contracts may be needed  Low cost due to small number of individuals	Depending on the location (if there is a school/preschool nearby) will dictate whether high or low barrier  All existing sites are High Barrier	Property owner/lessee to notice each adjacent property owner about the intent of the overnight parking and to post a notice at the site w/ hours of operation & a contact name w/ phone number. Approval is not transferrable to new property owner/lessee. Annual reapplication is required.  Must be located at least 150 feet from a child care facility or school, unless the parking accommodations are located on property owned or leased by a public entity or religious institution.  Does not override covenants (CC&Rs) prohibiting overnight parking
<b>Safe Parking - Transitional Overnight Parking</b>	1 site	Up to 6 parking spots  Space for sanitation Vehicles and tents/huts  Paved or gravel surface  Less than 1 acre	Access to sanitation, including bathroom, handwashing, and trash disposal facilities; supervision, and policies on who can stay, how long, and what hours of the day/night  No fee may be required	Requires case management or supervision which will be coordinated by the property owner or lessee	Low-med cost: case management, operational, security, service contracts possible	Depending on the location (if there is a school/preschool nearby) will dictate whether high or low barrier	

Model	Existing Program	Space/Size	Amenities / Facilities	Services, Supports, Staffing	Cost	Low/High Barrier	Other Logistics
<b>Supported Sanctioned Camping</b>		<p>12X12 per campsite and/or standard parking space sizes for vehicles and/or RVs. Vehicles/RVs must be in running/operable conditions</p> <p>Buffer between sites</p> <p>Ingress/egress, and emergency vehicle access</p> <p>2 plus acres depending on # of sites</p>	<p>Dumpsters, porta johns, potable water, handwashing stations and trash disposal facilities, Storage, Electricity (lighting)</p> <p>Gravel or paved site, Fencing/barrier landscaping, ADA access</p> <p>Vehicles (RVs) must be operational (to dump black/gray water)</p> <p>Policies on who can stay, how long, etc.</p>	<p>Staff for conditions of placement; admission / registration; security / supervision;</p> <p>Outreach- not required; optional case management and other reach in coordinated services</p> <p>May employ residents to “self-govern” – successful models include agency and/or operator involvement to comply with Fair Housing, conditions of placement, insurance, etc.</p>	<p>Operator contract/Agency oversight</p> <p>Facilities/service expenses</p> <p>ADA considerations</p>	<p>Low barrier: no requirements for participation in services,</p> <p>Often times there can be a resident panel that will monitor participation</p> <p>All existing sites are High Barrier</p>	<p>Consider proximity to public transportation and other services</p> <p>Operator - HMIS and insurance</p>
<b>Managed Camp Low Barrier</b>	<p>City of Portland (local-ish)</p> <p>Urban Alchemy 5 year \$50M Contract (additional sites)</p> <p>\$5.1 million a year to operate a 150-person tent site, along with an additional</p>	<p>12X12 per campsite and/or standard parking space sizes for vehicles and RV</p> <p>Ingress/egress and emergency vehicle access</p> <p>Acreage required dependent on size</p> <p>Buffer between sites</p>	<p>Dumpsters, porta johns / shower/bathroom trailer potable water, handwashing stations, sanitation / trash receptacles &amp; service electricity, ADA access</p> <p>Gravel or paved site, fencing / barrier landscaping, lighting for safety</p>	<p>Rotating service providers throughout the week; onsite “camp host”</p> <p>Security Staff for peak hours/overnight</p> <p>Optional case management and other reach in coordinated services including medical and dental</p>	<p>Med – high cost – heavily dependent on scale and site prep factors</p> <p>An oversight agency</p> <p>Agency/Operator that is responsible for implementing</p>	<p>Low barrier: no requirements for participation in services.</p> <p>Often times there can be a resident panel that will monitor participation</p>	<p>Consider proximity to public transportation and other services</p> <p>Operator/ Admin – HMIS and insurance</p> <p>Procedures and policies, financials, metrics, conditions of placement, etc.</p>

Model	Existing Program	Space/Size	Amenities / Facilities	Services, Supports, Staffing	Cost	Low/High Barrier	Other Logistics
	<p>\$400,000 for startup costs</p> <p>\$2.6 million annually to operate a 75-person tiny home village with an additional \$200,000 in startup costs.</p> <p>Estimates did not include the cost of meals, utilities or the construction of the sites.</p>	<p>Facilities &amp; staff, parking space</p>	<p>Onsite food service/storage</p> <p>Onsite staffing space &amp; parking</p> <p>Vehicles (RVs) must be operational</p>	<p>health; behavioral health; employment and income; case management; money management and budgeting; and housing search and placement.</p> <p>Can be peer run - successful models include agency and/or operator involvement to comply with Fair Housing, conditions of placement, insurance, etc.</p>	<p>policies and procedures relating to conditions of placement.</p> <p>Operator charge of monitoring and managing amenities and dealing with issues that arise</p> <p>ADA considerations</p>		
<p><b>Managed Camp High Barrier</b></p>		<p>Minimum space of 12X12 per campsite or standard parking space sizes for vehicles and/or RV</p> <p>Ingress/egress and emergency vehicle access &amp; ADA compatible</p> <p>Space for staff, service provision, facilities, sanitation &amp; staff parking</p>	<p>Onsite community area including bathrooms and showers, sanitation service, storage.</p> <p>Gravel or paved site</p> <p>Lighting for safety, water, electricity</p> <p>Heated/air conditioned units</p> <p>Onsite food pantry and service w/kitchen trailer</p> <p>Parking and open space</p>	<p>Onsite weekly case management &amp; peer support,</p> <p>A&amp;D referrals and/or support</p> <p>Coordinated reach in services including medical and dental health; behavioral health; employment and income; case management; money management and budgeting; and housing search and placement.</p>	<p>High Cost</p> <p>Case management, support staff</p> <p>Agency/Operator that is responsible for implementing policies and procedures relating to conditions of placement</p>	<p>Requirement to participate in services</p> <p>May require sobriety/drug screen, background checks</p>	<p>Consider proximity to public transportation and other services</p> <p>Operator/ Admin – HMIS and insurance.</p> <p>Procedures and policies, financial, metrics, conditions of placement, etc.</p>

Model	Existing Program	Space/Size	Amenities / Facilities	Services, Supports, Staffing	Cost	Low/High Barrier	Other Logistics
		<p>Buffer between campsites</p> <p>Open space</p> <p>Acreage required dependent on size</p>	<p>Vehicles (RVs) must be operational</p> <p>Optional fencing/barrier landscaping</p>	<p>Security staff</p>	<p>Security and service contracts</p> <p>ADA considerations</p>		
<p><b>Pallet Camp Housing</b></p> <p><b>High Barrier Pallet</b></p>	<p>City of Bend Central Oregon Villages (COV) operator</p> <p>Site leased directly by COV and lease then reimbursed</p> <p>Located on Bear Creek and 27th</p> <p>\$1.5M including \$45,300 for outreach, \$377,000 in start-up/site prep, 3 year operating contract</p> <p>Under 2 Acres / 8 Pallet homes (2 sizes) and 12 stick built plus service buildings</p>	<p>Depends on size of pallet / hut shelters</p> <p>Gravel grated - site with permitted electric/fire, ADA considerations</p> <p>Open space</p> <p>Space for services and parking</p> <p>Acreage required dependent on size</p>	<p>Onsite community area including bathrooms and showers, sanitation service, storage.</p> <p>Gravel or paved site</p> <p>Lighting for safety, water, electricity</p> <p>Heated/air conditioned units</p> <p>Onsite food pantry and service w/kitchen trailer</p> <p>Parking and open space</p> <p>Optional fencing/barrier landscaping</p>	<p>Case management focused on moving guests to more permanent housing and accessing services</p> <p>A&amp;D referrals and/or support</p> <p>Coordinated or on-site reach in services including medical and dental health; behavioral health; employment and income; case management; money management and budgeting; and housing search and placement</p> <p>Security</p>	<p>Operator – HMIS and insurance</p> <p>Case Management</p> <p>Support staff</p> <p>Admin staff</p> <p>Security</p> <p>ADA considerations</p>	<p>Requirement to participate in services</p> <p>May require sobriety/drug screen, background checks</p>	<p>Consider proximity to public transportation and other services</p> <p>Operator/ Admin – HMIS and insurance.</p> <p>Procedures and policies, financial, metrics, conditions of placement, etc.</p>

# Values & Criteria

Project to develop additional shelter or housing options for unsheltered individuals will:

- **Ensure comprehensive and broad community engagement:** create opportunities to hear from potential residents and neighbors of projects in development; leverage existing relationships of trust to access input into design; share information and opportunities for engagement openly and with adequate time for involvement.
- **Assure safety and quality of life for all:** safety of residents and neighbors; safe access and egress from sites; proximity to critical amenities and services; physical environments in which safety threats can be reasonably mitigated.
- **Respect and protect important partnerships and collaboration:** do not leave partners in isolation; operate under shared commitments; collaborate on and coordinate important public communication and timelines.

Additional criteria include:

- Working to develop a set of **diverse, multiple options/projects scaled appropriately** to meet size, barrier, and service needs of the project's target population
- Considering **feasibility** from service provider, land use, terrain, access and timeline perspective



# Public Engagement Commitment

## Ensure comprehensive and broad community engagement:

create opportunities to hear from potential residents and neighbors of projects in development; leverage existing relationships of trust to access input into design; share information and opportunities for engagement openly and with adequate time for involvement.



Deschutes County and Cities of Bend, La Pine, Redmond, and Sisters

**Coordinated Houseless Response Office (CHRO)**

## Central Oregon Public Partners Roundtable

### Recommendations for Community Engagement when Siting Outdoor and/or Emergency Shelter

The Central Oregon Coordinated Houseless Response Office (CHRO) seeks to apply an 'all strategies' approach to creating a high-performance system that responds differently, urgently, and at scale to homelessness in Central Oregon. The CHRO is committed to applying evidence-based, trauma-informed and proven practices to guide major strategic initiatives and investments intended to implement long-term solutions to end homelessness.

The Public Partners Roundtable (PPR), established out of the Central Oregon Emergency Executive Council, has been enlisted by the CHRO Governing Board to generate recommendations to help address unsanctioned encampments in the region. Part of this effort involves the identification of sites for alternative shelter. Site location is a complex process which must be guided by agreed values and deliberate planning that includes consideration of technical site analysis and effective engagement of communities impacted.

In June 2023, the CHRO Governing Board approved a [Draft Strategic Plan](#) and in October 2023 also approved values and criteria for siting proposed by the PPR for the work associated with siting emergency shelter options. Among those values is: ***Ensure comprehensive and broad community engagement by creating opportunities to hear from potential residents and neighbors of projects in development; leverage existing relationships of trust to access input into design; and share information and opportunities for engagement openly and with adequate time for involvement.***

Below outlines proposed activities that align directly with Goals 1 and 4 of the CHRO Draft Strategic Plan intended to achieve *comprehensive and broad community engagement, design input, safety and quality of life* informed by evidence based practices, prior positive experience in our community and lessons learned. The focus will be on both broad and specific community engagement strategies that support siting. Those living near individuals experiencing homelessness and those living unhoused are included in community.

Broad Engagement Strategies	Specific Siting Recommendations
<p><b>Discussion:</b> Broad scale efforts to educate, increase awareness and reduce stigma regarding homelessness help set the stage for acceptance and engagement around specific siting projects. Siting is complicated when misconceptions about homelessness are present. Communities experiencing pressures associated with increased unsheltered homelessness often manifest elevated fears and misunderstanding regarding homeless people. It is critical to address concerns broadly with balanced information about the factors that lead to homelessness, to address myths and facts about the safety of</p>	<p><b>Discussion:</b> Community engagement and collaboration must be included as a distinct core task of any project intended to site and establish outdoor and/or emergency shelter. Robust engagement of those who live in the community and who will be residents of the project increases contact between future “neighbors”, builds relationships that can be relied on later for good will and conflict resolution. It provides a collaborative framework for identifying unanticipated hurdles and problem-solving and ultimately serves to help decrease NIMBY resistance to siting. Relying on best practice guidance and lessons learned is important to ensure success. Key to this effort is to be deliberate about listening to and validating concerns while balancing the needs of <i>all</i> members of the community and facts over fear. We recommend early</p>



<p>living in proximity to unhoused individuals, and to increase opportunities for engagement and learning.</p>	<p>commitment to shared values and ground rules, as well as utilizing an incident or command center approach for this aspect of the work.</p>
<p><b>Recommended Strategies:</b></p> <ul style="list-style-type: none"> <li>● Develop a collaborative group to develop a broad-based and multi-faceted campaign to educate and inform the public. The collaborative group should include: <ul style="list-style-type: none"> <li>○ City and county project staff with expertise in homelessness and housing issues</li> <li>○ Staff or consultants with media communications skills</li> <li>○ Stakeholders – especially including housed and unhoused community members</li> <li>○ Entities with expert knowledge of the population facing homelessness and associated realities: mental and physical health service providers, community based organizations, homeless services coalitions/networks, healthcare providers, and law enforcement</li> </ul> </li> <li>● Develop a project plan to distribute information and education via diverse platforms and opportunities for learning via: <ul style="list-style-type: none"> <li>○ Community events, community dialogues, and meet ups</li> <li>○ Media campaigns: articles, radio spots, blogs, billboards, bulletin boards, etc.</li> <li>○ Talking points on myths, facts and engagement opportunities for public officials/entities to use in building coherent and coordinated messaging in the community</li> <li>○ Letters to the Editor, news stories and focus pieces</li> <li>○ Tours, site visits and volunteer opportunities to increase contact and direct knowledge of and comfort with unhoused members of the community</li> </ul> </li> <li>● Engage people experiencing houselessness where they are</li> </ul>	<p><b>Recommended Strategies:</b></p> <ul style="list-style-type: none"> <li>● Convene Engagement Project Decision-Making Team. Include: <ul style="list-style-type: none"> <li>○ Homeless Agency Lead</li> <li>○ City/County Project Team member</li> <li>○ Neighborhood Association/Resident Representative (s)</li> <li>○ Person Experiencing Homelessness Representative (s)</li> <li>○ Technical/Operational project Team Member</li> <li>○ Communications Lead</li> </ul> </li> <li>● Ensure Engagement with People who are Unhoused <ul style="list-style-type: none"> <li>○ Identify a Primary Contact Provider who will solicit input from people living unhoused, will support their getting to meetings</li> <li>○ Gather Community Input: <ul style="list-style-type: none"> <li>● Ask people living in specific places if they would like to be part of a focus group (publicized during PIT Count and other outreach events)</li> <li>● Inquire <i>how</i> they would like to be contacted and involved</li> <li>● Individually contact those who express interest; be clear about what is being asked of them.</li> <li>● Work with people to coordinate meeting times and details</li> <li>● Provide transportation and payment for inclusion in focus groups</li> <li>● Have focus groups, provide education and gather input.</li> <li>● Ask individuals who attended focus groups if they would like to be more involved or get updates on the project</li> <li>● Provide additional opportunities for people to be involved and insure supports for attendance to these opportunities as well</li> <li>● Follow up with group regarding their input and how it’s used.</li> </ul> </li> </ul> </li> <li>● Establish Clear and Written: <ul style="list-style-type: none"> <li>○ Shared values, ground rules, non-negotiables and expectations for engagement</li> <li>○ Decision-making process</li> </ul> </li> </ul>

<ul style="list-style-type: none"> <li>○ Provide information about and opportunities to be involved in the Point in Time (PIT) count</li> <li>○ Broadly share and fully explain the PIT information via multiple platforms and communication strategies Collaborate with unhoused persons to bring their voice, perspective and experience forward to decision-making tables in ways that are respectful, empowering and non-exploitive&gt;</li> </ul>	<ul style="list-style-type: none"> <li>○ Communication flow and mechanisms</li> <li>● Develop Engagement Project Plan             <ul style="list-style-type: none"> <li>○ Develop Project Description</li> <li>○ Assess Level of Public Concern or Interest</li> <li>○ Determine Level of Public Participation</li> <li>○ Identify Public Participation Goals</li> <li>○ Identify Additional Stakeholders</li> <li>○ Identify and Communicate Roles and Responsibilities</li> <li>○ Select Tools and Methodology for:                 <ul style="list-style-type: none"> <li>● Community Input – door-to-door canvassing, open houses, community/neighborhood association meetings, roundtable/town hall discussions, one-on-one meetings, focus groups, community meetings (Rotary, Boards, Fairs, Schools, Community/Athletic Centers, etc.)</li> <li>● Media – video and radio PSAs, focus informational videos, news broadcasts and features, editorials, webpage, social media, etc.</li> <li>● FAQs – solicit and develop FAQs document, publish and keep document up to date, distribute during opportunities</li> </ul> </li> <li>○ Create Schedule of Public Participation Activities</li> <li>○ Gather and Disseminate Input and Results</li> <li>○ Evaluate Effectiveness of the Public Participation Process and Activities</li> </ul> </li> </ul>
<p><b>Goals:</b></p> <ul style="list-style-type: none"> <li>● Deepen understanding of factors that lead to homelessness</li> <li>● Directly address fears and concerns with factual, practical information</li> <li>● Increase community understanding of and trust in the PIT count</li> <li>● Debunk myths and misperceptions and address bias</li> <li>● Diminish stigma and marginalization</li> <li>● Build opportunities for connection and relationship</li> </ul>	<p><b>Goals:</b></p> <ul style="list-style-type: none"> <li>● Build relationships, deepen understanding and increase problem-solving and conflict resolution skills of community members</li> <li>● Increase trust between community members, government and agency staff working on homelessness and those living unhoused</li> <li>● Achieve desired housing outcome in the community</li> </ul>

### A Local Story – Central Oregon Villages (COV)

**Discussion:** The City of Bend issued a Request for Qualifications and subsequent Request for Proposals for Shelter Services in 2021. A heavy emphasis was placed on experience and engagement with members of the community living unhoused. COV responded with two proposals for Outdoor Shelter and contracted with the City to develop a temporary outdoor shelter (Spring 2022). Part of the contract was developing and executing a neighborhood outreach plan. Other elements included identifying and securing the site (private 3-year lease) and receiving a HB2006 approval through the City. This initial Phase One was \$43,5000 and had to be completed within 6 months. Primary outreach activities included: door-to-door canvassing; Larkspur Neighborhood Association board meetings; facilitating an open house and roundtable public discussion; one-on-one meetings; contracting with a media company to produce video and radio public service announcements and informational videos; compiling a list of questions and answers into a Frequently Asked Questions (FAQ) document that was posted to the website and distributed at neighborhood meetings; and other activities.

Concerns raised by the community resulted in modification to the program. For example, drug screening, background checks, and random UAs were added changing the planned project from a low to a high barrier shelter. Self-governance by residents was modified to more of an advisory and 24/7 on-site staffing as well as regular security checks were added.

#### COV Larkspur Neighborhood Outreach :

- **Community Input:**
  - Door-to-door canvassing (homes and businesses)
  - Neighborhood associations board meetings
  - Open house
  - Roundtable public discussion
  - One-on-one meetings
  - Community meetings: Rotary, Boards, DC Fair, YMBI
- **Media Company Hired and Produced:**
  - video and radio public service announcement
  - Informational videos
  - 2x news broadcast interviews with Z21
  - Bend Bulletin editorial piece
- **FASQ Created & Utilized:**

#### Lessons Learned

- **Modifications:**
  - Low-barrier to high-barrier
  - Vetting process to include drug testing, background checks (criminal & sex offender) and random drug screening throughout participants stay
  - Safety plan includes 24/7 on-site management
  - Security company to provide 2 drive-by watches per night
  - Alternative fencing style
- **Follow Up Questions**
  - What aspects of the location were better understood as the project evolved
  - What lessons can be applied to other sites. For example, what was learned about better locations for low vs. high barrier shelter/housing?

- Compiled Q&A into FAQs document from phone, email, and in-person contacts + feedback and comments from roundtable
- Re-purposed content into an FAQ; posted to website; distributed at the open house, roundtable neighborhood meeting.
- **Listened:**
  - The Village Manual (formerly Handbook) was revised to include refined practices to further address and incorporate the suggestions and concerns of the neighbors.
  - The Task Captains (formerly Village Council) responsibilities and authorities were modified.

## Resources

[7 Principles for Addressing Encampments](#) US Interagency Council on Homelessness, June 2022

[CHRO Draft Strategic Plan](#) June 2023

[Central Oregon Villages Phase I Report on Community Outreach](#), A. Fraley 2023

[Community Inclusion Frameworks for Vulnerable Populations & Strategies for Combating Not In My Back Yard Attitudes to Social Housing Projects](#) August 2015

[Housing in My Backyard: A Municipal Guide for Responding to NIMBY](#) 2009



# CHRO RFQ Update

Chris Ogren

Houseless Response Analyst

May 16<sup>th</sup>, 2024

# Fast Facts

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7 Submissions

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\$4.5m in total requests for start up and one year of operating costs

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All local applicants

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4 Safe Parking, 2 Tiny Home Village, 1 Managed Camp

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All proposing utilization of private property, property from Deschutes County, or City of Bend.

## Intergovernmental Review Team (IRT)

- COIC, HLC, City of Bend, City of Redmond, & Deschutes County Staff
- Reviewed and scored all applications
- Recommendations broken out into tiers
  - Tier 1 - Recommended and Shovel Ready
  - Tier 2 - Recommended but Need More Information
  - Tier 3 - Not Recommended to Move Forward at this Time



# Project Overview – Oasis Village

- Oasis Village Expansion
- **Location** – Part of current Oasis Footprint, in Redmond
- **Description** – Oasis is requesting funding to add 10 more tiny homes/micro shelters to their established Village. Oasis laid out a clear plan for what improvements are needed to the site and how much they would cost.
- **Amount Requested** – \$494k (startup costs and 1 year of operations)
- **Questions from IRT** – Would shelters from State of Oregon work for this site?
- **Tier 1 – Recommended and Shovel Ready**

# Project Overview – Central Oregon Villages

- Safe Parking Program
- **Location** – Bend, off Dean Swift Road in former DAWN's House Location, private property.
- **Description** – COV proposes to expand their safe parking program to the former DAWN's House Location. COV has already contacted the property owner. 6 sites.
- **Amount Requested** – \$210k (startup costs and 1 year of operations)
- **Questions from IRT** – There is a reference to mini units in the application, more clarity needed on the use of those would be helpful.
- **Tier 1 – Recommended and Shovel Ready**

# Project Overview – Central Oregon Villages

- Tiny Home Village
- **Location** – South of Bend, 61071 Highway 97 South, on City of Bend Property
- **Description** – COV proposes offering a 20-40 unit tiny home village in South Bend. COV would have a phased approach, starting with 10 units and building up. COV also notes there is potential to move the units from their site at Desert Streams Church to this location if their lease is not renewed (max of 40).
- **Amount requested** – \$1m (startup costs and 1 year of operations)
- **Questions from IRT** – Is there a need for 40 high barrier units with limited amenities? Robust opposition prepared already, would partners be willing to support COV with potential legal defense?
- **Tier 2 – Recommended but Need More Information**

# Overview – Mountainview Community Development

- Expansion of Safe Parking Program
- **Location** – Bend or Redmond, MVCD wants to work with a landowner to decide what is most needed and where.
- **Description** – MVCD submitted an application to indicate their interest in working with local governments to expand safe parking.
- **Amount Requested** – no detailed budget, depends on site.
- **Questions from IRT** – Interested parties will need to have more conversations with MVCD to gauge cost per client, site design, etc.
- **Tier 2 – Recommended but Need More Information**

# Project Overview – Gales Brothers LLC

- Development of Safe Parking Program
- **Location** – East of Bend (off Hamby Rd.), outside UGB, on private property
- **Description** – The Gales Brothers want to develop a safe parking site on their private property. They don't have the experience to operate a program at the site, but given their background in construction, they want to help build it. The Gales Brothers also want the County to partner on the site, which would allow up to 20 sites vs. the standard 6.
- **Amount Requested** – \$729k (startup costs and 1 year of operations)
- **Questions from IRT** – Concerns about time involved with zoning change with ARPA funding deadline, More firm partnerships are necessary to ensure success, Is there a plan B if a public agency isn't willing to partner to operate a Safe Parking site?
- **Tier 3 – Not Recommended to Move Forward at this Time**

# Project Overview – Home More Network

- Safe Parking Program
- **Location** – Huntington Road in La Pine, on County Property.
- **Description** – HMN proposes offering a Safe Parking program in La Pine. In order to expand the number of units, HMN proposes partnering with local government.
- **Amount Requested** – \$349k (startup costs and 1 year of operations)
- **Questions from IRT** – Is the proposed project allowable under City of La Pine's code? Is there a site that is less temporary that could work?
- **Tier 3 – Not Recommended to Move Forward at this Time**

# Project Overview – Home More Network

- Managed Camp/Long Term Visitor Area (LTVA)
- **Location** – Juniper Ridge, on County property.
- **Description** – HMN proposes established Juniper Ridge as a Long Term Visitor Area. This proposal involves a phased approach, and would create a system to monitor who is residing in the area, as well as provide opportunities for services to be provided.
- **Amount Requested** – \$1.724m (startup costs and 1 year of operations)
- **Questions from IRT** – How many spaces/units would be provided? Would HMN be willing to embark on a more measured approach? Does SquareOne have capacity to physically come to Central Oregon and support creation of the proposed program? Will HMN be able to overcome staffing challenges?
- **Tier 3 – Not Recommended to Move Forward at this Time**



# Next Steps

1

Review  
Recommendations

2

VOTE: Accept or  
Reject IRT  
Recommendations

3

Staff propose RFP  
process is  
facilitated by  
property owner  
and/or funder for  
efficiency,  
rather than run  
the RFP through  
the CHRO.

RFQ CED 24-01 Alternatives to Unsanctioned Camping							
Evaluation Committee Overall Scoring Tabulation							
	Oasis Village	Mountainview Community Development	Gales Brothers LLC	COV - Safe Parking	COV - Tiny Home Village	HMN - Safe Parking	HMN - Managed Camp/LTVA
<b>Grand total</b>	78	68.625	37	73.25	67.125	40.5	44.25
<b>Evaluation Committee Member</b>							
COIC							
HLC	80	53.5	20	70	57.5	22	22
City of Bend	75	70	40	75	75	45	45
City of Redmond	78	73	33	71	61	40	45
Deschutes County	79	78	55	77	75	55	65
Recommended and Shovel Ready	Tier 1 = 70+	Oasis	COV - Safe Parking				
Recommended but Need More Information	Tier 2 = 60+	MVCD	COV - Tiny Homes				
Substantial Barriers to Overcome	Tier 3 = < 60	Gales Brothers	HMN - Safe Parking	HMN - LTVA			

**RFQ CED 24-01 Alternatives to Unsanctioned Camping**

Intergovernmental Review Team Member Summary Tabulation Page

Evaluator Name: Summary of Groups Feedback

Date: 5/9/2024

	<b>Total score</b>	Technical Qualifications of Firm and Personnel	Relevant Experience	Statement of Work Proposal	Other Comments
<i>Points available:</i>	80	20	30	30	
Oasis Village	78	19.5	30	28.5	Tier 1
Mountainview Community Development	68.625	17.75	28.75	22.125	Tier 2
Gales Brothers LLC	37	10.5	11.25	15.25	Tier 3
COV - Safe Parking	73.25	19.25	28	26	Tier 1
COV - Tiny Home Village	67.125	19.25	27.125	20.75	Tier 2
HMN - Safe Parking	40.5	10.75	12.25	17.5	Tier 3
HMN - Managed Camp/LTVA	44.25	11.25	13.5	19.5	Tier 3

Tier 1 = 70+	Recommended and Shovel Ready
Tier 2 = 60+	Recommended but Need More Information
Tier 3 = < 60	Substantial Barriers to Overcome

Evaluator Name: Summary of Group's Feedback 5/8/2024  
 Proposal considered: Oasis

		Notes		
Technical Qualifications of Firm and Personnel: <ul style="list-style-type: none"> <li>• Proposer organization strength, experience, and stability</li> <li>• Experience and technical competence</li> <li>• Degree to which proposer meets the required qualifications</li> </ul>	20	19.5	Staff and Firm have technical qualifications and personnel to be successful in this project. Response indicates organizational strength, experience, and stability as well as technical competence through staff (1) and Board of Directors qualifications (4), experience receiving government funds (5), and experience developing and operating similar projects.	
Relevant Experience: <ul style="list-style-type: none"> <li>• Experience with similar projects – designing and/or operating shelter sites.</li> <li>• Experience working on projects where there is a diverse, multi-agency environment, with a series of community partners to maintain productive relationships with.</li> <li>• Demonstrated experience managing public engagement and outreach.</li> <li>• Demonstrated experience receiving government funds and meeting reporting requirements.</li> </ul>	30	30	Proposal demonstrates applicant has experience with similar projects through the development and operations of the initial 15 cabins currently on the site of the proposed project. Applicant's experience with public engagement and outreach (6), management of government funds (including Federal and State funds)(5), and experience collaborating on multi-agency projects is also demonstrated in the proposal. Great multi-agency experience from previous planning and build-out. Years of experience with public engagement and outreach. Good relevant short-term operational experience.	
Statement of Work: <ul style="list-style-type: none"> <li>• Completeness of proposal</li> <li>• Demonstrated understanding of the work to be performed</li> <li>• Rigor of the analytical processes proposed to complete the work</li> <li>• Includes site design proposal, with specifics on number of people to be served, program design, high-level cost estimate, site layout, etc.</li> </ul>	30	28.5	Proposal is complete and demonstrates an understanding of the work to be performed. Proposal includes a rendering of the location of additional 10 units, number of people to be served, program design, and high level cost estimate.	
<i>Total score</i>		80	78	

Overall notes:

**Tier 1 - Recommended to Proceed and Shovel Ready**  
 The IRT recommends this response move forward to the RFP process because the responder meets the minimum required qualifications, demonstrates relevant prior experience, and has submitted a complete Statement of Work.

Evaluation Committee Member Scoring Notes Page

Evaluator Name: Summary of Group's Feedback Date: 5/8/2024  
 Proposal considered: MountainView Community Development

		Notes	
Technical Qualifications of Firm and Personnel: <ul style="list-style-type: none"> <li>• Proposer organization strength, experience, and stability</li> <li>• Experience and technical competence</li> <li>• Degree to which proposer meets the required qualifications</li> </ul>	20	18	The Applicant meets all minimum required qualifications including being registered to conduct business in the State of Oregon, being committed to DEI principles (22), demonstrating experience serving homeless individuals and families (3), and experience engaging in public outreach (5). The applicant demonstrates organizational strength, experience, and stability as well as technical competence through adequate staffing and on-going staff education (1), experience operating similar programs (3), experience managing government funds, and engaging with public partners (3).
Relevant Experience: <ul style="list-style-type: none"> <li>• Experience with similar projects – designing and/or operating shelter sites.</li> <li>• Experience working on projects where there is a diverse, multi-agency environment, with a series of community partners to maintain productive relationships with.</li> <li>• Demonstrated experience managing public engagement and outreach.</li> <li>• Demonstrated experience receiving government funds and meeting reporting requirements.</li> </ul>	30	29	Response demonstrates the applicant has prior experience operating similar programs, including ongoing operations of 7 safe parking locations as well as providing case management (3), experience engaging in multi-agency projects and collaborating with community partners (3), engaging in public outreach as outlined by the best practices, and experience managing government funds including local (City of Redmond, 3) and Federal (Deschutes County ARPA, 3) (5).
Statement of Work: <ul style="list-style-type: none"> <li>• Completeness of proposal</li> <li>• Demonstrated understanding of the work to be performed</li> <li>• Rigor of the analytical processes proposed to complete the work</li> <li>• Includes site design proposal, with specifics on number of people to be served, program design, high-level cost estimate, site layout, etc.</li> </ul>	30	22	Proposal demonstrates an understanding of work to be performed and provides a high-level program design and site plan. Proposal does not provide a high level cost estimate, number of units to be provided, or specific site design information.

Total score 80 69

Overall notes:

**Tier 2 - Recommended but Need More Information**

The IRT recommends this applicant move forward to the RFP process because the responder meets the minimum required qualifications and demonstrates prior experience developing and operating similar projects, though further development of the Statement of Work through the RFP process is recommended.

Evaluation Committee Member Scoring Notes Page

Evaluator Name: Summary of Group's Feedback Date: 5/8/2024  
 Proposal considered: Gales Brothers LLC

		Notes		
Technical Qualifications of Firm and Personnel: <ul style="list-style-type: none"> <li>• Proposer organization strength, experience, and stability</li> <li>• Experience and technical competence</li> <li>• Degree to which proposer meets the required qualifications</li> </ul>	20	11	The Applicant does not meet the minimum required qualifications, including demonstrating limited prior organizational experience serving individuals and families experiencing homelessness and no prior experience supporting public engagement. Proposal indicates entity does not have prior experience operating similar projects (3) or managing grant funding (4), which indicates respondent's lack of technical competence.	
Relevant Experience: <ul style="list-style-type: none"> <li>• Experience with similar projects – designing and/or operating shelter sites.</li> <li>• Experience working on projects where there is a diverse, multi-agency environment, with a series of community partners to maintain productive relationships with.</li> <li>• Demonstrated experience managing public engagement and outreach.</li> <li>• Demonstrated experience receiving government funds and meeting reporting requirements.</li> </ul>	30	11	Entity demonstrates limited experience engaging with public entities and limited experience engaging with Central Oregon's homeless response system (4). Entity has some prior experience engaging with an organization with experience managing public outreach, but has no direct experience themselves (4). Additionally, the applicant states they have no experience with planning, funding, nor operations.	
Statement of Work: <ul style="list-style-type: none"> <li>• Completeness of proposal</li> <li>• Demonstrated understanding of the work to be performed</li> <li>• Rigor of the analytical processes proposed to complete the work</li> <li>• Includes site design proposal, with specifics on number of people to be served, program design, high-level cost estimate, site layout, etc.</li> </ul>	30	15	Response does not demonstrate entity's understanding of the work to be performed. The high-level budget includes information regarding the site development, however, includes limited information regarding annual operating costs. Due to zoning requirements, the identified site is not currently an eligible property type for the County's Safe Parking program and would require a zone change.	
<b>Total score</b>		<b>80</b>	<b>37</b>	

Overall notes:

**Tier 3 - Substantial Barriers to Overcome**

The IRT does not recommend this response move forward to the RFP process at this time because the responder does not meet minimum required qualification, has limited prior experience, and the Statement of Work does not demonstrate entity's understanding of the work to be performed. There is so much unknown about who and how this project would be operated, The Review Team encourages the Gales Brothers to continue to work with the County to request a zoning change to make this a feasible proposal in the future.

Evaluation Committee Member Scoring Notes Page

Evaluator Name: Summary of Group's Feedback Date: 5/8/2024  
 Proposal considered: Central Oregon Villages - Safe Parking

		Notes	
Technical Qualifications of Firm and Personnel: <ul style="list-style-type: none"> <li>• Proposer organization strength, experience, and stability</li> <li>• Experience and technical competence</li> <li>• Degree to which proposer meets the required qualifications</li> </ul>	20	19	The Applicant meets the minimum required qualifications, including being registered to conduct business in the State of Oregon (2), being committed to DEI principles, demonstrating experience serving individuals and families experiencing houselessness (3-4), and experience supporting public engagement and working with public entities (4-6). COV also demonstrates organizational strength, experience and stability as well as technical competence through their board of directors and staff (3), experience developing and operating similar projects (4-5), and experience managing State and Federal funding (6).
Relevant Experience: <ul style="list-style-type: none"> <li>• Experience with similar projects – designing and/or operating shelter sites.</li> <li>• Experience working on projects where there is a diverse, multi-agency environment, with a series of community partners to maintain productive relationships with.</li> <li>• Demonstrated experience managing public engagement and outreach.</li> <li>• Demonstrated experience receiving government funds and meeting reporting requirements.</li> </ul>	30	28	The Applicant demonstrates relevant experience developing and operating two similar projects through their Safe Parking site at Bend Church and Desert Streams village (4). The Applicant demonstrates experience working on multi-agency projects through experience collaborating with other service providers, including their involvement in the HLC and CES (4) as well as experience working with public entities. The Applicant also demonstrates experience managing public engagement and outreach through the development of their current sites and continued engagement with neighbors.
Statement of Work: <ul style="list-style-type: none"> <li>• Completeness of proposal</li> <li>• Demonstrated understanding of the work to be performed</li> <li>• Rigor of the analytical processes proposed to complete the work</li> <li>• Includes site design proposal, with specifics on number of people to be served, program design, high-level cost estimate, site layout, etc.</li> </ul>	30	26	Response is complete and the Applicant demonstrates an understanding of the work to be performed. The proposal includes a detailed site plan, including the number and type of units to be located at the site (6), program design including eligibility requirements and a case management structure (8), and high-level cost estimate.

Total score 80 73

Overall notes:

**Tier 1 - Recommended to Proceed and Shovel Ready**  
 The IRT recommends this response move forward with the RFP process because the responder meets the minimum required qualifications, demonstrates relevant prior experience, and has submitted a complete Statement of Work.



Evaluation Committee Member Scoring Notes Page

Evaluator Name: \_\_\_\_\_ Summary of Group's Feedback \_\_\_\_\_ Date: 5/8/2024  
 Proposal considered: Central Oregon Villages - Tiny Home \

		Notes
<p>Technical Qualifications of Firm and Personnel:</p> <ul style="list-style-type: none"> <li>• Proposer organization strength, experience, and stability</li> <li>• Experience and technical competence</li> <li>• Degree to which proposer meets the required qualifications</li> </ul>	<p>20 19</p>	<p>The Applicant meets minimum required qualifications, including being registered to conduct business in the State of Oregon, being committed to DEI principles, demonstrating experience serving homeless families and individuals (4), and demonstrating experience working with public entities and supporting public engagement through the development of the Desert Streams site and experience managing both federal and state funds (5-7). COV also demonstrates organizational strength, experience, and stability as well as technical competence through, experience developing a similar program to the proposed (5), and having 2 years of experience operating similar projects (5).</p>
<p>Relevant Experience:</p> <ul style="list-style-type: none"> <li>• Experience with similar projects – designing and/or operating shelter sites.</li> <li>• Experience working on projects where there is a diverse, multi-agency environment, with a series of community partners to maintain productive relationships with.</li> <li>• Demonstrated experience managing public engagement and outreach.</li> <li>• Demonstrated experience receiving government funds and meeting reporting requirements.</li> </ul>	<p>30 27</p>	<p>The Applicant demonstrates prior experience developing and operating similar projects through their Desert Streams site and their Bend Church Safe Parking site (5). COV also demonstrates experience working with multi-agency groups, including the HLC as well as collaborating with other service providers (5-6). The Applicant demonstrates experience with public engagement and outreach through the Desert Streams village and ongoing relationship with neighbors (6). While the Applicant's experience is very relevant, this site does pose a few outreach challenges that exceed what was experienced in past attempts to operate a program from this property.</p>

Evaluation Committee Member Scoring Notes Page

<p>Statement of Work:</p> <ul style="list-style-type: none"> <li>• Completeness of proposal</li> <li>• Demonstrated understanding of the work to be performed</li> <li>• Rigor of the analytical processes proposed to complete the work</li> <li>• Includes site design proposal, with specifics on number of people to be served, program design, high-level cost estimate, site layout, etc.</li> </ul>	<p>30</p>	<p>21</p>	<p>Submission is complete and includes high level details regarding the development of the site and eventual operations. Through their statement of work, the applicant has demonstrated an understanding of the work to be performed at all levels (development and operations). The RFQ response outlines a clear public engagement plan (7-8), a detailed site rendering, a plan for development and program design, and a high level cost estimate. The site rendering includes only 20 units rather than the full 40 units. A better understanding and more detailed breakdown of the high-level budget would render more information about specific development costs and annual operational costs. A high barrier, 40 unit site with no sewer or water is challenging. Site development costs seem very high for a facility without these.</p>
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Total score 80 67

Overall notes:

**Tier 2 - Recommended but Need More Information**

I would recommend this response move forward to the RFP process because the responder meets the minimum required qualifications, demonstrates relevant prior experience, and has submitted a complete Statement of Work.

Evaluation Committee Member Scoring Notes Page

Evaluator Name:

Summary of Group's Feedback

Date: 5/8/2024

Proposal considered:

Home More Network Safe Parking

		Notes	
<p>Technical Qualifications of Firm and Personnel:</p> <ul style="list-style-type: none"> <li>• Proposer organization strength, experience, and stability</li> <li>• Experience and technical competence</li> <li>• Degree to which proposer meets the required qualifications</li> </ul>	20	11	<p>Despite lived experience and experience providing outreach, The Applicant does not meet minimum required qualifications, including having limited experience serving individuals and families experiencing houselessness and has not yet gained experience supporting public engagement or working with public entities (7). Response indicates organization does not currently have adequate staffing levels to complete the scale of work (3), has no prior experience developing or operating similar programs (5), or have organizational experience managing government funding (7) which would indicate organizational strength, experience, and stability as well as technical competence.</p>
<p>Relevant Experience:</p> <ul style="list-style-type: none"> <li>• Experience with similar projects – designing and/or operating shelter sites.</li> <li>• Experience working on projects where there is a diverse, multi-agency environment, with a series of community partners to maintain productive relationships with.</li> <li>• Demonstrated experience managing public engagement and outreach.</li> <li>• Demonstrated experience receiving government funds and meeting reporting requirements.</li> </ul>	30	12	<p>Response indicates organization does not have prior experience developing or operating similar projects to the one proposed (5), managing government funding (7), or managing public engagement and outreach. Response indicates organization has limited experience working on projects involving multiple agencies but is actively developing partnerships through the HLC and collaborating with other service providers.</p>
<p>Statement of Work:</p> <ul style="list-style-type: none"> <li>• Completeness of proposal</li> <li>• Demonstrated understanding of the work to be performed</li> <li>• Rigor of the analytical processes proposed to complete the work</li> <li>• Includes site design proposal, with specifics on number of people to be served, program design, high-level cost estimate, site layout, etc.</li> </ul>	30	18	<p>Response indicates organizations understanding of the work to be complete and includes all elements to be considered complete including site and program design, number of people to be served, and a high level cost estimate. Land use and zoning requirements may limit the feasibility of the project as La Pine is not currently included in the County's Safe Parking program. Large investment for a project that is likely quite temporary.</p>

Total score

80 41

Overall notes:

**Tier 3 - Substantial Barriers to Overcome**

The IRT does not recommend this response move forward to the RFP process at this time because the responder does not meet minimum required qualifications and Statement of Work does not demonstrate responders understanding of land use requirements that may impact the projects feasibility. There may be an opportunity to trial a safe parking site in La Pine somewhere that is already developed, such as a church parking lot. Standing up a support structure in an undeveloped place is a very hard undertaking for an untested entity.

Evaluation Committee Member Scoring Notes Page

Evaluator Name: Summary of Group's Feedback Date: 5/8/2024  
 Proposal considered: Home More Network - LTVA

		Notes
Technical Qualifications of Firm and Personnel: <ul style="list-style-type: none"> <li>• Proposer organization strength, experience, and stability</li> <li>• Experience and technical competence</li> <li>• Degree to which proposer meets the required qualifications</li> </ul>	20	11 Applicant has relevant lived experience as well as outreach experience, however the Applicant does not meet minimum required qualifications, given limited experience serving individuals and families experiencing homelessness and no prior experience supporting public engagement or working with public entities. Response indicates organization does not currently have adequate staffing levels to complete the scale of work (3), does not demonstrate prior experience developing or operating similar programs (5), or have organizational experience managing government funding (7) which would demonstrate organizational strength, experience, and stability as well as technical competence.
Relevant Experience: <ul style="list-style-type: none"> <li>• Experience with similar projects – designing and/or operating shelter sites.</li> <li>• Experience working on projects where there is a diverse, multi-agency environment, with a series of community partners to maintain productive relationships with.</li> <li>• Demonstrated experience managing public engagement and outreach.</li> <li>• Demonstrated experience receiving government funds and meeting reporting requirements.</li> </ul>	30	14 Response indicates organization has no prior experience designing or operating similar projects (5) or direct experience managing public engagement and outreach (7). Proposal indicates organization has limited experience working on projects involving multiple agencies but is actively developing partnerships through the HLC and collaborating with other service providers. Proposal indicates entity has no prior experience managing government funds (7).
Statement of Work: <ul style="list-style-type: none"> <li>• Completeness of proposal</li> <li>• Demonstrated understanding of the work to be performed</li> <li>• Rigor of the analytical processes proposed to complete the work</li> <li>• Includes site design proposal, with specifics on number of people to be served, program design, high-level cost estimate, site layout, etc.</li> </ul>	30	20 Response indicates organizations understanding of the work to be performed and includes most elements to be considered complete, including site design and high-level cost estimate. Proposal includes site design and renderings, however, it does not specify the exact number of spaces/units to be provided which may impact the high level cost estimate provided.
<b>Total score</b>		<b>80 44</b>

Overall notes:

**Tier 3 - Substantial Barriers to Overcome**

The IRT does not recommend this response move forward to the RFP process at this time because the responder does not meet minimum required qualifications and has no prior experience developing or operating similar projects. With that being said, there may be opportunities for this applicant to build necessary experience by attempting a phased approach of this plan, starting with outreach and building up to managing and operating a Long Term Visitor Area at Juniper Ridge.