



## BOARD OF COMMISSIONERS

### BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, JANUARY 31, 2024

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

## AGENDA

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

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

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

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

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

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



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

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

## CALL TO ORDER

## PLEDGE OF ALLEGIANCE

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

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

## CONSENT AGENDA

1. Consideration of Board Signature on letter reappointing Jeannie Adkins for service on the Lazy River Special Road District
2. Consideration of Board Signature on letter thanking Patrick Trowbridge for service on the Deschutes County Planning Commission
3. Approval of minutes of the January 19, 2024 Legislative Update meeting
4. Approval of minutes of the BOCC January 17, 2024 meeting

## ACTION ITEMS

- [5.](#) **9:10 AM** Emergency Operations Plan Update
- [6.](#) **9:30 AM** Public hearing and consideration of Resolution No. 2024-003 adopting a supplemental budget and increasing or adjusting appropriations in the General Fund and the Natural Resources Fund
- [7.](#) **9:40 AM** Public hearing and consideration of Resolution No. 2024-004 adopting a supplemental budget and increasing appropriations in the Full Faith & Credit Debt Service Fund
- [8.](#) **9:50 AM** Public Hearing: Redmond Airport Master Plan Update Text Amendment
- [9.](#) **10:50 AM** Miller Pit Plan Amendment and Zone Change
- [10.](#) **11:10 AM** Ordinance 2024-001 changing the Comprehensive Plan Map Designation and Zone Designation for 40 acres located at 64430 Hunnell Road

- [11.](#) **11:15 AM** Approval of the 2023 Title III Certification Form
- [12.](#) **11:20 AM** Amendment to the land donation agreement with the City of Redmond for Northpoint Vista, and Board Order authorizing the Deschutes County Property Manager to execute the documents associated with closing the land Donation
- [13.](#) **11:40 AM** Application for Energy Efficiency and Conservation Block Grant Funds

## **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:** January 31, 2024

**SUBJECT:** Emergency Operations Plan Update

**RECOMMENDED MOTION:**

Move approval of Resolution No. 2024-005 adopting the 2024 Deschutes County Emergency Operations Plan.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Sheriff's Office Emergency Management Unit has reviewed and updated the Deschutes County Emergency Operations Plan. Promulgation of the updated plan every four years ensures compliance with best practices and maintains eligibility for certain grants such as the Emergency Management Performance Grant.

The recommendation of staff is to promulgate the Base Plan (included in this packet) and maintain a schedule of continual updates of plan annexes. Updated annexes will be distributed to all plan holders, including elected officials and agency heads. The Base Plan describes the structure, authorities, and processes of emergency response for the County. The annexes provide more detailed, specific information regarding the roles for emergency response agencies.

**BUDGET IMPACTS:**

Printing costs associated with printing updated plans for binders, which is contained within the Sheriff's Office Emergency Management budget.

**ATTENDANCE:**

Nathan Garibay, DCSO

REVIEWED  
LEGAL COUNSEL

01/31/2024 Item #5.



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

A Resolution Adopting Revisions/Updates to the Deschutes County Emergency Operations Plan \* RESOLUTION NO. 2024-005

WHEREAS, Deschutes County recognizes the threat that emergency events pose to people, property and infrastructure within our community; and

WHEREAS, undertaking emergency planning actions will reduce the potential for harm to people, property and infrastructure from future emergency events; and

WHEREAS, an adopted Emergency Operations Plan is a best practice and guides actions during a significant emergency; and

WHEREAS, Deschutes County endeavors to undertake formal review and adoption of the Emergency Operations Plan every four (4) years; and

WHEREAS, Deschutes County has undertaken extensive revision of the Emergency Operations Plan; now therefore,

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

**Section 1.** Deschutes County adopts the Emergency Operations Plan attached as Exhibit A and incorporated by reference herein, as an official plan of Deschutes County.

II

**Section 2.** Consistent with tracking and recording requirements provided for by the Emergency Operations Plan, and until future review and adoption by Deschutes County in 2028, the Emergency Manager is authorized to adopt Plan revisions and Plan updates.

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

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

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

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

ATTEST:

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



# Deschutes County, Oregon EMERGENCY OPERATIONS PLAN



February 2024  
Deschutes County Sheriff's Office, Emergency Management  
63333 West Highway 20, Bend, OR 97703









# Immediate Action Checklist

Use the following Immediate Action Checklist to initiate Deschutes County’s support to an emergency incident through activation and operation of the County’s emergency management organization. If you are not qualified to implement this plan, dial 911 and ask for assistance.

## 1. Receive alert of incident.

- Alerts should be directed to the Sheriff’s Office.
- If the Sheriff’s Office Emergency Manager is not available, alerts should be directed to the Special Services Lieutenant, based on established lines of succession.
- Alerts may be received through 911 dispatch, responding agencies, the on-scene Incident Commander, the public, or other sources.
- If you are the first person receiving notification of the incident, call 911 and provide as much detail as possible.
- Threatened populations should be alerted as soon as possible to initiate protective actions including evacuation.
- *See ESF 2 – Communications of this plan for more information on alert and warning.*

## 2. Determine need to implement the County’s Emergency Management Organization.

- The Sheriff, or designee should determine, in coordination with the on-scene Incident Commander, what level of support is needed from the County for the incident. This may range from the Emergency Manager monitoring the situation to full activation of the Emergency Operations Center.
- Identify key personnel who will be needed to support emergency operations, including staffing of the Emergency Operations Center, if activated.

## 3. Notify key County personnel and response partners.

- The Sheriff’s Office will notify key personnel or Emergency Support Function representatives to staff the Emergency Operations Center based on incident needs.
- Notify appropriate emergency response agencies.
- Emergency response agencies should provide the following information as soon as possible to the EOC or Emergency Manager:

Immediate Action Checklist

- Operational status
- Readiness and availability of essential resources
- Changing conditions and status of resources
- Significant concerns and issues dealing with potential or actual loss of life or property

**4. Activate the County Emergency Operations Center as appropriate.**

- The County will utilize the Incident Command System in managing the Emergency Operations Center.
- Primary Emergency Operations Center Location: Deschutes County 911, 20355 Poe Sholes Bend, OR 97703
- If the primary EOC is unusable for any reason, a secondary EOC will be established at the Deschutes County Sheriff's Office, 63333 W. Hwy 20, Bend, OR 97703, or one of the following locations:
  - Deschutes County Road Department, 61150 SE 27<sup>th</sup> Street, Bend, OR 97702,
  - Deschutes County Fair and Expo Center, 3800 SW Airport Way, Redmond, OR, 97756
  - A city EOC or in a public building in the city or town nearest the disaster site. For some incidents, the EOC can be co-located with other command structures, or activated virtually.
- *See Section 5.4 of this plan for information on Emergency Operations Center operations.*

**5. Establish communications with the on-scene Incident Commander.**

- Identify primary and back-up means to stay in contact with the on-scene Incident Commander.
- The on-scene Incident Commander may assign a radio frequency that the Emergency Operations Center can use to communicate with the scene.
- *See ESF 2 – Communications of this plan for more information on communications systems.*

**6. Identify key incident needs, in coordination with the on-scene Incident Commander.**

- Consider coordination of the following, as required by the incident:

Immediate Action Checklist

- Protective action measures, including evacuation and shelter-in-place
- Shelter and housing needs for displaced citizens
- Emergency public information and coordination with the media
- Provisions for Access and Functional Needs Populations, including unaccompanied children
- Provisions for animals in disasters

**7. Inform the Oregon Emergency Response System of Emergency Operations Center activation and request support as needed.**

- Oregon Emergency Response System: 800-452-0311
- If there is an oil or chemical spill to report, responsible parties should call the National Response Center at 800-424-8802.

**8. Declare a State of Emergency for the County, as appropriate.**

- If the incident has overwhelmed or threatens to overwhelm the County's resources to respond, the County may declare a state of emergency by the Board of County Commissioners
- The declaration should be submitted to the Oregon Emergency Response System.
- *See Section 1.7 of this plan for information on the disaster declaration process. See Appendix B for a disaster declaration form.*

# Preface

This Emergency Operations Plan is an all-hazard plan that describes how Deschutes County will organize and respond to emergencies and disasters in the community. It is a component of the County's comprehensive approach to emergency management that ensures that the County is prepared to prevent, protect against, mitigate the effects of, respond to, and recover from the hazards and threats that pose the greatest risk to the County.

The Deschutes County Emergency Management Program is administered and coordinated by the Deschutes County Sheriff's Office under the supervision of the Sheriff. It is based on, and is compatible with, Federal, State of Oregon, and other applicable laws, regulations, plans, and policies, including Presidential Policy Directive 8, the National Response Framework, and Oregon Department of Emergency Management plans.

The appendices and annexes of the EOP are marked as FOUO (For Official Use Only) and are exempt from public records disclosure under Oregon Revised Statute 192.345 (18). Please contact the Deschutes County Sheriff's Office Emergency Management Program via email at [emergency.management@deschutes.org](mailto:emergency.management@deschutes.org) to request access. Access may be granted after signing a non-disclosure agreement kept on file by the Emergency Management Program.

Response to emergency or disaster conditions in order to maximize the safety of the public and minimize property damage is a primary responsibility of government. It is the goal of the County that responses to such conditions are conducted in the most organized, efficient, and effective manner possible. To aid in accomplishing this goal, the County has, in addition to promulgating this plan, formally adopted the principles of the National Incident Management System, including the Incident Command System and the National Response Framework.

Consisting of a Base Plan, Emergency Support Function Annexes, Support Annexes and Incident Annexes, this Emergency Operations Plan provides a framework for coordinated response and recovery activities during a large-scale emergency. The plan describes how various agencies and organizations in the County will coordinate resources and activities with other Federal, State, local, tribal, community- and faith-based organizations, and private-sector partners.

Deschutes County public officials, departments, offices and employees that perform emergency and/or first response functions must be properly prepared. To the extent possible, Department heads and elected officials are responsible for ensuring that necessary training is provided to themselves and their employees as to further prepare Deschutes County staff for successfully carrying out assigned emergency response roles.

Legal Disclaimer

It is impossible to anticipate all varying factors which may occur in an emergency. This Emergency Operations Plan and its annexes are a guide to approaching emergency situations. No provision in the Emergency Operations Plan and its supporting chapters is intended to be mandatory. This plan may be carried out in a flexible manner. This plan should not be interpreted as a guarantee that any specific task will be done in a specific order or that any specific task will be done at all. The Emergency Operations Plan represents, what appears to be, at the time of its adoption, an optimal approach to an emergency. It does not create a right to rely on the County, its employees, officers, or agents to carry out the plan in any particular manner or at all.

- Property owners, residents, and visitors should not rely on this plan to assure the operation or availability of any public service. Individual property owners should develop an emergency plan to prevent property damage or loss of life.
- Property owners should not rely on this plan to protect their property from damage or destruction. Property owners should develop their own plan for dealing with an emergency.
- Any emergency will most likely involve other units of City, County, State, or Federal government. Other units of government should not rely on this plan to be implemented.

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# Signatures of Acceptance

_____	_____
Date	County Sheriff, Deschutes County
_____	_____
Date	Commissioner, Chair, Deschutes County
_____	_____
Date	Commissioner, Deschutes County
_____	_____
Date	Commissioner, Deschutes County

We, the above-signed elected officials, acknowledge the responsibilities inherent in disaster response and emergency management planning within our respective jurisdictions. Through the acceptance of this plan, we will undertake reasonable measures to see that Deschutes County and its associated-entities are ready when and if disaster should strike. We are charged with the additional responsibility of keeping this Emergency Operations Plan current and ensuring those persons within City and County government are made aware of their respective roles as described in this plan.



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## Plan Administration

The Sheriff's Office will coordinate review and revise this plan every two years and seek formal re-promulgation of this plan by the Board of County Commissioners every five years. Revisions will also be made when changes occur, such as lessons learned from exercises or events. Changes to the annexes and appendices, and non-substantive changes to the Base Plan, may be made by the Sheriff without formal Board of County Commissioners approval.

All updates and revisions to the plan will be tracked and recorded in the following table. This process will ensure that the most recent version of the plan is disseminated and implemented by emergency response personnel.

Date	Change No.	Department/Office	Summary of Change
2010	Original Release	Sheriff's Office Emergency Management	Original Release
2015	001	Sheriff's Office Emergency Management	Comprehensive internal update
2017	002	Sheriff's Office Emergency Management	Comprehensive update
2024	003	Sheriff's Office Emergency Management	Review and revision

**Plan Distribution List**

Copies of this plan will be provided to the following jurisdictions, agencies, and persons electronically, unless otherwise indicated. Updates will be provided electronically, when available. Recipients will be responsible for updating their Emergency Operations Plans when they receive changes. The Emergency Manager is ultimately responsible for all plan updates. The plan will be posted on the County website as well as be made available digitally to all County departments.

Department/Office	Title/Name
Deschutes County Board of Commissioners	Commissioners
Deschutes County Assessor’s Office	Assessor
Deschutes County Administration	County Administrator
Deschutes County Clerk	County Clerk
Deschutes County Sheriff’s Office	Sheriff/Emergency Management
Deschutes County Communications	Public Information Officer
Deschutes County Community Development	Department Head
Deschutes County Community Justice	Department Head
Deschutes County District Attorney’s Office	District Attorney
Deschutes County Facilities	Department Head
Deschutes County Finance Department	Department Head
Deschutes County Fair and Expo Center	Director
Deschutes County Forester	County Forester
Deschutes County Health Services	Department Head
Deschutes County Human Resources	Department Head
Deschutes County Information Technology	Department Head
Deschutes County Justice Court	Justice of the Peace
Deschutes County Legal Counsel	County Counsel
Deschutes County Risk Management	Deputy County Administrator
Deschutes County Road Department	Department Head
Deschutes County Solid Waste	Department Head
Deschutes County 911 Service District	Department Head

**Emergency Operations Plan Review Assignments**

The following table identifies agencies responsible for regular review of specific plan sections and annexes to ensure accuracy. Changes will be forwarded to the Emergency Manager for incorporation into the plan and dissemination of the revised version. This does not preclude other departments and agencies with a vital interest in the plan from providing input to the document; such input is encouraged. It is also encouraged that plan review be performed concurrently with review of other related County emergency plans and procedures to enhance consistency.

Section/Annex	Primary Agency	Supporting Agencies
<b>Base Plan</b>	Deschutes County Sheriff's Office	
<b>Emergency Support Function Annexes (ESFs)</b>		
<b>ESF 1</b> Transportation	Deschutes County Road Department	Sheriff's Office Emergency Management City Public Works Departments ODOT
<b>ESF 2</b> Communications	Deschutes County 911	Sheriff's Office Emergency Management Administrative Services Information Technology
<b>ESF 3</b> Public Works	Deschutes County Road Department	Sheriff's Office Emergency Management Solid Waste City Public Works Departments Utility Providers
<b>ESF 4</b> Firefighting	Deschutes County Fire Defense Board	Sheriff's Office Emergency Management Forester Road Department City and RFPD Fire Departments
<b>ESF 5</b> Information and Planning	Sheriff's Office	Assessor's Office Information Technology Sheriff's Office 911 Health Services Other Agencies as Needed

Plan Administration

Section/Annex	Primary Agency	Supporting Agencies
<b>ESF 6</b> Mass Care	Health Services City and RFPD Fire Depts	Community Development Fair and Expo Center Sheriff's Office American Red Cross Medical Examiner Area hospitals and health care facilities
<b>ESF 7</b> Resource Support	Sheriff's Office Deschutes County Finance Fair and Expo Center	Health Services Human Resources Department Road Department Administrative Services
<b>ESF 8</b> Health and Medical	Health Services Sheriff's Office	Medical Examiner
<b>ESF 9</b> Search and Rescue	Sheriff's Office	911 Road Department Fire Defense Board
<b>ESF 10</b> Hazardous Materials	Deschutes County Fire Defense Board	Health Services Road Department City Fire and Law Enforcement Agencies
<b>ESF 11</b> Food and Water	Sheriff's Office American Red Cross	Health Services Deschutes County Fair and Expo Center
<b>ESF 12</b> Energy	Sheriff's Office	Road Department Energy, Utility and Fuel Companies
<b>ESF 13</b> Military Support	Sheriff's Office	Oregon Military Department
<b>ESF 14</b> Public Information	Board of County Commissioners Public Affairs	911 Other agencies as needed
<b>ESF 15</b> Volunteer and Donations Management	Sheriff's Office Deschutes County Health Services	Administrative Services Finance Sheriff's Office Emergency Management Human Resources Legal American Red Cross

Plan Administration

Section/Annex	Primary Agency	Supporting Agencies
<b>ESF 16</b> Law Enforcement	Sheriff's Office	District Attorney Community Justice Sheriff's Office Emergency Management Road Department Health Services
<b>ESF 17</b> Agriculture and Animal Protection	Forestry	Health Services Sheriff's Office Emergency Management Fair and Expo Center
<b>ESF 18</b> Business and Industry	Sheriff's Office Emergency Management	Board of Commissioners Community Development
<b>Support Annexes (SAs)</b>		
<b>SA 1</b> Community Recovery	Sheriff's Office Emergency Management	Community Development Forester Administrative Services
<b>Incident Annexes (IAs)</b>		
<b>IA 1</b> Severe Weather	Sheriff's Office Emergency Management	Multiple
<b>IA 2</b> Flood/Dam Failure	Deschutes County Road Department	Multiple
<b>IA 3</b> Drought	Sheriff's Office Emergency Management	Multiple
<b>IA 4</b> Wildland/Urban Interface Fire	Deschutes County Fire Defense Board	Multiple
<b>IA 5</b> Hazardous Materials Incident	Deschutes County Fire Defense Board	Multiple
<b>IA 6</b> Earthquake	Sheriff's Office Emergency Management	Multiple
<b>IA 7</b> Volcano	Sheriff's Office Emergency Management	Multiple
<b>IA 8</b> Terrorism	Sheriff's Office	Multiple
<b>IA 9</b> Public Health Incident	Health Services	Multiple
<b>IA 10</b> Animal & Agriculture Related Incident	Forester	Multiple

Plan Administration

Section/Annex	Primary Agency	Supporting Agencies
IA 11 Transportation Accidents	Sheriff's Office	Multiple
IA 12 Utility Failure	Road Department	Multiple

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# Table of Contents

- Immediate Action Checklist.....iii**
- Preface..... vii**
- Signatures of Acceptance..... x**
- Plan Administration ..... xii**
- Table of Contents ..... xix**
- 1 Introduction ..... 1-1**
  - 1.1 General .....1-1
    - 1.1.1 Whole Community Planning..... 1-2
  - 1.2 Purpose and Scope ..... 1-3
    - 1.2.1 Purpose..... 1-3
    - 1.2.2 Scope..... 1-4
  - 1.3 Plan Implementation..... 1-5
  - 1.4 Plan Organization ..... 1-5
  - 1.5 Relationship to Other Plans .....1-7
    - 1.5.1 Federal Plans..... 1-7
    - 1.5.2 State Plans..... 1-7
    - 1.5.3 County Plans..... 1-9
    - 1.5.4 City Plans..... 1-10
    - 1.5.5 Support Agency Plans ..... 1-10
    - 1.5.6 Regional Emergency Plans ..... 1-10
  - 1.6 Authorities ..... 1-11
    - 1.6.1 Legal Authorities..... 1-11
    - 1.6.2 Mutual Aid and Intergovernmental Agreements ..... 1-12
  - 1.7 Emergency Powers ..... 1-12
    - 1.7.1 General ..... 1-12
    - 1.7.2 County Disaster Declaration Process ..... 1-13
    - 1.7.3 State Assistance..... 1-14
    - 1.7.4 Federal Assistance..... 1-14
  - 1.8 Continuity of Government and Operations ..... 1-15
    - 1.8.1 Lines of Succession ..... 1-16
    - 1.8.2 Preservation of Vital Records..... 1-16
    - 1.8.3 COOP Planning ..... 1-17
  - 1.9 Administration and Logistics..... 1-18
    - 1.9.1 Request, Allocation, and Distribution of Resources..... 1-18
    - 1.9.2 Financial Management ..... 1-19

List of Tables and Figures

- 1.9.3 Legal Support and Liability Issues ..... 1-20
- 1.9.4 Reporting and Documentation ..... 1-21
- 1.10 Safety of Employees and Family ..... 1-21
  
- 2 Situation and Planning Assumptions .....2-1**
  - 2.1 Situation ..... 2-1
  - 2.1.1 Community Profile ..... 2-1
  - 2.1.2 Hazard Analysis ..... 2-4
  - 2.1.3 Capability Assessment ..... 2-5
  - 2.1.5 Protection of Critical Infrastructure and Key Resources ..... 2-6
  - 2.2 Assumptions ..... 2-7
  
- 3 Roles and Responsibilities .....3-1**
  - 3.1 General ..... 3-1
  - 3.2 Emergency Management Organization ..... 3-1
  - 3.2.1 Policy Group ..... 3-2
  - 3.2.2 Responsibilities of All Departments ..... 3-5
  - 3.2.3 Responsibilities by Function ..... 3-6
  - 3.3 Local and Regional Response Partners ..... 3-21
  - 3.3.1 Municipalities and Special Service Districts ..... 3-21
  - 3.3.2 Private Sector ..... 3-21
  - 3.3.3 Nongovernmental and Faith-Based Organizations ..... 3-22
  - 3.3.4 Individuals and Households ..... 3-22
  - 3.4 State Response Partners ..... 3-23
  - 3.5 Federal Response Partners ..... 3-23
  
- 4 Concept of Operations .....4-1**
  - 4.1 General ..... 4-1
  - 4.2 Emergency Management Mission Areas ..... 4-1
  - 4.3 Response and Recovery Priorities ..... 4-2
  - 4.3.1 Response ..... 4-2
  - 4.4 Incident Levels ..... 4-3
  - 4.4.1 NIMS Incident Types ..... 4-3
  - 4.5 Incident Management ..... 4-5
  - 4.5.1 Activation ..... 4-5
  - 4.5.2 Alert and Warning ..... 4-5
  - 4.5.3 Communications ..... 4-6
  - 4.5.4 Situational Awareness and Intelligence Gathering ..... 4-7
  - 4.5.5 Resource Management ..... 4-8
  - 4.5.6 Emergency Public Information ..... 4-9
  - 4.5.7 Access and Functional Needs Populations ..... 4-10
  - 4.5.8 Animals and Disasters ..... 4-11
  - 4.5.9 Cybersecurity ..... 4-11
  - 4.5.10 Demobilization ..... 4-11

List of Tables and Figures

4.5.11 Transition to Recovery ..... 4-12

**5 Command and Control .....5-1**

5.1 General ..... 5-1

5.2 On-Scene Incident Management ..... 5-1

5.3 Emergency Operations Center Support to On-Scene Operations ..... 5-1

5.4 Emergency Operations Center ..... 5-2

5.4.1 Emergency Operations Center Activation ..... 5-2

5.4.2 Emergency Operations Center Location ..... 5-3

5.4.3 Emergency Operations Center Staffing ..... 5-5

5.4.4 Access and Security ..... 5-6

5.4.5 Incident Management Software ..... 5-6

5.4.6 Deactivation ..... 5-6

5.4.7 Department and Agency Operations Centers ..... 5-7

5.5 Incident Command System (ICS) ..... 5-7

5.5.1 Emergency Operations Center Coordinator ..... 5-8

5.5.2 Emergency Operations Center Command Staff ..... 5-9

5.5.3 Emergency Operations Center General Staff ..... 5-10

5.5.4 Unified Command ..... 5-12

5.5.5 Area Command ..... 5-13

5.5.6 Multi-Agency Coordination ..... 5-13

**6 Plan Development, Maintenance and Implementation .....6-1**

6.1 Plan Review and Maintenance ..... 6-1

6.2 Training Program ..... 6-2

6.3 Exercise Program ..... 6-3

6.4 Event Critique and After Action Reporting ..... 6-3

6.5 Community Outreach and Preparedness Education ..... 6-4

6.6 Funding and Sustainment ..... 6-5

**A Authorities and References ..... A-1**

**B Disaster Declaration Forms ..... B-1**

**C Incident Action Planning Cycle ..... C-1**

**D Agreements and Memorandums of Understanding ..... D-1**

**E Maps ..... E-1**

**F Acronyms and Glossary ..... F-1**

List of Tables and Figures

**Emergency Support Function Annexes**

- ESF 1 – Transportation
- ESF 2 – Communications
- ESF 3 – Public Works
- ESF 4 – Firefighting
- ESF 5 – Information and Planning
- ESF 6 – Mass Care
- ESF 7 – Resource Support
- ESF 8 – Health and Medical
- ESF 9 – Search and Rescue
- ESF 10 – Hazardous Materials
- ESF 11 – Food and Water
- ESF 12 – Energy
- ESF 13 – Military Support
- ESF 14 – Public Information
- ESF 15 – Volunteer and Donations Management
- ESF 16 – Law Enforcement
- ESF 17 – Agriculture and Animal Protection
- ESF 18 – Business and Industry

**Support Annexes**

- SA 1 – Community Recovery

**Incident Annexes**

- IA 1 – Severe Weather
- IA 2 – Flood/Dam Failure
- IA 3 – Drought
- IA 4 – Wildland Urban Interface Fire
- IA 5 – Hazardous Materials
- IA 6 – Earthquake
- IA 7 – Volcano
- IA 8 – Terrorism
- IA 9 – Public Health Incident
- IA 10 – Animal/Agriculture Related Incident
- IA 11 – Transportation Accidents
- IA 12 – Utility Failure

# 1

## Introduction

*Section 1 establishes the framework within which this Emergency Operations Plan (EOP) exists and how it fits into existing plans. Additionally, the section outlines federal, state, county, and City emergency management authorities pertaining to the County emergency management program.*

### 1.1 General

The goal of the Deschutes County Emergency Management Program is to ensure that Deschutes County (County) is prepared for a disaster by ensuring coordination of protection, prevention, mitigation, response, and recovery activities that increase the County’s capabilities to minimize loss of life and reduce impacts from disasters.

Emergencies are handled effectively in the County every day. These “routine” emergencies are managed by emergency responders as part of their day-to-day responsibilities and are the most common emergency management activities that the County encounters. For the most part, this type of emergency is handled by individual responders or a team of responders who work together regularly to save lives, contain threats, and minimize damage. While the principles described in this Emergency Operations Plan (EOP) can also be applied to these daily responses, the plan is primarily designed to offer guidance for larger or more complex incidents related to a broad spectrum of hazards that exceed the response capability and/or resources of front line responders.

No plan can anticipate all the situations and conditions that may arise during emergencies, and on-scene Incident Commanders must have the discretion to act as they see fit based on the specific circumstances of the incident at hand. It is imperative, however, that all jurisdictions and response agencies have a plan that provides general guidance and a common framework for preparing for, responding to, and recovering from emergencies and disasters. This plan promulgates such a framework within the County that will bring a combination of technical capabilities and resources, plus the judgment and expertise of its emergency response personnel, department heads, directors, elected officials, and other key stakeholders to bear on any incident. This EOP provides the foundation and

**Emergency Management Program Mission**

Deschutes County’s mission in a disaster is to protect and maintain safety and to ensure the implementation of the following response actions:

- Determine the need for and implement search and rescue, evacuation, and protective actions.
- Support disaster medical operations, including casualty management.
- Support requests for response resources.
- Coordinate terrorism response with local, State, and Federal agencies.
- Strive to maintain the availability of critical services in the absence of normal infrastructure.

1. Introduction

guidance for use of National Incident Management System (NIMS) principles necessary to effectively manage incidents within or affecting the County.

No guarantee of a perfect response system is expressed or implied by this plan, its implementing instructions, or procedures. While the County will respond to emergencies to the utmost of its ability, it is possible that some natural or technological disasters may overwhelm its resources. While recognizing this possibility, this plan is designed to help the County fulfill its response function to its maximum capacity.

1.1.1 Whole Community Planning

The "Whole Community" planning approach is based on the recognition that it takes all aspects of a community to effectively prepare for, protect against, respond to, recover from, and mitigate against disasters. This includes all emergency management partners, both traditional and nontraditional, such as volunteer-, faith-, and community-based organizations; the private sector; and the public, including survivors of an incident.

Numerous factors contribute to the resilience of communities and effective emergency management outcomes. However, three principles that represent the foundation for establishing a Whole Community approach to emergency management emerged during the national dialogue.

Whole Community Principles:

- **Understand and meet the actual needs of the whole community.** Community engagement can lead to a deeper understanding of the unique and diverse needs of a population, including its demographics, values, norms, community structures, networks, and relationships. The more we know about our communities, the better we can understand their real-life safety and sustaining needs and their motivations to participate in emergency management-related activities prior to an event.
- **Engage and empower all parts of the community.** Engaging the whole community and empowering local action will better position stakeholders to plan for and meet the actual needs of a community and strengthen the local capacity to deal with the consequences of all threats and hazards. This requires all members of the community to be part of the emergency management team, which should include diverse community members, social and community service groups and institutions, faith-based and disability groups, academia, professional associations, and the private and nonprofit sectors, while including government agencies who may not traditionally have been directly involved in emergency management. When the community is engaged in an authentic dialogue, it becomes empowered to identify its needs and the existing resources that may be used to address them.
- **Strengthen what works well in communities on a daily basis.** A Whole Community approach to building community resilience requires finding ways to

1. Introduction

support and strengthen the institutions, assets, and networks that already work well in communities and are working to address issues that are important to community members on a daily basis. Existing structures and relationships that are present in the daily lives of individuals, families, businesses, and organizations before an incident occurs can be leveraged and empowered to act effectively during and after a disaster strikes.

In addition to the three Whole Community principles, six strategic themes were identified through research, discussions, and examples provided by emergency management practitioners. These themes speak to the ways the Whole Community approach can be effectively employed in emergency management and, as such, represent pathways for action to implement the principles.

Whole Community Strategic Themes:

- Understand community complexity.
- Recognize community capabilities and needs.
- Foster relationships with community leaders.
- Build and maintain partnerships.
- Empower local action.
- Leverage and strengthen social infrastructure, networks, and assets.

Every person who lives or works in the County (including vulnerable populations) shares responsibility for minimizing the impact of disasters on the community. These individual responsibilities include hazard awareness, knowledge of appropriate protective actions, taking proactive steps to mitigate the impact of anticipated hazards, and preparations for personal and family safety, as well as the self-sufficiency of neighborhoods. To the greatest extent possible, the County will assist its citizens in carrying out this responsibility by providing preparedness information, as well as emergency public information and critical public services during a disaster. However, a major emergency is likely to damage the County's critical infrastructure and reduce the workforce available to continue essential government services. Knowledgeable community members who are prepared to take care of themselves and their families and to assist neighbors in the early phases of an emergency can make a significant contribution towards survival and community resiliency.

1.2 Purpose and Scope

1.2.1 Purpose

The primary purpose of the EOP is to outline the County's all-hazard approach to emergency operations in order to protect the safety, health, and welfare of its community members throughout all emergency management mission areas. Through this EOP the County designates NIMS and the Incident Command

1. Introduction

System (ICS) as the frameworks within which all emergency management activities will be conducted.

The objectives of the Plan include:

- Provide overarching operational structure to support the primary responsibilities of Deschutes County response agencies (the County) during all phases of an emergency.
- Integrate multi-agency, regional, and, if applicable, tribal coordination into emergency operations through implementation of the Incident Command System (ICS)/National Incident Management System (NIMS).
- Establish clear lines of authority and succession during any type of emergency.
- Define roles and responsibilities spanning various departments, offices, agencies, divisions, and management levels in support of critical functions.
- Outline clear guidelines and procedures for ensuring consistent and timely release of emergency public information.
- Provide procedures and criteria for requesting and allocating essential resources to support overall emergency operations.
- Provide a base for emergency operations plans developed by each incorporated municipality within Deschutes County.

1.2.2 Scope

The EOP is implemented whenever the County must respond to an emergency incident or planned event whose size or complexity is beyond that normally handled by routine operations. Such occurrences may include natural, technological, or human-caused disasters and may impact unincorporated areas of the County, incorporated municipalities, or a combination thereof. This plan is intended to guide the County's emergency operations while complementing and supporting the emergency response plans and procedures of responding agencies, other local governments, special districts, and other public, nonprofit/volunteer, and private-sector entities.

A community's emergency management infrastructure is a complex network of relationships. The EOP establishes roles, responsibilities, and relationships among agencies and organizations involved in emergency operations, thereby facilitating multi-agency and multi-jurisdiction coordination. Using this framework, County departments, offices and agencies that operate under this plan are expected to develop and keep current lines of succession and standard operating procedures (SOPs) that describe how emergency tasks will be performed. County departments and offices should conduct training and maintain equipment necessary for response operations.



**1. Introduction**

The primary users of this plan are elected officials, department heads and their senior staff members, Sheriff's Offices Emergency Management staff, coordinating response agencies, and other stakeholders that support emergency operations. The public is also welcome to review non-sensitive parts of this plan to better understand how the County manages emergency operations.

Individual communities and incorporated cities may maintain similar plans or procedures for implementation in response to localized incidents or initial activities prior to escalation to the County. If the County EOP is activated during an incident or countywide emergency declaration, cities and communities will adopt command and control structure and procedures consistent with County response operations.

**1.3 Plan Implementation**

Once promulgated by the County's Board of County Commissioners, this EOP is in effect and may be implemented in whole or in part to respond to:

- Incidents in or affecting the County.
- Health emergencies in or affecting the County.
- Non-routine life-safety issues in or affecting the County.

An emergency declaration is not required in order to implement the EOP or activate the Emergency Operations Center (EOC). The Sheriff's Office or Sheriff may implement the EOP as deemed appropriate for the situation or at the request of an on-scene Incident Commander.

**1.4 Plan Organization**

The following figure describes how the EOP is organized to support the County in delivering a coordinated response.

1. Introduction

EOP Base Plan

The purpose of the Base Plan is to provide a framework for emergency operations and information regarding the County’s emergency management structure. It serves as the primary document outlining roles and responsibilities of County departments, offices and partners during an incident.

Emergency Support Function Annexes	Support Annexes	Incident Annexes
<p>The ESFs focus on critical tasks, capabilities, and resources provided by emergency response agencies for the County throughout all phases of an emergency.</p> <ul style="list-style-type: none"> <li>• ESF 1 – Transportation</li> <li>• ESF 2 – Communications</li> <li>• ESF 3 – Public Works</li> <li>• ESF 4 – Firefighting</li> <li>• ESF 5 – Information &amp; Planning</li> <li>• ESF 6 – Mass Care</li> <li>• ESF 7 – Resource Support</li> <li>• ESF 8 – Health &amp; Medical</li> <li>• ESF 9 – Search &amp; Rescue</li> <li>• ESF 10 – Hazardous Materials Response</li> <li>• ESF 11 – Food &amp; Water</li> <li>• ESF 12 – Energy</li> <li>• ESF 13 – Military Support</li> <li>• ESF 14 – Public Information</li> <li>• ESF 15 – Volunteer &amp; Donations Management</li> <li>• ESF 16 – Law Enforcement</li> <li>• ESF 17 – Agriculture and Animal Protection</li> <li>• ESF 18 – Business and Industry</li> </ul>	<p>SAs describe functions that do not fit within the scope of the 18 ESF annexes described above or require additional detail.</p> <ul style="list-style-type: none"> <li>• SA 1 – Community Recovery</li> </ul>	<p>While this EOP has been developed as an all-hazards planning document, some hazards may require unique considerations. To that end, the IAs supplement the Base Plan to identify critical tasks particular to specific natural, technological, and human-caused hazards.</p> <ul style="list-style-type: none"> <li>• Severe Weather</li> <li>• Flood including Dam Failure</li> <li>• Drought</li> <li>• WUI Fire</li> <li>• Hazardous Materials</li> <li>• Earthquake</li> <li>• Volcano</li> <li>• Terrorism</li> <li>• Public Health Incident</li> <li>• Animal/Agriculture-Related Incident</li> <li>• Transportation Accident</li> <li>• Utility Failure</li> </ul>

1. Introduction

1.5 Relationship to Other Plans

1.5.1 Federal Plans

The following federal plans guide emergency preparedness, response and recovery at the federal level and provide support and guidance for state and local operations:

- **Presidential Policy Directive 8.** Describes the Nation’s approach to preparing for the threats and hazards that pose the greatest risk to the security of the United States.
- **National Preparedness Goal.** Describes the Nation’s security and resilience posture through identifying key mission areas and core capabilities that are necessary to deal with great risks, using an integrated, layered, and all-of-Nation approach as its foundation.
- **National Preparedness System.** Provides guidance, programs, processes, and systems that support each component of the National Preparedness System to enable a collaborative, whole community approach to national preparedness that engages individuals, families, communities, private and nonprofit sectors, faith-based organizations, and all levels of government.
- **National Incident Management System.** Provides a consistent nationwide framework and comprehensive approach to enable government at all levels, the private sector, and nongovernmental organizations to work together to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents regardless of their cause, size, location, or complexity.
- **National Frameworks.** The National Planning Frameworks, one for each preparedness mission area (Prevention, Protection, Mitigation, Response, Disaster Recovery), describe how the whole community works together to achieve the National Preparedness Goal.

1.5.2 State Plans

The following State plans guide emergency preparedness, response and recovery at the State level and provide support and guidance for local operations:

- **State Emergency Management Plan.** The State Emergency Management Plan consists of four volumes that describe the State’s capabilities across the phases of emergency management. This plan is maintained and administered by the Oregon Department of Emergency Management.

1. Introduction

- **Cascadia Subduction Zone Catastrophic Operations Plan.** Describes the roles and responsibilities of state agencies in addressing emergency response and recovery missions in a coordinated manner with local, tribal, and federal agencies after a catastrophic earthquake and tsunami.
  - **Cascadia Playbook.** A cross-cutting emergency management tool for the State that supports various existing plans and efforts for the first 14 days of a catastrophic incident.

- **State Debris Management Plan.** Provides a framework for State agencies and municipalities to facilitate and coordinate the evaluation, removal, collection, and disposal of debris following a disaster. It is an annex to the State EOP and was developed by Oregon Department of Emergency Management, Oregon Department of Transportation, and Oregon Department of Environment Quality in April 2011.

- **Mount Hood Coordination Plan.** Outlines how various agencies will coordinate their actions to minimize the loss of life and damage to property before, during, and after hazardous geologic events at the Mount Hood volcano.

- **State Emergency Alert System Plan.** This plan, mandated by the Federal Communications Commission, outlines the organization and implementation of the State of Oregon Emergency Alert System (EAS). It is the guideline for State broadcasters and cable television operators, and State and local entities authorized to use the EAS, to determine the distribution of the President's message, mandated and optional monitoring assignments, and participation by the National Weather Service and local and State emergency agencies.

- **Oregon Resilience Plan.** The plan summarizes the science of Cascadia subduction zone earthquakes and estimates their impacts; it

**Volumes of the State Emergency Management Plan**

- **Volume I: Oregon Natural Hazards Mitigation Plan.** Identifies and prioritizes potential actions throughout Oregon that would reduce the State's vulnerability to natural hazards.
- **Volume II: State of Oregon Preparedness Plan (in development).** Includes the plans and guidance necessary for the State to prepare for the effects of a disaster including guidance and requirements for the State's training and exercise program.
- **Volume III: State of Oregon Emergency Operations Plan.** Establishes the procedures by which the State coordinates response to an emergency including processes for resource requests from local and tribal partners, established roles and responsibilities for State agencies, and procedures for activation and operation of the State Emergency Coordination Center (ECC).
- **Volume IV: State of Oregon Recovery Plan.** Establishes a State Recovery Organization and describes how the State will coordinate short, intermediate, and long-term recovery activities.

1. Introduction

then provides detailed analysis of the current vulnerability of our buildings and business community, and our transportation, energy, communication, and water/wastewater systems.

- **Oregon Disaster Recovery Plan.** The plan summarizes the State Recovery Functions and how the Recovery Organization will coordinate recovery activities.

1.5.3 County Plans

The County EOP is part of a suite of plans that address various elements of the County’s emergency management program. While the EOP is focused on short-term recovery, other plans address the County’s approach to mitigation, continuity, and other aspects of emergency management. These plans work in concert with the County EOP, and are outlined below:

- **Hazard Mitigation Plan.** The County prepared a Deschutes County Multi-Jurisdictional Natural Hazards Mitigation Plan (NHMP) in Fall 2020. The NHMP was created through collaborative efforts between stakeholders including cities, nonprofits, private sector, regional entities, and community members. The mitigation plan creates a framework for risk-based decision making to reduce deaths and injuries, property damage, and the economic impact from future disasters. Mitigation plans form the foundation for a community’s long-term strategy to reduce disaster losses and break the cycle of disaster damage, reconstruction, and repeated damage. Hazard mitigation is sustained action taken to reduce or eliminate long-term risk to people and their property from hazards.
- **Guide to Disaster Fuel Operations.** This document outlines the various fuel points of distribution throughout Deschutes County as well as the prioritization structure that could be implemented to disseminate fuel to critical partners throughout the county during a disaster.
- **Deschutes County Long Term Recovery Plan.** This document identifies strategies for whole community recovery in the months and years following a disaster.
- **Public Health Emergency Preparedness Program.** Deschutes County Health Services is responsible for developing plans to address how public health personnel plan for, respond to, and recover from all hazards that may impact public health, including communicable disease, pandemic scenarios, chemical incidents, radiological incidents, and bioterrorism. The Deschutes County Health Services department maintains the Public Health All-Hazard Emergency Operations Plan.

1. Introduction

- **Community Wildfire Protection Plans (CWPP).** There are seven CWPPs covering different areas of Deschutes County. These plans were developed using a collaborative process between the County and agencies reducing wildfire risk.
- **Continuity of Operations (COOP) Plan.** Deschutes County maintains a COOP program including plans for individual County departments and offices. These plans may be used in conjunction with the EOP during emergencies.

1.5.4 City Plans

The County EOP provides a basis of information for emergency operations plans developed by each incorporated municipality within County. The following incorporated municipalities are located in the County:

- City of Bend
- City of La Pine
- City of Redmond
- City of Sisters

Deschutes County also includes the special districts of Sunriver and Black Butte Ranch. All city and special district EOPs are to be consistent with the County EOP and each should complement the other resulting in streamlined emergency planning and response efforts within the County.

1.5.5 Support Agency Plans

The County is supported by a number of partner agencies (e.g., school districts, hospitals, utilities) that are responsible for their own emergency planning efforts. To the greatest extent possible, the County encourages support agencies to design their plans to complement the County EOP, and the County will seek to engage support agencies in the EOP update process to ensure appropriate linkages.

1.5.6 Regional Emergency Plans

The County is a partner in a number of regional planning efforts, including:

- **Central Oregon Mutual Aid Response Plan.** Provides operational standards for implementation of the Central Oregon Mutual Aid Agreement and the Central Oregon Cooperative Wildland Fire Agreement.
- **Central Oregon Interagency Operations Plan for Multi-Agency Coordination.** The principal mission of the Central Oregon Multi-Agency Coordination (MAC) Group is the cost effective and timely

1. Introduction

coordination of local emergency response for wildfire suppression and other incidents.

- **Central Cascades Volcano Coordination Plan.** Developed by the Central Cascades Facilitating Committee, this plan is intended to coordinate efforts among governmental agencies in the event of volcanic unrest in the Central Cascades of Oregon.

1.6 Authorities

1.6.1 Legal Authorities

In the context of this EOP, a disaster or major emergency is characterized as an incident requiring the coordinated response of all government levels to save the lives and protect the property of a large portion of the population. This plan is issued in accordance with, and under the provisions of, ORS, Chapter 401, which establishes the authority for the County to establish an emergency management organization and appoint an Emergency Manager who will be responsible for the organization, administration and operation of the organization. It is compatible with the Deschutes County Emergency Management Program and adopts the County's Emergency Operations Plan, as authorized in ORS 401.305.

The emergency management functions include, at a minimum:

- Coordination of the planning activities necessary to prepare and maintain a current emergency operations plan, management and maintenance of emergency operating facilities from which elected and appointed officials can direct emergency and disaster response activities;
- Establishment of an incident command structure for management of a coordinated response by all local emergency service agencies
- Coordination with the Oregon Department of Emergency Management to integrate effective practices in emergency preparedness and response as provided in the National Incident Management System established by the Homeland Security Presidential Directive 5 of February 28, 2003. [1983 c.586 §12; 1993 c.187 §9; 2005 c.825 §11; 2013 c.189 §2]

The Emergency Management Program, under the Sheriff's Office, has been identified as the lead agency in the EMO. In Deschutes County, the main responsibilities of emergency management fall with the Deschutes County Sheriff. Emergency Management Program duties are delegated by the Sheriff to the appointed Emergency Manager, designated hereafter as the Sheriff's Office Emergency Manager. The Sheriff has authority and responsibility for the organization, administration, and operations of Emergency Management. The Sheriff may delegate any of these activities to designees, as appropriate.

1. Introduction

The County EMO is consistent with NIMS and procedures supporting NIMS implementation and training for the County will be developed and formalized by the Sheriff.

*Appendix A sets forth the federal, State, and local legal authorities upon which the organizational and operational concepts of this EOP are based.*

1.6.2 Mutual Aid and Intergovernmental Agreements

State law (ORS 402.010 and 402.015) authorizes local governments to enter into Cooperative Assistance Agreements with public and private agencies in accordance with their needs (e.g., the Omnibus Mutual Aid Agreement). Personnel, supplies, and services may be used by a requesting agency if the granting agency cooperates and extends such services. However, without a mutual aid pact, both parties must be aware that State statutes do not provide umbrella protection, except in the case of fire suppression pursuant to ORS 476 (the Oregon State Emergency Conflagration Act). Liability and indemnification will be consistent with current state and federal law as well as any agreements entered into by the county. Deschutes County is not obligated to provide resources to the requesting jurisdiction. Deschutes County is also a signatory to:

- Central Oregon Cooperative Policing Agreement
- Central Oregon Cooperative Wildland Fire Agreement
- Deschutes County Victim and Social Services Emergency Response

Copies of these documents can be accessed through the Emergency Manager. During an emergency situation, a local declaration may be necessary to activate these agreements and allocate appropriate resources.

1.7 Emergency Powers

1.7.1 General

The Board of County Commissioners is responsible for declaring a state of emergency for Deschutes County as authorized by ORS 401.309. Based on local ordinances and State statutes, a local declaration by the Board of County Commissioners allows for flexibility in managing resources under emergency conditions, such as:

- Diverting funds and resources to emergency operations to meet immediate needs.
- Authorizing implementation of local emergency plans and implementing extraordinary protective measures.
- Receiving resources from organizations and individuals initiated through mutual aid and cooperative assistance agreement channels.



1. Introduction

- Providing specific legal protection for actions initiated under emergency conditions.
- Setting the stage for requesting State and/or Federal assistance to augment local resources and capabilities.
- Raising public awareness and encouraging the community to become involved in protecting its resources.

County Legal Counsel should review and advise County Officials on possible liabilities arising from disaster operations, including the exercising of any or all of the above powers.

1.7.2 Disaster Declaration Process

The County may declare an emergency for any of several reasons, such as authorizing additional budget authority, implementing emergency measures, or accessing State, or Federal disaster assistance. To declare a state of emergency, the Sheriff will either request a regular or special meeting of the Board of County Commissioners to request a declaration of emergency or immediately declare an emergency in writing.

A declaration by the Board of County Commissioners will be effective for no longer than one month, but it may be extended in limited increments, should an emergency continue to exist.

A declaration shall:

- Describe the nature of the emergency.
- Designate the geographic boundaries of the area where the emergency exists, as well as the portion of the affected area lying within County boundaries.
- Estimate the number of individuals at risk, injured, or killed.
- Describe the actual or likely damage caused by the emergency.
- State the type of assistance or resources required to respond to the emergency.
- Estimate the length of time during which the designated area will remain in an emergency status.
- State the specific regulations or emergency measures imposed as a result of the declaration of emergency.

The declaration of emergency will be written based upon the best information available at the time. It may be amended, based upon additional information or changes in the situation. County Legal Counsel may be consulted to review the declaration for legality or sufficiency of emergency measures and emergency powers invoked within the document. If State or Federal assistance is needed, the

1. Introduction

declaration must also state that all appropriate and available local resources have been expended, are nearing depletion, or are projected to be inadequate and that mutual aid agreements have been initiated, as well as contain a specific request for the type(s) of assistance required.

EOC Command and General Staff have the following responsibilities in the declaration process:

- **EOC Coordinator:** With guidance from Policy Group, present the declaration to the Commissioners.
- **Operations:** Identify necessary resources and outline any special powers needed to respond to the emergency. Assist in the Initial Damage Assessment (IDA).
- **Planning:** Provide situation and resource summaries; conduct a windshield survey, IDA, and Preliminary Damage Assessment (PDA).
- **Logistics:** Compile resource requests.
- **Finance:** Track incident costs, assist in the PDA, and coordinate damage survey activities.

See Appendix B for sample Declaration of Emergency forms.

1.7.3 State Assistance

In order to justify receipt of assistance from the State, the County must prepare an Initial Damage Assessment (IDA). The IDA and Declaration of a Local State of Emergency are attached to the County Request for State Assistance letter and form sent to the Governor to declare a State Emergency. This provides the basis of a Federal Disaster Declaration and Federal disaster funding.

The ODEM Operations Officer coordinates with the agencies represented in the State ECC to determine the best way to support local government requests. Local government requests will be made by the Sheriff or designee. The ODEM Operations Officer evaluates resource requests based on the goals and priorities established by the ODEM Director. Agency representatives keep the Operations Officer informed of resources assigned, resources available for commitment, and the status of assigned missions.

State resources are provided to Sheriff's Office Emergency Management or to the on-scene Incident Commander as agreed by the entities concerned. The OEM Director makes final decisions in cases of conflicting interest such as competing resource requests or priority questions. The County may be charged for services provided in the absence of a justification for State or Federal reimbursement.

1.7.4 Federal Assistance

If Deschutes County has conducted an IDA and a request for Federal assistance is anticipated, the OEM Director may request the FEMA regional office to conduct a

1. Introduction

joint Preliminary Damage Assessment. This involves a team of local, State, and Federal personnel jointly reviewing the local IDA to verify and expand upon findings to further justify a request for Federal assistance. Such an assessment will assist the Governor in determining whether Federal assistance is necessary, and it will serve to support a request for a Presidential emergency or major disaster declaration.

The request and supporting information from local officials must be submitted to the Governor through the Director of Oregon Emergency Management (OEM) as prescribed under ORS 401. If it is determined that local and state resources are insufficient to meet the needs of the area impacted, the Governor may submit a request to the President through the FEMA Regional Director. Stafford Act disaster assistance generally follows a cost share of 75% federal and 25% non-federal.

Requests for State/Federal assistance need to include:

- Language stating that local and county, mutual aid resources are depleted or nearly so.
- Specific assistance requirements to be requested (e.g., type and quantity of equipment needed, purpose for which it is needed, and location of the area in need. Multiple requests on the same declaration may be necessary. Be as detailed as possible, and explain the requested mission, not “who” could provide the requested resources.
- Time element: expected duration of event or expected time required to gain control

1.8 Continuity of Government and Operations

The County Administrator, with policy guidance from the Policy Group, is the chief executive local authority for the unincorporated area of the county and is principally responsible (unless otherwise prohibited) for assuming centralized control over all county departments, divisions, and agencies once the Board declares a state of emergency. Independently elected officials (e.g., Assessor, District Attorney, County Clerk, and Sheriff) maintain control of resources under their authority and will coordinate with the Sheriff’s Office. If circumstances prohibit the timely action of the Board of County Commissioners, the Chair of the Board of County Commissioners may declare such a state of emergency, provided the Chair seeks and obtains approval from a majority of the Board at the first available opportunity.

A state of emergency exists whenever the unincorporated area of the county or any part thereof is suffering or is in imminent danger of suffering an event that may cause injury or death to persons, or damage to or destruction of property to the extent that extraordinary measures must be taken to protect the public

1. Introduction

health, safety, and welfare. Such an event shall include, but not be limited to the following:

- A civil disturbance or riot;
- A disaster such as flood, windstorm, snow or ice storm, earthquake, volcanic eruption or related activity, fire, explosion or epidemic;
- The declaration of a war-caused national emergency;
- Any major disruption of community services such as transportation, power supply, water supply, sanitation or communications; and/or
- A health hazard, whether natural or manmade.

The Chair of the Board of County Commissioners is responsible for performing the Board of County Commission’s duties to declare a state of emergency, designate emergency area(s), and/or impose regulations when the Board of County Commissioners is unable or unavailable to perform such duties.

1.8.1 Lines of Succession

Table 1-1 presents the policy and operational lines of succession (as opposed to chain of command) during an emergency for the County.

<b>Table 1-1 County Lines of Succession</b>	
<b>Emergency Coordination</b>	<b>Emergency Policy and Governance</b>
1. Emergency Manager	1. BOCC Chair
2. Special Services Lieutenant	2. Vice Chair
3. Detective Division Captain	3. County Commissioner
4. Sheriff	4. Deschutes County Sheriff
	5. County Administrator

Each County department/office is responsible for pre-identifying staff patterns showing a line of succession in management’s absence. All employees should be trained on the protocols and contingency plans required to maintain leadership within the department/office. The Sheriff or designee will provide guidance and direction to department heads and elected officials to maintain continuity of government and operations during an emergency. Individual department heads and elected officials within the County are responsible for developing and implementing continuity of operations and government plans to ensure continued delivery of essential functions during an emergency.

1.8.2 Preservation of Vital Records

Each County department or office are responsible for providing protection for the accessibility and recovery of vital records, systems, and equipment. Vital records and documents which require safeguarding fall into three general categories:

1. Introduction

- Records that protect the rights and interests of individuals; vital statistics, land and property records, financial and tax records, election records, license registers, articles of incorporation, etc.
- Records required for effective emergency operations; plans, procedures, resource inventories, lists of succession, maps, memorandums of understanding, agreements, and lists of regular and auxiliary personnel.
- Records required to re-establish normal governmental functions and protect the rights and interests of government; Federal and State laws, rules and regulations, official proceedings, financial and court records.

Each department/office should have a maintenance program for the preservation and quality assurance of data and systems. The program should take into account the cost of protecting or reconstructing records weighed against the necessity of the information for achieving the agency mission.

1.8.3 Continuity of Operations Planning

Deschutes County maintains a Continuity of Operations (COOP) program including plans for individual County departments. These plans may be used in conjunction with the EOP during various emergency situations. COOP plans detail the processes for accomplishing administrative and operational functions during emergencies that may disrupt normal business activities. Parts of these plans identify essential functions of county and local government, private sector businesses, and community services and delineate procedures developed to support their continuation. COOP elements may include but are not limited to:

- Ensuring the County’s continuous functions and operations during an emergency.
- Maintaining clear lines of authority and, when necessary, implementing the approved line of succession and proper delegation of authority.
- Protecting critical facilities, equipment, vital records, and other assets.
- Reducing or mitigating disruptions to operations and essential community services.
- Reducing loss of life, minimizing property damage, and protecting the local economy from significant impacts.
- Achieving a timely and orderly recovery from emergencies and resumption of full services to the public.

1. Introduction

1.9 Administration and Logistics

1.9.1 Request, Allocation, and Distribution of Resources

Resource requests and emergency/disaster declarations must be submitted by the Emergency Manager to the Director of ODEM according to provisions outlined under ORS Chapter 401.

The executives of the County's incorporated cities are responsible for the direction and control of their communities' resources during emergencies and for requesting additional resources required for emergency operations. All assistance requests will be made through the EOC. Sheriff's Office Emergency Management processes subsequent assistance requests to the State.

1.9.1.1 Conflagration

In the case of emergencies involving fires threatening life and structures, the Emergency Conflagration Act (ORS 476.510) can be invoked by the Governor through the Office of State Fire Marshal. This act allows the State Fire Marshal to mobilize and fund fire resources throughout the State during emergency situations.

When, in the judgment of the local Fire Chiefs or County Fire Defense Board Chief, an emergency is beyond the control of the local fire suppression resources, including primary mutual aid, the Fire Defense Board Chief may report the conditions of the emergency to the Office of State Fire Marshal and/or request mobilization of support for the fire service agency. After verifying the need for mobilized support, the State Fire Marshal shall, if appropriate, request authorization from the governor to invoke the Emergency Conflagration Act.

The local Fire Chief is responsible for:

- Contacting the Fire Defense Board Chief to request that the Conflagration Act be invoked.
- Participating in an incident conference call.
- Providing local GIS capabilities or maps.

**Requests for conflagration should be made when a significant threat exists. Examples of those are:**

*Life threatening situations (firefighter or public safety)*

- Evacuations currently taking place
- Advisory evacuations
- Evacuation plans in place
- Road, highway, or freeway closure

*Real property threatened*

- Number of structures, commercial, and/or residents
- Number of subdivisions
- Population affected
- Historically significant cultural resources
- Natural resources, such as crops, grazing, timber, watershed
- Critical infrastructure, such as major power lines

*High damage potential*

- Long-term or short-term damage potential
- Plausible impacts on community
- Fuel type; fire size and growth potential
- Political situations
- Severity, extreme behavior, and fuel conditions

1. Introduction

- Working with the Incident Management Team (IMT) to locate a base camp.
- Maintaining communications with the IMT throughout the deployment to assist with emergency management and other local issues.

The Fire Defense Board Chief is responsible for:

- Notifying the State Fire Marshal via OERS.
- Providing the following information to the Oregon State Fire Marshal Duty Officer or Chief Deputy:
  - Incident name
  - Contact information
  - Type and location of incident
  - Situation description
  - Confirmation that local and mutual aid resources are depleted.
  - Incident Commander information
  - Weather information
  - What resources are being requested
- Participating in an incident conference call.

When unprotected lands are threatened, the Sheriff or designee is responsible for:

- Coordinating the signing of county declaration of emergency
- Providing necessary information throughout the incident to support the incident management team with emergency management and other local issues.
- Participating in an incident conference call.

Source: 2013 Fire Service Mobilization Plan

1.9.2 Financial Management

During an emergency, the County is likely to find it necessary to redirect its funds to effectively respond to the incident. The authority to adjust department budgets and funding priorities rests with the Board of County Commissioners. If an incident in the County requires major redirection of County fiscal resources, the Board of County Commissioners will meet in emergency session to decide how to respond to the emergency funding needs, declare a state of emergency, and request assistance through the County as necessary. The following general procedures will be carried out:

1. Introduction

- The Board of County Commissioners will meet in emergency session to decide how to respond to emergency funding needs.
- The Board of County Commissioners will declare a state of emergency and may request assistance through Sheriff’s Office Emergency Management.
- If a quorum of commissioners cannot be reached, and if a prompt decision will protect lives, County resources and facilities, or private property, the County Administrator (or designee) may act on emergency funding requests. The Board of County Commissioners will be advised of such actions as soon as practical.
- To facilitate tracking of financial resources committed to the incident, and to provide the necessary documentation, a discrete charge code for all incident-related personnel time, losses, and purchases will be established by the Finance Section.
- Incident-related costs may occur during response or recovery phases and may include personnel overtime, equipment used/expended, and contracts initiated.

Expenditure reports should be submitted to the Finance Department and managed through the Finance Director to identify budgetary shortfalls. The Human Resources Department will support procurement issues related to personnel, both volunteer and paid. In addition, copies of expense records and all supporting documentation should be submitted for filing FEMA Public Assistance reimbursement requests. During activation of the EOC, financial management will be handled by the Finance Section, which will be staffed by the Finance Department.

1.9.3 Legal Support and Liability Issues

Legal support for the County’s emergency management organization is provided by County Counsel. Responsibilities related to legal services include:

- Advising County Officials regarding the emergency powers of local government and necessary procedures for invocation of measures to:
  - Implement wage, price, and rent controls
  - Establish rationing of critical resources
  - Establish curfews
  - Restrict or deny access
  - Specify routes of egress
  - Limit or restrict use of water or other utilities
  - Remove debris from publicly or privately owned property



1. Introduction

- Reviewing and advising County officials in determining how the County can pursue critical objectives while minimizing potential exposure.
- Preparing and recommending local legislation to implement emergency powers when required.
- Advising County officials and department heads regarding record keeping requirements and other documentation necessary for exercising emergency powers.
- Thoroughly reviewing and maintaining familiarity with current ORS 401 provisions as they apply to County government in disaster events.

Liability issues and potential concerns among government agencies, private entities, and other response partners and across jurisdictions are addressed in existing mutual aid agreements and other formal memoranda established for the County and its surrounding areas.

1.9.4 Reporting and Documentation

Appropriate documentation and reporting during an emergency is critical for the County to receive proper reimbursement for emergency expenditures and to maintain a historical record of the incident. County staff will maintain thorough and accurate documentation throughout the course of an incident or event. Incident documentation should include:

- Incident and damage assessment reports
- Incident Command logs
- Cost recovery forms
- Incident critiques and After Action Reports (AARs)

All documentation related to the County’s emergency management program will be maintained in accordance with Oregon’s public records and meetings law (ORS 192), subject to applicable exemptions such as for “Public Safety Plans,” as appropriate.

1.10 Safety of Employees and Family

All department heads and elected officials (or designees) are responsible for the safety of employees. Employees should attempt to contact their supervisors and managers within the first 24 hours following an incident. Emergency 911 should only be utilized if emergency assistance is needed. Agencies, departments and offices with developed COOP plans will establish alternate facilities and staff locations, as applicable. Notification procedures for employee duty assignments will follow the required procedures established by each agency, department or office.

**1. Introduction**

During biological incidents or public health emergencies such as pandemics, maintaining a resilient workforce is essential to performing the overall response activities required to protect the County and surrounding community from significant impacts to human lives and the economy. Thus, personnel should be provided with tools to protect themselves and their families while they provide health and medical services during a pandemic or other type of public health emergency.

Plans formally addressing the safety and protection of medical personnel and response staff during a biological incident and/or contagious outbreak are part of the County Health Services Emergency Operations Plan. Safety precautions and personal protective equipment decisions will be specific to the type of incident and will require just-in-time training among the first responder community and other support staff to implement appropriate procedures.

If necessary, the Oregon Occupational Safety and Health Administration, in coordination with the Oregon Health Authority, may provide assistance and guidance on worker safety and health issues.

While all County agencies and employees are expected to contribute to the emergency response and recovery efforts of the community, employees' first responsibility is to their own and their families' safety. Each employee is expected to develop their own family emergency plans to facilitate family safety and self-sufficiency, which in turn will enable employees to assume their responsibilities to the County and its community members as rapidly as possible.

Processes that support employees and their families during emergency situations or disasters should be further developed through ongoing COOP planning.

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# 2

## Situation and Planning Assumptions

*Section 2 of this EOP provides the context for the County's emergency management program and lays the foundation for a risk-driven plan. It profiles the County's risk environment, identifies specific planning considerations, and describes the predicate assumptions underlying this plan.*

### 2.1 Situation

Deschutes County may be exposed to hazards that can potentially disrupt the community, cause damage, and create casualties. Natural hazards to which the County may be exposed include droughts, floods, wildfires, and winter storms. The threat of a technological and human-caused chemical, biological, radiological, nuclear, or explosive incident is present as well. Other disaster situations could develop from hazardous material accidents, health-related incidents, conflagrations, major transportation accidents, or acts of terrorism.

#### 2.1.1 Community Profile

##### 2.1.1.1 Geography

Located in Central Oregon, the high desert region of the state, Deschutes County has an area of 3,055 square miles. This area includes varied terrain, ranging from the snowcapped crest and timbered slopes of the Cascade Range on the west to the sagebrush plateau of the High Desert to the east (Deschutes County Transportation System Plan).

Central Oregon summers are marked by their very large diurnal temperature ranges, with typical daily temperatures ranging from 46 to 90 °F (8 to 32 °C). Hard frosts are not unheard of during the summer months. Autumn usually brings warm, dry days and cooler nights. According to National Weather Service Climate Statistics, the mean of the monthly average maximum temperatures in July, the hottest month in Bend, between 1901 and 2019 was 82.9 °F (28.3 °C).

The County's natural features make the environment and population vulnerable to natural disaster situations. The County is subject to occasional minor flooding, earthquakes, wildfires, severe winter storms, windstorms, and potential volcanic activity. It is impossible to predict exactly when these disasters will occur, or the extent to which they will affect the County. With careful planning and collaboration among public agencies, private sector organizations, and community members it is possible to mitigate the losses that can result from natural disasters.

2. Situation and Assumptions

2.1.1.2 Demographics

The majority of people across Deschutes County reside in Bend or within the unincorporated areas of the county. Between 2010 and 2019, Deschutes County experienced a 22.4% increase in population. The Portland State University Population Research Center projects that by 2035 Deschutes County's population will increase to 266,840 people, a 34% increase. Bend is by far the most populated city in the county, followed by Redmond; Sisters and La Pine are significantly smaller communities. The Coordinated Population Forecast projects that La Pine and Sisters will be the fastest growing communities between 2018 and 2043 and Bend will have the largest growth in population, with the unincorporated county growing, but at a slower rate than the cities. The unincorporated county growth rate slows notably in the distant future (2043-2068).

2.1.1.3 Economy

Deschutes County has had a history of relying on industries such as timber, cattle and agriculture. More recently, it has relied more on tourism as the county's weather and physical features such as rainfall and elevation, have become a draw for hunting, fishing, downhill and cross-country skiing, off-roading, and hiking. Additionally, the County has rural industry, manufacturing, and research (Deschutes County Transportation System Plan). As of 2019, the median household income in the county was \$47,595.

2.1.1.4 Education

Based on 2011-2015 Census date, 93% of people over the age of 25 in the County have education level of high school graduate or higher and 33% over the age of 25 have a bachelor's degree or higher.

School districts within Deschutes County include Bend-La Pine, Redmond, and Sisters School Districts.

The Bend-La Pine School District includes 17 elementary schools (including 3 magnet schools), 2 K-8 schools (including 1 magnet school), 6 conventional middle schools, 1 choice middle school, 4 conventional high schools and 3 choice high schools.

There are several private schools within the area as well. Central Oregon Community College (COCC) and the OSU-Cascades Campus of Oregon State University serve the community with both two- and four-year programs.

Redmond School District has over 7,000 students from a 550 square mile area which includes Redmond and the neighboring communities of Alfalfa, Crooked River Ranch, Eagle Crest, Terrebonne and Tumalo. The Redmond district currently operates eight K-5 elementary schools, two middle schools, one charter school, one educational center and two comprehensive high schools.

**2. Situation and Assumptions**

Sisters School District is comprised of three schools; an elementary, a middle, and a high school. The school district also offers online classes and special programs such as Talented & Gifted Program, the Heart of Oregon, Youth Transition Program and other special education options.

**2.1.1.5 Transportation**

The main highways to Deschutes County are US 97, running north to south on the east side of the Cascades, US 20/OR 22 from the mid-Willamette Valley, OR 126 from the Upper Willamette Valley, and US 20 and OR 31 from eastern Oregon. Most of the vehicle movements in Deschutes County occurs on the state highway system, particularly on US 97 between Redmond and Bend, US 20 between Sisters and Bend, and US 97 between Bend and Sunriver. US 97 runs north about 113 miles to Interstate 84 and the Columbia Gorge and south approximately 152 miles to California (Deschutes County Transportation System Plan).

The County has developed the Deschutes County Transportation System Plan. The plan analyzes the current land use, traffic patterns and operations of all transportation modes in the County and develops projections of the future land use, traffic patterns and mode operations to the year 2030.

**2.1.1.6 Community Events**

This plan is also a tool to use for planned events that might tax the community's ability to respond or recover. Large community events can result in congregations of people or an influx of visitors that can create traffic problems, result in a surge in people trying to access medical services, or result in incidents of civil unrest. Pre-planning for community events is critical to mitigating their potential impacts on the County's ability to conduct emergency response operations. Additionally, planned events are ideal opportunities to practice the concepts that are presented in this plan including activation of the EOC, implementation of the Incident Command System, and coordination of public information.

2. Situation and Assumptions

Figure 2-1 Map of Deschutes County



2.1.2 Hazard Analysis

The County may be subject to a variety of natural, technological, and human-caused hazards and threats, as described below:

- **Natural Hazards:** Result from acts of nature.
- **Technological Hazards:** Result from accidents or failures of systems and structures.
- **Human-Caused/Adversarial Threats:** Result from intentional actions of an adversary.

The Hazard Analysis identifies the relative risk posed to the County by each of the hazards and threats described above, in order to ensure that high priority hazards are addressed in the County's hazard mitigation planning, emergency response, and recovery procedures. Each natural and technological/human-caused hazard is scored using a formula that incorporates four independently weighted rating criteria (history, vulnerability, maximum threat, and probability) and three levels of severity (low, moderate, and high). For each hazard, the score for a given rating criterion is determined by multiplying the criterion's severity rating by its weight factor. The four rating criteria scores for the hazard are then summed to provide a total risk score for that hazard. Note that while many hazards may occur together or as a consequence of others (e.g., dam failures

**2. Situation and Assumptions**

cause flooding, and earthquakes may cause landslides), this analysis considers each hazard as a singular event.

Hazard	History	Vulnerability	Maximum Threat	Probability	Total Threat Score	Hazard Rank
Winter Storm	20	50	90	70	230	# 1
Wildfire	20	50	80	70	220	# 2
Windstorm	20	40	80	70	210	#3
Drought	20	15	70	70	175	#4
Volcano	2	50	100	21	173	#5
Earthquake (Cascadia)	2	40	100	7	149	#6
Flood	8	10	40	56	114	#7
Earthquake (Crustal)	2	20	80	7	109	# 8
Landslide	20	5	20	42	87	# 9

**2.1.3 Capability Assessment**

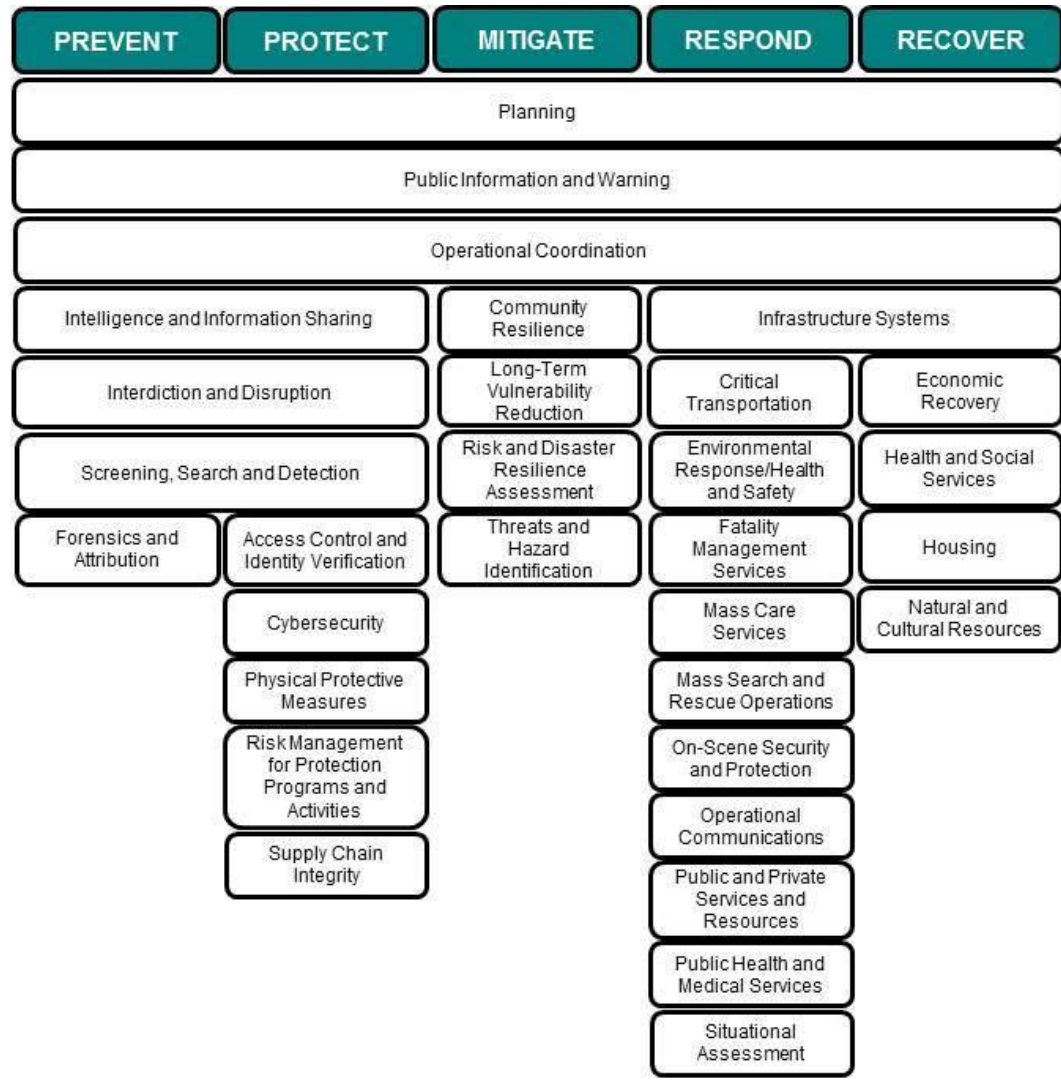
The availability of the County’s physical and staff resources may limit its capability to conduct short- and long-term response actions on an independent basis. County response capabilities are also limited during periods when essential staff are on vacation, sick, or under furlough due to budgetary constraints.

A community capability assessment is a low impact systematic approach to evaluate the County’s emergency plan and capability to respond to hazards. Deschutes County assesses the capability of its emergency management program against the Federal Emergency Management Agency’s core capabilities. This information is gathered and maintained in a web-based capability assessment tool administered by the Oregon Department of Emergency Management. Feedback provided by the County contributes to preparation of the annual State Preparedness Report.



2. Situation and Assumptions

Figure 2-2 Core Capabilities List



2.1.5 Protection of Critical Infrastructure and Key Resources

Critical Infrastructure and Key Resources (CIKR) support the delivery of critical and essential services that help ensure the security, health, and economic vitality of the County. CIKR includes the assets, systems, networks, and functions that provide vital services to cities, states, regions, and, sometimes, the nation. Disruption of these resources could significantly impact vital services, produce cascading effects, and result in large-scale human suffering, property destruction, economic loss, and damage to public confidence and morale.

Key facilities that should be considered in infrastructure protection planning include:

- Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, and/or water-reactive materials.

2. Situation and Assumptions

- Government facilities, such as departments, agencies, and offices.
- Hospitals, nursing homes, and housing likely to contain occupants who may not be sufficiently mobile to avoid death or injury during a hazard event.
- Police and Sheriff stations, fire stations, vehicle and equipment storage facilities, and EOCs that are needed for disaster response before, during, and after hazard events.
- Public and private utilities and infrastructure that are vital to maintaining or restoring normal services to areas damaged by hazard events
- Communications and cyber systems, assets and networks such as secure County servers and fiber optic communications lines.

2.2 Assumptions

This EOP is based on the following assumptions and limitations:

- Essential County services, as defined by the County’s Continuity of Government Plan and department/agency Continuity of Operations plans, will be maintained as long as conditions permit.
- An emergency will require prompt and effective response and recovery operations by emergency services, disaster relief, volunteer organizations, and the private sector.
- All emergency response staff are trained and experienced in operating under the NIMS/ICS protocol.
- Each responding County agency will utilize existing directives and procedures in responding to major emergencies and disasters.
- Environmental, technological, and civil emergencies may be of a magnitude and severity that require State and/or Federal assistance.
- Considering shortages of time, space, equipment, supplies, and personnel during a catastrophic disaster, self-sufficiency will be necessary for the first hours or days following the event.
- Local emergency planning efforts focus on accommodating residents while preparing for changes in population trends throughout the year. However, significant increases to the local population may introduce challenges in meeting the needs of non-residents and other travelers during an emergency or disaster.
- All or part of the County may be affected by environmental and technological emergencies.

**2. Situation and Assumptions**

- The United States Department of Homeland Security tracks threat conditions across the United States and identifies possible targets.
- A terrorist-related incident or attack may occur without warning. If such an attack occurs, the County could be subject to radioactive fallout or other hazards related to weapons of mass destruction. In accordance with national nuclear civil protection policy, two options have been developed to counteract such a threat: population protection and shelter-in-place programs.
- Outside assistance will be available in most major emergency/disaster situations that affect the County. Although this plan defines procedures for coordinating such assistance, it is essential for the County to be prepared to carry out disaster response and short-term actions on an independent basis.
- Control over County resources will remain at the County level even though the Governor has the legal authority to assume control in a State-declared emergency.
- County communication and work centers may be destroyed or rendered inoperable during a disaster. Normal operations can be disrupted during a general emergency; however, the County can still operate effectively if public officials, first responders, employees, volunteers, and residents are:
  - Familiar with established policies and procedures
  - Assigned pre-designated tasks
  - Provided with assembly instructions
  - Formally trained in the duties, roles, and responsibilities required of them during emergency operations.
- Emergency response staff may be delayed or unavailable due to personal or familial impact, or associated challenges.

# 3

## Roles and Responsibilities

*Section 3 of this EOP describes the County's emergency management organization and assigns responsibilities to specific departments and agencies.*

### 3.1 General

Deschutes County agencies and response partners may have various roles and responsibilities throughout an emergency's duration. Therefore, it is particularly important that the local command structure be established to support response and recovery efforts and maintain a significant amount of flexibility to expand and contract as the situation changes. Typical duties and roles may also vary depending on the incident's size and severity of impacts, as well as the availability of local resources. Thus, it is imperative to develop and maintain depth of qualified staff within the command structure and response community.

The Sheriff's Office is responsible for emergency management planning and operations for the area of the County lying outside the limits of the incorporated municipalities. The mayor or other designated official (pursuant to City charter or ordinance) of each incorporated City is responsible for emergency management planning and operations for that jurisdiction.

Most County departments and offices have emergency functions that are similar to their normal duties. Each department and office is responsible for developing and maintaining its own procedures for carrying out these functions during an emergency. Specific responsibilities are outlined below, as well as in individual annexes.

### 3.2 Emergency Management Organization

For the purposes of this plan, the County's emergency management structure will be referred to generally as the County EMO. Roles and responsibilities of individual staff and agencies are described throughout this plan to further clarify the County's emergency management structure.

The Sheriff or designee may, depending on the size or type of incident, delegate the authority to lead response and recovery actions to other County staff. Additionally, some authority to act in the event of an emergency may already be delegated by ordinance or by practice. As a result, the organizational structure for the County's emergency management program can vary depending upon the location, size, and impact of the incident. The EMO for the County is divided into two general groups, organized by function—the Policy Group and Emergency Response Agencies.

3. Roles and Responsibilities

3.2.1 Policy Group

The Policy Group may include representation from each County department and office during an event. The Policy Group is responsible for the activities conducted within its jurisdiction. The members of the group include both elected and appointed executives with legal responsibilities. Key general responsibilities for local elected and appointed officials include:

- Establishing strong working relationships with local jurisdictional leaders and core private-sector organizations, voluntary agencies, and community partners.
- Leading and encouraging local leaders to focus on preparedness by participating in planning, training, and exercises.
- Supporting staff participation in local mitigation efforts within the jurisdiction, including the private sector, as appropriate.
- Understanding and implementing laws and regulations that support emergency management and response.
- Ensuring that local emergency plans take into account the needs of:
  - The jurisdiction, including persons, property, and structures
  - Vulnerable populations, including unaccompanied children and those with service animals
  - Individuals with household pets
- Leading and encouraging all community members (including vulnerable populations) to take preparedness actions.
- Encouraging residents to participate in volunteer organizations and training courses.

3.2.1.1 Elected Officials

The ultimate responsibility for policy, budget, and political direction for the County government is borne by County elected officials including the Board of County Commissioners, County Sheriff, and Assessor. During emergencies, this responsibility includes encouraging community member involvement and assistance, issuing policy statements as needed to support actions and activities of recovery and response efforts, and providing the political contact needed for visiting State and Federal officials. Additionally, the Board of County Commissioners will provide elected officials access to liaisons with the community and other jurisdictions. In the event that a declaration of emergency is needed, the Chair will initiate and terminate the state of emergency through a declaration by the Board of County Commissioners.

3. Roles and Responsibilities

General responsibilities of County elected officials may include:

- Oversee implementation of the County EOP and establish liaison relationships with local, state, and federal agencies.
- Establish emergency management authority by County resolution.
- Adopt an EOP and other emergency management-related resolutions.
- Declare a state of emergency and providing support to the on-scene Incident Commander in requesting assistance through the County.
- Act as liaison to the community during activation of the EOC.
- Monitor County financial resources to ensure emergency operations do not deplete funding for critical County services.
- Expropriate or reallocate current budgets, or appropriate reserves for emergency expenditures.
- Attend Public Information Officer (PIO) briefings.

3.2.1.2 County Administrator

The County Administrator is responsible for continuity of government, overall direction of County Administrator emergency operations, and dissemination of public information, including the following tasks:

- Assisting the Board of County Commissioners with their responsibilities.
- Evaluating emergency procedures to determine feasibility and consequences.
- Managing the contract and procurement of equipment, supplies, and services that are not available through County resources.
- Assisting in the compilation, preparation, and presentation of supporting documentation of County requests for State and Federal disaster declarations and assistance.
- Coordinating the placement of personnel for the most effective work assignments through the emergency response and recovery framework. Manage the hiring of temporary personnel and contractual personnel service.
- Supporting the overall preparedness program in terms of its budgetary and organizational requirements.
- Implementing the policies and decisions of the governing body.
- Ensuring that plans are in place to protect and preserve County records.

3. Roles and Responsibilities

3.2.1.3 Emergency Manager

The Sheriff has delegated the day-to-day authority and responsibility for overseeing emergency management programs and activities to the Emergency Manager. The Emergency Manager works with the Policy Group to ensure that there are unified objectives with regard to the County’s emergency plans and activities, including coordinating all aspects of the County’s capabilities. The Emergency Manager coordinates all components of the local emergency management program, including assessing the availability and readiness of local resources most likely required during an incident and identifying and correcting any shortfalls. In particular, the Emergency Manager is responsible for:

- Serving as staff advisor to the County elected officials and County Administrator for emergency matters.
- Coordinating the planning and general preparedness activities of the government and maintenance of this plan.
- Analyzing the emergency skills required and arranging the training necessary to provide those skills.
- Preparing and maintaining a resource inventory (including call-down lists).
- Ensuring the operational capability of the EOC.
- Activating the EOC to an appropriate level to ensure satisfactory incident management.
- Facilitating incident management steps through the EOC, alternative EOC, or command post/center as necessary.
- Process any declarations of disaster or emergency declarations to facilitate formal assistance requests from the state and federal government, and work with policy makers to apply emergency powers, and expedite decision-making efforts of the EOC staff and responders.
- Keeping the governing body apprised of the County’s preparedness status and anticipated needs.
- Serving as day-to-day and emergency liaison between the County and ODEM and the State Emergency Coordination Center.
- Maintaining liaison with organized emergency volunteer groups and private agencies.
- Facilitate and coordinate the implementation of continuity of operations and continuity of government procedures.

3. Roles and Responsibilities

3.2.1.4 County Department and Agency Heads

Department and agency heads collaborate with the Policy Group during development of local emergency plans and provide key response resources. County department and agency heads and their staffs develop, plan, and train to learn internal policies and procedures for meeting response and recovery needs safely. They also make staff available to participate in interagency training and exercises to develop and maintain the necessary capabilities, as well as clearly reinforce preparedness expectations. Department and agency heads not assigned a specific function in this plan will be prepared to make their resources available for emergency duty at the direction of the County Administrator.

3.2.2 Responsibilities of All Departments and Offices

Individual departments and offices are an integral part of the emergency organization. While some departments' staff comprises emergency response personnel, the majority of County departments and offices focus on supporting emergency response personnel and/or the continuity of services they provide to the public.

All County departments and offices are responsible for:

- Supporting EOC operations, including providing representatives, to ensure that the County is providing for the safety and protection of the community members it serves.
- Establishing, in writing, an ongoing line of succession and/or delegation of authority for each department. This document must be made known to employees, and a copy must be filed with the County Administrator.
- Developing alert and notification procedures for department and office personnel.
- Developing guidelines to implement assigned duties specified by this plan.
- Tracking incident-related costs incurred by the agency, in coordination with the EOC Finance Section if activated, and submitting expenditure reports in accordance with financial management practices.
- Ensuring that vehicles and other equipment are equipped and ready, in accordance with standard SOPs.
- Notifying the Emergency Manager or the EOC of resource shortfalls.
- Identifying essential functions and developing procedures for maintaining and/or re-establishing services provided to the public and other County agencies.



3. Roles and Responsibilities

- Developing and implementing procedures for protecting vital records, materials, and facilities.
- Promoting individual and family preparedness among employees.
- Ensuring that employees complete required training (including required NIMS and ICS training), and dedicating staff time for participation in training exercises.
- Preparing and maintaining supporting SOPs and annexes (including incorporation of NIMS components, principles, and policies).

3.2.3 Responsibilities by Function

This group includes services required for an effective emergency management program, of which response is a key element. These agencies include fire departments/districts, law enforcement, emergency medical service (EMS) providers, and public health, environmental health, and public works departments.

Departments or agencies assigned as primary may only be responsible for coordinating with other primary or supporting agencies to ensure continuity. "Emergency Services" as used below denotes the unit of the Sheriff's Office which has been separated out for clarity.

- **Primary Agency(s)**
  - Identify lead agencies for emergency functions based on the agency's coordinating responsibilities, authority, functional expertise, resources, and capabilities in managing incident activities. Primary agencies may not be responsible for all elements of a function and will coordinate with supporting agencies.
- **Supporting Agency(ies)**
  - Identify agencies with substantial support roles during major incidents.

Other County department and agency heads not assigned a specific function in this plan will be prepared to make their resources (including personnel) available for emergency duty at the direction of the Sheriff or designee.

3. Roles and Responsibilities

3.2.3.1 Transportation

Primary Agency: Road Department
Supporting Agencies: Emergency Services, Sheriff's Office, City Public Works Departments, Area Airports, Cascades East Transit, School Districts, Private Transportation Providers
Primary State Agency: ODOT
Primary Federal Agency: Department of Transportation

Transportation-related responsibilities include:

Transportation

- Monitoring and reporting the status of damage to the County's transportation system and infrastructure.
Identifying temporary alternative transportation solutions that can be implemented by others when County systems or infrastructure are damaged, unavailable, or overwhelmed.
Coordinating the restoration and recovery of County transportation systems and infrastructure.
Coordinating support of emergency operation activities among transportation stakeholders within the County's authority and resource limitations.

Evacuation Support

- Confirming and managing locations of staging areas and pick-up points for evacuees requiring public transportation.
Providing guidance on commuting arrangements for essential workers during the evacuation period.

See ESF 1 - Transportation for more details.

3.2.3.2 Communications

Primary Agency: 911 Service District
Supporting Agencies: Sheriff's Office, Emergency Services, Administrative Services, Information Technology
Primary State Agency: Department of Administrative Services
Primary Federal Agency: Department of Homeland Security

Alert and Warning

Responsibilities related to alert and warning include:

- Monitoring emergency communications networks.
Disseminating emergency alerts as requested by the on-scene Incident Commander, EOC Coordinator, or PIO.

3. Roles and Responsibilities

- Receiving and disseminating warning information to the public and key County Officials.
- Facilitating the dispatch of personnel and resources to support incident requirements.

Communication Systems

Communication-related responsibilities include:

- Establishing and maintaining an interoperable and redundant emergency communications system.
- Coordinating the use of all public and private communication systems necessary during emergencies.
- Managing and coordinating all emergency communication within the EOC, once activated.
- Managing and coordinating all emergency notifications to departments and officials (e.g., during transition to continuity facilities or succession notification).

See ESF 2 – Communications for more details.

3.2.3.3 Public Works

**Primary Agency:** Road Department, Assessor’s Office  
**Supporting Agencies:** Emergency Services, Community Development Department, Solid Waste Department  
**Primary State Agency:** ODOT  
**Primary Federal Agency:** Department of Defense/USACE, Department of Homeland Security

Responsibilities related to public works include:

Infrastructure Repair and Restoration

- Conducting pre-incident and post-incident assessments of public works and infrastructure.
- Executing emergency contract support for life-saving and life-sustaining services.
- Coordinating repair of damaged public infrastructure and critical facilities (i.e., water, electrical, natural gas, sewer, storm water collection, generating, and distribution systems).
- Coordinate with private utility owners to facilitate their performance of damage assessment and restoration of service to their customers.

3. Roles and Responsibilities

- Providing technical assistance to the on-scene incident commander and EOC with respect to flooding, structure integrity assessments, and impact assessments of infrastructure.
- Provide resource support including, but not limited to:
  - Equipment such as dump trucks, front end loaders, and other heavy equipment
  - Support equipment such as barricades
  - Equipment operators
  - Personnel and equipment to assist law enforcement in closing streets and detouring traffic
  - Personnel to assist in evacuation as directed by the incident commander
  - Personnel and equipment as needed by the incident commander
  - Heavy equipment contractors
  - Additional construction equipment
  - Consultants, engineering resources

Damage Assessment

- Establishing a damage assessment team from among County agencies (e.g., Road Department, Assessor’s Office) with assessment capabilities and responsibilities.
- Training and providing damage plotting team members to the EOC.
- Assisting in reporting and compiling information regarding deaths, injuries, and dollar damage to tax-supported facilities and to private property.
- Assisting in determining the geographic extent of the damaged area.
- Evaluating the effect of damage on the County’s economic index, tax base, bond ratings, insurance ratings, etc. for use in long-range recovery planning.

Debris Management

- Coordinating disaster debris management activities.

See ESF 3 – Public Works for more details.

3. Roles and Responsibilities

3.2.3.4 Firefighting

**Primary Agency:** Fire Defense Board, City and RFPD Fire Departments  
**Supporting Agencies:** 911 Service District, County Forester, Health Services, Road Department, Sheriff's Office Emergency Management and Patrol  
**Primary State Agency:** Oregon Department of Forestry, Oregon State Fire Marshal (OSFM)  
**Primary Federal Agency:** United States Department of Agriculture/Fire Service

Responsibilities related to fire service include:

- Providing fire prevention, fire suppression, and emergency medical aid to prevent loss of life, loss of property, and damage to the environment.
- Performing life-safety inspections and recommendations for activated emergency shelters.
- Conduct fire ground search and rescue operations.

*See ESF 4 – Firefighting for more details.*

3.2.3.5 Information and Planning

**Primary Agency:** Sheriff's Office Emergency Management  
**Supporting Agencies:** 911 Service District, Assessor's Office, Health Services, Information Technology, Sheriff's Office  
**Primary State Agency:** OEM  
**Primary Federal Agency:** Department of Homeland Security/FEMA

The following activities are necessary for the County to compile, analyze, and coordinate overall information planning activities during a disaster:

- Providing a centralized location for the receipt and dissemination of incident information.
- Coordinating with County departments and offices, community partners, and county agencies.
- Collecting, processing, analyzing, and disseminating information to guide response and recovery activities.
- Collecting and aggregating damage assessment data.

Coordinating incident planning in the EOC including development of information products.

*See Chapter 5 – Command and Control and ESF 5 – Information and Planning for more details.*

3. Roles and Responsibilities

3.2.3.6 Mass Care

Primary Agency: Sheriff's Office Emergency Management, Health Services
Supporting Agencies: American Red Cross, Community Development, Fair and Expo Center, Sheriff's Office
Primary State Agency: Department of Human Services (DHS)
Primary Federal Agency: Health and Human Services

The County Health Services Department and Emergency Services are responsible for ensuring that the mass care needs of the affected population are met, including sheltering, feeding, providing first aid, and reuniting families. Relevant operations are detailed in ESF 6 – Mass Care and ESF 17 – Agriculture and Animal Protection. Responsibilities related to mass care include:

- Maintaining and implementing procedures for care and shelter of displaced community members.
Maintaining and implementing procedures for the care and shelter of animals in an emergency.
Coordinating support with other County departments and offices, relief agencies, and volunteer groups.
Designating a coordinator/liaison to participate in all phases of the County emergency management program, when necessary or as requested.
Providing emergency counseling for disaster victims and emergency response personnel suffering from behavioral and emotional challenges.
Coordinating with faith-based organizations and other volunteer agencies.
Identifying emergency feeding sites (coordinating with the Red Cross and Salvation Army).
Identifying sources of clothing for disaster victims (may coordinate with the Red Cross, Salvation Army, or other disaster relief organizations).
Securing sources of emergency food supplies (with the Red Cross and Salvation Army).
Coordinating operation of shelter facilities operated by the County, local volunteers, or organized disaster relief agencies such as the Red Cross.
Coordinating special care requirements for sheltered groups such as unaccompanied children and the elderly.

See ESF 6 – Mass Care and ESF 17 – Agriculture and Animal Protection for more details.

3. Roles and Responsibilities

3.2.3.7 Resource Support

Primary Agency: Sheriff's Office Emergency Management, Finance Department
Supporting Agencies: Health Services, Personnel Department, Road Department
Primary State Agency: Department of Administrative Services
Primary Federal Agency: Department of Homeland Security/FEMA

Responsibilities related to resource support include:

- Establishing procedures for employing temporary personnel for disaster operations.
Establishing and maintaining a staffing reserve, in cooperation with law enforcement.
Coordinating deployment of reserve personnel to County departments and offices requiring augmentation.
Establishing emergency purchasing procedures and/or a disaster contingency fund.
Maintaining records of emergency-related expenditures for purchases and personnel.

See ESF 7 -Resource Support for more details.

3.2.3.8 Health and Medical

Primary Agency: Health Services, City and RFPD Fire Departments
Supporting Agencies: Sheriff's Office Emergency Management, Deschutes Disaster Medical Care Coalition, Medical Examiner, Area Hospitals and Healthcare Facilities
Primary State Agency: Oregon Health Authority (OHA)
Primary Federal Agency: Health and Human Services

Public Health

County Health Services is responsible for coordinating the public health and welfare services required to cope with the control of communicable and non-communicable diseases associated with major emergencies, disasters, and/or widespread outbreaks. Such outbreaks may be caused by bioterrorism, epidemic or pandemic diseases, novel and highly fatal infectious agents, or biological or chemical toxin incidents. The County Health Services Director also serves as the public health representative for the County EMO. Relevant operations are detailed in ESF 6 – Mass Care and ESF 8 – Health and Medical.

Responsibilities related to public health include:

- Coordinating with hospitals, clinics, nursing homes/care centers, and behavioral health organizations for adequate provision of public health, medical, and behavioral health services, including making provisions for populations with functional needs.

3. Roles and Responsibilities

- Coordinating public health surveillance.
- Providing personnel and laboratory facilities to assist in identifying agents or substances.
- Coordinating mass prophylaxis and delivery and distribution set-up of the Strategic National Stockpile, if needed.
- Coordinating mass fatality operations with the Medical Examiner and funeral service providers to provide identification and disposal of the dead.
- Coordinating isolation and/or quarantine actions, as needed and permitted.
- Coordinating dissemination of public health information.
- Designating a coordinator/liaison to participate in all phases of the County emergency management program, when necessary or as requested.
- Considering the needs of special populations (e.g., elderly and school-age children) that may be affected by the release and coordinating with law enforcement and fire agencies to provide specialized protection (e.g., shelter-in-place, minimum evacuations, bringing prophylaxes to those who cannot mobilize to a point of dispensing site).

See ESF 8 –Health and Medical for more details.

Medical Services

Within Deschutes County, Emergency Medical Services (EMS) is a function of fire services. Deschutes County fire services will provide emergency medical care in the field and prepare victims for transport by EMS from an incident.

Medical-related responsibilities include:

- Providing emergency medical care and transport.
- If needed or requested, set up Medical Care Points.
- Coordinating EMS resources.
- Requesting additional EMS assets as necessary.
- Identify and prepare alternate care sites if there is a surge of victims.

See ESF 8 –Health and Medical for more details.



3. Roles and Responsibilities

3.2.3.9 Search and Rescue

**Primary Agency:** Sheriff's Office  
**Supporting Agencies:** 911 Service District, Emergency Management, Road Department, City and RFPD Fire Departments, City Police Departments, Amateur Radio Emergency Services  
**Primary State Agency:** OEM, OSFM  
**Primary Federal Agency:** Department of Defense, Department of Homeland Security/FEMA and United States Coast Guard

Search and Rescue (SAR) activities are a mandated function of the Sheriff's Office. Responsibilities related to SAR include:

- Coordinating available resources to search for and rescue persons lost outdoors.
- Performing specialized rescue (e.g., water, high-angle, structural collapse), as needed and practical.
- Cooperating with and extending assistance to surrounding jurisdictions, on request and as resources allow.
- Establishing and monitoring training standards for certification of search and rescue personnel.

*See ESF 9 – Search and Rescue for more details.*

3. Roles and Responsibilities

3.2.3.10 Hazardous Materials Response

Hazardous Materials Response

Primary Agency: Fire Defense Board
Supporting Agencies: Emergency Management, Health Services, Road Department, City Fire and Law Enforcement Agencies, City Public Works Departments
Primary State Agency: ODEM, Oregon State Fire Marshal Regional Hazardous Materials Teams
Primary Federal Agency: Department of Defense, Department of Homeland Security/FEMA and United States Coast Guard

Responsibilities related to hazardous materials include:

- Conducting oil and hazardous materials response (chemical, biological, etc.).
Providing remote consultation, as needed.
Assessing the potential health effects of a hazardous materials release.
Identifying the needs for hazardous materials incident support from regional and State agencies.
Recommending protective actions related to hazardous materials including:
- Proper PPE
- Time, Distance, and Shielding
- Protective Action Recommendations
Provide decontamination for first responders and civilians.
Provide the transport of decontaminated injured to care facilities.
Conducting environmental short- and long-term cleanup.

Radiological Protection

Primary Agency: Oregon Health Authority, Radiation Protection Services
Supporting Agencies: Oregon State Fire Marshal Regional Hazardous Materials Team No. 13
Primary State Agency: OHA, Radiation Protection Services, OSFM Regional Hazardous Materials Teams
Primary Federal Agency: EPA

Responsibilities related to radiological protection include:

- Providing localized radiological monitoring and reporting network, when necessary.

3. Roles and Responsibilities

- Securing initial and refresher training for instructors and monitors.
- Providing input to the Statewide monitoring and reporting system from incident scenes, as necessary.
- Under fallout conditions, providing County officials and department heads with information regarding fallout rates, fallout projections, and allowable doses provided by the State Radiation Protection Services or federal government.
- Providing monitoring services and advice at the scenes of accidents involving radioactive materials.

See ESF 10 –Hazardous Materials for more details.

3.2.3.11 Food and Water

**Primary Agency:** Emergency Management  
**Supporting Agencies:** Health Services, American Red Cross, Community- and Faith-Based Partners, Private Sector Partners  
**Primary State Agency:** DHS  
**Primary Federal Agency:** Department of Homeland Security/FEMA

Responsibilities related to food and water include:

- Assessing food and water needs for the community.
- Identifying food and water resources.
- Storing of food and water resources.
- Monitoring the collection and sorting of all food and water supplies and establishing procedures to ensure that they are safe for consumption.
- Coordinating transportation of food and water resources to the community.

See ESF 11 – Food and Water for more details.

3.2.3.12 Energy

**Primary Agency:** Emergency Management  
**Supporting Agencies:** Road Department, Area Utilities, Area Fuel Providers  
**Primary State Agency:** Oregon Public Utility Commission  
**Primary Federal Agency:** Department of Energy

Responsibilities related to energy include:

- Forecasting energy needs and supply.
- Coordinating with local utilities to restore and repair damaged infrastructure and accompanying systems.

3. Roles and Responsibilities

- Coordinating with local utilities to reduce the risk of physical or cyber-attack on lifeline utility systems.
- Coordinating temporary emergency power generation capabilities to support critical facilities until permanent restoration is accomplished. Critical facilities may include primary and alternate EOCs, hospitals/ critical care facilities, designated shelters, government offices/facilities, water/sewage systems, and other essential community services.

See ESF 12 – Energy for more details.

3.2.3.13 Military Support

**Primary Agency:** Sheriff's Office Emergency Management  
**Primary State Agency:** Oregon Military Department  
**Primary Federal Agency:** Department of Defense

Responsibilities related to military support include:

- Working with the Oregon Military Department when it is necessary for them to:
  - Coordinate, employ and control Oregon National Guard forces and military resources in order to assist civil authorities with the protection of life and property, and to maintain peace, order and public safety.
  - Mobilize and stage personnel and equipment to restore/preserve law and order and provide support to other ESFs respectively as directed by the State ECC and within Oregon National Guard capabilities.
  - Coordinate with the active federal military to ensure mutual support during federal disaster relief operations.

See ESF 13 –Military Support for more information.

3. Roles and Responsibilities

3.2.3.14 Public Information

**Primary Agency:** Emergency Management, Administrative Services (PIO)  
**Supporting Agencies:** 911 Service District, Area Public Information Officers, Amateur Radio Emergency Services, Central Oregon Emergency Information Network (COEIN), Local Media  
**Primary State Agency:** ODEM  
**Primary Federal Agency:** Department of Homeland Security/FEMA

Responsibilities related to public information include:

- Conducting ongoing hazard awareness and public education programs.
- Compiling and preparing emergency information for the public in case of emergency.
- Coordinating with other agencies to ensure consistency of education and emergency information.
- Arranging for media representatives to receive regular briefings on the County's status during extended emergency situations.
- Securing printed and photographic documentation of the disaster situation.
- Handling unscheduled inquiries from the media and the public.
- Being aware of non-English-speaking and/or bilingual population centers within the County and preparing training and news releases accordingly.
- Monitoring the media and correcting misinformation.
- Overseeing and providing information to call-takers who receive requests for assistance from the public.

See ESF 14 – Public Information for more details.

3.2.3.15 Volunteers and Donations

**Primary Agency:** Emergency Management  
**Supporting Agencies:** Administrative Services, Finance Department, Human Resources, Legal Counsel, Community and Faith-Based Organizations  
**Primary State Agency:** ODEM  
**Primary Federal Agency:** FEMA

Responsibilities related to volunteer and donations management include:

- Coordinating the identification and vetting of volunteer resources.

3. Roles and Responsibilities

- Matching volunteer resources and donations with the unmet needs of the community.
- Maintaining a donations management system to ensure the effective utilization of donated cash, goods, and services.
- Providing guidance to personnel coordinating the management of undesignated cash donations, unsolicited goods, and emergent volunteers.
- Directing unaffiliated volunteers to and coordinating with government-sponsored/organized volunteer organizations such as a network of Community Organizations Active in Disaster (COAD), Community Emergency Response Team (CERTs), Red Cross, Fire Corps, and/or Medical Reserve Corps, Volunteers in Police Services, and volunteers associated with the faith-based community in completing their assigned tasks.

See ESF 15 – Volunteer and Donations Management for more details.

3.2.3.16 Law Enforcement

**Primary Agency:** Sheriff's Office  
**Supporting Agencies:** District Attorney's Office, Emergency Management, Road Department, City Police Departments, City and RFPD Fire Departments  
**Primary State Agency:** Oregon State Police (OSP)  
**Primary Federal Agency:** Department of Justice

Responsibilities related to law enforcement include:

- Protecting life and property and preserving order.
- Providing law enforcement and criminal investigation.
- Providing traffic control, crowd control, and site security.
- Isolating damaged areas.
- Providing damage reconnaissance and reporting.
- Providing special teams assistance (i.e. SWAT).
- Assisting with control and safety measures in the evacuated area and reassigning personnel during the evacuation period.
- Conducting evacuations.

See ESF 16 – Law Enforcement for more information.

3. Roles and Responsibilities

3.2.3.17 Agriculture and Animal Protection

Primary Agency: County Forester
Supporting Agencies: Emergency Services, Health Services, Sheriff's Office, Area Veterinarians, Pet Evacuation Team
Primary State Agency: Oregon Department of Agriculture
Primary Federal Agency: U.S. Department of Agriculture

Responsibilities related to agriculture and animal protection include:

- Conducting animal and plant disease and pest response.
Coordinating animal/veterinary/wildlife response during a disaster including:
- Capturing/rescuing animals that have escaped confinement or been displaced from their natural habitat.
- Providing emergency care to injured animals.
- Providing humane care, handling, and sheltering to animals (including service animals, pets, and livestock).
Protecting the State's natural resources from the impacts of a disaster.

See ESF 17 - Agriculture and Animal Protection for more details.

3.2.3.18 Business and Industry

Primary Agency: County Administration
Supporting Agencies: Board of Commissioners, Central Oregon Intergovernmental Council (COIC), Private Sector Partners, Economic Development for Central Oregon (EDCO), Area Chambers of Commerce
Primary State Agency: Oregon Business Development Department
Primary Federal Agency: Small Business Administration

Responsibilities related to business and industry include:

- Coordinating with business and industry partners to facilitate private sector support to response and recovery operations.
Identifying short-term recovery assistance to business and industry partners.
Facilitating communication between business and industry partners and local, tribal, and state emergency management organizations.
Providing economic damage assessments for impacted areas.

See ESF 18 - Business and Industry for more details.

3. Roles and Responsibilities

3.3 Local and Regional Response Partners

The County's emergency organization is supported by a number of outside organizations, including the incorporated cities, service district organizations, and the private sector.

3.3.1 Municipalities and Special Service Districts

The Chief Executive(s) of the incorporated cities within the County are responsible for the direction and control of their local resources during emergencies, including requesting additional resources not covered under mutual aid for emergency operations. Such requests will be directed to the County EMO. Should the County be unable to support the request, and mutual aid at the county level has been exhausted, a County Declaration of Emergency will be forwarded to the State.

Under the provisions of ORS 401.305, each City may establish an emergency management agency and appoint an emergency program manager. Cities that do so shall notify the County of the individual responsible for emergency management activities in their respective jurisdictions. If a City takes no action to increase its emergency management capability, it will be covered under County planning, and County response resources will be deployed under the direction of the County should emergency conditions arise that threaten that city's residents.

Special Service Districts provide services such as fire protection and water delivery systems that are not available from county governments. Each is governed by an elected Board of Directors and has policies separate from city and county governments. They often overlap city and county boundary lines and thus may serve as primary responders to emergencies within their service districts.

3.3.2 Private Sector

Private-sector organizations play a key role before, during, and after an incident. First, they must provide for the welfare and protection of their employees in the workplace. In addition, the County must work seamlessly with businesses that provide water, power, communication networks, transportation, medical care, security, and numerous other services upon which both response and recovery are particularly dependent. Essential private-sector responsibilities include:

- Planning for the protection of employees, infrastructure, and facilities.
- Planning for the protection of information and the continuity of business operations.
- Planning for, responding to, and recovering from incidents that impact private-sector infrastructure and facilities.



3. Roles and Responsibilities

- Collaborating with emergency management personnel before an incident occurs to ascertain what assistance may be necessary and how private-sector organizations can help.
- Developing and exercising emergency plans before an incident occurs.
- Where appropriate, establishing mutual aid and assistance agreements to provide specific response capabilities.
- Providing assistance (including volunteers) to support local emergency management and public awareness during response and throughout the recovery process.

3.3.3 Nongovernmental and Faith-Based Organizations

Nongovernmental and faith-based organizations play enormously important roles before, during, and after an incident. In the County, nongovernmental/faith-based organizations such as the Red Cross provide sheltering, emergency food supplies, counseling services, and other vital support services to support response and promote the recovery of disaster victims. Nongovernmental and faith-based organizations also collaborate with responders, governments at all levels, and other agencies and organizations.

The roles of nongovernmental and faith-based organizations in an emergency may include:

- Training and managing volunteer resources.
- Identifying shelter locations and needed supplies.
- Providing critical emergency services to those in need, such as cleaning supplies, clothing, food, shelter, and assistance with post-emergency cleanup.
- Identifying those whose needs have not been met and helping to coordinate assistance.

3.3.4 Individuals and Households

Although not formally a part of the County’s emergency operations, individuals and households play an important role in the overall emergency management strategy. Community members can contribute by:

- Reducing hazards in their homes.
- Preparing emergency supply kits and household emergency plans that consider all members of the household, including children and pets.
- Monitoring emergency communications carefully.
- Volunteering with established organizations.
- Enrolling in emergency response training courses.

3. Roles and Responsibilities

- Encouraging children to participate in preparedness activities.

3.4 State Response Partners

Under the provisions of ORS 401.035, the Governor has broad responsibilities for the direction and control of all emergency activities in a State-declared emergency. The State of Oregon Department of Emergency Management (ODEM) provides a duty officer at all times. The Director of ODEM is delegated authority by ORS 401.052 to 401.092 to coordinate all activities and organizations for emergency management within the State and to coordinate in emergency matters with other states and the federal government.

Under the direction and control of department heads, agencies of State government represent the State emergency operations organization. Responsibility for conducting ESFs is assigned by the Governor to the department best suited to carry out each function applicable to the emergency situation. Some State agencies may call upon their federal counterparts to provide additional support and resources following established procedures and policies for each agency.

*See the State of Oregon Emergency Operations Plan for details on the State's emergency management organization and detailed roles and responsibilities for State departments.*

3.5 Federal Response Partners

Federal response partners are typically requested by OEM in the event that State resources become limited or specialized services are needed. In most instances, federal resources become available following a formal declaration of emergency by the Governor. Thus, procedures and policies for allocating and coordinating resources at the federal level follow the State of Oregon Emergency Operations Plan and, if necessary, the NRF.

*See the National Response Framework for details on the federal government's emergency management organization and detailed roles and responsibilities for federal departments.*

**3. Roles and Responsibilities**

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# 4

## Concept of Operations

*Section 4 states the community's response and recovery priorities, provides concepts to guide the community through the phases of emergency operations, and provides a guide for multi-jurisdictional coordination and incident command.*

### 4.1 General

Primary roles involved during the initial emergency response will focus on first responders, such as fire services, law enforcement, and public works departments. Depending on the type of incident, initial response also may include hospitals, local public health departments, and hazardous material teams. In all emergencies, saving and protecting human lives is the top priority of the County and emergency response personnel.

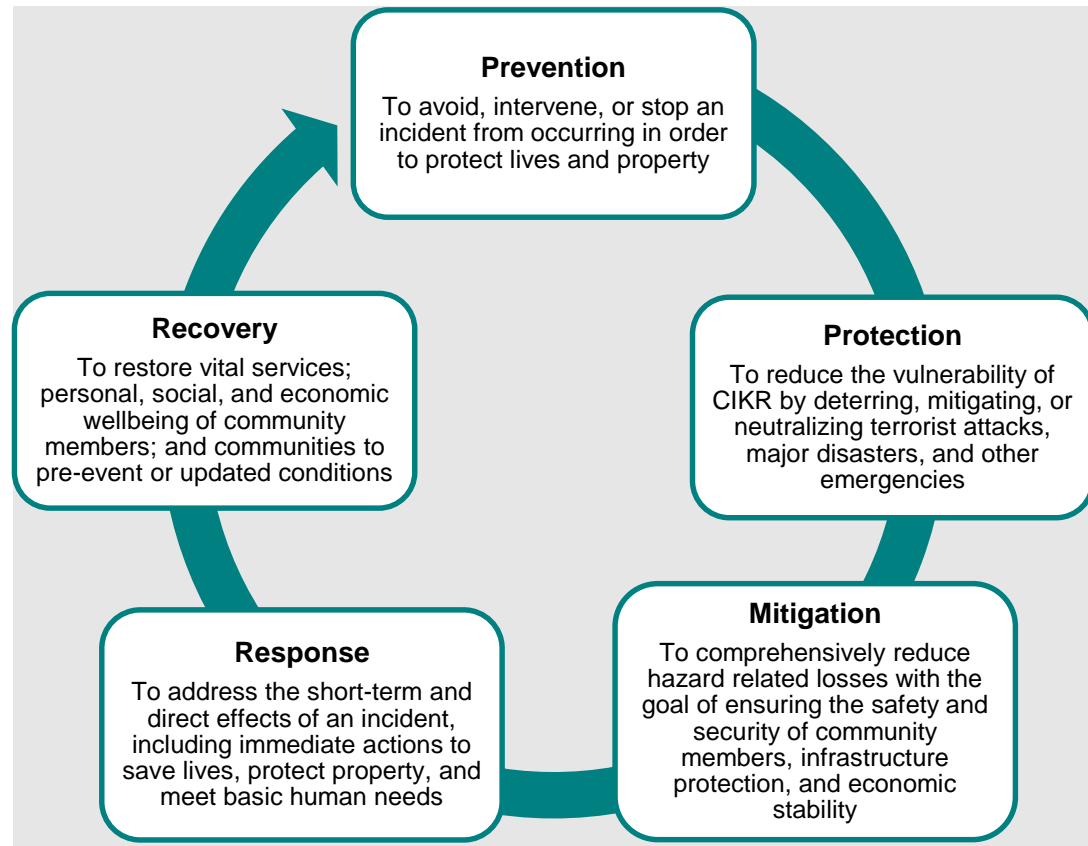
The County is responsible for emergency management and protecting life and property of community members within this jurisdiction. This EOP will be used when the County or individual emergency response agencies are reaching or have exceeded their capabilities to respond to an emergency. It may also be used during non-routine incidents or pre-planned events where County resources are limited and/or have been expended.

### 4.2 Emergency Management Mission Areas

This plan adheres to the emergency management principle of all-hazards planning, which is based on the fact that most responsibilities and functions performed during an emergency are not hazard-specific. The focus of this EOP is response and short-term recovery actions. Nevertheless, this plan impacts and is informed by activities conducted before and after emergency operations take place and is designed to assist the County in the following five mission areas.

## 4. Concept of Operations

Figure 4-1 Emergency Management Mission Areas



## 4.3 Response and Recovery Priorities

## 4.3.1 Response

Response activities within the County are undertaken immediately after an incident. The County's response priorities are defined below:

1. **Self-Preservation:** Protection of County employees (including dependents) from the effects of a disaster is first priority. The expectation would be that the employee's family would be prepared to be self-reliant after the initial incident in order for the employee to provide timely lifesaving services and other critical operations as effectively and with as little interruption as possible.
2. **Lifesaving/Protection of Property:** This is a focus on efforts to save lives of persons. It may include prevention or mitigation of major property damage if results of such damage would likely present an immediate danger to human life.
3. **Unit Reconstitution:** Unit reconstitution is the recall of critical employees, (if the incident occurs during non-working hours, off-duty) and the collection, inventory, temporary repair and allocation of County assets in order to provide maximum prompt, sustained operations in response

4. Concept of Operations

to a disaster. This would include activation of the EOC for the purpose of coordinating emergency response activities.

- 4. **Emergency Food and Temporary Housing Plan:** Provision for immediate food and temporary housing for disaster victims would become a priority and would be done primarily through the American Red Cross with coordination of the EOC.
- 5. **Restoration of Infrastructure:** Restoration of County's critical infrastructure (utilities, roads, bridges, buildings, etc.) would be a prime concern that would require the coordination of local, State, and Federal agencies with the private sector.
- 6. **Statutory Response:** The County has a legal responsibility to provide a partial or full range of County services beyond that of life saving, security, and law enforcement during a disaster. Included under statutory response (ORS 401.305) is County support to other units of local government in their assigned missions, i.e., coordinating additional resources, declaring a state of emergency, and requesting State and Federal assistance.
- 7. **Recovery:** Restoration of lost or impaired capabilities caused by the effects of the disaster or other emergency; return to normal operating conditions and providing non-emergency services to the public.

4.4 Incident Levels

Deschutes County has not designated emergency response levels, except for terrorism response. During fire season the National Fire Danger Rating System is followed for awareness levels.

A state of emergency exists whenever any part or all of Deschutes County is suffering or is in danger of suffering an event that may cause injury, death, damage, or destruction to the extent that extraordinary measures must be taken.

4.4.1 NIMS Incident Types

Incident types at the federal level are based on the five levels of complexity that ascend from relatively minor incidents (Type 5, e.g., vehicle fire) to a major disaster (Type 1) resulting in high impact on the County and requiring national response resources (source: U.S. Fire Administration).

During an incident where federal partners are involved in the response, the County may choose to utilize the incident levels identified in Table 4-2.

4. Concept of Operations

Table 4-2 NIMS Incident Levels	
Type 5	<ul style="list-style-type: none"> <li>▪ The incident can be handled with one or two single resources with up to six personnel.</li> <li>▪ Command and General Staff positions (other than the Incident Commander) are not activated.</li> <li>▪ No written Incident Action Plan (IAP) is required.</li> <li>▪ The incident is contained within the first operational period and often within an hour to a few hours after resources arrive on scene.</li> <li>▪ Examples include a vehicle fire, an injured person, or a police traffic stop.</li> </ul>
Type 4	<ul style="list-style-type: none"> <li>▪ Command and General Staff functions are activated only if needed.</li> <li>▪ Several resources are required to mitigate the incident.</li> <li>▪ The incident is usually limited to one operational period in the control phase.</li> <li>▪ The agency administrator may have briefings and ensure that the complexity analysis and delegation of authority are updated.</li> <li>▪ No written IAP is required, but a documented operational briefing will be completed for all incoming resources.</li> <li>▪ The agency administrator develops operational plans, including objectives and priorities.</li> </ul>
Type 3	<ul style="list-style-type: none"> <li>▪ When capabilities exceed initial attack, the appropriate ICS positions should be added to match the complexity of the incident.</li> <li>▪ Some or all Command and General Staff positions may be activated, as well as Division/Group Supervisor and/or Unit Leader level positions.</li> <li>▪ A Type 3 Incident Management Team or Incident Command organization manages initial action incidents with a significant number of resources, an extended attack incident until containment/control is achieved, or an expanding incident until transition to a Type 1 or 2 team.</li> <li>▪ The incident may extend into multiple operational periods.</li> <li>▪ A written IAP may be required for each operational period.</li> </ul>
Type 2	<ul style="list-style-type: none"> <li>▪ The incident extends beyond the capabilities for local control and is expected to extend into multiple operational periods. A Type 2 incident may require the response of resources out of area, including regional and/or national resources, to effectively manage the Operations, Command, and General Staffing.</li> <li>▪ Most or all of the Command and General Staff positions are filled.</li> <li>▪ A written IAP is required for each operational period.</li> <li>▪ Many of the functional units are needed and staffed.</li> <li>▪ Operations personnel normally do not exceed 200 per operational period, and total incident personnel do not exceed 500 (guidelines only).</li> <li>▪ The agency administrator is responsible for the incident complexity analysis, agency administrator briefings, and the written delegation of authority.</li> </ul>

4. Concept of Operations

Table 4-2 NIMS Incident Levels	
Type 1	<ul style="list-style-type: none"> <li>■ A Type 1 incident is the most complex, requiring national resources to safely and effectively manage and operate.</li> <li>■ All Command and General Staff positions are activated.</li> <li>■ Operations personnel often exceed 500 per operational period, and total personnel will usually exceed 1,000.</li> <li>■ Branches need to be established.</li> <li>■ The agency administrator will hold briefings and ensure that the complexity analysis and delegation of authority are updated.</li> <li>■ Use of resource advisors at the incident base is recommended.</li> <li>■ There is a high impact on the local jurisdiction, requiring additional staff for office administrative and support functions.</li> </ul>

4.5 Incident Management

4.5.1 Activation

When an emergency situation arises, and it is determined that the normal organization and functions of County government are insufficient to effectively meet response requirements, the Sheriff or designee may implement the EOP as deemed appropriate for the situation or at the request of an on-scene Incident Commander. In addition, the Sheriff or designee may partially or fully activate and staff the EOC based on an emergency’s type, size, severity, and anticipated duration. An emergency declaration is not required in order to implement the EOP or activate the EOC. Upon notification that the EOC has been activated and/or an emergency has been declared, all involved County emergency services will implement their respective plans and procedures, and provide Emergency Management with the following information:

- Operational status
- Readiness and availability of resources
- Changing conditions and status of resources (personnel, equipment, facilities, supplies, etc.)
- Significant concerns and issues dealing with potential or actual loss of life or property

Refer to the immediate actions checklist for further information on initial actions to be taken by the Sheriff (or designee) upon implementation of all or part of this EOP.

4.5.2 Alert and Warning

Deschutes County 911 Service District operations and emergency communications services are staffed on a 24-hour basis and equipment is available to provide communications necessary for emergency operations.



4. Concept of Operations

Warnings, emergency information and notifications, or disaster reports received by County personnel will be relayed to Emergency Management and the 911 Center. County response personnel will communicate and receive notifications using traditional communications technology such as landline and cellular telephones, faxes, pagers, internet/e-mail, and radio throughout the duration of response activities as long as these resources are available. Emergency notification procedures are established among the response community, and call-down lists are updated and maintained by each agency. External partners will be notified and coordinated through the EOC as appropriate. Through the County, a public warning and broadcast system has been established for the County to provide emergency information and instructions during a pending or actual emergency incident or disaster. Alert and warning systems available to the County include:

- Integrated Public Alert and Warning System (IPAWS)
- Deschutes Alerts (Everbridge)
- Emergency Alert System (EAS)
- Local Media
- Amateur Radio Emergency Services (ARES)
- Door-to-Door Warning
- Information Line
- Social media

See ESF 2 - Communications for more details.

4.5.3 Communications

The Deschutes County 911 Service District is charged with developing and maintaining the County's communication technical equipment and software. The ability of responders from different agencies and disciplines to work together depends greatly on their ability to communicate with each other. Plain language is essential to first responder and public safety, and will be used by all County personnel during emergencies. The use of common terminology enables emergency responders, EOC personnel, and County staff, as well as personnel from neighboring jurisdictions or the State to communicate clearly with each other and effectively coordinate response activities, regardless of an incident's size, scope, or complexity. Additionally, Amateur Radio Emergency Services (ARES) supports communications capability in Deschutes County.

See ESF 2 - Communications for more details.

4.5.3.1 Interoperability

Interoperability is the ability of public and private agencies, departments, and other organizations to operate and communicate effectively together through the

4. Concept of Operations

use of systems, personnel, and equipment. In recognition that successful emergency management and incident response operations require the continuous flow of critical information among jurisdictions, disciplines, organizations, and agencies, interoperability plans or procedures should be developed that include training and exercises, SOPs, new technology, and considerations of individual agency governance, as well as consideration of use within a stressful and often chaotic context of a major response. Interoperable voice, data, or video-on-demand communications systems allow emergency management/response personnel to communicate within and across agencies and jurisdictions in real time, when needed, and when authorized.

4.5.4 Situational Awareness and Intelligence Gathering

Situational awareness and intelligence gathering are necessary to maintain a common operating picture among response agencies and provide the basis for emergency alert and warning (when an incident alert is not received by an outside agency). Situational awareness is the ongoing process of collecting, analyzing, and sharing information across agencies and intergovernmental levels, and the private sector. Intelligence gathering is the collecting of security and operational information, such as collection of severe weather forecasts from the National Weather Service. Intelligence gathering may also be used to detect, prevent, apprehend, and prosecute criminals planning terrorist incidents.

On a day-to-day basis County, primary agencies, and supporting response agencies will:

- Be aware of their surroundings and identify and report potential threats and dangerous situations.
- Share and evaluate information from multiple sources.
- Integrate communications and reporting activities among responding agencies.
- Monitor threats and hazards.
- Share forecasting of incident severity and needs.

If activated, the EOC Planning Section Chief will lead situational awareness and intelligence gathering activities and functions, unless otherwise designated. The County will use a variety of tools to support planning activities including:

- Interdisciplinary damage assessment teams
- Support for County GIS personnel
- County Property Information System (DIAL)
- Web-based mapping tools
- Public safety map

4. Concept of Operations

- Real-Time Assessment and Planning Tool for Oregon (RAPTOR)

If a criminal or terrorist incident is suspected, the Sheriff’s Office will notify the Oregon Terrorism Information Threat Assessment Network Fusion Center (OTFC). During a terrorist incident, the OTFC will support situational awareness and intelligence gathering functions.

*See ESF 5 – Information and Planning for more details.*

4.5.5 Resource Management

When the EOC is activated, the Logistics and Planning Sections have primary responsibility for coordinating the resource management effort and have authority under emergency conditions to establish priorities for the assignment and use of all County resources. In a situation where resource allocations are in dispute, the County Administrator has the final allocation authority. County resources will be allocated according to the following guidelines:

- Deploy resources according to the response priorities described in this EOP.
- Distribute resources so that the most benefit is provided for the amount of resources expended.
- Coordinate community member appeals for assistance through the PIO at the EOC or Joint Information Center (JIC). Use local media to provide community members with information about where to make these requests.
- Activate mutual aid agreements as necessary to supplement local resources.
- When all local resources are committed or expended, issue a request to the County for County, State, and Federal resources through an emergency declaration.

*See ESF 7 – Resource Support for more details.*

4.5.5.1 Resource Typing

The County utilizes resource typing, which is a method for standardizing equipment requests and managing resources during an incident in accordance with NIMS. A resource typed list can increase the usefulness of the tools requested during an emergency and may reduce costs by eliminating orders for equipment that are inaccurate or inappropriate for the situation. County response personnel and support staff are trained and exercise using resource typing lists to ensure familiarity with the standard terminology for commonly requested resources.

4. Concept of Operations

4.5.5.2 Credentialing of Personnel

County departments and offices utilize a variety of mechanisms to credential staff and volunteers. For EOC personnel the Sheriff’s Office tracks NIMS/ICS training and the Emergency Services Program coordinates with ODEM regarding best practices for documenting personnel and authenticating and verifying their qualifications.

4.5.5.3 Volunteer and Donations Management

At this time, the County does not have a formal volunteer and donations management program in place. Should one be developed, the program will work to ensure the most efficient and effective use of unaffiliated volunteers, unaffiliated organizations, and unsolicited donated goods to support events and incidents. The County and COIC are working to develop a COAD (Community Organizations Active in Disaster) model. A COAD is a collaborative effort of community stakeholders and volunteer service groups, each having an equal role in the organization. Their goal is to organize and deploy community resources, including volunteers and donations, in an efficient, timely and equitable manner. The COAD works within the state VOAD (Voluntary Organizations Active in Disaster) structure, which can bring national resources to the local level. Technical assistance for implementing NIMS/ICS volunteer and donations management procedures is available from ODEM.

See ESF 15 – Volunteers and Donations for more details.

4.5.6 Emergency Public Information

Emergency public information involves developing, coordinating, and disseminating information to the public, coordinating officials, and incident management and responders under all hazard conditions. To ensure that appropriate information is distributed to all populations within the County, the emergency management organization will seek to develop public and private partnerships to help inform overall guidance of emergency public information message development, standards of practice, and evaluation tools, and help refine public information plans and procedures.

The County Public Information Officer (PIO) typically coordinates public information in the EOC. The PIO is a member of the Command Staff responsible for interfacing with the public, media, and other agencies during all emergency mission phases. During an emergency, the PIO gathers, verifies, coordinates, and disseminates accurate, accessible, and timely information and is an important link between the emergency management organization and the community. The information the PIO provides to a community can call people to action, educate and inform, change behavior and attitudes, create a positive impression of the County’s emergency management organization, and prepare the community for an emergency.

4. Concept of Operations

Additionally the County is a member of the Central Oregon Emergency Information Network (COEIN). COEIN is a network of communicators from stakeholder agencies and organizations across Central Oregon committed to working together in emergencies to respond to the communications and information needs of the public. COEIN is an informal, collaborative communications network based on ongoing working relationships that is considered active at all times. As emergencies evolve, become more complex and involve multiple stakeholders, COEIN may launch a Joint Information Center (JIC) to address the more complex information and communications needs of the incident.

See ESF 14 – Public Information for more details.

4.5.7 Equity Considerations

Access to emergency services shall not be denied on the grounds of color, national origin, sex, age, sexual orientation, or functional needs. Additional Needs Populations (also referred to as Access and Functional Needs, Vulnerable Populations and/or Special Needs Populations) are members of the community who experience physical, mental, or medical care needs and who may require assistance before, during, and after an emergency incident after exhausting their usual resources and support network.

Persons with access and functional needs within the County have the primary responsibility for minimizing the impact of disasters through personal preparedness activities. A multitude of service providers in Deschutes County provide direct service to Access and Functional Needs populations. To the greatest extent possible, Emergency Management will assist service providers in supporting these populations by providing preparedness information, emergency public information, and critical public services in an accessible manner.

Other populations who are more vulnerable to the negative impacts of disaster include people with a fixed or low income, communities of color, people who are undocumented or whose first language is not English, people experiencing homelessness and essential workers. The County strives to ensure that principles of justice, equity, inclusion, transparency and accountability govern all aspects of emergency management to reduce the disproportionate impacts of disaster.

See ESF 6 – Mass Care for more details.

4.5.7.1 Children and Disasters

Planning and preparing for the unique needs of children is of utmost concern to the County and, whenever possible, the County will consider preparedness, evacuation, shelter operations, and public outreach and education activities that identify issues particular to children.

Individuals with children have the primary responsibility for minimizing the impact of disasters to themselves and their children through personal

4. Concept of Operations

preparedness activities. To the greatest extent possible, Emergency Management will assist in carrying out this responsibility by providing preparedness information, emergency public information, and critical public services.

4.5.8 Animals and Disasters

While the protection of human life is paramount, the need to care for domestic livestock and/or companion animals plays into decisions made by people affected by disasters. Preparing for the care of animals during a disaster is the responsibility of owners. However, the County may coordinate with local animal owners, veterinarians, and animal advocacy groups and charities sponsored by private organizations to address animal-related issues that arise during an emergency. If local resources are insufficient to meet the needs of animals during a disaster, the County may request assistance through OEM. The County also maintains a partnership with the non-profit Pet Evacuation Team.

See ESF 6 – Mass Care for more details.

4.5.9 Cybersecurity

Cyber security is an additional concern during both normal and emergency operations. Information Technology (IT) specialists should be involved in EOC security protocols, and the following tasks should be addressed:

- **Development of a cyber-security system:** Malware and viruses can allow hackers to access confidential and proprietary information within the EOC network. Technology departments are developing cyber security tools to prevent such attacks.
- **Identify weaknesses throughout the system:** IT specialists are identifying areas that are especially prone to attack or have inherent weaknesses. Information stored online can have considerable vulnerability to attacks, and steps are being taken to lessen this vulnerability.
- **Establishment of web access policies:** Personnel are educated on the risks posed by certain types of websites and the risks of opening suspicious emails. In addition, policies are in place to decrease the likelihood of a security breach.

4.5.10 Demobilization

As the emergency situation progresses and the immediate response subsides, a transition period will occur during which emergency responders will hand responsibility for emergency coordination to agencies involved with short- and long-term recovery operations.

The following issues will be considered when demobilizing:

- Identification of surplus resources and probable resource release times.

4. Concept of Operations

- Demobilization priorities as established by the on-scene Incident Commander and/or EOC Coordinator.
- Released or demobilized response resources as approved by the on-scene Incident Commander and/or EOC Coordinator.
- Repair and maintenance of equipment, if necessary.

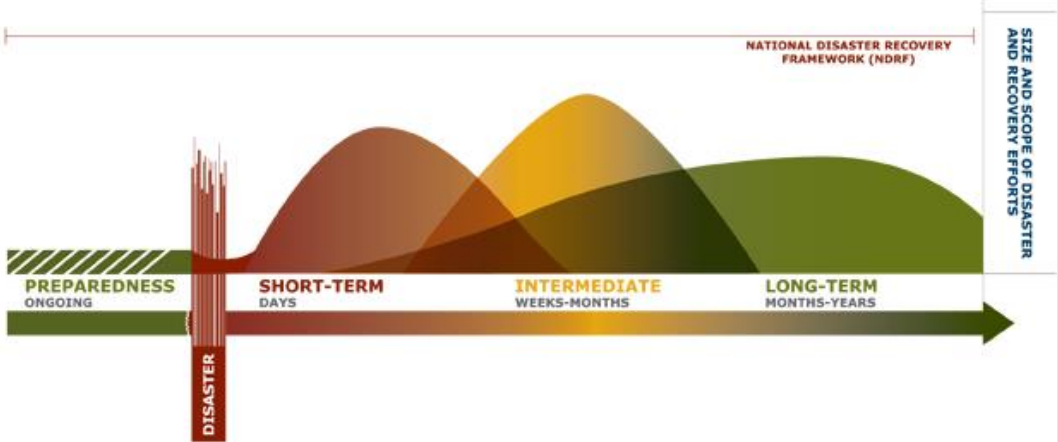
The County Administrator, with input from the Sheriff’s Office and/or on-scene Incident Commander, will determine when a state of emergency no longer exists, emergency operations can be terminated, and normal County functions can be restored.

4.5.11 Transition to Recovery

Once immediate response activities have been completed, the County will turn towards recovery to restore government function and community services. Certain recovery activities may begin prior to the completion of all response activities. For example, restoration of lifeline utilities may commence while emergency sheltering is still ongoing. Overall effectiveness in recovery is dependent on a coordinated and joint effort across both response and recovery stakeholders and at all levels of government.

It is the responsibility of all levels of government to assist the public and private sectors with recovery from disaster. A widespread disaster may disrupt employment, interrupt government services, affect the ability of businesses to function, and impact tax revenues within the County. This EOP is not a recovery plan; however, the County recognizes that response and recovery activities often take place concurrently until life safety and emergency protective actions are completed.

Figure 4-2 Disaster Recovery Continuum



Source: National Disaster Recovery Framework

### 4. Concept of Operations

#### Short-Term Recovery

Focus: Stabilization

Timeline: Up to 2 months

Short-term recovery operations take place in the days to weeks following an incident and focus on stabilizing activities. This phase of recovery involves restoring vital services to the community and providing for the basic needs of the public, such as bringing necessary lifeline systems (e.g., power, communication, water and sewage, disposal of solid and hazardous wastes, or removal of debris) to an acceptable standard while providing for basic human needs (e.g., food, clothing, and shelter). Once stability is achieved, the County can concentrate on intermediate and long-term recovery efforts, which focus on restoring the community to a “new normal” or even “built back better.”

#### Intermediate Recovery

Focus: Rebuilding

Timeline: Up to 18 months

Short-term recovery operations take place in the weeks to months following an incident and focus on rebuilding activities. This phase of recovery involves repairing damaged infrastructure and buildings, providing financial, social, and psychological support to community members, and mitigating future risks.

#### Long-Term Recovery

Focus: Revitalization

Timeline: 1-5 years, depending on the severity

Short-term recovery operations take place in the months to years following an incident and focus on revitalizing activities. This phase of recovery addresses complete redevelopment and revitalization of the impacted area, continued rebuilding activities, and a focus of building self-sufficiency, sustainability, and resilience.

During the recovery period, the County will review and implement mitigation measures, collect lessons learned and share them with the community, and reassess the recovery framework, as well as this EOP (including annexes) to identify deficiencies and take corrective actions. Resources to restore or upgrade damaged areas may be available if the County demonstrates that extra repairs will mitigate or lessen the chances of, or damages caused by, another similar disaster in the future.



4. Concept of Operations

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# 5

## Command and Control

*This section of the EOP discusses operational coordination and use of the County EOC to facilitate emergency operations. It details the location, capabilities, and policies of the EOC. Additionally, this section outlines a process for establishing operations within the EOC, including activation, EOC procedures, and deactivation.*

### 5.1 General

The ultimate responsibility for command and control of County departments/offices and resources lies with the County Administrator or elected official, however, the Sheriff will maintain direction and control of the County EMO, unless otherwise delegated. County emergency operations, both on-scene and in the EOC, will be conducted in a manner consistent with NIMS, including use of ICS.

During a County-declared disaster, control is not relinquished to State authority but remains at the local level for the duration of the event.

### 5.2 On-Scene Incident Management

Initial response to an incident will be managed by the responding agency (i.e., Road Department, Sheriff's Office, and/or Fire District), who will assign an on-scene Incident Commander. The on-scene Incident Commander is responsible for performing or directing such duties as enforcing emergency measures and designating emergency areas. During the initial response, the on-scene Incident Commander may establish an Incident Command Post and may assume the responsibilities of Command Staff until delegated. If the incident is significant or requires activation of higher command or coordination entities, the on-scene Incident Commander will notify Emergency Management and request activation of the EOC, as appropriate. The on-scene Incident Commander may also establish an on-scene Unified Command structure with other agencies.

### 5.3 Emergency Operations Center Support to On-Scene Operations

Depending on the type and size of incident, or at the request of the on-scene Incident Commander, the County may activate the EOC and assign an EOC Coordinator. The EOC and EOC Coordinator support on-scene operations and coordinate County resources.

The request will be submitted to the Sheriff, who will determine whether to activate the EOC and will assume, or designate, the role of EOC Coordinator. In most instances, the on-scene Incident Commander will retain tactical control over the incident, relying on the EOC for resource coordination, communications, and

5. Command and Control

public information support. The EOC may be activated fully, partially, or virtually. In some cases, the Incident Commander may relocate to the EOC, or the EOC function may relocate to the Incident Command Post, ensuring proper coordination of resources across agencies. Outside assistance from neighboring jurisdictions or from private contractors will be requested and used as an adjunct to existing County services, and then only when a situation threatens to expand beyond the County's response capabilities.

Upon activation of the EOC and authorized by declaration, the EOC Coordinator, at the discretion of the Sheriff, is empowered to assume executive control over all departments, divisions, and offices of the County during a state of emergency. If appropriate, the on-scene Incident Commander, EOC Coordinator, or County Administrator may request that the Board of County Commissioners declare a state of emergency.

5.4 Emergency Operations Center

The EOC supports incident response activities including tracking, management, and allocation of appropriate resources and personnel, and may also serve as a Multi-Agency Coordination Center, if needed. The EOC will be activated upon notification of a possible or actual emergency. During large-scale emergencies, the EOC may become the County seat of government for the duration of the crisis.

5.4.1 Emergency Operations Center Activation

During emergency operations, and upon activation of the EOC, EOC staff will assemble and exercise direction and coordination, as outlined below.

- The EOC will be activated by the Sheriff, or designee, who may assume or designate the role of EOC Coordinator. While the on-scene Incident Commander retains tactical control of the incident, the EOC Coordinator assumes responsibility for coordinating and prioritizing County resources in support of emergency operations.
- The EOC Coordinator will determine the level of activation and staffing required and will alert the appropriate personnel, agencies, and organizations.
- Emergency operations will be conducted by County departments and offices, augmented as required by trained reserves, volunteer groups, forces supplied through mutual aid agreements, and private contractors. County, State, and Federal support will be requested if the situation dictates.
- Communications equipment in the EOC will be used to receive information, disseminate instructions and notifications, and coordinate emergency operations.

5. Command and Control

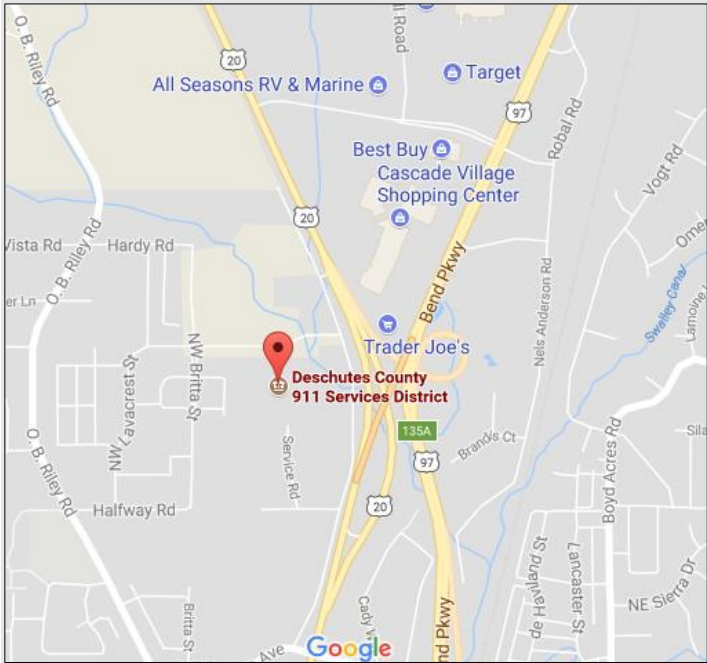
- The on-scene Incident Commander may establish an on-scene command post to maintain close contact and coordinate resources with the EOC.
- Deschutes County Sheriff's Office's mobile assets may be utilized for the on-scene command post or mobile Emergency Operations Center.
- Department heads, elected officials and organization leaders are responsible for their own assigned emergency functions, as outlined in the ESFs.
- The EOC may, as appropriate, operate on a 24-hour basis, rotating on 12-hour shifts, or as needed.
- The Emergency Manager will notify the State Emergency Management agency upon activation of the EOC. Incident Action Plans and periodic updates will be created as the situation requires.

See Appendix D - Incident Action Planning Cycle for more information regarding operational periods and the development of an Incident Action Plan.

5.4.2 Emergency Operations Center Location

The **primary location** for the EOC is:

Deschutes County 911 Services District  
20355 Poe Sholes Drive, #300  
Bend, OR 97703

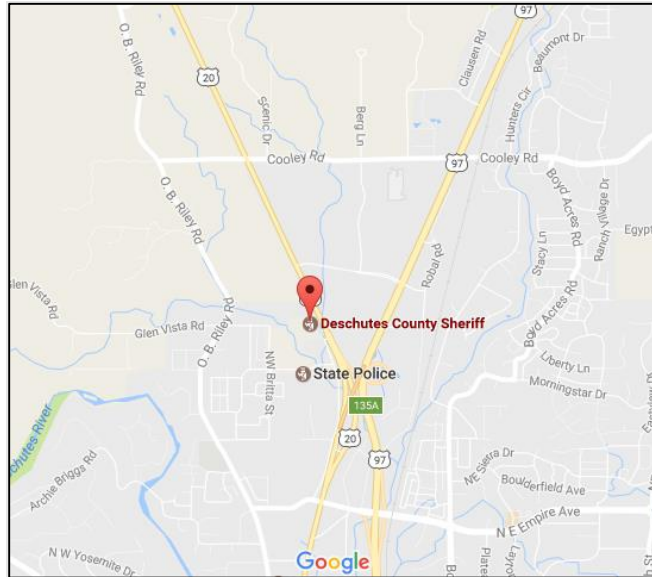


If necessary, the **alternate locations** for the County EOC are:

5. Command and Control

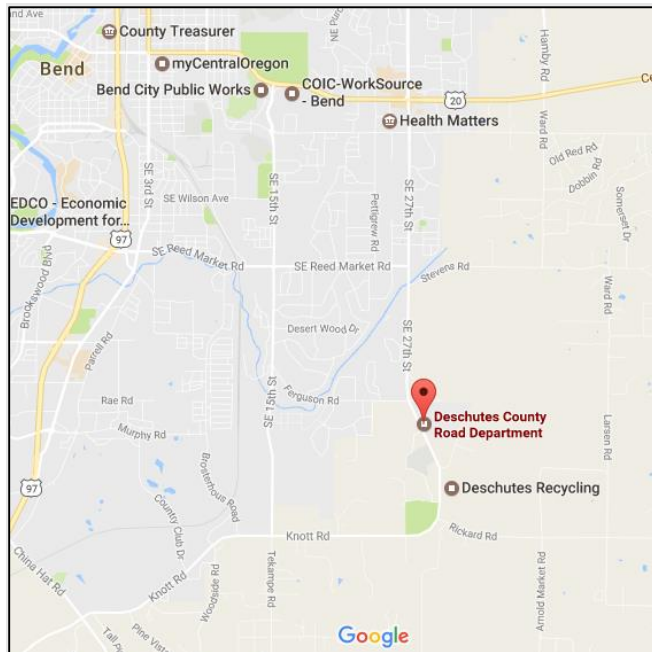
Deschutes County Sheriff's Office  
MAC Center (2<sup>nd</sup> Floor)  
63333 W. Highway 20  
Bend, OR 97703

Figure 5-2 Alternate EOC Location - Sheriff's Office



Deschutes County Road Department  
61150 SE 27<sup>th</sup> Street  
Bend, OR 97702

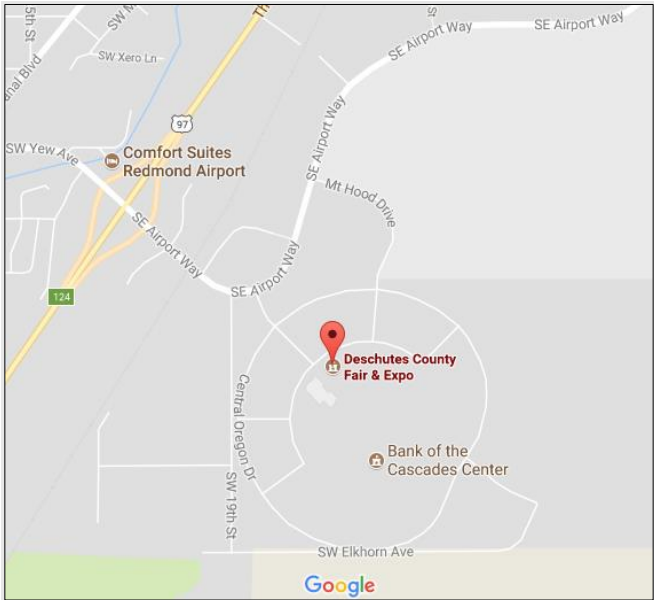
Figure 5-3 Alternate EOC Location - Road Department



5. Command and Control

Deschutes County Fair & Expo  
3800 SE Airport Way  
Redmond, OR 97756

Figure 5-4 Alternate EOC Location - Fair & Expo



The location of the EOC can change, as required by the needs of the incident. Coordination and control for County emergency resources will take place from the EOC as long as environmental and incident conditions allow. However, if conditions require relocation of the EOC, then the EOC Coordinator will designate an alternate facility. Based on the circumstances and the nature of the emergency, the EOC Coordinator may utilize virtual activation or virtual meetings to accomplish effective coordination.

**5.4.3 Emergency Operations Center Staffing**

Depending on the incident type, County departments/offices will provide staff to the EOC. At any time, if the incident expands or contracts, changes in jurisdiction or discipline, or becomes more or less complex, the on-scene Incident Commander or EOC Coordinator may change to meet the needs of the incident. In the event that local staffing resources are not adequate to maintain the EOC, the County may request support from the State.

County departments and offices involved in emergency response and personnel assigned to Command and General Staff (if previously designated) are required to report to the EOC upon activation. Personnel assigned to the EOC have the authority to make decisions associated with their Command and General Staff positions.

## 5. Command and Control

Due to limited personnel and resources available in the County, it is imperative that all primary and alternate EOC staff be trained on ICS functions outside their areas of expertise. Regularly exercising ICS, including sub-functions and liaison roles, with volunteers and other support staff will improve overall EOC operation efficiency.

The Policy Group (Board of County Commissioners, the Sheriff, other elected officials and Department Directors) will be established either virtually or at a location easily accessible to the EOC. They will be available to confer as necessary to aid in making policy decisions needed and for the expedient recovery of the County as a whole. Key directors, representing departments playing primary roles and whose operations personnel are in the unified command position of the event, such as police, fire, and transportation will be immediate advisors to the Board.

### 5.4.4 Access and Security

During an emergency, access to the County EOC will be limited to designated emergency operations personnel due to the large volume of incoming and outgoing sensitive information. The EOC Coordinator may allow access on an individual, case-by-case basis. Appropriate security measures will be in place to identify personnel who are authorized to be present.

### 5.4.5 Incident Management Software

The County utilizes OpsCenter incident management software to coordinate with the State ECC. The Emergency Manager is responsible for training EOC staff on the use of software, and a User's Manual is maintained in the EOC.

### 5.4.6 Deactivation

Each incident will be evaluated to determine the need for continued operation of the EOC after the emergency response phase of the incident has been completed. This decision is made by the on-scene Incident Commander, EOC Coordinator, Sheriff, and County Administrator.

During the initial phase of the recovery period for a major disaster, it may be desirable to continue to operate the EOC during the day with limited staffing to facilitate dissemination of public and local government disaster relief information. This alternative should be weighed against the option of immediately requiring the County Administrator and staff to manage recovery operations as part of their daily responsibilities.

Once the decision has been made to limit hours/staff or close the EOC, notification must be disseminated to the same agencies that were notified it was activated. If necessary, the EOC may also be re-opened (*see activation procedures in Section 5.4.*) and emergency operations re-initiated at any time. As with initial activation, re-activation of the EOC would occur at the direction of the Sheriff or designee.

5. Command and Control

**5.4.7 Department, and Agency Operations Centers**

Other agencies may activate and staff individual Agency or Department Operations Center (AOC/DOC) facilities for various types of emergencies. For example, if a biological incident such as pandemic influenza occurs, Health Services and area medical centers may jointly staff a Medical EOC, which will coordinate closely with the Health Services' On-Site Clinic and the EOC. In all cases, however, the EOC will serve as the central point for coordinating support to response operations, resource requests and tracking, public information, and overall support of the incident(s).

**5.5 Incident Command System (ICS)**

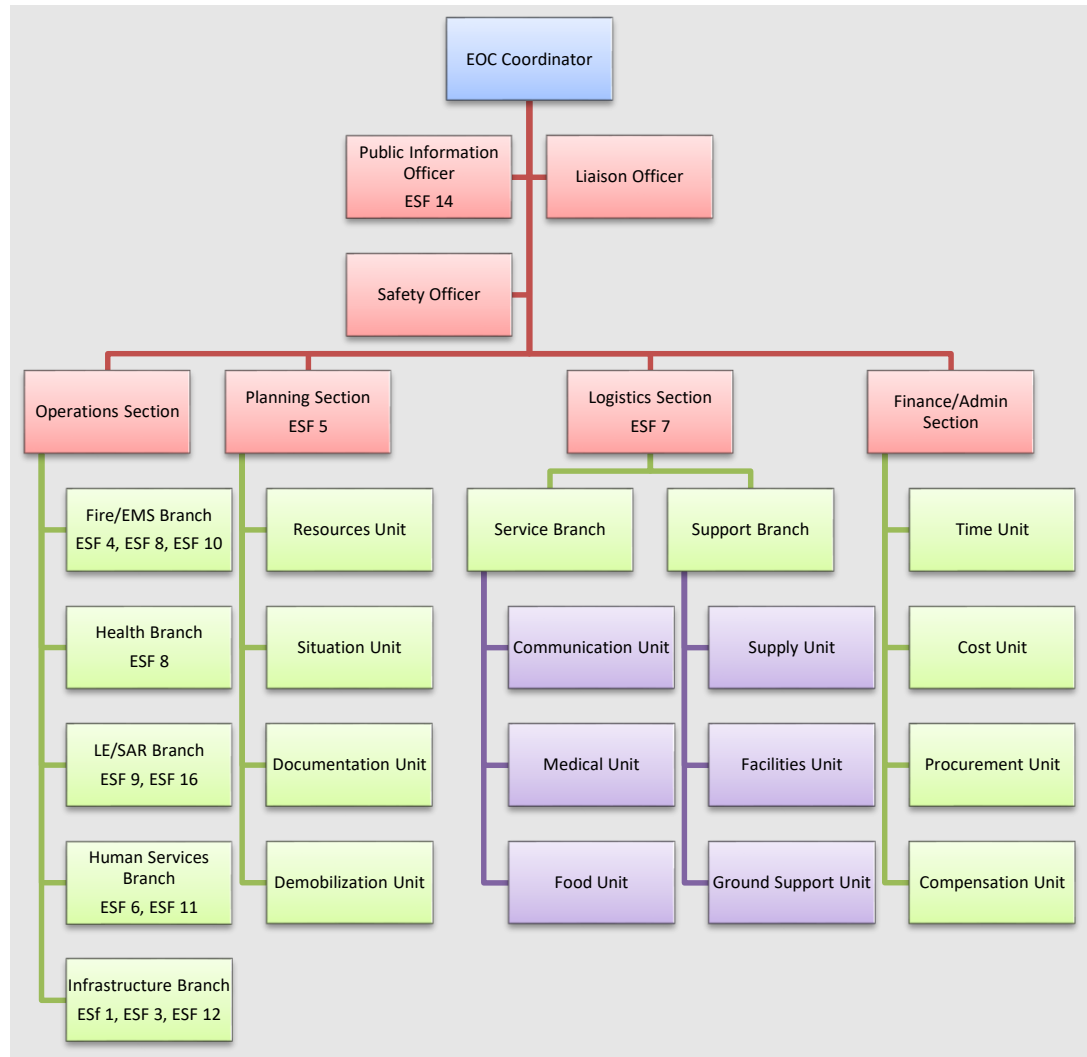
ICS is a standardized, flexible, scalable, all-hazard incident management system designed to be utilized from the time an incident occurs until the need for management and operations no longer exists. The County will utilize ICS to manage resources and activities during an emergency response, in order to communicate with other responding agencies using common terminology and operating procedures.

The ICS structure can be expanded or contracted, depending on the incident's changing conditions. ICS positions can be staffed and operated by qualified personnel from any emergency service agency and may involve personnel from a variety of disciplines. As such, the system can be utilized for any type or size of emergency, ranging from a minor incident involving a single unit to a major emergency involving several agencies and spanning numerous jurisdictions. The ICS allows agencies to communicate using common terminology and operating procedures and allows for effective coordination and allocation of resources throughout an incident's duration.



5. Command and Control

Figure 5-3 EOC Organization Chart



5.5.1 Emergency Operations Center Coordinator

The EOC Coordinator is responsible for operation of the EOC when it is activated and has overall responsibility for coordinating resources in support of emergency operations. In general, the EOC Coordinator is responsible for:

- Maintaining EOC operations in accordance with the principles of ICS and NIMS.
- Approving and supporting implementation of an IAP.
- Coordinating activities in support of emergency operations.
- Approving release of information through the PIO.
- Performing the duties of the following Command Staff if no one is assigned to the position:

5. Command and Control

- Safety Officer
- PIO
- Liaison Officer

- At any time, if the incident expands or contracts, changes in jurisdiction or discipline, or becomes more or less complex, the EOC Coordinator may change to meet the needs of the incident.

5.5.2 Emergency Operations Center Command Staff

5.5.2.1 Safety Officer

The Safety Officer is responsible for the safety of emergency response personnel, EOC Command and General Staff, and their operations. The Safety Officer’s responsibilities include:

- Identifying initial hazards, determining personal protective equipment requirements, and defining decontamination areas.
- Implementing site and access control measures.
- Monitoring and assessing the health and safety of response personnel and support staff.
- Preparing and implementing a site Health and Safety Plan and updating the EOC Coordinator, on-scene Incident Command, and Operations Chief(s) as necessary regarding safety issues or concerns.
- Exercising emergency authority to prevent or stop unsafe acts.

5.5.2.2 Public Information Officer

The PIO will coordinate and manage the County’s public information network, including local, regional, and State agencies, County officials, and other emergency management stakeholders. The PIO’s duties include:

- Developing and coordinating release of information to incident personnel, media, and the general public.
- Coordinating information sharing among the public information network through the use of a Joint Information System (JIS) and, if applicable, participating in a JIC.
- Implementing information clearance processes with the EOC Coordinator.
- Conducting and/or managing media briefings and implementing media-monitoring activities.

5. Command and Control

5.5.2.3 Liaison Officer

Specific liaison roles may be incorporated into the command structure established at the EOC, depending on the type of emergency incident that has occurred. Liaisons coordinate with representatives from entities and organizations such as hospitals, school districts, public works/utility companies, and volunteer services such as the Red Cross. Responsibilities typically associated with a liaison role include:

- Serving as the contact point for local government officials, agency or tribal representatives, and stakeholders.
- Coordinating information and incident updates among interagency contacts, including the public information network.
- Providing resource status updates and limitations among personnel, capabilities, equipment, and facilities to the EOC Coordinator, government officials, and stakeholders.

The annexes attached to this plan contain general guidelines for County staff, volunteer organizations, neighboring jurisdictions, County officials and departments/offices, and other response agency staff to carry out assigned Command Staff responsibilities at the EOC and neighboring jurisdictions.

5.5.3 Emergency Operations Center General Staff

5.5.3.1 Operations Section

The Operations Section Chief position may be filled by the lead agency managing response activities for a specific type of incident. The Operations Section is organized into Branches representing ESF's and coordinating with agencies involved in tactical operations. The following ESFs might be activated to support the Operations Section:

- **Fire/EMS Branch (ESF 4 – Firefighting, ESF 10 – Hazardous Materials, ESF 8 – Health and Medical [EMS]).** Incidents dealing with fire, earthquake with rescue, or hazardous materials.
- **Law Enforcement/SAR Branch (ESF 16 – Law Enforcement, ESF 9 – Search and Rescue).** Incident(s) involving civil disorder/disturbance, significant security/public safety concerns, transportation-related accidents, and/or criminal investigations. Incidents requiring search and rescue operations.
- **Health Branch (ESF 8 – Health and Medical [Public Health]) –** contamination issues, disease outbreaks, and/or emergency incidents posing threats to human, animal, and environmental health.

5. Command and Control

- **Human Services Branch (ESF 6 – Mass Care, ESF 11 – Food and Water)** – emergencies that require care and shelter of impacted populations.
- **Infrastructure Branch (ESF 1 – Transportation, ESF 3 – Public Works, and ESF 12 – Energy)** - incidents resulting in major utility disruptions, damage to critical infrastructure, and building collapse. Depending on the complexity of the incident, Energy may be broken out as its own group.
- Private entities, companies, and nongovernmental organizations may also support the Operations Section. Examples of support these organizations may provide include:
  - Grass roots social media support for situational awareness, as well as identifying and connecting resources to community members in need
  - Non-hazardous debris clearance collection and disposal

The EOC Operations Chief is responsible for:

- Developing and coordinating activities to carry out the IAP.
  - Coordinating informational and resource needs for field response activities
  - Directing implementation of unit operational plans
  - Requesting resources as needed
- Managing and incorporating community partners and stakeholders (private entities, companies, and nongovernmental organizations) into response operations.

5.5.3.2 Planning Section

The Planning Section (ESF 5 – Information and Planning) is responsible for forecasting the needs of the response as well as implementing appropriate procedures and processes. This section is typically supported by four primary units: Resources, Situation, Documentation, and Demobilization. The Planning Section Chief is responsible for:

- Collecting and evaluating information and distributing incident information through status summaries.
  - Weather, maps, data collection
  - For terrorist incidents, liaise with the State Fusion Center
- Maintaining resource status.
- Preparing and disseminating the IAP including developing alternatives for tactical operations.

5. Command and Control

- Conducting planning meetings.

See ESF 5 – Information and Planning for more detail.

5.5.3.3 Logistics Section

The Logistics Section (ESF 7 – Resource Support) is typically supported by the units responsible for supplies, food, communications, medical services, facilities, and ground support. Depending on the type and size of the incident, these units can be divided into two branches: Service and Support. The Logistics Section Chief is responsible for:

- Managing various resources to meet the needs of incident personnel, such as transportation-related equipment, EOC staff support services, supplies, facilities, and personnel.
- Coordinating with the Planning Section to estimate future support and resource requirements.
- Assisting with development and preparation of the IAP.

See ESF 7 – Resource Support for more detail.

5.5.3.4 Finance Section

The Finance/Administration Section is activated for large-scale incidents or incidents that require emergency funding or use of specialized services and equipment that are not within the County’s resources. Potential units assigned to this section include Compensation/Claims, Procurement, Cost, and Time. Conversely, during some incidents, responding agencies may not require outside assistance, or relatively minor finance or administrative operations are otherwise required. In these instances, the Finance/Administration section can be staffed by a technical specialist in the Planning Section. The Finance and Administration Section Chief is responsible for:

- Monitoring costs related to the incident.
- Maintaining accounting, procurement, and personnel time records.
- Conducting cost analyses.

5.5.4 Unified Command

Unified Command allows all agencies with jurisdictional authority or functional responsibility for the incident to jointly provide management direction to an incident through a common set of incident objectives and strategies and a single Incident Action Plan (IAP). Each participating agency maintains its individual authority, responsibility, and accountability.

5. Command and Control

Table 5-1 presents a comparison of a single Incident Commander and Unified Command.

<b>Table 5-1 Comparison of Single Incident Commander and Unified Command</b>	
<b>Single Incident Commander</b>	<b>Unified Command</b>
<p>The Incident Commander is solely responsible (within the confines of his or her authority) for establishing incident objectives and strategies.</p> <p>The Incident Commander is directly responsible for ensuring that all areas of functional activity directly support accomplishing the overall strategy.</p>	<p>The individuals designated by their jurisdictional and organizational authorities (or by agencies within a single jurisdiction) must jointly determine objectives, strategies, plans, resource allocations, and priorities and work together to execute integrated incident operations and maximize the use of assigned resources.</p>

Source: ICS-300: Intermediate ICS for Expanding Incident Student Manual.

5.5.5 Area Command

An Area Command is a management structure established to oversee the organization of multiple incidents handled by separate ICS organizations, or very large incidents that involve multiple ICS organizations. Area Command is activated only if necessary, depending on the complexity of the incident and span-of-control, and does not have operational responsibilities. If activated, the Area Command:

- Sets overall incident-related priorities:
  - De-conflicts incident management objectives with other ICS organizations and established policies.
  - Allocates critical resources according to incident-related priorities.
  - Identifies critical resource needs and reports them to the EOCs.
- Conducts oversight:
  - Ensures proper management and effective communications and provides for personnel accountability and a safe operating environment.
  - Ensures that short-term emergency recovery is coordinated to assist in the transition to full recovery operations.

5.5.6 Multi-Agency Coordination

In the event that the County is coordinating a response with other jurisdictions or agencies with authority over the incident, it may choose to implement a Multi-

**5. Command and Control**

Agency Coordination Group (MAC Group). Typically, administrators/executives, or their appointed representatives, who are authorized to commit agency resources and funds are brought together to form MAC Groups. A MAC Group can provide coordinated decision making and resource allocation among cooperating agencies and may establish the priorities among incidents, harmonize agency policies, and provide strategic guidance and direction to support incident management activities. A MAC Group acts as the policy group to a Multi-Agency Coordination Center.

*See the Central Oregon Multi-Agency Coordination Plan for additional detail.*

# 6

## Plan Development, Maintenance and Implementation

*Section 6 of the EOP outlines the plan development process, describes plan maintenance and improvement processes, and provides plan training and exercise requirements.*

### 6.1 Plan Review and Maintenance

If a plan is to be effective, its contents must be known and understood by those who are responsible for its implementation. The Emergency Manager will brief their appropriate public and private officials concerning their roles in emergency management and ensure proper distribution of the plan, including any amendments made to the plan.

The EOP will be re-promulgated at a minimum of every four years and reviewed every two years. This review will be coordinated by the Emergency Manager and will include participation by members from each of the agencies assigned as leads in this EOP and its supporting annexes. This review will:

- Verify contact information.
- Review the status of resources noted in the plan.
- Evaluate the procedures outlined in the plan to ensure their continued viability.

In addition, lead agencies will review the annexes and appendices assigned to their respective agencies.

**Recommended changes should be forwarded to:**

Emergency Manager  
Deschutes County Sheriff's Office  
63333 W. Highway 20  
Bend, OR 97703



6. Plan Development, Maintenance, and Implementation

**Table 6-1: Plan Development and Update Schedule (Calendar Year)**

Section	2024	2025	2026	2027	2028	2029	2030
Base Plan (Update and promulgation)	X				X		
Base Plan (Review and non-substantive update)			X				X
Emergency Support Function Annexes	As needed but reviewed no less than at promulgation						
Support Annexes	As needed but reviewed no less than at promulgation						
Incident Annexes	As needed but reviewed no less than at promulgation						

Notwithstanding the regular update schedule, the EOP may be reviewed on an annual basis, gathering updates from other sources such as local, State, and Federal agencies. EOP review will also focus on integration of NIMS guidance.

6.2 Training Program

To assist with training and preparing essential response staff and supporting personnel to incorporate ICS/NIMS concepts in all facets of an emergency, each agency is responsible for ensuring that critical staff are identified and trained at a level that enables effective execution of existing response plans, procedures, and policies.

The Emergency Manager coordinates training for County personnel and encourages them to participate in training sessions hosted by other agencies, organizations, and jurisdictions throughout the region.

Current training and operational requirements set forth under NIMS have been adopted and implemented by the County (see minimum training requirements in Table 6-1). The Emergency Manager maintains records and lists of training received by County personnel. Training requirements apply to all first responders and disaster workers, including first-line supervisors, middle management, and Command and General Staff, as well as:

- EMS personnel
- Firefighters
- Law enforcement personnel
- Public works/utility personnel
- Hospital staff and public health personnel
- Skilled support personnel

**6. Plan Development, Maintenance, and Implementation**

- Other emergency management response personnel
- Support/volunteer personnel at all levels

<b>Table 6-2 Minimum Training Requirements</b>	
<b>Emergency Personnel</b>	<b>Training Required</b>
Direct role in emergency management or emergency response	ICS-100b IS-700a
First-line supervisors, mid-level management, and Command and General Staff	ICS-100b, -200a IS-700a
Supervisory role in expanding incidents or a management role in an EOC	ICS-100b, -200a, -300 IS-700a
Management capacity in an IMT, Area Command or EOC	ICS-100b, -200a, -300, -400 IS-700a, -701a
PIOs	IS-702a
Resource management	IS-703a
Communication or incident information systems	IS-701a
Development of mutual aid agreements and/or mutual aid operational plans	IS 706
Planning	IS-800b
<i>Additional information about training requirements can be found on the OEM website at <a href="http://www.oregon.gov/OMD/OEM/plans_train/docs/nims/nims_who_takes_what.pdf">http://www.oregon.gov/OMD/OEM/plans_train/docs/nims/nims_who_takes_what.pdf</a>. Independent study courses can be found at <a href="http://training.fema.gov/IS/crslist.asp">http://training.fema.gov/IS/crslist.asp</a>.</i>	

**6.3 Exercise Program**

The County will conduct exercises on a regular basis to test and evaluate this EOP. The County will coordinate with agencies; organizations (nonprofit, for profit, and volunteer); neighboring jurisdictions; and State and Federal government to participate in joint exercises. These exercises will consist of a variety of tabletop exercises, drills, functional exercises, and full-scale exercises.

As appropriate, the County will use Homeland Security Exercise and Evaluation Program procedures and tools to develop, conduct, and evaluate these exercises.

The Emergency Manager will work with County departments and agencies to identify and implement corrective actions and mitigation measures, based on exercises conducted through Emergency Management.

**6.4 Event Critique and After-Action Reporting**

In order to document and track lessons learned from exercises, the Emergency Manager will conduct a review, or “hot wash,” with exercise participants after each exercise. The Emergency Manager will also coordinate an AAR, which will

**6. Plan Development, Maintenance, and Implementation**

describe the objectives of the exercise, document the results of the evaluation, and improve the County's readiness.

Reviews and AARs will also be facilitated after an actual disaster. All agencies involved in the emergency response will participate in the AAR. The AAR following an incident should describe actions taken, identify equipment shortcomings and strengths, and recommend ways to improve operational readiness.

Recommendations may include future exercise events and programs. Success stories and lessons learned should be submitted to the Emergency Manager to capture in lessons learned documentation. The Emergency Manager will ensure that equipment, training, and planning shortfalls identified following an incident are addressed by the County's EMO.

**6.5 Community Outreach and Preparedness Education**

The County will educate the public about threats, disasters, and what to do when an emergency occurs. The County maintains an active community preparedness program and recognizes that citizen preparedness and education are vital components of the County's overall readiness.

Information about the County's public education programs, hazard and mitigation information, and other emergency management and emergency services can be found on the County's emergency management website at: <https://sheriff.deschutes.org/divisions/special-services/emergency-management/>.

**6. Plan Development, Maintenance, and Implementation**

**6.6 Funding and Sustainment**

It is a priority of the County to fund and maintain an EMO that ensures the County's ability to respond to and recover from disasters. The Emergency Manager will work with the Sheriff, County Administrator, Board of County Commissioners and community stakeholders to:

- Identify funding sources for emergency management programs, personnel, and equipment.
- Ensure that the Board of County Commissioners is informed of progress toward building emergency response and recovery capabilities and is aware of gaps to be addressed.
- Leverage relationships with local, regional, and State partners to maximize use of scarce resources.

# A

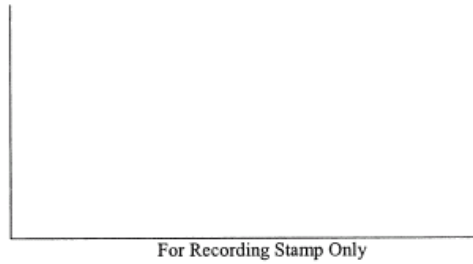
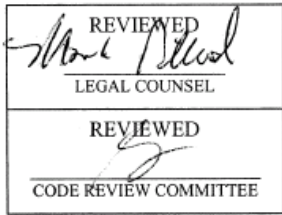
## Authorities and References

Appendix A. Authorities and References

Federal
<ul style="list-style-type: none"> <li>– Federal Emergency Management Agency (FEMA) Policy               <ul style="list-style-type: none"> <li>○ Crisis Response and Disaster Resilience 2030 (January 2012)</li> <li>○ FDOC 104-008-1: A Whole Community Approach to Emergency Management (December 2011)</li> <li>○ FEMA Administrator’s Intent (2018-2022)</li> <li>○ FEMA Incident Management and Support Keystone (January 2011)</li> <li>○ FEMA Publication: 1 The Federal Emergency Management Agency (November 2010)</li> <li>○ FEMA Strategic Plan 2022-2026</li> <li>○ National Disaster Housing Strategy (January 2009)</li> <li>○ National Disaster Recovery Framework (June 2016)</li> <li>○ National Incident Management System (October 2017)</li> <li>○ National Preparedness Goal (September 2015)</li> <li>○ National Response Framework (October 2019)</li> </ul> </li> <li>– Executive Order 13347, July 2004, Individuals with Disabilities in Emergency Preparedness</li> <li>– Homeland Security Presidential Directive 5: Management of Domestic Incidents (2003)</li> <li>– Pet Evacuation and Transportation Standards Act of 2006, Public Law 109-308, 2006</li> <li>– Presidential Policy Directive 8: National Preparedness (2008)</li> <li>– Public Law 107-296 The Homeland Security Act of 2002</li> <li>– Public Law 109-295 The Post-Katrina Emergency Management Reform Act (2007)</li> <li>– Public Law 93-288 Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (last amended October 2018)</li> </ul>
State of Oregon
<ul style="list-style-type: none"> <li>– Oregon Administrative Rules Chapter 104 Department of Emergency Management</li> <li>– Oregon Revised Statutes (ORS) 279B.080 Emergency Procurements</li> <li>– ORS 294.481 Authorization to Receive Grants or Borrow or Expend Moneys to Respond to Public Emergency</li> <li>– ORS 401 Emergency Management and Services</li> <li>– ORS 402 Emergency Mutual Assistance Agreements</li> <li>– ORS 403 Public Safety Communications System</li> <li>– ORS 404 Search and Rescue</li> <li>– ORS 431 State and Local Administration and Enforcement of Health Laws</li> <li>– ORS 433 Disease and Condition Control; Mass Gatherings; Indoor Air</li> <li>– ORS 476 State Fire Marshal; Protection From Fire Generally</li> <li>– ORS 477 Fire Protection of Forests and Vegetation</li> <li>– State of Oregon Comprehensive Emergency Management Plan</li> </ul>
County
<ul style="list-style-type: none"> <li>– Succession and Emergency Declaration Ordinance #2203-037</li> <li>– Ordinance #2007-015</li> </ul>

Appendix A. Authorities and References

The following pages contain County Ordinance No. 2003-037, addressing county succession and authority to declare a local emergency.



BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending the Deschutes County Code Chapter 2.04 by Adding Section 2.04.055 Establishing the Chain of Succession for Executive Responsibility in an Emergency, and Declaring an Emergency. \* ORDINANCE NO. 2003-037

WHEREAS, Deschutes County Code ("DCC") Chapter 2.04 sets out the workings of the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners finds it in the best interest of the County to establish the chain of succession for executive responsibility for the county in the event of an emergency; now, therefore,

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

Section 1. That Deschutes County Code Chapter 2.04, Board of County Commissioners, is amended by adding Section 2.04.055 to read as follows:

2.04.055 Executive Responsibility-Chain of Succession – State of Emergency.

A. The Chair of the Board of County Commissioners is the chief executive local authority for the unincorporated area of the county and is principally responsible for assuming centralized control over all county departments, divisions and offices once the Board declares a state of emergency. If circumstances prohibit the timely action of the Board of County Commissioners, the Chair of the Board of County Commissioners may declare such a state of emergency, provided the Chair seeks and obtains approval from a majority of the Board at the first available opportunity.

A state of emergency exists whenever the unincorporated area of the county or any part thereof is suffering or is in imminent danger of suffering an event that may cause injury or death to persons, or damage to, or destruction of property to the extent that extraordinary measures must be taken to protect the public health, safety and welfare. Such an event shall include, but not be limited to the following:

Appendix A. Authorities and References

- 1. A civil disturbance or riot;
- 2. A disaster such as flood, windstorm, snow or ice storm, earthquake, volcanic eruption or related activity, fire, explosion or epidemic;
- 3. The declaration of a war-caused national emergency;
- 4. Any major disruption of community services such as transportation, power supply, water supply, sanitation or communications; and/or
- 5. A health hazard, whether natural or manmade.

The Chair of the Board of County Commissioners is also responsible for performing the Board of County Commissioner’s duties to declare a state of emergency, designate emergency area(s), and/or impose regulations when the Board of County Commissioners is unable or unavailable to perform such duties.

B. In the event that the Chair of the Board of County Commissioners is unable or unavailable to perform his/her duties under this section, the duties shall be performed by:

- 1. The vice chair of the Board of County Commissioners; or,
- 2. If the vice chair of the Board of County Commissioners is unable or unavailable to perform, the third member of the Board of County Commissioners; or
- 3. If no member of the Board of County Commissioners is able or available to perform, then the Sheriff of Deschutes County; or
- 4. If no member of the Board of County Commissioners is able or available to perform, and the Sheriff is unable or unavailable to perform, then the Undersheriff; or
- 5. If no member of the Board of County Commissioners is able or available to perform, and the Sheriff and Undersheriff are unable or unavailable to perform, then the County Administrator.

C. The powers of the successor to the Board of County Commissioners or the Chair of the Board shall be limited to those set forth in this section and the duration of succession shall be until such time as the person of higher priority as set out in this section is able and available to perform such duties.

Section 2. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.



Appendix A. Authorities and References

DATED this 29 day of October, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

*Dennis R. Luke*  
DENNIS R. LUKE, Chair

- absent -  
TOM DEWOLF, Commissioner

*Michael M. Daly*  
MICHAEL M. DALY, Commissioner

Date of 1<sup>st</sup> Reading: 29 day of October, 2003.

Date of 2<sup>nd</sup> Reading: 29 day of October, 2003.

Commissioner	Record of Adoption Vote			
	Yes	No	Abstained	Excused
Dennis R. Luke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom DeWolf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michael M. Daly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Effective date: 29 day of October 2003.

ATTEST:

*Bonnie Baker*  
Recording Secretary

Appendix A. Authorities and References

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# B

## Disaster Declaration Forms

Appendix B. Declaration of State of Emergency

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



For Recording Stamp only

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON**

A Resolution of Deschutes County, Oregon \*  
Declaring a State of Emergency Within \* RESOLUTION NO.  
Deschutes County \*

WHEREAS, due to \_\_\_\_\_ in Deschutes County; and  
WHEREAS, the portion of Deschutes County lying \_\_\_\_\_ is affected;  
and

WHEREAS, that the County of Deschutes, having exhausted its resources; and

WHEREAS, the emergency situation appears to be of such a magnitude and severity, with the likelihood of continuing for the next several days, that it is beyond the County's response capability;

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

Section 1. Under the emergency powers granted by ORS 401.305 et. seq., declare herein that a "State of Emergency" exists within Deschutes County due to the fact that local resources are being depleted and request the Governor declare Deschutes County a disaster area.

///  
///  
///

Section 2. Further, the Deschutes County Sheriff's Office are hereby directed to take all necessary steps authorized by law to secure the persons and property of the citizens of Deschutes County.

Section 3. State assistance is requested immediately and includes the following: State and/or Federal financial assistance for the recovery phase.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BOARD OF COUNTY COMMISSIONERS  
FOR DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
\_\_\_\_\_, Chair

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Commissioner

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

\_\_\_\_\_  
\_\_\_\_\_, Commissioner  
\_\_\_\_\_

Deschutes County Counsel

Forwarded to Oregon Department of Emergency Management at \_\_\_\_\_ (time) on  
\_\_\_\_\_, 20\_\_

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



For Recording Stamp only

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON**

A Resolution of Deschutes County, Oregon \*  
Declaring a State of Emergency Within \* RESOLUTION NO.  
Deschutes County \*

WHEREAS, the County of Deschutes is faced with an emergency situation due to the \_\_\_\_\_ beginning at \_\_\_\_\_ hours during \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_, and

WHEREAS, the respective Mayor's/Administrators of the cities of \_\_\_\_\_ and \_\_\_\_\_ have determined that extraordinary measures must be taken to protect lives, road systems, and/or property and have contacted the county for assistance, and

NOW, THEREFORE, BE IT PROCLAIMED AND DECLARED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON:

Section 1. A state of disaster is declared within Deschutes County.

Section 2. The joint Emergency Management Plan has been implemented.

Section 3. ORS 401.305 et. seq., regarding Powers of Local Government in Emergency Service procedures providing the basis for invoking this emergency declaration for a period of seven (7) days from the date hereof, unless the same is continued by further action of the Board of County Commissioners of Deschutes County, Oregon.

///

///

///

Section 4. That this Resolution declaring a State of Disaster Within Deschutes County shall take effect immediately upon execution.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_ hours.

BOARD OF COUNTY COMMISSIONERS FOR  
DESCHUTES COUNTY, OREGON

\_\_\_\_\_

\_\_\_\_\_, Chair

\_\_\_\_\_

Deschutes County Counsel



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



For Recording Stamp only

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON**

A Resolution of Deschutes County, Oregon \*  
Declaring a State of Emergency Within \* RESOLUTION NO.  
Deschutes County \*

WHEREAS, Deschutes County, Oregon has requested the declaration of an emergency due to \_\_\_\_\_, and

WHEREAS, the conditions necessitating declaration of a state of emergency continues to exist; and dire consequences of this emergency create an imminent threat to the safety, lives and property of the citizens of Deschutes County, and

WHEREAS, Deschutes County is unable to respond or recover from this emergency adequately, and

WHEREAS, ORS 401.305 et. seq., provides the authority for emergency response in emergency situations and that this proclamation shall remain in effect for a period not to exceed \_\_\_\_ days unless amended or extended by further action of this governing body, and

WHEREAS, a quorum of the Deschutes County Board of Commissioners is not available to sign a resolution declaring said portion of Deschutes County to be in a state of emergency,

NOW, THEREFORE, AS CHAIR OF THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON:

I hereby request the Governor to declare that portion of \_\_\_\_\_ (Map attached) to be in a state of emergency in accordance with ORS 401.165 and direct the appropriate State Agencies to take those steps necessary to assist the county with this problem,

Furthermore: The County of Deschutes requests the State to supply \_\_\_\_\_ .

///

///

Furthermore: This requested declaration is to take effect immediately in accordance with the provisions of ORS 401.165 and may only be terminated as allowed by law and upon consent from the State of Oregon and the County of Deschutes.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BOARD OF COUNTY COMMISSIONERS  
FOR DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
\_\_\_\_\_, Chair

\_\_\_\_\_  
Deschutes County Counsel

Appendix B. Declaration of State of Emergency

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C

**Incident Action Planning  
Cycle**

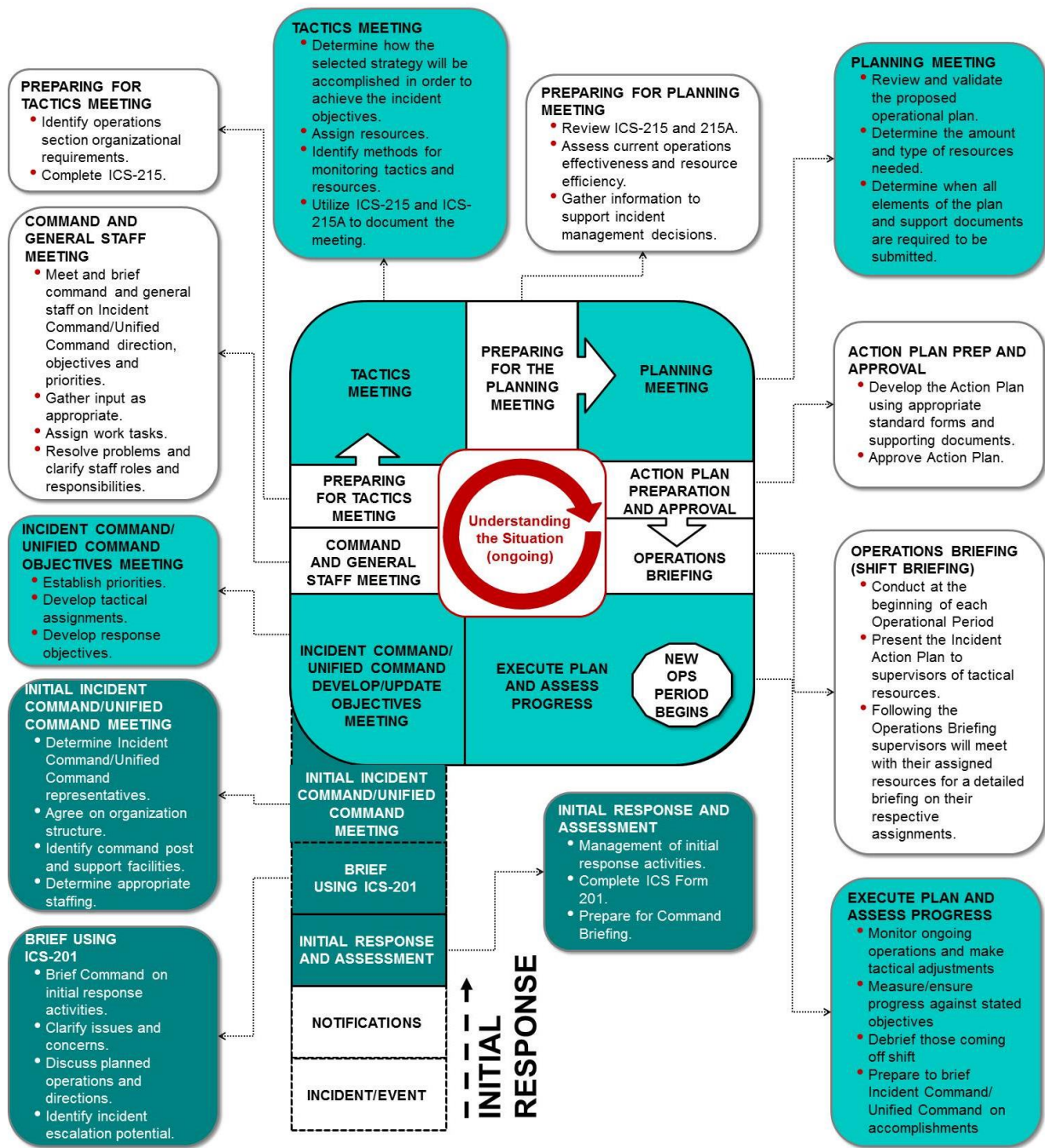
Appendix C. Incident Action Planning Cycle

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Appendix C. Incident Action Planning Cycle

An IAP is the vehicle by which Incident Command communicates their expectations and provides collaboration and participation throughout all levels of incident management. A complete IAP facilitates successful incident operations and provides a basis for evaluating performance in achieving incident objectives. The Planning "P" in Figure D-1 is a guide to the process and steps involved in planning for an incident. The leg of the "P" describes the initial response period whereas the top of the leg of the "P" is the beginning of the first operational planning period cycle.

Figure C-1 Planning "P"



**Appendix C. Incident Action Planning Cycle**

An Incident Action Plan should be comprised of the items listed in Table D-1, along with pertinent information on each item.

<b>Table C-1 Incident Action Plan Components and Sequence of Assembly</b>				
<b>Order</b>	<b>ICS Form</b>	<b>Title</b>	<b>Required</b>	<b>Prepared By</b>
1	200	Cover Sheet	Always	Planning Support Unit Leader
2	202	Incident Objectives	Always	Situation Unit Leader
3	205	Incident Radio Communications Plan	As the incident requires - Radio Use	Communications Unit Leader
4	205A	Incident Telephone Communications Plan	Always	Resource Unit Leader
5	207	Incident Organization Chart	Always	Resource Unit Leader
6		Incident Map	Always	Situation Unit Leader /GIS Unit
7	204	Assignment List	Always	Resource Unit Leader
8	220	Air Operations Summary	As the incident requires - Air Ops	Operations Section Chief/Air Operations Branch
9	206	Medical Plan	Always	Safety Officer
10	230	Meeting Schedule	Always	Situation Unit Leader
11	213	General Message	Optional	Any Message Originator
12	Other components as needed		Optional	Planning Support

*For more information, see FEMA's Incident Action Planning Guide, June 2012*

**D**

**Agreements and  
Memorandums of  
Understanding**



**Appendix D. Agreements and Memorandums of Understanding**

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**Appendix D. Agreements and Memorandums of Understanding**

The following Mutual Aid Agreements are in place for Deschutes County and its municipalities.

- Central Oregon Fire Chiefs Mutual Aid
- Central Oregon Public Works Partnership
- Central Oregon Cooperative Policing Agreement
- Oregon Resource Coordination Assistance Agreement (ORCAA)
- Deschutes County Victim and Social Services Emergency Response

Appendix D. Agreements and Memorandums of Understanding

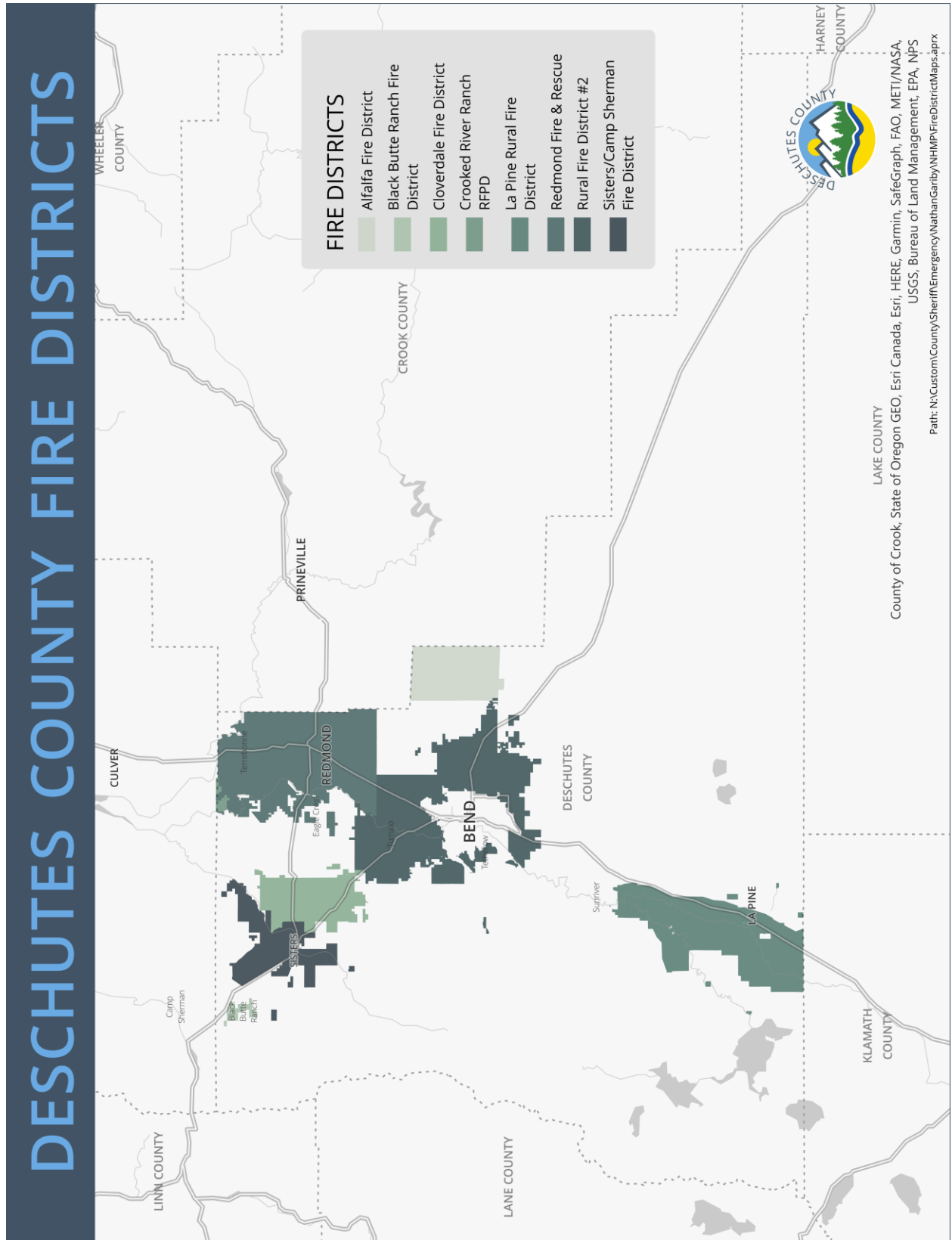
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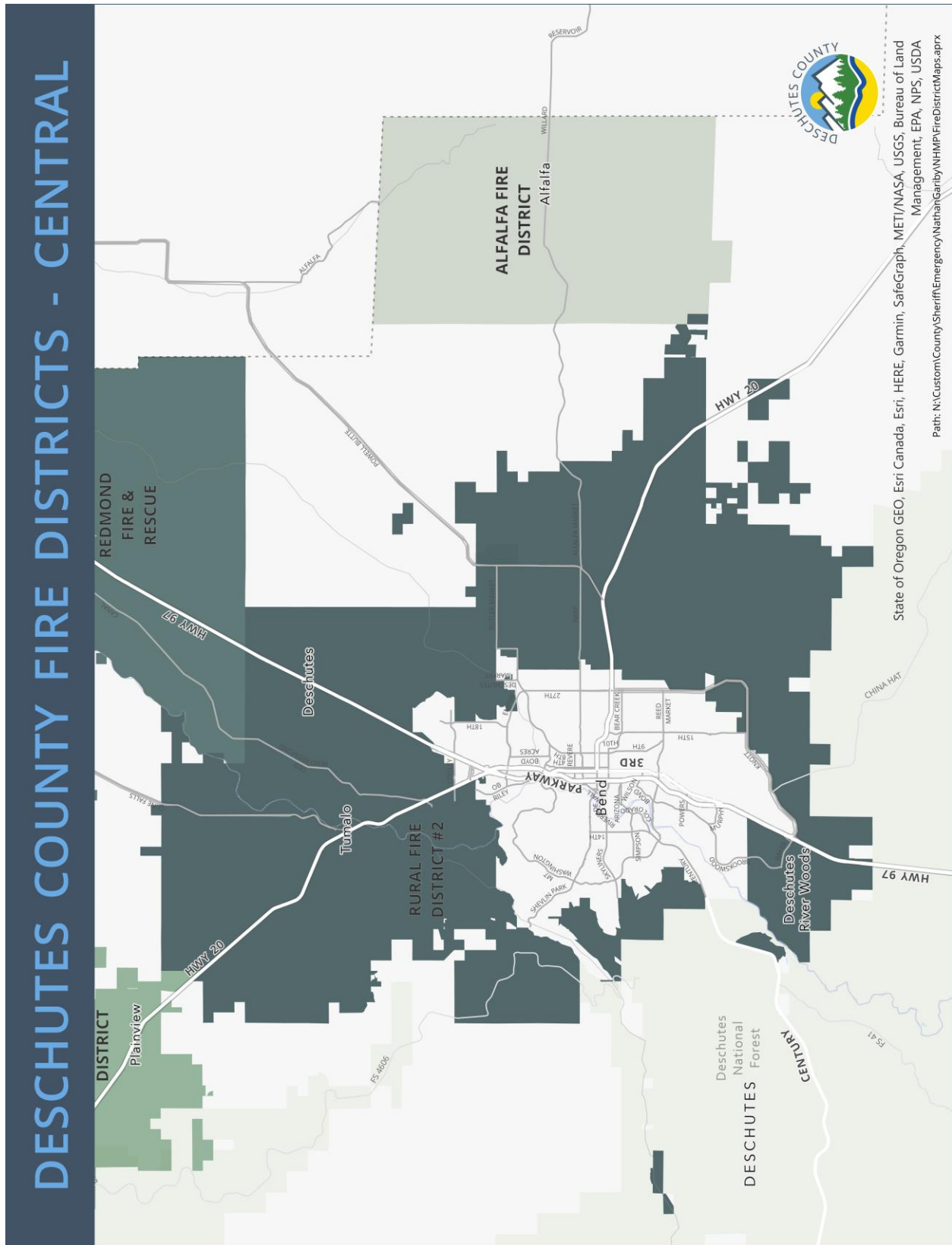
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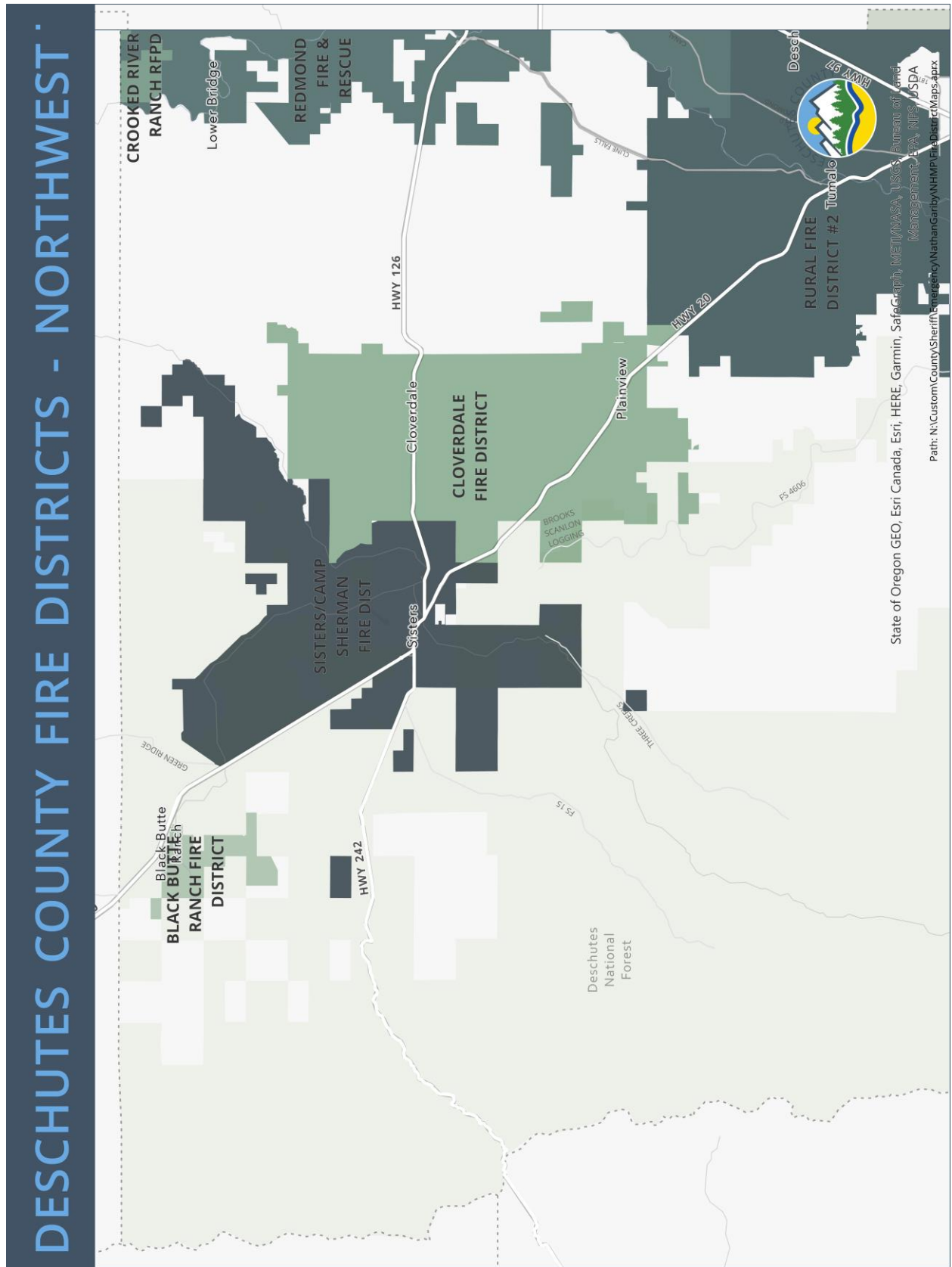
# E

## Maps

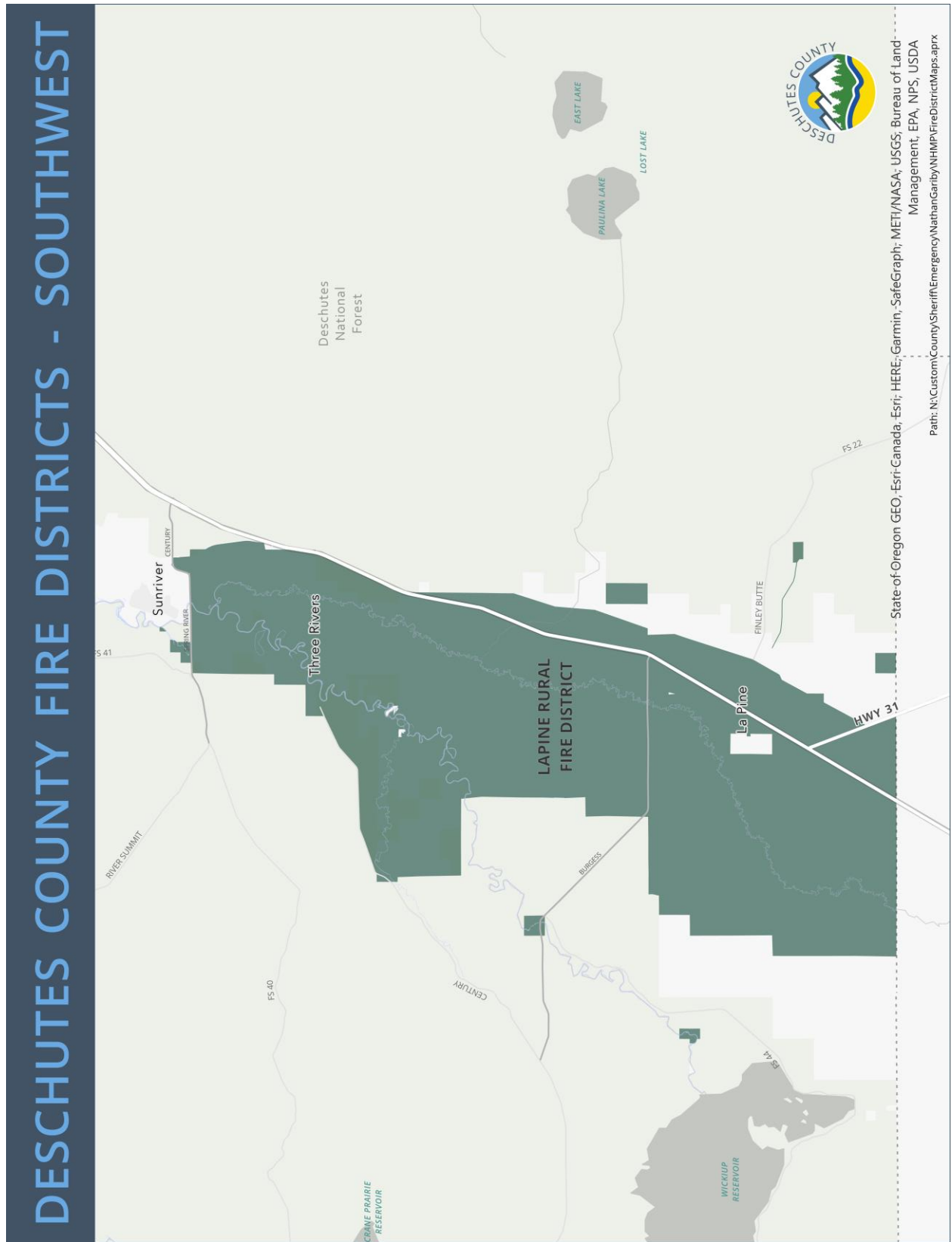
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**F**

**Acronyms and Glossary**

Appendix F. Acronyms and Glossary

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Appendix F. Acronyms and Glossary

Acronyms

AAR	After Action Report
ADA	Americans with Disabilities Act
CERT	Community Emergency Response Teams
CIKR	Critical Infrastructure and Key Resources
COAD	Community Organizations Active in Disaster
COFMS	Central Oregon Fire Management Services
COOP	Continuity of Operations
DHS	Department of Human Services
EAS	National Emergency Alert System
ECC	Emergency Coordination Center
EMO	Emergency Management Organization
EMP	State of Oregon Emergency Management Plan
EMS	Emergency Medical Services
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
ESF	Emergency Support Function
FEMA	Federal Emergency Management Agency
HazMat	Hazardous Materials
HSEEP	Homeland Security Exercise and Evaluation Program
HSPD-5	Homeland Security Presidential Directive 5
IA	Incident Annex
IAP	Incident Action Plan
ICS	Incident Command System
IDA	Initial Damage assessment
JIC	Joint Information Center
JIS	Joint Information System
MAC	Multi-Agency Coordination
MOU	Memorandum of Understanding
NIMS	National Incident Management System
NOAA	National Oceanic and Atmospheric Administration

Appendix F. Acronyms and Glossary

NRF	National Response Framework
NSS	National Shelter System
ODF	Oregon Department of Forestry
ODOT	Oregon Department of Transportation
ODEM	Oregon Department of Emergency Management
OERS	Oregon Emergency Response Service
ORS	Oregon Revised Statutes
ORWARN	Oregon Water/Wastewater Agency Response Network
OSP	Oregon State Police
OTFC	Oregon Terrorism Information Threat Assessment Network Fusion Center
PDA	Preliminary Damage Assistance
PIO	Public Information Officer
Red Cross	American Red Cross
SA	Support Annex
SOP	Standard Operating Procedure
State	State of Oregon (governing body)
TITAN	Oregon Terrorism Information Threat Assessment Network
USDA	United States Department of Agriculture
VA	Veterans Administration
ORVOAD	Oregon Volunteer Organizations Active in Disaster
VOIP	Voice-Over Internet Protocol

## Appendix F. Acronyms and Glossary

## Glossary of Key Terms

**Accessible:** Having the legally required features and/or qualities that ensure easy entrance, participation, and usability of places, programs, services, and activities by individuals with a wide variety of disabilities.

**Acquisition Procedures:** A process used to obtain resources to support operational requirements.

**Agency:** A division of government with a specific function offering a particular kind of assistance. In the Incident Command System, agencies are defined either as jurisdictional (having statutory responsibility for incident management) or as assisting or cooperating (providing resources or other assistance). Governmental organizations are most often in charge of an incident, though in certain circumstances private-sector organizations may be included. Additionally, nongovernmental organizations may be included to provide support.

**Agency Administrator/Executive:** The official responsible for administering policy for an agency or jurisdiction. An Agency Administrator/Executive (or other public official with jurisdictional responsibility for the incident) usually makes the decision to establish an Area Command.

**Agency Dispatch:** The agency or jurisdictional facility from which resources are sent to incidents.

**Agency Operations Center (AOC):** An Emergency Operations Center (EOC) specific to a single agency. The focus of an AOC is on internal agency incident management and response. AOCs are often linked to and, in most cases, are physically represented in a combined agency EOC by authorized agent(s) for the agency.

**Agency Representative:** A person assigned by a primary, assisting, or cooperating Federal, State, Tribal, or local government agency, or nongovernmental or private organization, that has been delegated authority to make decisions affecting that agency's or organization's participation in incident management activities following appropriate consultation with the leadership of that agency.

**All-Hazards:** Describing an incident, natural or manmade, that warrants action to protect life, property, environment, and public health or safety, and to minimize disruptions of government, social, or economic activities.

**Allocated Resource:** Resource dispatched to an incident.

**Area Command:** An organization established to oversee the management of multiple incidents that are each being handled by a separate Incident Command System organization or to oversee the management of a very large or evolving incident that has multiple Incident Management Teams engaged. An Agency Administrator/Executive or other public official with jurisdictional responsibility for the incident usually makes the decision to establish an Area Command. An

## Appendix F. Acronyms and Glossary

Area Command is activated only if necessary, depending on the complexity of the incident and incident management span-of-control considerations.

**Assessment:** The process of acquiring, collecting, processing, examining, analyzing, evaluating, monitoring, and interpreting the data, information, evidence, objects, measurements, images, sound, etc., whether tangible or intangible, to provide a basis for decision-making.

**Assigned Resource:** Resource checked in and assigned work tasks on an incident.

**Assignment:** Task given to a personnel resource to perform within a given operational period that is based on operational objectives defined in the Incident Action Plan.

**Assistant:** Title for subordinates of principal Command Staff positions. The title indicates a level of technical capability, qualifications, and responsibility subordinate to the primary positions. Assistants may also be assigned to Unit Leaders.

**Assisting Agency:** An agency or organization providing personnel, services, or other resources to the agency with direct responsibility for incident management. See also Supporting Agency.

**Available Resource:** Resource assigned to an incident, checked in, and available for a mission assignment, normally located in a Staging Area.

**Badging:** The assignment of physical incident-specific credentials to establish legitimacy and limit access to various incident sites.

**Branch:** The organizational level having functional or geographical responsibility for major aspects of incident operations. A Branch is organizationally situated between the Section Chief and the Division or Group in the Operations Section, and between the Section and Units in the Logistics Section. Branches are identified by the use of Roman numerals or by functional area.

**Cache:** A predetermined complement of tools, equipment, and/or supplies stored in a designated location, available for incident use.

**Camp:** A geographical site within the general incident area (separate from the Incident Base) that is equipped and staffed to provide sleeping, food, water, and sanitary services to incident personnel.

**Categorizing Resources:** The process of organizing resources by category, kind, and type, including size, capacity, capability, skill, and other characteristics. This makes the resource ordering and dispatch process within and across organizations and agencies, and between governmental and nongovernmental entities, more efficient, and ensures that the resources received are appropriate to their needs.



## Appendix F. Acronyms and Glossary

**Central Oregon Emergency Information Network:** COEIN is a network of communicators from stakeholder agencies and organizations across Central Oregon committed to working together in emergency situations to respond to the communications and information needs of the public.

**Certifying Personnel:** The process of authoritatively attesting that individuals meet professional standards for the training, experience, and performance required for key incident management functions.

**Chain of Command:** The orderly line of authority within the ranks of the incident management organization.

**Check-In:** The process through which resources first report to an incident. All responders, regardless of agency affiliation, must report in to receive an assignment in accordance with the procedures established by the Incident Commander.

**Chief:** The Incident Command System title for individuals responsible for management of functional Sections: Operations, Planning, Logistics, Finance/Administration, and Intelligence/Investigations (if established as a separate Section).

**Command:** The act of directing, ordering, or controlling by virtue of explicit statutory, regulatory, or delegated authority.

**Command Staff:** The staff who report directly to the Incident Commander, including the Public Information Officer, Safety Officer, Liaison Officer, and other positions as required. They may have an assistant or assistants, as needed.

**Common Operating Picture:** An overview of an incident by all relevant parties that provides incident information enabling the Incident Commander/Unified Command and any supporting agencies and organizations to make effective, consistent, and timely decisions.

**Common Terminology:** Normally used words and phrases-avoiding the use of different words/phrases for same concepts to ensure consistency and to allow diverse incident management and support organizations to work together across a wide variety of incident management functions and hazard scenarios.

**Communications:** The process of transmission of information through verbal, written, or symbolic means.

**Communications/Dispatch Center:** Agency or interagency dispatch centers, 911 call centers, emergency control or command dispatch centers, or any naming convention given to the facility and staff that handles emergency calls from the public and communication with emergency management/response personnel. The center can serve as a primary coordination and support element of the Multi-agency Coordination System(s) (MACS) for an incident until other elements of the MACS are formally established.

## Appendix F. Acronyms and Glossary

**Complex:** Two or more individual incidents located in the same general area and assigned to a single Incident Commander or to Unified Command.

**Comprehensive Preparedness Guide 101:** A guide designed to assist jurisdictions with developing operations plans. It promotes a common understanding of the fundamentals of planning and decision-making to help emergency planners examine a hazard and produce integrated, coordinated, and synchronized plans.

**Continuity of Government:** A coordinated effort within the Federal Government's executive branch to ensure that National Essential Functions continue to be performed during a catastrophic emergency (as defined in National Security Presidential Directive 51/Homeland Security Presidential Directive 20).

**Continuity of Operations:** An effort within individual organizations to ensure that Primary Mission Essential Functions continue to be performed during a wide range of emergencies.

**Cooperating Agency:** An agency supplying assistance other than direct operational or support functions or resources to the incident management effort.

**Coordinate:** To advance an analysis and exchange of information systematically among principals who have or may have a need to know certain information to carry out specific incident management responsibilities.

**Corrective Actions:** The implementation of procedures that are based on lessons learned from actual incidents or from training and exercises.

**Credentialing:** The authentication and verification of the certification and identity of designated incident managers and emergency responders.

**Critical Infrastructure:** Assets, systems, and networks, whether physical or virtual, so vital to the United States that the incapacitation or destruction of such assets, systems, or networks would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

**Delegation of Authority:** A statement provided to the Incident Commander by the Agency Executive delegating authority and assigning responsibility. The delegation of authority can include objectives, priorities, expectations, constraints, and other considerations or guidelines, as needed. Many agencies require written delegation of authority to be given to the Incident Commander prior to assuming command on larger incidents. (Also known as Letter of Expectation.)

**Demobilization:** The orderly, safe, and efficient return of an incident resource to its original location and status.

**Department Operations Center (DOC):** An Emergency Operations Center (EOC) specific to a single department or agency. The focus of a DOC is on internal

## Appendix F. Acronyms and Glossary

agency incident management and response. DOCs are often linked to and, in most cases, are physically represented in a combined agency EOC by authorized agent(s) for the department or agency.

**Deputy:** A fully qualified individual who, in the absence of a superior, can be delegated the authority to manage a functional operation or to perform a specific task. In some cases a deputy can act as relief for a superior, and therefore must be fully qualified in the position. Deputies generally can be assigned to the Incident Commander, General Staff, and Branch Directors.

**Director:** The Incident Command System title for individuals responsible for supervision of a Branch.

**Dispatch:** The ordered movement of a resource or resources to an assigned operational mission, or an administrative move from one location to another.

**Division:** The organizational level having responsibility for operations within a defined geographic area. Divisions are established when the number of resources exceeds the manageable span of control of the Section Chief. See Group.

**Emergency:** Any incident, whether natural or manmade, that requires responsive action to protect life or property. Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, an emergency means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

**Emergency Management Assistance Compact (EMAC):** A congressionally ratified organization that provides form and structure to interstate mutual aid. Through EMAC, a disaster-affected State can request and receive assistance from other member States quickly and efficiently, resolving two key issues up front: liability and reimbursement.

**Emergency Management/Response Personnel:** Includes Federal, State, territorial, Tribal, substate regional, and local governments, nongovernmental organizations, private sector-organizations, critical infrastructure owners and operators, and all other organizations and individuals who assume an emergency management role. (Also known as emergency responder.)

**Emergency Operations Center (EOC):** The physical location at which the coordination of information and resources to support incident management (on-scene operations) activities normally takes place. An EOC may be a temporary facility or may be located in a more central or permanently established facility, perhaps at a higher level of organization within a jurisdiction. EOCs may be organized by major functional disciplines (e.g., fire, law enforcement, medical services), by jurisdiction (e.g., Federal, State, regional, Tribal, City, County), or by some combination thereof.

## Appendix F. Acronyms and Glossary

**Emergency Operations Center Coordinator:** The title given to the person who heads the team that works in an EOC. The EOC Coordinator reports to the Policy Group and has overall authority/responsibility for coordinating the activities of the EOC.

**Emergency Operations Plan:** An ongoing plan for responding to a wide variety of potential hazards.

**Emergency Public Information:** Information that is disseminated primarily in anticipation of or during an emergency. In addition to providing situational information to the public, it frequently provides directive actions required to be taken by the general public.

**Evacuation:** The organized, phased, and supervised withdrawal, dispersal, or removal of civilians from dangerous or potentially dangerous areas, and their reception and care in safe areas.

**Event:** A scheduled or nonscheduled activity (e.g., sporting event, concert, parade, etc.). See also Planned Event.

**Federal:** Of or pertaining to the Federal Government of the United States of America.

**Field Operations Guide:** Durable pocket or desk guides that contain essential information required to perform specific assignments or functions.

**Finance/Administration Section:** The Incident Command System Section responsible for all administrative and financial considerations surrounding an incident.

**Function:** The five major activities in the Incident Command System: Command, Operations, Planning, Logistics, and Finance/Administration. A sixth function, Intelligence/Investigations, may be established, if required, to meet incident management needs. The term function is also used when describing the activity involved (e.g., the planning function).

**General Staff:** A group of incident management personnel organized according to function and reporting to the Incident Commander. The General Staff normally consists of the Operations Section Chief, Planning Section Chief, Logistics Section Chief, and Finance/Administration Section Chief. An Intelligence/Investigations Chief may be established, if required, to meet incident management needs.

**Group:** An organizational subdivision established to divide the incident management structure into functional areas of operation. Groups are composed of resources assembled to perform a special function not necessarily within a single geographic division. See Division.

**Hazard:** Something that is potentially dangerous or harmful, often the root cause of an unwanted outcome.

## Appendix F. Acronyms and Glossary

**Incident:** An occurrence, natural or manmade, that requires a response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, civil unrest, wildland and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, tsunamis, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.

**Incident Action Plan:** An oral or written plan containing general objectives reflecting the overall strategy for managing an incident. It may include the identification of operational resources and assignments. It may also include attachments that provide direction and important information for management of the incident during one or more operational periods.

**Incident Base:** The location at which primary Logistics functions for an incident are coordinated and administered. There is only one Base per incident. (Incident name or other designator will be added to the term Base.) The Incident Command Post may be co-located with the Incident Base.

**Incident Command:** The Incident Command System organizational element responsible for overall management of the incident and consisting of the Incident Commander (either single or unified command structure) and any assigned supporting staff.

**Incident Commander (IC):** The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

**Incident Command Post (ICP):** The field location where the primary functions are performed. The ICP may be co-located with the Incident Base or other incident facilities.

**Incident Command System (ICS):** A standardized on-scene emergency management construct specifically designed to provide an integrated organizational structure that reflects the complexity and demands of single or multiple incidents, without being hindered by jurisdictional boundaries. ICS is the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure, designed to aid in the management of resources during incidents. It is used for all kinds of emergencies and is applicable to small as well as large and complex incidents. ICS is used by various jurisdictions and functional agencies, both public and private, to organize field-level incident management operations.

**Incident Management:** The broad spectrum of activities and organizations providing effective and efficient operations, coordination, and support applied at all levels of government, utilizing both governmental and nongovernmental

## Appendix F. Acronyms and Glossary

resources to plan for, respond to, and recover from an incident, regardless of cause, size, or complexity.

**Incident Management Team (IMT):** An Incident Commander and the appropriate Command and General Staff personnel assigned to an incident. The level of training and experience of the IMT members, coupled with the identified formal response requirements and responsibilities of the IMT, are factors in determining "type," or level, of IMT.

**Incident Objectives:** Statements of guidance and direction needed to select appropriate strategy(s) and the tactical direction of resources. Incident objectives are based on realistic expectations of what can be accomplished when all allocated resources have been effectively deployed. Incident objectives must be achievable and measurable, yet flexible enough to allow strategic and tactical alternatives.

**Information Management:** The collection, organization, and control over the structure, processing, and delivery of information from one or more sources and distribution to one or more audiences who have a stake in that information.

**Integrated Planning System:** A system designed to provide common processes for developing and integrating plans for the Federal Government to establish a comprehensive approach to national planning in accordance with the Homeland Security Management System as outlined in the National Strategy for Homeland Security.

**Intelligence/Investigations:** An organizational subset within ICS. Intelligence gathered within the Intelligence/Investigations function is information that either leads to the detection, prevention, apprehension, and prosecution of criminal activities-or the individual(s) involved-including terrorist incidents or information that leads to determination of the cause of a given incident (regardless of the source) such as public health events or fires with unknown origins. This is different from the normal operational and situational intelligence gathered and reported by the Planning Section.

**Interoperability:** Ability of systems, personnel, and equipment to provide and receive functionality, data, information and/or services to and from other systems, personnel, and equipment. Facilitates communication between both public and private agencies, departments, and other organizations, in a manner enabling them to operate effectively together. Allows emergency management/response personnel and their affiliated organizations to communicate within and across agencies and jurisdictions via voice, data, or video-on-demand, in real time, when needed, and when authorized.

**Job Aid:** Checklist or other visual aid intended to ensure that specific steps of completing a task or assignment are accomplished.

**Joint Field Office (JFO):** The primary Federal incident management field structure. The JFO is a temporary Federal facility that provides a central location

## Appendix F. Acronyms and Glossary

for the coordination of Federal, State, tribal, and local governments and private-sector and nongovernmental organizations with primary responsibility for response and recovery. The JFO structure is organized, staffed, and managed in a manner consistent with National Incident Management System principles. Although the JFO uses an Incident Command System structure, the JFO does not manage on-scene operations. Instead, the JFO focuses on providing support to on-scene efforts and conducting broader support operations that may extend beyond the incident site.

**Joint Information Center (JIC):** A facility established to coordinate all incident-related public information activities. It is the central point of contact for all news media. Public information officials from all participating agencies should co-locate at the JIC.

**Joint Information System (JIS):** A structure that integrates incident information and public affairs into a cohesive organization designed to provide consistent, coordinated, accurate, accessible, timely, and complete information during crisis or incident operations. The mission of the JIS is to provide a structure and system for developing and delivering coordinated interagency messages; developing, recommending, and executing public information plans and strategies on behalf of the Incident Commander (IC); advising the IC concerning public affairs issues that could affect a response effort; and controlling rumors and inaccurate information that could undermine public confidence in the emergency response effort.

**Jurisdiction:** A range or sphere of authority. Public agencies have jurisdiction at an incident related to their legal responsibilities and authority. Jurisdictional authority at an incident can be political or geographical (e.g., Federal, State, tribal, local boundary lines) or functional (e.g., law enforcement, public health).

**Jurisdictional Agency:** The agency having jurisdiction and responsibility for a specific geographical area, or a mandated function.

**Key Resource:** Any publicly or privately controlled resource essential to the minimal operations of the economy and government.

**Letter of Expectation:** See Delegation of Authority.

**Liaison:** A form of communication for establishing and maintaining mutual understanding and cooperation.

**Liaison Officer:** A member of the Command Staff responsible for coordinating with representatives from cooperating and assisting agencies or organizations.

**Local Government:** Public entities responsible for the security and welfare of a designated area as established by law. A County, municipality, City, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate

Appendix F. Acronyms and Glossary

government entity, or agency or instrumentality of a local government; an Indian Tribe or authorized tribal entity, or in Alaska a Native Village or Alaska Regional Native Corporation; a rural community, unincorporated town or village, or other public entity. See Section 2 (10), Homeland Security Act of 2002, Pub. L. 107-296, 116 Stat. 2135 (2002).

**Logistics:** The process and procedure for providing resources and other services to support incident management.

**Logistics Section:** The Incident Command System Section responsible for providing facilities, services, and material support for the incident.

**Management by Objectives:** A management approach that involves a five-step process for achieving the incident goal. The Management by Objectives approach includes the following: establishing overarching incident objectives; developing strategies based on overarching incident objectives; developing and issuing assignments, plans, procedures, and protocols; establishing specific, measurable tactics or tasks for various incident-management functional activities and directing efforts to attain them, in support of defined strategies; and documenting results to measure performance and facilitate corrective action.

**Manager:** Individual within an Incident Command System organizational unit who is assigned specific managerial responsibilities (e.g., Staging Area Manager or Camp Manager).

**Mitigation:** Activities providing a critical foundation in the effort to reduce the loss of life and property from natural and/or manmade disasters by avoiding or lessening the impact of a disaster and providing value to the public by creating safer communities. Mitigation seeks to fix the cycle of disaster damage, reconstruction, and repeated damage. These activities or actions, in most cases, will have a long-term sustained effect.

**Mobilization:** The process and procedures used by all organizations-Federal, State, Tribal, and local-for activating, assembling, and transporting all resources that have been requested to respond to or support an incident.

**Mobilization Guide:** Reference document used by organizations outlining agreements, processes, and procedures used by all participating agencies/organizations for activating, assembling, and transporting resources.

**Multi-agency Coordination (MAC) Group:** A group of administrators or executives, or their appointed representatives, who are typically authorized to commit agency resources and funds. A MAC Group can provide coordinated decision-making and resource allocation among cooperating agencies, and may establish the priorities among incidents, harmonize agency policies, and provide strategic guidance and direction to support incident management activities. MAC Groups may also be known as multi-agency committees, emergency management committees, or as otherwise defined by the Multi-agency Coordination System.



Appendix F. Acronyms and Glossary

**Multi-agency Coordination System (MACS):** A system that provides the architecture to support coordination for incident prioritization, critical resource allocation, communications systems integration, and information coordination. MACS assist agencies and organizations responding to an incident. The elements of a MACS include facilities, equipment, personnel, procedures, and communications. Two of the most commonly used elements are Emergency Operations Centers and MAC Groups.

**Multi-jurisdictional Incident:** An incident requiring action from multiple agencies that each have jurisdiction to manage certain aspects of an incident. In the Incident Command System, these incidents will be managed under Unified Command.

**Mutual Aid Agreement or Assistance Agreement:** Written or oral agreement between and among agencies/organizations and/or jurisdictions that provides a mechanism to quickly obtain emergency assistance in the form of personnel, equipment, materials, and other associated services. The primary objective is to facilitate rapid, short-term deployment of emergency support prior to, during, and/or after an incident.

**National:** Of a nationwide character, including the Federal, State, Tribal, and local aspects of governance and policy.

**National Essential Functions:** A subset of government functions that are necessary to lead and sustain the Nation during a catastrophic emergency and that, therefore, must be supported through continuity of operations and continuity of government capabilities.

**National Incident Management System:** A set of principles that provides a systematic, proactive approach guiding government agencies at all levels, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life or property and harm to the environment.

**National Response Framework:** A guide to how the Nation conducts all-hazards response.

**Nongovernmental Organization (NGO):** An entity with an association that is based on interests of its members, individuals, or institutions. It is not created by a government, but it may work cooperatively with government. Such organizations serve a public purpose, not a private benefit. Examples of NGOs include faith-based charity organizations and the American Red Cross. NGOs, including voluntary and faith-based groups, provide relief services to sustain life, reduce physical and emotional distress, and promote the recovery of disaster victims. Often these groups provide specialized services that help individuals with disabilities. NGOs and voluntary organizations play a major role in assisting Emergency Management before, during, and after an emergency.

Appendix F. Acronyms and Glossary

**Officer:** The Incident Command System title for a person responsible for one of the Command Staff positions of Safety, Liaison, and Public Information.

**Operational Period:** The time scheduled for executing a given set of operation actions, as specified in the Incident Action Plan. Operational periods can be of various lengths, although usually they last 12 to 24 hours.

**Operations Section:** The Incident Command System (ICS) Section responsible for all tactical incident operations and implementation of the Incident Action Plan. In ICS, the Operations Section normally includes subordinate Branches, Divisions, and/or Groups.

**Organization:** Any association or group of persons with like objectives. Examples include, but are not limited to, governmental departments and agencies, nongovernmental organizations, and the private sector.

**Personal Responsibility:** The obligation to be accountable for one's actions.

**Personnel Accountability:** The ability to account for the location and welfare of incident personnel. It is accomplished when supervisors ensure that Incident Command System principles and processes are functional and that personnel are working within established incident management guidelines.

**Plain Language:** Communication that can be understood by the intended audience and meets the purpose of the communicator. For the purpose of the National Incident Management System, plain language is designed to eliminate or limit the use of codes and acronyms, as appropriate, during incident response involving more than a single agency.

**Planned Event:** A scheduled nonemergency activity (e.g., sporting event, concert, parade, etc.).

**Planning Meeting:** A meeting held as needed before and throughout the duration of an incident to select specific strategies and tactics for incident control operations and for service and support planning. For larger incidents, the Planning Meeting is a major element in the development of the Incident Action Plan.

**Planning Section:** The Incident Command System Section responsible for the collection, evaluation, and dissemination of operational information related to the incident, and for the preparation and documentation of the Incident Action Plan. This Section also maintains information on the current and forecasted situation and on the status of resources assigned to the incident.

**Policy Group:** A group of elected and appointed officials (such as the Sheriff, the Board of Commissioners and/or County Administrator, Fire Defense Board Chief, and key agency heads) that have legal or operational responsibility pertinent to the emergency. The Policy Group convenes as necessary to aid in making policy decisions needed and for the expedient recovery of the County as a whole.

Appendix F. Acronyms and Glossary

**Portability:** An approach that facilitates the interaction of systems that are normally distinct. Portability of radio technologies, protocols, and frequencies among emergency management/response personnel will allow for the successful and efficient integration, transport, and deployment of communications systems when necessary. Portability includes the standardized assignment of radio channels across jurisdictions, which allows responders to participate in an incident outside their jurisdiction and still use familiar equipment.

**Pre-Positioned Resource:** A resource moved to an area near the expected incident site in response to anticipated resource needs.

**Preparedness:** A continuous cycle of planning, organizing, training, equipping, exercising, evaluating, and taking corrective action in an effort to ensure effective coordination during incident response. Within the National Incident Management System, preparedness focuses on the following elements: planning; procedures and protocols; training and exercises; personnel qualification and certification; and equipment certification.

**Preparedness Organization:** An organization that provides coordination for emergency management and incident response activities before a potential incident. These organizations range from groups of individuals to small committees to large standing organizations that represent a wide variety of committees, planning groups, and other organizations (e.g., Citizen Corps, Local Emergency Planning Committees, Critical Infrastructure Sector Coordinating Councils).

**Prevention:** Actions to avoid an incident or to intervene to stop an incident from occurring. Prevention involves actions to protect lives and property. It involves applying intelligence and other information to a range of activities that may include such countermeasures as deterrence operations; heightened inspections; improved surveillance and security operations; investigations to determine the full nature and source of the threat; public health and agricultural surveillance and testing processes; immunizations, isolation, or quarantine; and, as appropriate, specific law enforcement operations aimed at deterring, preempting, interdicting, or disrupting illegal activity and apprehending potential perpetrators and bringing them to justice.

**Primary Mission Essential Functions:** Government functions that must be performed in order to support or implement the performance of National Essential Functions before, during, and in the aftermath of an emergency.

**Private Sector:** Organizations and individuals that are not part of any governmental structure. The private sector includes for-profit and not-for-profit organizations, formal and informal structures, commerce, and industry.

**Protocol:** A set of established guidelines for actions (which may be designated by individuals, teams, functions, or capabilities) under various specified conditions.

## Appendix F. Acronyms and Glossary

**Public Information:** Processes, procedures, and systems for communicating timely, accurate, and accessible information on an incident's cause, size, and current situation; resources committed; and other matters of general interest to the public, responders, and additional stakeholders (both directly affected and indirectly affected).

**Public Information Officer:** A member of the Command Staff responsible for interfacing with the public and media and/or with other agencies with incident-related information requirements.

**Publications Management:** Subsystem that manages the development, publication control, publication supply, and distribution of National Incident Management System materials.

**Recovery:** The development, coordination, and execution of service- and site-restoration plans; the reconstitution of government operations and services; individual, private-sector, nongovernmental, and public assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental, and economic restoration; evaluation of the incident to identify lessons learned; post incident reporting; and development of initiatives to mitigate the effects of future incidents.

**Recovery Plan:** A plan developed to restore an affected area or community.

**Reimbursement:** A mechanism to recoup funds expended for incident-specific activities.

**Resource Management:** A system for identifying available resources at all jurisdictional levels to enable timely, efficient, and unimpeded access to resources needed to prepare for, respond to, or recover from an incident. Resource management under the National Incident Management System includes mutual aid agreements and assistance agreements; the use of special Federal, State, Tribal, and local teams; and resource mobilization protocols.

**Resource Tracking:** A standardized, integrated process conducted prior to, during, and after an incident by all emergency management/response personnel and their associated organizations.

**Resources:** Personnel and major items of equipment, supplies, and facilities available or potentially available for assignment to incident operations and for which status is maintained. Resources are described by kind and type and may be used in operational support or supervisory capacities at an incident or at an Emergency Operations Center.

**Response:** Activities that address the short-term, direct effects of an incident. Response includes immediate actions to save lives, protect property, and meet basic human needs. Response also includes the execution of emergency operations plans and of mitigation activities designed to limit the loss of life,

## Appendix F. Acronyms and Glossary

personal injury, property damage, and other unfavorable outcomes. As indicated by the situation, response activities include applying intelligence and other information to lessen the effects or consequences of an incident; increased security operations; continuing investigations into nature and source of the threat; ongoing public health and agricultural surveillance and testing processes; immunizations, isolation, or quarantine; and specific law enforcement operations aimed at preempting, interdicting, or disrupting illegal activity, and apprehending actual perpetrators and bringing them to justice.

**Retrograde:** To return resources back to their original location.

**Safety Officer:** A member of the Command Staff responsible for monitoring incident operations and advising the Incident Commander on all matters relating to operational safety, including the health and safety of emergency responder personnel.

**Section:** The Incident Command System organizational level having responsibility for a major functional area of incident management (e.g., Operations, Planning, Logistics, Finance/Administration, and Intelligence/Investigations (if established)). The Section is organizationally situated between the Branch and the Incident Command.

**Single Resource:** An individual, a piece of equipment and its personnel complement, or a crew/team of individuals with an identified work supervisor that can be used on an incident.

**Situation Report:** Confirmed or verified information regarding the specific details relating to an incident.

**Span of Control:** The number of resources for which a supervisor is responsible, usually expressed as the ratio of supervisors to individuals. (Under the National Incident Management System, an appropriate span of control is between 1:3 and 1:7, with optimal being 1:5, or between 1:8 and 1:10 for many large-scale law enforcement operations.)

**Special Needs Population:** A population whose members may have additional needs before, during, and after an incident in functional areas, including but not limited to: maintaining independence, communication, transportation, supervision, and medical care. Individuals in need of additional response assistance may include those who have disabilities; who live in institutionalized settings; who are elderly; who are children; who are from diverse cultures, who have limited English proficiency, or who are non-English-speaking; or who are transportation disadvantaged.

**Staging Area:** Temporary location for available resources. A Staging Area can be any location in which personnel, supplies, and equipment can be temporarily housed or parked while awaiting operational assignment.

## Appendix F. Acronyms and Glossary

**Standard Operating Guidelines:** A set of instructions having the force of a directive, covering those features of operations which lend themselves to a definite or standardized procedure without loss of effectiveness.

**Standard Operating Procedure:** A complete reference document or an operations manual that provides the purpose, authorities, duration, and details for the preferred method of performing a single function or a number of interrelated functions in a uniform manner.

**State:** When capitalized, refers to any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States. See Section 2 (14), Homeland Security Act of 2002, Pub. L. 107-296, 116 Stat. 2135 (2002).

**Status Report:** Information specifically related to the status of resources (e.g., the availability or assignment of resources).

**Strategy:** The general plan or direction selected to accomplish incident objectives.

**Strike Team:** A set number of resources of the same kind and type that have an established minimum number of personnel, common communications, and a leader.

**Substate Region:** A grouping of jurisdictions, counties, and/or localities within a State brought together for specified purposes (e.g., homeland security, education, public health), usually containing a governance structure.

**Supervisor:** The Incident Command System title for an individual responsible for a Division or Group.

**Supporting Agency:** An agency that provides support and/or resource assistance to another agency. See also Assisting Agency.

**Supporting Technology:** Any technology that may be used to support the National Incident Management System, such as orthophoto mapping, remote automatic weather stations, infrared technology, or communications.

**System:** Any combination of facilities, equipment, personnel, processes, procedures, and communications integrated for a specific purpose.

**Tactics:** The deployment and directing of resources on an incident to accomplish the objectives designated by strategy.

**Task Force:** Any combination of resources assembled to support a specific mission or operational need. All resource elements within a Task Force must have common communications and a designated leader.

**Technical Specialist:** Person with special skills that can be used anywhere within the Incident Command System organization. No minimum qualifications are prescribed, as technical specialists normally perform the same duties during an

Appendix F. Acronyms and Glossary

incident that they perform in their everyday jobs, and they are typically certified in their fields or professions.

**Technology Standards:** Conditions, guidelines, or characteristics that may be required to facilitate the interoperability and compatibility of major systems across jurisdictional, geographic, and functional lines.

**Technology Support:** Assistance that facilitates incident operations and sustains the research and development programs that underpin the long-term investment in the Nation's future incident management capabilities.

**Terrorism:** As defined in the Homeland Security Act of 2002, activity that involves an act that is dangerous to human life or potentially destructive of critical infrastructure or key resources; is a violation of the criminal laws of the United States or of any State or other subdivision of the United States; and appears to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by mass destruction, assassination, or kidnapping.

**Threat:** Natural or manmade occurrence, individual, entity, or action that has or indicates the potential to harm life, information, operations, the environment, and/or property.

**Tools:** Those instruments and capabilities that allow for the professional performance of tasks, such as information systems, agreements, doctrine, capabilities, and legislative authorities.

**Tribal:** Referring to any Indian Tribe, band, nation, or other organized group or community, including any Alaskan Native Village as defined in or established pursuant to the Alaskan Native Claims Settlement Act (85 Stat. 688) [43 U.S.C.A. and 1601 et seq.], that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

**Type:** An Incident Command System resource classification that refers to capability. Type 1 is generally considered to be more capable than Types 2, 3, or 4, respectively, because of size, power, capacity, or (in the case of Incident Management Teams) experience and qualifications.

**Unified Approach:** The integration of resource management, communications and information management, and command and management in order to form an effective system.

**Unified Area Command:** Version of command established when incidents under an Area Command are multi-jurisdictional. See also Area Command.

**Unified Command (UC):** An Incident Command System application used when more than one agency has incident jurisdiction or when incidents cross political jurisdictions. Agencies work together through the designated members of the UC, often the senior persons from agencies and/or disciplines participating in the UC,

Appendix F. Acronyms and Glossary

to establish a common set of objectives and strategies and a single Incident Action Plan.

**Unit:** The organizational element with functional responsibility for a specific incident planning, logistics, or finance/administration activity.

**Unit Leader:** The individual in charge of managing Units within an Incident Command System (ICS) functional Section. The Unit can be staffed by a number of support personnel providing a wide range of services. Some of the support positions are pre-established within ICS (e.g., Base/Camp Manager), but many others will be assigned as technical specialists.

**Unity of Command:** An Incident Command System principle stating that each individual involved in incident operations will be assigned to only one supervisor.

**Vital Records:** The essential agency records that are needed to meet operational responsibilities under national security emergencies or other emergency or disaster conditions (emergency operating records), or to protect the legal and financial rights of the government and those affected by government activities (legal and financial rights records).

**Volunteer:** For purposes of the National Incident Management System, any individual accepted to perform services by the lead agency (which has authority to accept volunteer services) when the individual performs services without promise, expectation, or receipt of compensation for services performed. See 16 U.S.C. 742f(c) and 29 CFR 553.10



Appendix F. Acronyms and Glossary

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BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: January 31, 2024

SUBJECT: Public hearing and consideration of Resolution No. 2024-003 adopting a supplemental budget and increasing or adjusting appropriations in the General Fund and the Natural Resources Fund

RECOMMENDED MOTION:

Move approval of Resolution No. 2024-003 increasing or adjusting appropriations within the 2023-24 Deschutes County Budget.

BACKGROUND AND POLICY IMPLICATIONS:

On September 20, 2023, the Natural Resources department presented to the Board of County Commissioners with regard to an intergovernmental agreement with the Natural Resources Conservation Service (NRCS) for grant funding for the Oregon Living With Fire (OLWF) program. The OLWF program has operated for the past six years with fiscal contributions from Crook, Deschutes, Jefferson and Klamath Counties with a match from the General Fund. Historically, revenue and expenditures have been tracked in a County Custodial Fund. For accounting and budgeting purposes, these funds will be moved within the Natural Resources Fund.

This adjustment changes budgeted requirements in the Natural Resources Fund by more than 10%; therefore, a public hearing is required.

BUDGET IMPACTS:

If approved, revenue of \$337,685 will be recognized and program expense appropriations increased by the same amount within the Natural Resources Fund.

ATTENDANCE:

- Erik Kropp, Deputy County Administrator
Kevin Moriarty, County Forester
Dan Emerson, Budget and Financial Planning Manager

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

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

A Resolution Increasing Appropriations \*  
Within the 2023-24 Deschutes County \* RESOLUTION NO. 2024-003  
Budget \*

WHEREAS, the Natural Resources department presented to the Board of County Commissioners on 9/20/23, with regards to Oregon Living With Fire (OLWF) grants, and

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

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

WHEREAS, it is necessary to reduce Program Expense and increase Transfer Out appropriations by \$33,750 in the General Fund, and

WHEREAS, it is necessary to recognize Beginning Working Capital of \$174,935, Grants of \$129,000 and Transfer In revenue of \$33,750 and increase appropriations by \$337,685 in the Natural Resources Fund; now, therefore,

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

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

<u>Natural Resources Fund</u>	
Beginning Working Capital	\$ 174,935
Federal Grants	90,000
Local Government Grants	39,000
Transfers In – General Fund	33,750
<b>Total Natural Resources</b>	<b><u>\$ 337,685</u></b>

Section 2. That the following amounts be appropriated in the 2023-24 County Budget:

<u>General Fund</u>	
Program Expense	\$ (33,750)
Transfers Out	<u>33,750</u>
<b>Total General Fund</b>	<b><u><u>\$ 0</u></u></b>
<u>Natural Resources Fund</u>	
Program Expense	<u>\$ 337,685</u>
<b>Total Natural Resources</b>	<b><u><u>\$ 337,685</u></u></b>

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

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

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

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

ATTEST:

\_\_\_\_\_  
TONY DEBONE, Vice-Chair

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

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

Deschutes County  
Supplemental Budget

**REVENUE**

Item	Project Code	Segment 2	Org	Object	Description	Current Budgeted Amount	To (From)	Revised Budget
1			3265051	301000	Beginning Working Capital	\$ -	\$ 174,935	\$ 174,935
2	OLFW24	Federal	3265051	331001	Federal Grants - OLFW	-	60,000	60,000
3	USDA24	Federal	3265051	331001	Federal Grants - USDA	-	30,000	30,000
4			3265051	338011	Local Government Grants		39,000	39,000
5			3265051	391001	Transfer In - General Fund	-	33,750	33,750
<b>TOTAL</b>						<b>\$ -</b>	<b>\$ 337,685</b>	<b>\$ 337,685</b>

**APPROPRIATION**

Item	Project Code	Segment 2	Org	Object	Category (Pers, M&S, CapEx, Transfers, Contingency)	Description (Object, e.g. Time Mgmt, Temp Help, Computer Hardware)	Current Budgeted Amount	To (From)	Revised Budget
1			0019913	450920	M&S	Grants & Contributions	\$ 225,000	\$ (33,750)	\$ 191,250
2			0019913	491326	Transfers	Transfers Out - Fund 326	-	33,750	33,750
3	OLFW24	MAT & SVCS	3265051	430312	M&S	Contracted Services	-	234,935	234,935
4	USDA24	MAT & SVCS	3265051	430312	M&S	Contracted Services	-	30,000	30,000
5			3265051	430312	M&S	Contracted Services	-	72,750	72,750
<b>TOTAL</b>							<b>\$ 225,000</b>	<b>\$ 337,685</b>	<b>\$ 562,685</b>

An appropriation transfer is required to move budget from M&S to Transfers Out to allow for the General Fund to make a transfer to Fund 326. A supplemental budget is required to recognize Transfer In revenue and Grant revenue for the OLFW and USDA grants.

Fund:	326 & 001
Dept:	Natural Resources
Requested by:	Dan Emerson
Date:	01.31.24

<b>New USFS Grant</b>		23-PA-11060100-027		
<b>F or E</b>	<b>Segment 1</b>	<b>Segment 2</b>	<b>Org</b>	<b>Object</b>
Revenue	OLFW24	Federal	3265051	331001
Expense	OLFW24	MAT & SVCS	3265051	Any

<b>New USDA Grant</b>		NR230436XXXXC016		
<b>F or E</b>	<b>Segment 1</b>	<b>Segment 2</b>	<b>Org</b>	<b>Object</b>
Revenue	USDA24	Federal	3265051	331001
Expense	USDA24	MAT & SVCS	3265051	Any



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: January 31, 2024

SUBJECT: Public hearing and consideration of Resolution No. 2024-004 adopting a supplemental budget and increasing appropriations in the Full Faith & Credit Debt Service Fund

RECOMMENDED MOTION:

First, hold a public hearing. Thereafter, move approval of Resolution No. 2024-004 increasing appropriations within the 2023-24 Deschutes County Budget.

BACKGROUND AND POLICY IMPLICATIONS:

The County refinanced Series 2013 Full Faith & Credit bonds in November 2023. Proceeds of \$5,919,919 were received with the Series 2023 issuance and will be used to pay off Series 2013. A budget adjustment is required to recognize the bond proceeds and increase Debt Service appropriations by \$5,919,919.

This adjustment changes budgeted requirements in the Full Faith & Credit Debt Service Fund by more than 10%; therefore, a public hearing is required.

BUDGET IMPACTS:

If approved, revenue of \$5,919,919 will be recognized and Debt Service appropriations increased by the same amount within the Full Faith & Credit Debt Service Fund.

ATTENDANCE:

Dan Emerson, Budget and Financial Planning Manager

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

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

A Resolution Increasing Appropriations \*  
Within the 2023-24 Deschutes County \* RESOLUTION NO. 2024-004  
Budget \*

WHEREAS, the Finance department is requesting a budget adjustment in order to payoff Full Faith & Credit Series 2013 bonds, and

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

WHEREAS, it is necessary to recognize Bond Proceeds of \$5,919,919 and increase Debt Service appropriations by the same amount in the Full Faith & Credit Debt Service Fund; now, therefore,

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

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

<u>Full Faith &amp; Credit Debt Service Fund</u>	
Bond Proceeds for Refunding Bonds	\$ 5,919,919
<b>Total Full Faith &amp; Credit Debt Service</b>	<b>\$ 5,919,919</b>

Section 2. That the following amounts be appropriated in the 2023-24 County Budget:

<u>Full Faith &amp; Credit Debt Service Fund</u>	
Debt Service	\$ 5,919,919
<b>Total Full Faith &amp; Credit Debt Service</b>	<b>\$ 5,919,919</b>

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

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



BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

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

ATTEST:

\_\_\_\_\_  
TONY DEBONE, Vice-Chair

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

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

Deschutes County  
Supplemental Budget

**REVENUE**

Item	Project Code	Segment 2	Org	Object	Description	Current Budgeted Amount	To (From)	Revised Budget
1			5561350	393022	Proceeds for Refunding Bonds	\$ -	\$ 5,919,919	\$ 5,919,919
<b>TOTAL</b>						<b>\$ -</b>	<b>\$ 5,919,919</b>	<b>\$ 5,919,919</b>

**APPROPRIATION**

Item	Project Code	Segment 2	Org	Object	Category (Pers, M&S, CapEx, Transfers, Contingency)	Description (Object, e.g. Time Mgmt, Temp Help, Computer Hardware)	Current Budgeted Amount	To (From)	Revised Budget
1			5561350	480814	Debt Service	Debt Service - Pmts to Escrow	\$ -	\$ 5,919,919	\$ 5,919,919
<b>TOTAL</b>						<b>\$ -</b>	<b>\$ 5,919,919</b>	<b>\$ 5,919,919</b>	

A supplemental budget is required to recognize bond proceeds in order to payoff Series 2013.

Fund:	556
Dept:	Finance
Requested by:	Dan Emerson
Date:	01.31.24



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: January 31, 2024

SUBJECT: Public Hearing: Redmond Airport Master Plan Update Text Amendment

RECOMMENDED MOTION:

Open the public hearing for file 247-23-000252-TA regarding the Redmond Airport Master Plan (RAMP) Update Text Amendment.

The Board has several options at the conclusion of the staff presentation and public comments. The Board may:

- Hold the oral and written record open and continue the hearing to a date certain
• Close the oral record and hold the written record open to a date certain
• Close both the oral and written record and set a date certain for deliberations
• Close both the oral and written record and begin deliberations

BACKGROUND AND POLICY IMPLICATIONS:

The Board of County Commissioners will hold a public hearing to consider an applicant-initiated text amendment to update the Redmond Airport's imaginary surfaces and noise contour boundaries to align with the 2018 Redmond Airport Master Plan (RAMP) Update.

The full record is located on the project webpage:

https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment

BUDGET IMPACTS:

None

ATTENDANCE:

Tarik Rawlings, Senior Transportation Planner



MEMORANDUM

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

**FROM:** Tarik Rawlings, Senior Transportation Planner

**DATE:** January 24, 2024

**SUBJECT:** Public Hearing – Redmond Airport Master Plan (RAMP) Update Text Amendment

The Board of County Commissioners (Board) is conducting a public hearing on January 31, 2024. The January 31, 2024 public hearing concerns a request for an applicant-initiated Legislative Text Amendment to the Airport Safety (AS) Combining Zone (DCC 18.80.030) associated with the Redmond Municipal Airport, submitted by the City of Redmond and Airport representatives. This will be the second of two required public hearings and will be conducted in-person, electronically, and by phone.

Attached to this memorandum are the proposed text amendments, Hearings Officer Recommendation, and original application materials which have not changed since the Board’s work session on January 29, 2024. Within the proposed amendments, removed text is shown in ~~strikethrough~~ and newly-added text is shown in underline.

The record is available for inspection on the project website:  
<https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment>

**I. BACKGROUND**

The applicant, City of Redmond and Redmond Municipal Airport, is requesting a Legislative Text Amendment to the AS Combining Zone (DCC 18.80.030) imaginary surfaces and noise contour boundaries. The Oregon Department of Aviation defines aviation-related imaginary surfaces as “imaginary areas in space and on the ground that are established in relation to the airport and its runways”. These imaginary surfaces allow for specific aviation uses and actions within them regarding travel to, from, or around a given airport. The noise contour boundary indicates the distance from the airport at which certain noise decibel-ratings could be disturbing to residential properties and land uses. The subject proposal would update the Runway and Approach information and include a corresponding update amending the AS map to reflect the new zoning boundaries for imaginary surfaces and the new 55 DNL (Average Day-Night Sound Level) noise contour boundaries associated

with the Redmond Municipal Airport. The subject Text Amendment would bring the descriptions of imaginary surfaces contained in DCC 18.80.030 into alignment with the Airport’s approved 2018 Master Plan update.

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development on September 18, 2023. Agency notice was sent to relevant agency partners on September 19, 2023. One generic agency comment was received from the County Building Safety Division stating that, if structural development is involved with the project, to coordinate with Deschutes County for permitting requirements. The second agency comment was from the Oregon Department of Aviation (ODAV) expressing no specific comments other than their support for approval of the application. Notice of the proposal was sent to all property owners within Deschutes County whose property would be affected by the newly-adjusted imaginary surfaces and 55 DNL noise contour boundaries on September 20, 2023. The Notice explained the scope of the proposal, provided a project-specific website related to the application, and gave meeting information for the initial Hearings Officer public hearing held on November 7, 2023<sup>1</sup>. Following the Hearings Officer’s public hearing, a recommendation for approval was mailed to relevant parties on December 15, 2023.

**II. PUBLIC COMMENT AND HEARINGS OFFICER RECOMMENDATION**

Staff received two (2) public comments. The first public comment was from Central Oregon Irrigation District (COID) expressing that they have no facilities or water rights on the airport’s property. The second public comment, received during the public hearing process, was from a private citizen stating opposition to the proposal based on general concerns with airport operations, potential impacts to surrounding properties, and adequacy of public notice.

The initial public hearing was held on November 7, 2023. On December 15, 2023, the Deschutes County Hearings Officer issued a recommendation evaluating compliance with all applicable review criteria and ultimately recommending approval of the proposed Text Amendment.

**III. BOARD CONSIDERATION**

The Board conducted a work session on January 29, 2024. Any questions or comments raised by the Commissioners during that work session will be incorporated into the public hearing proceedings and/or the subsequent open record period, should the Board choose to impose such a period.

As the airport’s surrounding properties include lands designated for agricultural use, Deschutes County Code 22.28.030(C) requires the application to be heard de novo before the Board, regardless of the determination of the Hearings Officer. Per DCC Section 22.20.040(D), the review of the proposed Text Amendment (reflecting quasi-judicial aspects of the proposal) is not subject to the 150-day review period typically associated with land use decisions.

<sup>1</sup> <https://www.youtube.com/watch?v=7-LpibIJ5EA>

The record is available for inspection at the Planning Division and at the following link: <https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment>. Moreover, the complete record will be available at the public hearing.

**IV. NEXT STEPS**

The Board will hold a public hearing concerning the subject proposal on January 31, 2024.

At the conclusion of the public hearing, the Board can choose one of the following options:

- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain;
- Close the hearing and commence deliberations.

**ATTACHMENTS:**

1. Notice of Public Hearing
2. Draft Ordinance 2024-002 and Exhibits
  - Exhibit C: Proposed Text Amendments
  - Exhibit D: Hearings Officer Recommendation

**FORTHCOMING ATTACHMENTS:**

1. Exhibit A: Legal Description
2. Exhibit B: Proposed Zone Change Map

# Community Development Department

## Public Hearing – January 31, 2024

**File No. 247-23-000252-TA**

**Request: Text Amendment to the Airport Safety (AS) Combining Zone imaginary surface information and 55 DNL (Day-Night Sound Level) noise contour boundary for the Redmond Municipal Airport**

**Board of County Commissioners**

Case Planner: Tarik Rawlings, Senior Transportation Planner  
Email: [tarik.Rawlings@deschutes.org](mailto:tarik.Rawlings@deschutes.org)  
Phone: (541) 317-3148



# Hearing Procedure

**The hearing will be conducted as follows:**

- 1. Staff will explain the hearing format and how to testify**
- 2. Time limits – can be modified or eliminated by Hearings Officer**
  - A. Applicant: 30 minutes**
  - B. Public agencies: 10 minutes**
  - C. General public: 3 minutes**
  - D. Applicant rebuttal: 10 minutes**





# Record

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- All record materials are published at the following website:

<https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment>



# Testifying at Today's Hearing

- **In-person and remote participation meeting format**
- **Before starting your testimony please state the following:**
  - **First and Last Name**
  - **Mailing Address**



# In-Person Participants

- **Chair Adair or staff will call up each person attending in-person to provide their testimony.**
- **Please come up to the table at the front of the room to provide your testimony.**
- **Please write your name and contact information on the sign-in sheet.**

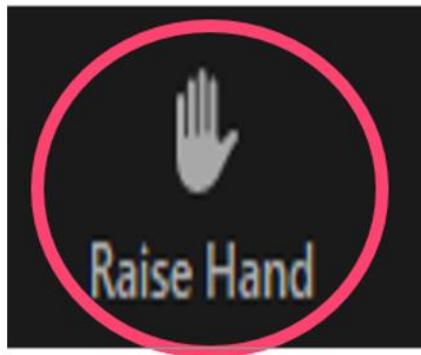


# Remote Participants

- To testify remotely you must attend using Zoom
- Chair Adair will request that all Zoom participants use the “raise hand” feature to communicate that you would like to testify

- ***Computer / Smart Device***

- ❖ ***Press the Raise Hand button***



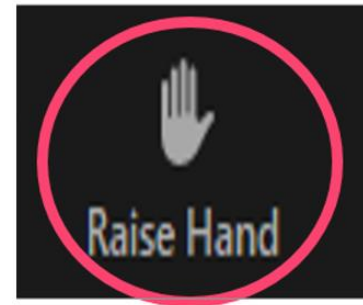
- ***Raise Hand (Dial-in)***

- ❖ ***Enter \*9 on your keypad***



# Hearing Procedures

- Written testimony can be submitted to staff
  - ❖ In-person - Hand to staff
  - ❖ Remote - Email to staff: [tarik.rawlings@deschutes.org](mailto:tarik.rawlings@deschutes.org)
  
- Orderly & respectful hearing
  
- Objections to hearing format



# Staff Report

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# Location - Airport

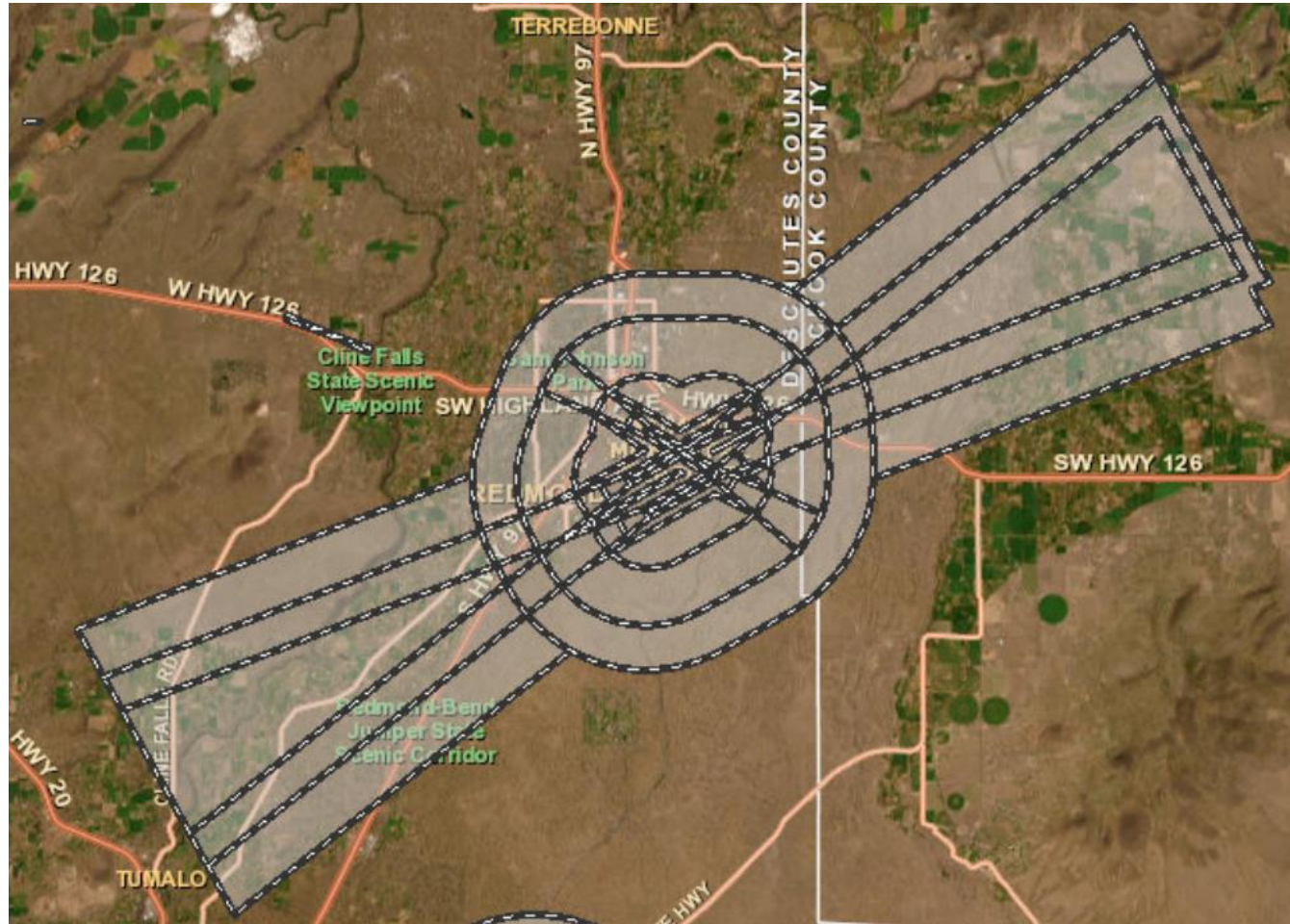


## Redmond Municipal Airport

- City of Redmond owned and operated
- Uses and activities dictated by City of Redmond Zoning Districts



# Location - Imaginary Surfaces



- “Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface, and transitional surface.”  
(Oregon Dept. of Aviation model code definition)





# Request

- **Amendments to:**
  - **DCC 18.80.030, Airport Safety (AS) Combining Zone**
- **Effect of Amendments:**
  - **Aligns AS Combining Zone with 2018 Redmond Airport Master Plan (RAMP) update**
  - **Updates general descriptions of runway/primary surface location and dimensions**
  - **Updates imaginary surface descriptions for Transitional Surface, Approach Surface, Horizontal Surface, Conical Surface, Runway Protection Zone (RPZ)**
  - **Updates location and dimensions of 55 DNL (Day-Night Sound Level) noise contour boundary**



# Request

- **Associated Map Amendments:**
  - **Amending the location of the AS Combining Zone boundaries on the County's zoning map to correspond with the requested Text Amendments**
  - **Existing and Proposed mapping shown in Applicant's Burden of Proof Figures 1-4 (pgs. 17-25)**



# Comments and Process

- **One agency comment from Deschutes County Building Safety Division**
- **One supportive agency comment from Oregon Department of Aviation**
- **One public comment in response to the County's notice – Central Oregon Irrigation District (COID)**
- **One public comment in opposition to the proposal**



# Comments and Process

- **Hearings Officer Public Hearing – November 7, 2023**
- **Hearings Officer Recommendation of Approval – December 15, 2023**
- **Notice of Public Hearing for BOCC – December 30, 2023**
- **Processed as quasi-judicial Text Amendment, will require final action by Board of County Commissioners**



# Record

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- All record materials are published at the following website:

<https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment>



# Next Steps

- **Potential open record period following public hearing**
- **Board holds deliberations following the hearing or on a future date**
- **Board renders a final decision on the proposal approving as drafted, approving as amended, or denying the proposal**
- **Staff will ultimately send notice to DLCD reflecting the Board's decision**



# Questions?

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# Thank you

Tarik Rawlings, Senior Transportation Planner  
[Tarik.Rawlings@deschutes.org](mailto:Tarik.Rawlings@deschutes.org)  
(541)-317-3148



# Open Record Period Deadlines

- New Evidence & Testimony – Wednesday, February 7<sup>th</sup> at 4pm
- Rebuttal – Wednesday, February 14<sup>th</sup> at 4 pm
- Final Argument (Applicant Only) – Wednesday, February 21<sup>st</sup> at 4pm

Electronic submittals **must be received by the County's server by 4pm**  
on the date of the deadline





# Open Record Period

- All submittals should be to sent to **Tarik Rawlings, Senior Transportation Planner**
- Electronic submittals should be:
  - Sent to [Tarik.rawlings@deschutes.org](mailto:Tarik.rawlings@deschutes.org)
- Deschutes County does not take responsibility for retrieving information from a website link or a personal cloud storage service.
- Electronic submittals **must be received by the County's server by 4pm** on the date of the deadline



### NOTICE OF PUBLIC HEARING

The Deschutes County Board of County Commissioners will conduct the public hearing as described below by video, telephone and in person. Options for participating in the public hearing are detailed in the Public Hearing Participation section.

#### PROJECT DESCRIPTION

FILE NUMBERS: 247-23-000252-TA

#### LOCATION/ OWNERS:

Mailing Name: CITY OF REDMOND  
Map and Taxlot: 1513220000100  
Account: 187594  
Situs Address: \*\*MULTIPLE SITUS ADDRESSES\*\*

Mailing Name: CITY OF REDMOND  
Map and Taxlot: 1513000001500  
Account: 162763  
Situs Address: \*\*MULTIPLE SITUS ADDRESSES\*\*

Mailing Name: CITY OF REDMOND  
Map and Taxlot: 1513000001503  
Account: 160522  
Situs Address: 3840 SW AIRPORT WAY, REDMOND, OR 97756

Mailing Name: CITY OF REDMOND  
Map and Taxlot: 1513280000101  
Account: 150717  
Situs Address: 3000 SW AIRPORT WAY, REDMOND, OR 97756

APPLICANT: Redmond Municipal Airport  
2522 Jesse Butler Cir  
Redmond, OR 97756

City of Redmond  
411 SW 9<sup>th</sup> Street  
Redmond, OR 97756

PROPOSAL: The applicant, City of Redmond, has applied for a Text Amendment to the Airport Safety (AS) Combining Zone (DCC 18.80.030) to update the Runway and Approach information and a corresponding update amending the AS map to reflect the new zoning boundaries for imaginary surfaces and the new 55 DNL (Average Day-Night Sound Level) noise contour boundaries.

HEARING DATE: Wednesday, January 31, 2023

STAFF CONTACT: Tarik Rawlings, Senior Transportation Planner  
Tarik.rawlings@deschutes.org, 541-317-3148

RECORD: Record items can be viewed and downloaded from:  
<https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment>

PUBLIC HEARING PARTICIPATION

- If you wish to provide testimony during the public hearing, please contact the staff planner by 4 pm on January 30, 2023. Testimony can be provided as described below.
- Members of the public may listen, view, and/or participate in this hearing using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link: [bit.ly/3h3oqD](https://bit.ly/3h3oqD). Using this option may require you to download the Zoom app to your device.
- Members of the public can access the meeting via telephone, dial 253-215-8782. When prompted, enter the following: Webinar ID: 899-4635-9970 and Password: 013510.
- If participation during the hearing by video and telephone is not possible, the public can provide testimony in person in the Barnes and Sawyer Rooms of the Deschutes Services Center, 1300 NW Wall Street, Bend. Please check the Commissioners’ Public Meeting Calendar to see the anticipated start time for this agenda item: <https://www.deschutes.org/meetings>.

All documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost at the Deschutes County Community Development Department (CDD) at 117 NW Lafayette Avenue. Seven (7) days prior to the public hearing, a copy of the staff report will be available for inspection at no cost at CDD and on the websites listed above. Copies of all documents, evidence and the staff report can be purchased at CDD for (25) cents a page.

Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please contact the staff planner identified above.

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

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code 18.80.030(A-F), to update the Airport Safety (“AS”) Combining Zone Imaginary Surfaces and Noise Contour Boundaries for the Redmond Airport. \*  
\*  
\*  
\*  
ORDINANCE NO. 2024-002

WHEREAS, City of Redmond applied under land use file number 247-23-000252-TA for a text amendment to Deschutes County Code (“DCC”) Chapter 18.80, Airport Safety Combining Zone; A-S, to update the imaginary surface information and noise contour boundaries associated with the Redmond Airport to align with the 2018 Redmond Airport Master Plan (RAMP) Update; and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on November 7, 2023 before the Deschutes County Hearings Officer and, on December 15, 2023 the Hearings Officer recommended approval of the proposed text amendment; and

WHEREAS, the Board of County Commissioners considered this matter after a duly noticed public hearing on January 31, 2024 and concluded that the proposed changes are consistent with the County’s Comprehensive Plan and that the public will benefit from changes to the land use regulations; and

WHEREAS, pursuant to Deschutes County Code 22.28.030(C), the proposal shall be heard de novo before the Board; now, therefore,

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

Section 1. AMENDMENT. DCC Chapter 18.80, Airport Safety Combining Zone; A-S, is amended to read as described in Exhibit “C”, attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 2. AMENDMENT. DCC Title 18 Zoning Map, is amended to change the zoning boundaries as described in Exhibit “A” and as depicted on the map set forth as Exhibit “B”, with both exhibits attached and incorporated by reference herein.

///

Section 3. FINDINGS. The Board adopts as its findings in support of this decision, Exhibit “D”, attached and incorporated by reference herein.

Section 4. EFFECTIVE DATE. This Ordinance takes effect on the 90<sup>th</sup> day after the date of adoption.

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

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

\_\_\_\_\_  
ANTHONY DeBONE, Vice Chair

ATTEST:

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

\_\_\_\_\_  
PHILIP CHANG, Commissioner

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

Date of 2<sup>nd</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Record of Adoption Vote:

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

Effective date: \_\_\_\_\_ day of \_\_\_\_\_, 2024.



**EXHIBIT C - PROPOSED TEXT AMENDMENTS**

**FILE NUMBER(S):** 247-23-000252-TA

**SUBJECT PROPERTY:** The subject Airport Safety (AS) Combining Zone and 55 DNL noise contour boundaries are associated with the Redmond Municipal Airport (Airport), which includes the following addresses and tax lots:

• **Tax Lot 1513220000100**

- 1050 SE Sisters Ave
- 1050 SE Sisters Ave (A-B)
- 1120 SE Sisters Ave
- 1120 SE Sisters Ave (A-E)
- 1300 SE USFS Dr
- 1320 SE USFS Dr
- 1350 SE USFS Dr
- 1410 SE USFS Dr (A-B)
- 1552 SE USFS Dr
- 1605 SE Ochoco Way
- 1694 SE USFS Dr
- 1900 SE Airport Way (A-1 to A-3; B; C-1 to C-2; D; E; F-1 to F-14; G1 to G14; H to V)
- 2215 SE USFS Dr
- 2234 SE 6th St
- 2234 SE Salmon Ave
- 2700 SE Airport Way
- 625 SE Salmon Ave
- 644 SE Salmon Ave
- 645 SE Salmon Ave
- 665 SE Salmon Ave
- 675 SE Salmon Ave
- 679 SE Salmon Ave
- 681 SE Salmon Ave
- 683 SE Salmon Ave
- 685 SE Salmon Ave
- 687 SE Salmon Ave
- 689 SE Salmon Ave
- 691 SE Salmon Ave
- 693 SE Salmon Ave
- 701 SE Salmon Ave
- 705 SE Salmon Ave
- 743 SE Salmon Ave
- 765 SE Salmon Ave
- 875 SE Veteran's Way
- 880 SE Veteran's Way
- 888 SE Veteran's Way (A to G; H-1 to H-2; I-1 to I-7; J-1 to J-2; K-1 to K-7)
- 905 SE Salmon Ave
- 907 SE Salmon Ave
- 911 SE Salmon Ave

• **Tax Lot 1513000001500**

- 1730 SE Ochoco Way
- 1740 SE Ochoco Way
- 1764 SE Ochoco Way
- 2000 SE USFS DR (A to D)

• **Tax Lot 1513000001503**

- 3840 SW Airport Way

• **Tax Lot 1513280000101**

- 3000 SW Airport Way

**APPLICANT:** City of Redmond  
411 SW 9<sup>th</sup> St  
Redmond, OR 97756

Redmond Municipal Airport  
2522 Jesse Butler Cir  
Redmond, OR 97756

**REQUEST:** The applicant, City of Redmond, has applied for a Text Amendment to the Airport Safety (AS) Combining Zone (DCC 18.80.030) to update the Runway and Approach information and a corresponding update amending the AS map to reflect the new zoning boundaries for imaginary surfaces and the new 55 DNL (Average Day-Night Sound Level) noise contour boundaries.

**STAFF CONTACT:** Tarik Rawlings, Senior Transportation Planner  
Phone: 541-317-3148  
Email: [tarik.rawlings@deschutes.org](mailto:tarik.rawlings@deschutes.org)

**RECORD:** Record items can be viewed and downloaded from:  
<https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment>

**I. APPLICABLE CRITERIA:**

Deschutes County Code

- Title 18, Deschutes County Zoning Ordinance:
  - Chapter 18.04, Title, Purpose and Definitions
  - Chapter 18.76, Airport Development Zone
  - Chapter 18.80, Airport Safety Combining Zone (AS)
  - Chapter 18.136, Amendments

- Title 22, Deschutes County Development Procedures Ordinance
  - Chapter 22.12, Legislative Procedures

- Title 23, Deschutes County Comprehensive Plan
  - Chapter 3, (Rural Growth Management), Section 3.4, Rural Economy

Oregon Revised Statutes

- ORS 836.610
- ORS 836.616

Oregon Administrative Rules

- OAR Chapter 660, Division 15, Statewide Planning Goals 1-14
- OAR Chapter 660, Division 12, Transportation
- OAR Chapter 660, Division 13, Airport Planning

**II. PROPOSED TEXT AMENDMENTS:**

The proposed text amendments are also detailed in the referenced applicant’s burden of proof materials, included as an attachment. Below are the proposed changes with removed text shown in ~~strikethrough~~ and newly-added text identified by underline.

**Title 18, County Zoning:**

**Chapter 18.80 Airport Safety Combining Zone; A-S**

**Section 18.80.030 Redmond Municipal Airport**

The Redmond Municipal Airport is a Category 1, Commercial Service Airport. Its function is to accommodate scheduled major/national or regional commuter commercial air carrier service. The two existing approximately 7,040’ long by 100’-150’ wide, “other than utility” paved runways are located at an airport elevation of 3,080.7’ 3,077’. The proposed extension to ~~runway 4-22~~ the primary runway and the planned new parallel runway are both identified on the FAA-adopted Airport Layout Plan. Therefore, these improvements are used in the layout of the Airport Safety and Combining Zone. The same safety zone dimensional standards used for ~~Runway 4-22~~ the primary runway will also apply to the planned parallel runway.

- A. Primary Surface – For Redmond, the primary surfaces are 1,000’ wide by 7,406’ 7,440’ long for the crosswind runway Runway 10-28, 1,000’ wide by 9,100’ long for the primary runway Runway 4-22, and 1,000’ wide by 6,600’ 7,400’ long for the proposed new parallel runway.
- B. Transitional Surface – The surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.
- ~~B. Runway Protection Zone (RPZ) – Two different RPZs apply to the Redmond Airport because it has a total of three potential runways with two possible approaches. Runway 4-22 and the planned parallel runway will both have precision approaches. Runway 10-28 has a non-precision approach on each end. The precision RPZ forms a 1,000’ wide by 2,500’ long by 1,750’ wide trapezoid while the non-precision RPZ forms a 500’ wide by 1,700’ long by 1,010’ wide trapezoid.~~
- C. Approach Surface – The current ILS precision approach surface to the primary runway runway 22 and the planned precision approaches to the Runway 4 and future parallel runway 4-22, are 1,000’ wide by 50,000’ long by 16,000’ wide, with an upward approach slope ratio of 50:1 (one foot vertical for each 50 feet horizontal) for the first 10,000’, then a slope ratio of 40:1 for the remaining 40,000’. The non-precision approach surface is 500’ wide by 10,000’ long by 3,500’ wide, with an upward approach slope ratio of 34:1.



- D. Horizontal Surface – The surface boundary is comprised of connected arcs drawn 10,000 feet outward and centered on the ends of the primary surface. The elevation of the horizontal surface for the Redmond Airport is 3,227 230 feet (150' above airport elevation).
- E. Conical Surface – The surface extends outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000' up to an elevation of 3,430.7'.
- F. Runway Protection Zone (RPZ) – Two different RPZs apply to the Redmond Airport because it has a total of three potential runways with two possible approaches. The primary runway and the planned parallel runway will both have precision approaches. The crosswind runway has a non-precision approach on each end. The precision RPZ forms a 1,000' wide by 2,500' long by 1,750' wide trapezoid while the non-precision RPZ forms a 1,000' wide by 1,700' long by 1,510' wide trapezoid. The RPZ begins 200' from the surveyed runway end point.

**HEARINGS OFFICER RECOMMENDATION  
 REDMOND AIRPORT MASTER PLAN (RAMP) UPDATE - TEXT AMENDMENT**

**FILE NUMBER(S):** 247-23-000252-TA

**SUBJECT PROPERTY:** The Airport Safety Combining Zone and 55 DNL noise contour boundaries are associated with the Redmond Municipal Airport ("Airport"), which includes the following addresses and tax lots:

- **Tax Lot 1513220000100**
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  - 1050 SE Sisters Ave (A-B)
  - 1120 SE Sisters Ave
  - 1120 SE Sisters Ave (A-E)
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  - 1320 SE USFS Dr
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  - 907 SE Salmon Ave
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- **Tax Lot 1513000001500**
  - 1730 SE Ochoco Way
  - 1740 SE Ochoco Way
  - 1764 SE Ochoco Way
  - 2000 SE USFS DR (A to D)
  
- **Tax Lot 1513000001503**
  - 3840 SW Airport Way
  
- **Tax Lot 1513280000101**
  - 3000 SW Airport Way

**APPLICANT:** City of Redmond  
411 SW 9<sup>th</sup> St  
Redmond, OR 97756

Redmond Municipal Airport  
2522 Jesse Butler Cir  
Redmond, OR 97756

**REQUEST:** The City of Redmond (“Applicant”) applied for a Text Amendment to the Airport Safety (“AS”) Combining Zone (DCC 18.80.030) to update the Runway and Approach information and a corresponding update amending the AS map to reflect the new zoning boundaries for imaginary surfaces and the new 55 DNL (“Average Day-Night Sound Level”) noise contour boundaries.

**STAFF CONTACT:** Tarik Rawlings, Senior Transportation Planner  
Phone: 541-317-3148  
Email: tarik.rawlings@deschutes.org

**RECORD:** Record items can be viewed and downloaded from:  
<https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment>

**I. APPLICABLE CRITERIA**

Deschutes County Code

- Title 18, Deschutes County Zoning Ordinance:
  - Chapter 18.04, Title, Purpose and Definitions
  - Chapter 18.76, Airport Development Zone
  - Chapter 18.80, Airport Safety Combining Zone (AS)
  - Chapter 18.136, Amendments
- Title 22, Deschutes County Development Procedures Ordinance
  - Chapter 22.12, Legislative Procedures
- Title 23, Deschutes County Comprehensive Plan
  - Chapter 3, (Rural Growth Management), Section 3.4, Rural Economy

Oregon Revised Statutes

- ORS 836.610
- ORS 836.616

Oregon Administrative Rules

- OAR Chapter 660, Division 15, Statewide Planning Goals 1-14
- OAR Chapter 660, Division 12, Transportation
- OAR Chapter 660, Division 13, Airport Planning

**II. BASIC FINDINGS**

**LOT OF RECORD:** DCC 22.04.040(B) does not require lot of record verification for Text Amendment applications and, as a result, lot of record verification is not required for the subject application.

**SITE DESCRIPTION:** The AS Combining Zone and 55 Day-Night Sound Level (“DNL”) noise contour boundary includes the Redmond Municipal Airport (“Roberts Field”) and surrounding properties affected by the imaginary surfaces of the AS Combining Zone, which collectively total approximately 1,934 acres. The Redmond Municipal Airport is developed with a number of aviation-related uses including taxiways, runways, internal roads and parking areas, and several structures. The Tax Lots associated with the Redmond Municipal Airport (1513220000100, 1513000001500, 1513000001503, 1513280000101) abut or contain several City of Redmond roadways to the west and north (SE Jesse Butler Cr [city local], SE Salmon Ave [city local], SE 6<sup>th</sup> St [city local], SE Airport Way [city arterial], SE Veteran’s Way [city arterial], SE Sisters Ave [city local], SE USFS Dr [city local], SE 10<sup>th</sup> St [city local]). Highway 126 (a State Primary Highway) adjoins the Airport property along its northern boundary. SE Sherman Rd and Redmond-Powell Butte Market Road border the Airport property to the east and are functionally classified as County-owned Rural Local roadways. Additional portions of SE Sherman Rd (to the east of the Airport) are owned and maintained by the Bureau of Land Management (“BLM”) and are functionally classified as Rural Local roadways.

**PROPOSAL:** The submitted Burden of Proof includes the following background on why this Text Amendment is necessary for the Airport:

*“The applicant, City of Redmond, owner of the Redmond Municipal Airport, proposes the enclosed amendments to the text of Chapter 18.80 of the Deschutes County Zoning Ordinance and the County’s Official Zoning Map to reflect the proposed improvements identified in the 2018 Airport Master Plan.*

*The Airport Master Plan evaluated the Airport’s needs over a 20-year planning period for airfield, airspace, terminal area, and landside facilities. The goal of the plan was to document the orderly development of Airport facilities essential to meeting City needs, in accordance with FAA standards, and in a manner complementary with community interests. The Plan resulted in a 20-year development strategy envisioned by the City of Redmond, reflective of the updated Airport Capital Improvement Program (CIP), and graphically depicted by the Airport Layout Plan (ALP) drawings. The approved Plan allows the City to satisfy FAA assurances and seek project funding eligible under the respective federal and state airport aid program. City of Redmond Ordinance No. 2018-18 updated the Redmond Transportation System Plan, inclusive of the 2018 Airport Master Plan, making it the transportation element of the Redmond Comprehensive Plan.”*

The proposed language of the Text Amendment is included as Attachment 1 and summarized as follows:

- The Applicant proposes to change the introductory language of DCC 18.80.030 including changes to airport elevation, and descriptions of the existing runways.

- The Applicant proposes to change the Primary Surface, Approach Surface, and Horizontal Surface dimensional description(s) at DCC 18.80.030(A, C, and D).
- The Applicant proposes to remove the existing language of DCC 18.80.030(B) and replace it with a description of the Airport’s Transitional Surface.
- The Applicant proposes to add descriptions of the Airport’s Conical Surface and Runway Protection Zone at DCC 18.80.030(E) and (F), respectively.

**PUBLIC AGENCY COMMENTS:** The Planning Division mailed notice on September 19, 2023, to several public agencies and received the following comments:

Deschutes County Building Safety Division, Randy Scheid, September 20, 2023:

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

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

The following agencies/entities did not respond to the notice: Arnold Irrigation District, Bend Metro Parks & Rec., BLM Prineville District, Department of Environmental Quality, Department of Forestry, Department of Geology and Mineral Industries, Department of State Lands, Deputy State Fire Marshal, Deschutes County Assessor, Deschutes County Environmental Soils Division, Deschutes County Fire Adapted Communities Coordinator, Deschutes County Forester, Deschutes County Road Department, Deschutes County Sheriff, Deschutes National Forest, ODOT Region 4 Planning, Oregon Department of Agriculture, Oregon Department of Water Resources, Redmond Area Parks & Rec. District, Redmond City Planning, Redmond Fire & Rescue, Swalley Irrigation District, Terrebonne Domestic Water District, Three Sisters Irrigation District, Watermaster – District 11, BNSF Railway, Cascade Natural Gas Co., Central Electric Co-op, Oregon Department of Aviation, Redmond Airport, Redmond Public Works, and Redmond School District.

**PUBLIC COMMENTS:** The Planning Division mailed notice of the application to all property owners whose property would be affected by the new AS Combining Zone and 55 DNL noise contour boundaries on September 20, 2023. Comments were received from Central Oregon Irrigation District (“COID”) and Dorinne Tye.

COID, Spencer Stauffer, September 22, 2023:

*“Re: 247-23-000252-TA  
 Deschutes County Assessor’s Map 15-13-00, Tax Lots 1500 and 1503  
 Deschutes County Assessor’s Map 15-13-22, Tax Lot 100  
 Deschutes County Assessor’s Map 15-13-28, Tax Lot 101*

*Please be advised that Central Oregon Irrigation District (COID) has reviewed the Text Amendment to the Airport Safety (AS) Combining Zone (DCC 18.80.030) to update the Runway and Approach*

*information and corresponding update amending the AS Zoning Map to reflect the new zoning boundaries for imaginary surfaces and the new 55 DNL (Average Day-Night Sound Level) noise contour boundaries. (dated August 29, 2023). COID has no facilities or water rights on the subject property (TAXLOT: 15-13-00, Tax Lots 1500 and 1503, 15-13-22, Tax Lot 100, 15-13-28, Tax Lot 101)."*

Dorinne Tye, November 7, 2023

An email was received, during the conduct of the November 7, 2023 Hearing, from Dorinne Tye ("Tye"). The Tye email raised a number of issues and objections to the proposal in this case. The Hearings Officer attempted to identify and characterize Tye's email issues below.

Tye stated that aircraft noise creates negative psychological and general health impacts. The Hearings Officer considered Tye's "noise" impact comments in the findings for any relevant approval criterion.

Tye asserted that "shifting noise contours requires avigation easements." Tye provided no legal citations to assist the Hearings Officer regarding what relevant approval criteria/criterion the "avigation easement" argument applied. Further, Tye failed to provide citations or other legal authority, with sufficient specificity, to allow the Hearings Officer to comprehend or analyze the "avigation easement" issue.

Tye asserted that shifting noise contours may violate one or more EPA guidelines. The Hearings Officer finds that Tye failed to develop the "EPA" argument with sufficient specificity to allow the Hearings Officer to comprehend and analyze that issue.

Tye suggested that Applicant's proposed shifting of noise contours violates the US Constitutional provision that prohibits the taking of private property without just compensation. Tye did reference the U.S. Supreme Court case *Nollan v. California Coastal Commission* in the context of the "taking" issue. Tye indicated that the court in *Nollan* required a "nexus" test to be satisfied. The Hearings Officer finds that Tye failed to connect the *Nollan* "nexus" test, with sufficient specificity, to the present application. The Hearings Office finds that Tye failed to provide specific facts or evidence to support her *Nollan* argument(s). The Hearings Officer finds that Tye failed to adequately develop the *Nollan* "nexus" test argument such that the Hearings Officer could provide a legally competent response.

Tye asserted that the process leading up to the issuance of the Staff Report and the hearing in this case did not provide for adequate citizen involvement. The Hearings Officer addresses Tye's "citizen involvement" argument in the findings for relevant approval criterion below.

Tye stated that "there must be adequate consideration and mitigation of airside impacts and related road traffic impacts, especially from an airport..." The Hearings Officer notes that Tye raised no specific road traffic impacts that should be considered in a negative or positive light. The Hearings Officer addresses traffic impacts in the findings for relevant approval criterion below.

Tye referenced an "Airport Easement Ordinance" and stated that such law had been found unconstitutional. The Hearings Officer opened the internet link in Tye's email and determined the referenced Oregon Land Use Board of Appeals decision related to a Hillsboro, Oregon ordinance. The Hearings Officer finds Tye did not provide any legal authority that would lead the Hearings Officer to conclude that a Hillsboro ordinance was relevant to this case.

**NOTICE REQUIREMENT:** As mentioned previously, on September 20, 2023, the Planning Division mailed notice to all property owners whose property would be affected by the new AS Combining Zone and 55 DNL noise contour boundaries. This type of notice is commonly referred to as a Measure 56 Notice. A separate Notice of Application was mailed to relevant agencies on September 19, 2023. A Notice of Public Hearing was published in the Bend Bulletin on Sunday, October 8, 2023. Notice of the first evidentiary hearing was submitted to the Department of Land Conservation and Development on September 18, 2023. The Applicant complied with the posted notice requirements outlined in DCC 22.24.030(B) and submitted a Land Use Sign Affidavit confirming that the required notice was posted on October 25, 2023, for at least 10 days prior to the scheduled public hearing date of November 7, 2023.

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

**III. FINDINGS & CONCLUSIONS**

**Preliminary Findings.** A public hearing was held on November 7, 2023 (the "Hearing") providing the Applicant, Deschutes County Planning Staff ("County Staff") and members of the public an opportunity to provide oral and written comments related to the application in this case. Only the Applicant and County Staff offered oral testimony and written comments at the Hearing. One person submitted written comments (Tye email referenced above) in opposition. With the exception of the Tye email submission there is no evidence or argument in the record to dispute specific sections or language contained in the Staff Report. The Hearings Officer incorporates the Hearings Officer's comments included in the Public Comments section above, related to the Tye email, as additional findings for this section.

The Staff, in the Staff Report (page 11), opined that the policies set forth in the Deschutes County Comprehensive Plan Section 3.4 Rural Economy Policy 3.4.6 are not a specific approval criterion. Staff stated that if the Hearings Officer concluded that these policies were relevant approval criteria the Hearings Officer should provide findings in support of the Hearings Officer's position. The Hearings Officer concurs with Staff that the policies (i.e., Policy 3.4.6) are not mandatory approval criterion.

Finally, as noted above, only the Tye email raised any issues with the Staff Report. Specifically, the Tye email raised questions concerning noise, citizen involvement and transportation related findings. The Hearings Officer supplemented the Staff findings related to noise, citizen involvement and transportation issues. Therefore, except as noted above, the Hearings Officer adopts the Staff findings in the Staff Report as the Hearings Officer's findings.

# Title 18 of the Deschutes County Code, County Zoning

## Chapter 18.136, Amendments

### Section 18.136.010, Amendments

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

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The Applicant, as the property owner, requested a quasi-judicial Text Amendment with corresponding quasi-judicial Map Amendment. The Applicant has filed the required land use application forms for the proposal. The application will be reviewed utilizing the applicable procedures contained in Title 22 of the Deschutes County Code.*

DCC 22.04.020 includes the following definition:

*‘Quasi-judicial’ zone change or plan amendment generally refers to a plan amendment or zone change affecting a single or limited group of property owners and that involves the application of existing policy to a specific factual setting. (The distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.)*

*The subject application is not a request to change the zoning or Comprehensive Plan designation of the subject property. However, as described below, the quasi-judicial process of a Comprehensive Plan Amendment is the most applicable guidance regarding Text Amendments that are not squarely legislative. Therefore, staff includes the definition of a quasi-judicial process above for reference and also addresses the provisions of DCC 22.28.030, below, regarding final action on Comprehensive Plan amendments. Potentially relevant to this case, the Bend Municipal Airport most recently went through a Text Amendment in Deschutes County file 247-20-000482-TA. The Hearings Officer decision for file 247-20-000482-TA made the following findings regarding whether the application should be processed as a quasi-judicial Text Amendment:*

*Based on the foregoing, the Hearings Officer finds that, in this case, the ultimate adoption of the Text Amendments is a two-step process. The role of the Hearings Officer is to apply the law, not to change it. In the first step of the process, the Applicant has a right under the DCC to submit and to have considered an application to amend the Code’s text. This phase of the process is quasi-judicial in nature and it is appropriate to have a hearing and to build a record following the principles of a quasi-judicial process. As part of that process, the Hearings Officer is addressing the application of the County’s exiting laws. The second step of the process is for the Deschutes County Board of Commissioners (“Board”) to adopt an ordinance to incorporate any text*



amendments to the Code. Amendments to the text of a zoning ordinance are a change in the County's law, and only the Board can make such a change. In other words, the Hearings Officer is without authority to amend the County's Code. The Hearings Officer, however, can make a recommendation to the Board based on what develops in the quasi-judicial phase of the process.

The Oregon Supreme Court case Strawberry Hill 4 Wheelers provides guidance on how to distinguish between a legislative and quasi-judicial process, and outlines a three-part test that continues to be applied throughout case law. The Court of Appeals applied and expanded on the Strawberry Hill 4 Wheelers decision in Hood River Valley v. Board of Cty. Commissioners, 193 Or App 485, 495, 91 P3d 748 (2004):

Given those concerns, '[t]he fact that a policymaking process is circumscribed by \* \* \* procedural requirements [such as public hearings] does not alone turn it into an adjudication.' *Id.* at 604. Rather, at least three other considerations generally bear on the determination of whether governmental action represented an 'exercise of \* \* \* quasi-judicial functions.' ORS 34.040(1). First, does 'the process, once begun, [call] for reaching a decision,' with that decision being confined by preexisting criteria rather than a wide discretionary choice of action or inaction? Strawberry Hill 4 Wheelers, 287 Or at 604. Second, to what extent is the decision-maker 'bound to apply preexisting criteria to concrete facts'? *Id.* at 602-03. Third, to what extent is the decision 'directed at a closely circumscribed factual situation or a relatively small number of persons'? *Id.* at 603.

Those three general criteria do not, however, describe a bright-line test. As we noted in Estate of Gold v. City of Portland, 87 Or App 45, 51, 740 P2d 812, rev den, 304 Or 405 (1987), Strawberry Hill 4 Wheelers 'contemplates a balancing of the various factors which militate for or against a quasi-judicial characterization and does not create [an] 'all or nothing' test[.]' (Citation omitted.) In particular, we noted that the criteria are applied in light of the reasons for their existence-viz., 'the assurance of correct factual decisions' and 'the assurance of 'fair attention to individuals particularly affected.'" Estate of Gold, 87 Or App at 51 (quoting Strawberry Hill 4 Wheelers, 287 Or at 604).

As noted above, the Strawberry Hill 4 Wheelers test requires a case-specific analysis of all three factors in combination. Individuals most affected by the proposed Text Amendment include the Redmond Municipal Airport and neighboring property owners, all of whom were mailed notice pursuant to DCC 22.24.030.

Staff addresses each component of the Strawberry Hill 4 Wheelers test below:

Results in a decision

The applicant has submitted an application for a Text Amendment, in order to amend text related to the Redmond Airport's AS Combining Zone in DCC 18.80.030 and to update applicable AS overlay zoning boundaries and 55 DNL noise contour boundaries identified in associated zoning maps and County records. The request will result in either an approval or a denial, and a decision will be issued by the Board of County Commissioners (Board) pursuant to DCC Title 22. As opposed to a policy change initiated by staff or decision-makers, which has a wide discretionary choice between action and inaction,

*the subject request was submitted as a land use application by the property owner and the County must take final action on it. Staff finds the subject amendment clearly meets this component of the Strawberry Hill 4 Wheelers test and may be considered a quasi-judicial process.*

Apply existing criteria

*The subject request is being reviewed based on criteria in DCC Chapter 18.136, Amendments, and applicable state statutes. Oregon Revised Statutes (ORS) 836.616, Rules for airport uses and activities, provides a list of the uses that may be permitted within an airport under a local jurisdiction’s land use code. Staff is unclear about the specific applicability of ORS 836.616 to the subject application as there are no changes to permitted uses within the Airport, but includes that provision, below if the Hearings Officer finds it applies to the subject application. The application is being reviewed to confirm compliance with the DCC along with applicable OARs and ORSs, and staff therefore finds existing criteria are being applied to the subject application. Consequently, the application meets this component of the Strawberry Hill 4 Wheelers test for a quasi-judicial process.*

Small number of persons

*The AS Combining Zone encompasses the Airport, with the Zone’s imaginary surfaces located above a limited number of surrounding properties. The subject property from with the AS Combining Zone is based is owned and operated by the City of Redmond, who manages leases and oversees uses within the Redmond Municipal Airport. While staff notes the Redmond Municipal Airport is utilized by members of the public and various businesses, changes to the airports imaginary surfaces and 55 DNL noise contour boundaries can only be established on the property if the City of Redmond initiates or authorizes an application. The subject request will impact the development potential of the Airport property and a limited number of surrounding properties. Therefore, staff finds the subject request complies with this component of the Strawberry Hill 4 Wheelers test and may be categorized as quasi-judicial.*

*When the factors above are considered in combination, staff finds they indicate the subject Text Amendment is a quasi-judicial process. As noted in Hood River Valley v. Board of Cty. Commissioners, the differentiation between a legislative and quasi-judicial process is important to ensure all affected parties are given a fair process. In this case the proposal was noticed to all property owners who would potentially be affected by the proposal and processing the request through a quasi-judicial process will provide for a public hearing before a Hearings Officer and final action by the Board. For these reasons, staff finds the request meets the three-part test outlined in Strawberry Hill 4 Wheelers as well as the intent of a quasi-judicial process.”*

**Title 22 of the Deschutes County Code, Development Procedures Ordinance**

**Chapter 22.12, Legislative Procedures**

Section 22.12.010, Hearing Required

**No legislative change shall be adopted without review by the Planning Commission and a**

**public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“As described above, staff finds the subject request is a quasi-judicial Text Amendment. However, the procedural steps will be similar to those outlined in the Hearing’s Officer decision for file 247-20-000482-TA, which finds amendments to allowed airport uses carry the qualities of a legislative act. The subject amendments will be adopted through an ordinance, consistent with the process for a legislative amendment. The Planning Director has exercised their discretion not to set a hearing before the Planning Commission.”*

Section 22.12.020, 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.**
- B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.**
- 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.**
- D. Media Notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“Notice of the proposed Text Amendment was published in the Bend Bulletin. As noted above, the applicant complied with the posted notice requirement and staff mailed notice to all property owners who would be affected by the newly-proposed AS zoning and 55 DNL noise contour boundaries. Notice was provided to the County public information official for wider media distribution.”*

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 Commissioners or the Planning Commission.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"The applicant has submitted the required fees and requested a Text Amendment. Staff finds the applicant is granted permission under this criterion to initiate a legislative change and has submitted the necessary fee and materials."*

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.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"As described above, the subject application meets the definition of a quasi-judicial application. For this reason, this application was referred to a Hearings Officer rather than the Planning Commission for a recommendation. The adoption of the proposed text amendments will follow a legislative process because it must be approved by the Board. For the purpose of this criterion, staff notes the application has properties of both a quasi-judicial and legislative amendment."*

- 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 Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"The subject application was not initiated by the Board. Staff finds this criterion does not apply."*

Section 22.12.050, Final Decision

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

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"Staff finds this criterion requires action by the Board to effect any legislative changes to Deschutes County Code. If the proposed Text Amendment is approved, it will become effective through the Board adoption of an ordinance."*

**Chapter 22.28, Land Use Action Decisions**

Section 22.28.030, Decision On Plan Amendments And Zone Changes

- A. Except as set forth herein, the Hearings Officer or the Planning Commission when acting as the Hearings Body shall have authority to make decisions on all quasi-judicial zone changes and plan amendments. Prior to becoming effective, all quasi-judicial plan amendments and zone changes shall be adopted by the Board of County Commissioners.**
- B. In considering all quasi-judicial zone changes and those quasi-judicial plan amendments on which the Hearings Officer has authority to make a decision, the Board of County Commissioners shall, in the absence of an appeal or review initiated by the Board, adopt the Hearings Officer's decision. No argument or further testimony will be taken by the Board.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“As detailed above, staff finds the proposal should be viewed as a quasi-judicial plan amendment. For this reason, staff finds these criteria apply. This application is being referred to a Hearings Officer for a recommendation. If an appeal is not filed and the Board does not initiate review, the Board shall adopt the Hearings Officer's recommendation as the decision of the county.”*

- C. Plan amendments and zone changes requiring an exception to the goals or concerning lands designated for forest or agricultural use shall be heard de novo before the Board of County Commissioners without the necessity of filing an appeal, regardless of the determination of the Hearings Officer or Planning Commission. Such hearing before the Board shall otherwise be subject to the same procedures as an appeal to the Board under DCC Title 22.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The subject Text Amendment does not require a goal exception and does not concern lands designated for forest or agricultural use as the base zoning of the airport subject property is within the City of Redmond's jurisdiction. For this reason, a de novo hearing before the Board is not required.”*

- D. Notwithstanding DCC 22.28.030(C), when a plan amendment subject to a DCC 22.28.030(C) hearing before the Board of County Commissioners has been consolidated for hearing before the hearings Officer with a zone change or other permit application not requiring a hearing before the board under DCC 22.28.030(C), any party wishing to obtain review of the Hearings Officer's decision on any of those other applications shall file an appeal. The plan amendment shall be heard by the Board consolidated with the appeal of those other applications.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“No other application is being consolidated with the subject Text Amendment. Staff finds this criterion*

does not apply.”

## Deschutes County Comprehensive Plan

### Transportation System Plan

#### Section 3.4, Rural Economy

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

...

**Policy 3.4.6 Support and participate in master planning for airports in Deschutes County**

**FINDING:** The Hearings Officer incorporates the Preliminary Findings related these policies as additional findings. Further, the Hearings Officer finds that the Staff Report findings set forth below and the underlying documentation submitted by the Applicant, constitute substantial evidence in this case. While perhaps not relevant to these findings the Hearings Officer addresses, at the end of this section, Tye email comments related to transportation (road impacts). The Hearings Officer agrees with and therefore adopts the following Staff Report comments:

*“The County’s Comprehensive Plan includes a number of guiding policies such as the rural economy goal cited above. In addition, Appendix C - Transportation System Plan includes goals specific to airport planning. Staff finds the relevant Comprehensive Plan policies are implemented through Deschutes County Code, and the Comprehensive Plan goals themselves are not specific approval criteria. However, to the extent the Hearings Officer finds this policy is an applicable approval criterion, staff notes that the proposed text amendments will support master planning for the Redmond Municipal Airport. The subject amendments are proposed to implement the changes within the 2018 Redmond Airport Master Plan, the purpose of which is to document the orderly development of Airport facilities essential to meeting the City of Redmond’s needs, in accordance with FAA standards, and in a manner complementary to community interests.”*

Tye, in the Tye email, stated the following related to transportation issues:

*“There must be adequate consideration and mitigation of airside impacts and related road traffic impacts, especially from an airport with the highest airborne lead in the state.”*

The Hearings Officer finds Tye statement that “there must be adequate consideration” of “road traffic impacts” is a reasonable and fair comment. However, without additional evidence or argument related to how the instant application fails to “adequately consider road traffic” the Hearings Officer is unable to meaningfully respond. The Hearings Officer finds the Tye email comment related to road traffic is not developed sufficiently to allow the Hearings Officer to make a reasonable analysis and decision.

**OREGON REVISED STATUTES**

**Chapter 836 – Airports and Landing Fields**

836.610, Local government land use plans and regulations to accommodate airport zones and uses; funding; rules.

- 1) Local governments shall amend their comprehensive plan and land use regulations consistent with the rules for airports adopted by the Land Conservation and Development Commission under ORS 836.616 and 836.619. Airports subject to the rules shall include:**
  - (a) Publicly owned airports registered, licensed or otherwise recognized by the Department of Transportation on or before December 31, 1994, that in 1994 were the base for three or more aircraft; and**
  - (b) Privately owned public-use airports specifically identified in administrative rules of the Oregon Department of Aviation that:**
    - (A) Provide important links in air traffic in this state;**
    - (B) Provide essential safety or emergency services; or**
    - (C) Are of economic importance to the county where the airport is located.**
- (2)(a) Local governments shall amend their comprehensive plan and land use regulations as required under subsection (1) of this section not later than the first periodic review, as described in ORS 197.628 to 197.651, conducted after the date of the adoption of a list of airports by the Oregon Department of Aviation under subsection (3) of this section.**
- (b) A state agency or other person may provide funding to a local government to accomplish the planning requirements of this section earlier than otherwise required under this subsection.**
- (3) The Oregon Department of Aviation by rule shall adopt a list of airports described in subsection (1) of this section. The rules shall be reviewed and updated periodically to add or remove airports from the list. An airport may be removed from the list only upon request of the airport owner or upon closure of the airport for a period of more than three years. [1995 c.285 §4; 1997 c.859 52]**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The AS Combining Zone stems from the Redmond Municipal Airport, which is a publicly-owned airport. The proposed changes relate to dimensions and boundaries of the imaginary surfaces of the AS Combining Zone and the 55 DNL noise contour boundary. No changes to the Airport’s operational uses or activities are proposed and, as a result, the provisions of ORS 836.616 do not apply to the subject application. Additionally, staff recognizes that the underlying zoning for the Airport is based on City of Redmond zoning districts over which the County has no jurisdiction for the Airport’s allowed uses or activities.”*

836.619, State compatibility and safety standards for land uses near airports; rules.

***Following consultation with the Oregon Department of Aviation, the Land Conservation and Development Commission shall adopt rules establishing compatibility and safety standards for uses of land near airports identified in ORS 836.610 (Local government land use plans and regulations to accommodate airport zones and uses) (1). [1997 c.859 §8 (enacted in lieu of 836.620)]***

**FINDING:** Applicable Oregon Administrative Rules are addressed below.

**OREGON ADMINISTRATIVE RULES CHAPTER 660, LAND CONSERVATION AND DEVELOPMENT DEPARTMENT**

**Division 13 – Airport Planning**

OAR 660-013-0010, Purpose and Policy

- (1) This division implements ORS 836.600 through 836.630 and Statewide Planning Goal 12 (Transportation). The policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon’s airports. These rules are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce risks to aircraft operations and nearby land uses.***
- (2) Ensuring the vitality and continued operation of Oregon’s system of airports is linked to the vitality of the local economy where the airports are located. This division recognizes the interdependence between transportation systems and the communities on which they depend.***

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The above provision is a purpose and policy statement related to OAR 660 Division 13. The applicant’s burden of proof statement includes the following response to this provision:*

*‘By adopting these amendments, the County continues to encourage and support the continued development, operation and vitality of the Redmond Municipal Airport. The amendments are consistent with ORS 836.600 through 836.630 and Statewide Planning Goal 12 (Transportation).’*

*Staff notes the applicable provisions of ORS 836.600 through ORS 836.630 are reviewed in previous findings. Oregon Statewide Planning Goals, including Goal 12, are reviewed in subsequent findings.”*

OAR 660-013-0030, Preparation and Coordination of Aviation Plans

- (2) A city or county with planning authority for one or more airports, or areas within safety zones or compatibility zones described in this division, shall adopt comprehensive plan and land use regulations for airports consistent with the***



**requirements of this division and ORS 836.600 through 836.630. Local comprehensive plan and land use regulation requirements shall be coordinated with acknowledged transportation system plans for the city, county, and Metropolitan Planning Organization (MPO) required by OAR 660, division 12. Local comprehensive plan and land use regulation requirements shall be consistent with adopted elements of the state ASP and shall be coordinated with affected state and federal agencies, local governments, airport sponsors, and special districts. If a state ASP has not yet been adopted, the city or county shall coordinate the preparation of the local comprehensive plan and land use regulation requirements with ODA. Local comprehensive plan and land use regulation requirements shall encourage and support the continued operation and vitality of airports consistent with the requirements of ORS 836.600 through 836.630.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The submitted Burden of Proof provides the following statement:*

*‘The proposed Deschutes County code text and map amendments do not affect the adopted transportation planning documents. This proposed set of amendments are consistent with local comprehensive plans and the State Aviation System Plan. By adopting these amendments, the County continues to encourage and support the continued development, operation and vitality of the Redmond Municipal Airport.’*

*Staff concurs with this description and finds the proposed amendment to the DCC will encourage and support the continued operation and vitality of the Airport.”*

OAR 660-013-0050, Implementation of Local Airport Planning

**A local government with planning responsibility for one or more airports or areas within safety zones or compatibility zones described in this division or subject to requirements identified in ORS 836.608 shall adopt land use regulations to carry out the requirements of this division, or applicable requirements of ORS 836.608, consistent with the applicable elements of the adopted state ASP and applicable statewide planning requirements.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The submitted Burden of Proof provides the following statement:*

*‘Revisions to DCC Chapter 18.80, specifically DCC 18.80.030, are proposed as part of this application and the revisions update the text of the uses allowed in the safety zone, consistent with OAR 660-013-0050.’*

*This administrative rule imposes a mandatory requirement on the County to adopt land use regulations consistent with the applicable elements of the adopted state Aviation System Plan (“ASP”) and applicable statewide planning requirements. The applicant proposes to amend the Airport Safety (AS) Combining Zone, which implements this administrative rule. Other applicable statewide planning requirements are addressed below, and staff finds this criterion will be met.”*

OAR 660-013-0070, Local Government Safety Zones for Imaginary Surfaces

- (1) A local government shall adopt an Airport Safety Overlay Zone to promote aviation safety by prohibiting structures, trees, and other objects of natural growth from penetrating airport imaginary surfaces.**
  - (a) The overlay zone for public use airports shall be based on Exhibit 1 incorporated herein by reference.**
  - (b) The overlay zone for airports described in ORS 836.608(2) shall be based on Exhibit 2 incorporated herein by reference.**
  - (c) The overlay zone for heliports shall be based on Exhibit 3 incorporated herein by reference.**
  
- (2) For areas in the safety overlay zone, but outside the approach and transition surface, where the terrain is at higher elevations than the airport runway surface such that existing structures and planned development exceed the height requirements of this rule, a local government may authorize structures up to 35 feet in height. A local government may adopt other height exceptions or approve a height variance when supported by the airport sponsor, the Oregon Department of Aviation, and the FAA.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The submitted Burden of Proof provides the following statement:*

*‘The acknowledged DCC Chapter 18.80 implements the requirements of this regulation, and this application proposed to amend the existing provisions only to update the location and dimensions of the existing safety zones.’*

*The County has adopted an Airport Safety (AS) Combining Zone, and staff therefore finds subsection (1), is met. Subsection (2), above, allows a jurisdiction to adopt height exceptions to the imaginary surfaces of the Airport Safety Overlay Zone when supported by the airport sponsor, the Oregon Department of Aviation, and the FAA. No height exceptions are included in the subject proposal. Notice of Application for the subject proposal was sent to the Oregon Department of Aviation on September 19, 2023 and no comments were received.”*

OAR 660-013-0080, Local Government Land Use Compatibility Requirements for Public Use Airports

- (1) A local government shall adopt airport compatibility requirements for each public use airport identified in ORS 836.610(1). The requirements shall:**
  - (a) Prohibit new residential development and public assembly uses within the Runway Protection Zone (RPZ) identified in Exhibit 4;**
  - (b) Limit the establishment of uses identified in Exhibit 5 within a noise impact boundary that has been identified pursuant to OAR 340, division 35 consistent with the levels identified in Exhibit 5;**
  - (c) Prohibit the siting of new industrial uses and the expansion of existing industrial uses where either, as a part of regular operations, would cause emissions of smoke, dust, or steam that would obscure visibility within airport approach corridors;**
  - (d) Limit outdoor lighting for new industrial, commercial, or recreational uses or the expansion of such uses to prevent light from projecting directly onto an existing runway or taxiway or into existing airport approach corridors except where necessary for safe and convenient air travel;**
  - (e) Coordinate the review of all radio, radiotelephone, and television transmission facilities and electrical transmission lines with the Oregon Department of Aviation;**
  - (f) Regulate water impoundments consistent with the requirements of ORS 836.623(2) through (6); and**
  - (g) Prohibit the establishment of new landfills near airports, consistent with Department of Environmental Quality (DEQ) rules.**
- (2) A local government may adopt more stringent regulations than the minimum requirements in section (1)(a) through (e) and (g) based on the requirements of ORS 836.623(1).**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The submitted Burden of Proof provides the following statement:*

*The acknowledged DCC Chapter 18.80 implements the requirements of this regulation, and this application does not propose to amend the acknowledged regulations, other than to change the dimensions and locations of the protected areas consistent with the currently adopted Airport Layout Plan.’*

*Staff agrees with the applicant’s response and finds that no substantive changes to allowable uses, activities, or regulations associated with the Redmond Municipal Airport are included in the subject proposal.”*

OAR 660-013-0160, Applicability

***This division applies as follows:***

- (1) Local government plans and land use regulations shall be updated to conform to this division at periodic review, except for provisions of chapter 859, OR Laws 1997 that became effective on passage. Prior to the adoption of the list of airports required by ORS 836.610(3), a local government shall be required to include a periodic review work task to comply with this division. However, the periodic review work task shall not begin prior to the Oregon Department of Aviation’s adoption of the list of airports required by ORS 836.610(3). For airports affecting more than one local government, applicable requirements of this division shall be included in a coordinated work program developed for all affected local governments concurrent with the timing of periodic review for the jurisdiction with the most land area devoted to airport uses.**
- (2) Amendments to plan and land use regulations may be accomplished through plan amendment requirements of ORS 197.610 to 197.625 in advance of periodic review where such amendments include coordination with and adoption by all local governments with responsibility for areas of the airport subject to the requirements of this division.**
- (3) Compliance with the requirements of this division shall be deemed to satisfy the requirements of Statewide Planning Goal 12 (Transportation) and OAR 660, division 12 related Airport Planning.**
- (4) Uses authorized by this division shall comply with all applicable requirements of other laws.**
- (5) Notwithstanding the provisions of OAR 660-013-0140 amendments to acknowledged comprehensive plans and land use regulations, including map amendments and zone changes, require full compliance with the provisions of this division, except where the requirements of the new regulation or designation are the same as the requirements they replace.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The submitted Burden of Proof provides the following statement:*

*‘These amendments are being accomplished by code amendments authorized by OAR 660-013-0160(2). The amendments comply with all of OAR 660-013 and other legal requirements’*

*Staff agrees with the above statement and notes that it appears the proposal complies with the applicable provisions of OAR 660 Division 13 and other relevant legal requirements outlined in this staff report.”*

**DIVISION 12, TRANSPORTATION PLANNING**

OAR 660-012-0060 Plan and Land use Regulation Amendments

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing**

**or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- (b) Change standards implementing a functional classification system; or**
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
  - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
  - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
  - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report for this section. In addition, the Hearings Officer, at the end of the section, addresses the Tye email transportation (road impacts) comments: The incorporated Staff findings are:

*“The Applicant does not propose any changes to the uses and activities outlined within the City Zoning Districts associated with the Redmond Municipal Airport. The Airport’s underlying zoning districts, as administered by the City of Redmond, dictate the allowable uses and activities associated with the Airport. Because no changes are proposed to the uses and activities at the Airport, staff finds there are no foreseeable traffic impacts from the proposed amendments. The amendments themselves propose changes to the written descriptions, including dimensional aspects, of the Airport’s imaginary surfaces and 55 DNL noise contour boundary. Because there are no proposed changes to the base zoning, there are no foreseeable traffic impacts associated with the proposal and, as a result, the Transportation Planning Rule under OAR 660 Division 12 is not triggered.”*

The Hearings Officer finds Tye statement that “there must be adequate consideration” of “road traffic impacts” is a reasonable and fair comment. However, without additional evidence or argument related to how the instant application fails to “adequately consider road traffic” the Hearings Officer is unable to meaningfully respond. The Hearings Officer finds the Tye email

comment related to road traffic is not developed sufficiently to allow the Hearings Officer to make a reasonable analysis and decision.

**DIVISION 15, STATEWIDE PLANNING GOALS AND GUIDELINES**

OAR 660-015, Division 15, Statewide Planning Goals and Guidelines

**FINDING:** The Statewide Planning Goals and the Applicant’s responses are quoted below:

**Goal 1: Citizen Involvement. To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.**

**APPLICANT RESPONSE:** *Over the course of the master plan there were five Planning Advisory Committee (PAC) meetings and two public open house events held in 2016/2017 as part of the prescribed public involvement process.*

*These amendments are being adopted by a process that provides the opportunity for citizen involvement by including public hearings before adoption. The County will hold public hearings before its Planning Commission and Board of Commissioners before any text and map amendments are adopted.*

**HEARINGS OFFICER COMMENT:** Tye, in the Tye email, provided the following citizen involvement related comments:

*“The airport has NOT ADEQUATELY ATTEMPTED TO INCLUDE NON AVIATION BENEFACTOR CITIZENS, nor had citizen feedback or approval TO GET THIS BBUSY OR BIG in light if what that means for our farms, ecosystems, wildlife, outdoor recreation, public dollars and citizen impacts.”*

The Hearings Officer finds the Applicant’s reference to five planning advisory committee meeting and two public open house events to be credible. The Hearings Officer finds that notice of this land use action has been posted/published. The Hearings Officer finds that a quasi judicial hearing and a legislative hearing before the Board of County Commissioners are required. The Hearings Officer finds the public has had and continues to have rights to participate in this planning process. The Hearings Officer finds Tye’s citizen involvement comments are not persuasive.

**Goal 2: Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

**APPLICANT RESPONSE:** *These amendments are being adopted through the land use planning process as set forth in DCC 22.12. The decision made in this matter is based on the applicable goals, statutes, regulations as well as the Comprehensive Plan and Transportation System Plan. The amendments will provide guidelines for future decisions.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with Applicant’s Response comments.

**Goal 3: Agricultural Lands.**

**APPLICANT RESPONSE:** *The proposed amendments pertain to aircraft operations within imaginary surfaces and what land uses are allowed outright, conditionally, or not allowed within those surfaces. There are agricultural lands to the east, south, and north of the airport. These lands are zoned Exclusive Farm Use (EFU). However, the combination of the uses permitted in the EFU zone, the size of the affected parcels, the height limit of the zone, the distance from the airport’s runways, and the vertical gradient of the AS zones all combine to preclude any adverse effects from the imaginary surfaces onto the EFU lands. Additionally, much of the EFU lands are in federal ownership and thus are exempt from local land use controls. Thus, the proposed changes to the mapped AS features are consistent with Goal 3.*

**STAFF COMMENT:** Staff notes that the land uses allowed outright, conditionally, or prohibited in association with the Redmond Municipal Airport are dictated by the Airport’s base zones, which are within the jurisdiction of the City of Redmond.

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant’s Response and Staff Comment.

**Goal 4: Forest Lands.**

**APPLICANT RESPONSE:** *The proposed amendments do not affect any designated Forest Lands so Goal 4 does not apply.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with Applicant’s Response.

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

**APPLICANT RESPONSE:** *The proposed amendments do not affect any inventoried Goal 5 natural resources, scenic or historic area or open space. The proposed amendments do not affect any natural, scenic, historic, open space, or surface mining resources adjacent to the Redmond Municipal Airport that may have been protected through the application of a combining zone.*

**STAFF COMMENT:** The County’s Goal 5 protections are partially implemented through DCC Chapter 18.84, the Landscape Management Combining Zone. This overlay zone protects scenic resources through design limitations and additional protections for designated roadways, rivers, and streams. The subject property is not located within the Landscape Management Combining Zone and is not subject to these provisions.

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant’s Response and Staff Comment.

**Goal 6: Air, Water and Land Resources. To maintain and improve the quality of the air, water and land resources of the state.**

**APPLICANT RESPONSE:** *Goal 6 is primarily concerned with the preservation of air, land and water resources from pollution. The amendments are consistent with Goal 6 because they do not allow any additional impact on air, water or land quality compared to what is allowed under current zoning.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 7: Areas Subject to Natural Hazards**

**APPLICANT RESPONSE:** *The proposed amendments do not affect any areas subject to natural hazards, so Goal 7 does not apply.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 8: Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

**APPLICANT RESPONSE:** *General Aviation operations (aviation activities conducted by recreational and business aircraft users) makes up a significant portion of the aircraft operations at the Redmond Municipal Airport. Commercial flights into Redmond provide many visitors the first step on their way to enjoy Oregon's recreational activities. The proposed amendments do not negatively affect any areas relative to the recreational needs of the community, thus the proposed amendments are consistent with Goal 8.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 9: Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

**APPLICANT RESPONSE:** *The proposed amendments do not affect any economic activities as they currently exist, so Goal 9 does not apply.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 10: Housing. To provide for the housing needs of citizens of the state.**



**APPLICANT RESPONSE:** *The Redmond Municipal Airport is subject to federal grant restrictions which do not permit residential use at the airport. Goal 10 is therefore, not applicable to this application.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 11: Public Facilities and Services. To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

**APPLICANT RESPONSE:** *The proposed amendments do not include any amendments that would affect the Airport's water and sewer service. The proposed changes are therefore consistent with Goal 11.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 12: Transportation. To provide and encourage a safe, convenient and economic transportation system.**

**APPLICANT RESPONSE:** *The Redmond Municipal Airport is part of the County's multi-modal transportation system. The proposed amendments include minor text modifications and map amendments to airport safety zones to reflect future facility improvements identified in the 2018 Airport Master Plan. The proposed changes are therefore consistent with Goal 12 to provide and encourage a safe transportation system.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response. Further, the Hearings Officer incorporates as additional findings for Goal 12 the Preliminary Findings (related to Tye email transportation [road impacts]) and the findings for OAR 660-012-0060.

**Goal 13: Energy Conservation.**

**APPLICANT RESPONSE:** *The Redmond Municipal Airport has been established in its location for decades and it would not be feasible to relocate the airport. Given that it cannot be relocated, provisions that allow it to continue to function do not affect the energy needed to go to and from the airport. The proposed amendments are consistent with Goal 13.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 14: Urbanization.**

**APPLICANT RESPONSE:** *Goal 14 is not applicable because proposed changes to the airport safety overlay zones is outside of any urban growth boundary. The proposed amendments are consistent with Goal 14.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goals 15-19.**

**APPLICANT RESPONSE:** *The Redmond Municipal Airport is not in and does not affect any area subject to Goals 15-19. The Airport is not within the Willamette River Greenway, is not adjacent to a river, and is not located no the Oregon Coast. These goals are therefore not applicable to this application.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

PLANNING GOALS SUMMARY: The Hearings Officer notes that Staff generally accepted the Applicant's responses and concluded that the application was in compliance with the applicable Statewide Planning Goals has been effectively demonstrated. The Hearings Officer concurs with Staff summary related to the satisfaction of this application of the Statewide Planning Goals.

**IV. CONCLUSION & RECOMMENDATION**

The Hearings Officer finds that the Applicant has met/satisfied all relevant criterion and policies to justify the proposed Text Amendment.

**VI. DECISION**

**Recommended Approval of:**

Text Amendment as set forth in Attachment 1.

**Deschutes County Hearings Officer**



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Gregory J. Frank

Date: December 13, 2023

## ATTACHMENT 1 - PROPOSED TEXT AMENDMENTS

**FILE NUMBER:** 247-23-000252-TA

The proposed text amendments are also detailed in the referenced applicant’s burden of proof materials, included as an attachment. Below are the proposed changes with removed text shown in ~~strikethrough~~ and newly-added text identified by underline.

### Title 18, County Zoning:

#### **Chapter 18.80 Airport Safety Combining Zone; A-S**

##### **Section 18.80.030 Redmond Municipal Airport**

The Redmond Municipal Airport is a Category 1, Commercial Service Airport. Its function is to accommodate scheduled major/national or regional commuter commercial air carrier service. The two existing ~~approximately 7,040’ long by 100’-150’ wide,~~ “other than utility” paved runways are located at an airport elevation of 3,080.7’ ~~3,077’~~. The proposed extension to ~~runway 4-22~~ the primary runway and the planned new parallel runway are both identified on the FAA-adopted Airport Layout Plan. Therefore, these improvements are used in the layout of the Airport Safety Combining Zone. The same safety zone dimensional standards used for ~~Runway 4-22~~ the primary runway will also apply to the planned parallel runway.

- ~~B. Runway Protection Zone (RPZ) – Two different RPZs apply to the Redmond Airport because it has a total of three potential runways with two possible approaches. Runway 4-22 and the planned parallel runway will both have precision approaches. Runway 10-28 has a non-precision approach on each end. The precision RPZ forms a 1,000’ wide by 2,500’ long by 1,750’ wide trapezoid while the non-precision RPZ forms a 500’ wide by 1,700’ long by 1,010’ wide trapezoid.~~
- C. Approach Surface – The current ILS precision approach surface to the primary runway ~~runway 22~~ and the planned precision approaches to the Runway 4 and future parallel runway 4-22, are 1,000’ wide by 50,000’ long by 16,000’ wide, with an upward approach slope ratio of 50:1 (one foot vertical for each 50 feet horizontal) for the first 10,000’, then a slope ratio of 40:1 for the remaining 40,000’. The non-precision approach surface is 500’ wide by 10,000’ long by 3,500’ wide, with an upward approach slope ratio of 34:1.
- D. Horizontal Surface – The surface boundary is comprised of connected arcs drawn 10,000 feet outward and centered on the ends of the primary surface. The elevation of the horizontal surface for the Redmond Airport is 3,227 230 feet (150’ above airport elevation).

- E. Conical Surface – The surface extends outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000' up to an elevation of 3,430.7'.
- F. Runway Protection Zone (RPZ) – Two different RPZs apply to the Redmond Airport because it has a total of three potential runways with two possible approaches. The primary runway and the planned parallel runway will both have precision approaches. The crosswind runway has a non-precision approach on each end. The precision RPZ forms a 1,000' wide by 2,500' long by 1,750' wide trapezoid while the non-precision RPZ forms a 1,000' wide by 1,700' long by 1,510' wide trapezoid. The RPZ begins 200' from the surveyed runway end point.

owner	agent	inCareOf	address	cityStZip	type	cdd id
City of Redmond			411 SW 9th St	Redmond, OR 97756	HO Recommendation	23-252-TA
Redmond Municipal Airport			2522 Jesse Butler Cir	Redmond, OR 97756	HO Recommendation	23-252-TA
Tom Headley	Century West Engineering		1020 SW Emkay Dr. #100	Bend, OR 97701	HO Recommendation	23-252-TA



**COMMUNITY DEVELOPMENT**

**NOTICE OF HEARINGS OFFICER'S RECOMMENDATION**

The Deschutes County Hearings Officer has recommended approval of the land use application(s) described below:

**FILE NUMBERS:** 247-23-000252-TA

**SUBJECT PROPERTY:** The Airport Safety Combining Zone and 55 DNL noise contour boundaries are associated with the Redmond Municipal Airport ("Airport"), which includes the following addresses and tax lots:

• **Tax Lot 1513220000100**

- |   |   |
|---|---|
| ○ 1050 SE Sisters Ave   | ○ 675 SE Salmon Ave   |
| ○ 1050 SE Sisters Ave (A-B)   | ○ 679 SE Salmon Ave   |
| ○ 1120 SE Sisters Ave   | ○ 681 SE Salmon Ave   |
| ○ 1120 SE Sisters Ave (A-E)   | ○ 683 SE Salmon Ave   |
| ○ 1300 SE USFS Dr   | ○ 685 SE Salmon Ave   |
| ○ 1320 SE USFS Dr   | ○ 687 SE Salmon Ave   |
| ○ 1350 SE USFS Dr   | ○ 689 SE Salmon Ave   |
| ○ 1410 SE USFS Dr (A-B)   | ○ 691 SE Salmon Ave   |
| ○ 1552 SE USFS Dr   | ○ 693 SE Salmon Ave   |
| ○ 1605 SE Ochoco Way  | ○ 701 SE Salmon Ave   |
| ○ 1694 SE USFS Dr   | ○ 705 SE Salmon Ave   |
| ○ 1900 SE Airport Way (A-1 to A-3; B; C-1 to C-2; D; E; F-1 to F-14; G1 to G14; H to V) | ○ 743 SE Salmon Ave   |
| ○ 2215 SE USFS Dr   | ○ 765 SE Salmon Ave   |
| ○ 2234 SE 6th St  | ○ 875 SE Veteran's Way  |
| ○ 2234 SE Salmon Ave  | ○ 880 SE Veteran's Way  |
| ○ 2700 SE Airport Way   | ○ 888 SE Veteran's Way (A to G; H-1 to H-2; I-1 to I-7; J-1 to J-2; K-1 to K-7) |
| ○ 625 SE Salmon Ave   | ○ 905 SE Salmon Ave   |
| ○ 644 SE Salmon Ave   | ○ 907 SE Salmon Ave   |
| ○ 645 SE Salmon Ave   | ○ 911 SE Salmon Ave   |
| ○ 665 SE Salmon Ave   |   |

• **Tax Lot 1513000001500**

- 1730 SE Ochoco Way
- 1740 SE Ochoco Way
- 1764 SE Ochoco Way
- 2000 SE USFS DR (A to D)

• **Tax Lot 1513000001503**

- 3840 SW Airport Way

• **Tax Lot 1513280000101**

- 3000 SW Airport Way

**APPLICANT:** City of Redmond  
411 SW 9<sup>th</sup> St  
Redmond, OR 97756

Redmond Municipal Airport  
2522 Jesse Butler Cir  
Redmond, OR 97756

**REQUEST:** The City of Redmond (“Applicant”) applied for a Text Amendment to the Airport Safety (“AS”) Combining Zone (DCC 18.80.030) to update the Runway and Approach information and a corresponding update amending the AS map to reflect the new zoning boundaries for imaginary surfaces and the new 55 DNL (“Average Day-Night Sound Level”) noise contour boundaries.

**STAFF CONTACT:** Tarik Rawlings, Senior Transportation Planner  
Phone: 541-317-3148  
Email: tarik.rawlings@deschutes.org

**RECORD:** Record items can be viewed and downloaded from:  
<https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment>

**I. APPLICABLE CRITERIA**

Deschutes County Code

- Title 18, Deschutes County Zoning Ordinance:
  - Chapter 18.04, Title, Purpose and Definitions
  - Chapter 18.80, Airport Safety Combining Zone (AS)
  - Chapter 18.136, Amendments
- Title 22, Deschutes County Development Procedures Ordinance
  - Chapter 22.12, Legislative Procedures
- Title 23, Deschutes County Comprehensive Plan
  - Chapter 3, (Rural Growth Management), Section 3.4, Rural Economy

Oregon Revised Statutes

- ORS 836.610
- ORS 836.616

Oregon Administrative Rules

- OAR Chapter 660, Division 15, Statewide Planning Goals 1-14
- OAR Chapter 660, Division 12, Transportation
- OAR Chapter 660, Division 13, Airport Planning

**DECISION:** The Hearings Officer finds that the application meets applicable criteria and recommends approval of the application.

*As a procedural note, the hearing on November 7, 2023, was the first of two required public hearings per DCC 22.28.030(c). The second public hearing will be held before the Board of County Commissioners at a future date to be determined.*

**This decision becomes final twelve (12) days after the date mailed**, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the base appeal deposit plus 20% of the original application fee(s), and a statement raising any issue relied upon for appeal with sufficient specificity to afford the Board of County Commissioners an adequate opportunity to respond to and resolve each issue.

Copies of the decision, application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.



owner	agent	address	city/zip	type	cdd id
City of Redmond	Century West Engineering	411 SW 9th St	Redmond, OR 97756	HO NOD	23-252-TA
Redmond Municipal Airport	dorinne.tye@gmail.com	2522 Jesse Butler Cr	Redmond, OR 97756	HO NOD	23-252-TA
Tom Headley	dorinne.tye@gmail.com	1020 SW Emkay Dr. #100	Bend, OR 97701	HO NOD	23-252-TA
Dorinne Tye	Kelsey Schwartz (kelsey@bendparksandrec.org)	ELECTRONIC	Bend, OR 97702	HO NOD	23-252-TA
ARNOLD IRRIGATION DISTRICT	Kelsey Schwartz (kelsey@bendparksandrec.org)	19604 BUCK CANYON RD.	Bend, OR 97702	HO NOD	23-252-TA
BEND METRO PARKS & REC.	Clark, Lisa M <lclark@blm.gov>	ELECTRONIC	Bend, OR 97702	HO NOD	23-252-TA
BLM, PRINEVILLE DIST. - DESCHUTES FIELD MGR.	KELLY O'ROURKE - LANDUSE@COID.ORG CRAIG HORRELL - CHORRELL@COID.ORG	ELECTRONIC	Bend, OR 97702	HO NOD	23-252-TA
CENTRAL OREGON IRRIGATION DIST.	LARRY BROWN (Larry.BROWN@deq.oregon.gov), Scott Rochette (sean.rochette@deq.oregon.gov)	2843 NORTHWEST LOLO DRIVE, SUITE 200	BEND, OR 97703	HO NOD	23-252-TA
CENTRAL OREGON LANDWATCH	BOB HOUSTON	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
DEPT. ENV. QUALITY (DEQ)	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	475 NE BELLEVUE DRIVE, SUITE 110	Prineville, OR 97754	HO NOD	23-252-TA
DEPT. ENV. QUALITY (DEQ)	BOB HOUSTON	P.O. BOX 670	Albany, OR 97321	HO NOD	23-252-TA
DEPT. OF FORESTRY	Jackson.morgan@dsi.oregon.gov	229 BROADALBIN ST, SW	Salem, OR 97301-2540	HO NOD	23-252-TA
DEPT. OF GEOLOGY & MINERAL IND.	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	1011 SW EMKAY DR., SUITE 108	Bend, OR 97701	HO NOD	23-252-TA
DEPT. OF LAND CONSERV. & DEVEL.	CALEB BARNES	635 CAPITOL ST. NE, #150	Bend, OR 97701	HO NOD	23-252-TA
DEPT. OF STATE LANDS (DSL-OWNED PROPERTY)	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
DEPUTY STATE FIRE MARSHAL	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	1345 NW WALL ST., SUITE 202	Bend, OR 97701	HO NOD	23-252-TA
DESCHUTES CO. ASSESSOR	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
DESCHUTES CO. BUILDING SAFETY	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
DESCHUTES CO. ENVR. SOILS	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
DESCHUTES CO. FIRE ADAPTED COMMUNITIES COORDINATOR	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
DESCHUTES CO. FORESTER	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
DESCHUTES CO. ROAD DEPT.	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
DESCHUTES CO. SHERIFF	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
DESCHUTES NAT. FOREST	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
ODOT REGION 4 PLANNING	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
OR DEPT. OF AG LAND USE PLANNING COORD.	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
OREGON DEPT OF AGRICULTURE	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
OREGON DEPT. OF WATER RESOURCES	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
REDMOND AREA PARKS & REC. DIST.	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
REDMOND CITY PLANNING	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
REDMOND FIRE & RESCUE	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
SWALLEY IRRIGATION DISTRICT	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
TERREBONNE DOMESTIC WATER DIST.	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
THREE SISTERS IRRIGATION DISTRICT	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
WATERMASTER - DISTRICT 11	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
BNSF RAILWAY - ASSISTANT DIR., PUBLIC PROJECTS	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
CASCADE NATURAL GAS CO.	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
CENTRAL ELECTRIC CO-OP	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
OREGON DEPT. OF AVIATION, PROJ. & PLANNING DIV.	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
REDMOND AIRPORT	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
REDMOND PUBLIC WORKS	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
REDMOND SCHOOL DISTRICT 2J	Shawn Zumwalt (shawn.zumwalt@dsi.oregon.gov)	ELECTRONIC	Bend, OR 97701	HO NOD	23-252-TA
Tom Mooney (Tom.Mooney@redmondfireandrescue.org)	Tom Mooney (Tom.Mooney@redmondfireandrescue.org)	64672 COOK AVE.	Redmond, OR 97756	HO NOD	23-252-TA
Wade Gibson (Wade.Gibson@redmondfireandrescue.org)	Wade Gibson (Wade.Gibson@redmondfireandrescue.org)	P.O. BOX 843	Redmond, OR 97756	HO NOD	23-252-TA
Sam Van Lingham (sam.j.vanlingham@oregon.gov)	Sam Van Lingham (sam.j.vanlingham@oregon.gov)	411 SW 9th St	Redmond, OR 97756	HO NOD	23-252-TA
Heather Peck/ Brandon Pike	Heather Peck/ Brandon Pike	ELECTRONIC	Redmond, OR 97756	HO NOD	23-252-TA
Heather Peck/ Brandon Pike	Heather Peck/ Brandon Pike	64672 COOK AVE.	BEND, OR 97701	HO NOD	23-252-TA
Heather Peck/ Brandon Pike	Heather Peck/ Brandon Pike	P.O. BOX 31	TERREBONNE, OR 97760	HO NOD	23-252-TA
Heather Peck/ Brandon Pike	Heather Peck/ Brandon Pike	P.O. BOX 2230	SISTERS, OR 97759-2230	HO NOD	23-252-TA
Heather Peck/ Brandon Pike	Heather Peck/ Brandon Pike	ELECTRONIC	SISTERS, OR 97759-2230	HO NOD	23-252-TA
Heather Peck/ Brandon Pike	Heather Peck/ Brandon Pike	740 CARNEGIE DRIVE	San Bernardino, CA 92408	HO NOD	23-252-TA
Heather Peck/ Brandon Pike	Heather Peck/ Brandon Pike	64500 O.B. RILEY RD., SUITE 2	Bend, OR 97703	HO NOD	23-252-TA
Heather Peck/ Brandon Pike	Heather Peck/ Brandon Pike	P.O. BOX 846	Redmond, OR 97756	HO NOD	23-252-TA
Heather Peck/ Brandon Pike	Heather Peck/ Brandon Pike	ELECTRONIC	Redmond, OR 97756	HO NOD	23-252-TA
Heather Peck/ Brandon Pike	Heather Peck/ Brandon Pike	2522 S.E. AIRPORT WAY	Redmond, OR 97756	HO NOD	23-252-TA
Heather Peck/ Brandon Pike	Heather Peck/ Brandon Pike	875 SE SISTERS	Redmond, OR 97756	HO NOD	23-252-TA
Heather Peck/ Brandon Pike	Heather Peck/ Brandon Pike	145 SE SALMON	Redmond, OR 97756	HO NOD	23-252-TA



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: January 31, 2024

SUBJECT: Miller Pit Plan Amendment and Zone Change

RECOMMENDED MOTION:

Move approval of Hearings Officer decision for files 247-23-000547-PA and 247-23-000548-ZC, approving a Comprehensive Plan Amendment and Zone Change.

BACKGROUND AND POLICY IMPLICATIONS:

Staff will provide background to the Board for consideration of a request for a Comprehensive Plan Amendment and Zone Change for a 65-acre parcel located east of Bend. The applicant requests to change the zoning of the property from Surface Mining (SM) to Multiple Use Agricultural (MUA10); the applicant also requests a concurrent change in the Comprehensive Plan designation from Surface Mine (SM) to Rural Residential Exception Area (RREA).

The subject property, which does not have an assigned address, is located across Knott Road from the Bend Urban Growth Boundary. A public hearing was held before the Deschutes County Hearings Officer on November 13, 2023, and a Hearings Officer decision approving the applications was mailed on January 10, 2024.

BUDGET IMPACTS:

None

ATTENDANCE:

Audrey Stuart, Associate Planner



## MEMORANDUM

**TO:** Board of County Commissioners

**FROM:** Audrey Stuart, Associate Planner

**DATE:** January 16, 2024

**RE:** Consideration of whether to initiate review of a Plan Amendment/Zone Change request; Land use file nos. 247-23-000547-PA, 247-23-000548-ZC.

On January 31, 2024, the Board of County Commissioners (“Board”) will consider whether to initiate review of a Hearings Officer’s approval of a Comprehensive Plan Amendment and Zone Change, for a 65-acre parcel located south of Bend.

### I. SUBJECT PROPERTY

The subject property does not have an assigned address and is located across Knott Road from the Bend Urban Growth Boundary. Neighboring properties to the east, south, and west are zoned Multiple Use Agricultural, and neighboring properties to the north include Caldera High School and urban development within the Bend city limits.

The property is zoned Surface Mining (SM) and is undeveloped. The property previously contained a cinder cone, and two pits on the property were mined beginning in the late 1940’s. Mining on the property has since ceased and the state permit for this mine site was closed out in 1998. No other uses have been established on the subject property.

### II. PROPOSAL

The Applicant requests a change in the Comprehensive Plan designation, from Surface Mine to Rural Residential Exception Area. The Applicant also requests a concurrent change in the zoning designation, from SM to MUA10. No development or new uses are being reviewed as part of this application. The applicant argues the mineral resources on the subject property have been mined to the extent they are no longer a significant Goal 5 resource. In support of this, the applicant provided a Geotechnical Reconnaissance report prepared by a professional engineer, which details the remaining mineral resources on the property.

A staff report was mailed on November 7, 2023, and staff found the proposal complied with all applicable provisions of Deschutes County Code, Deschutes County Comprehensive Plan policies, and Statewide Planning Goals. A public hearing was held before a Hearings Officer on November 13, 2023, and a Hearing's Officer decision approving the application was mailed on January 10, 2024. As described below, the Board may decide to either adopt the Hearing's Officer decision or initiate review of the decision.

**III. PUBLIC COMMENTS**

Five members of the public submitted written comments on this application, including Central Oregon LandWatch. Four members of the public submitted comments in opposition and one member of the public submitted neutral comments. These comments generally included questions about the future use of the property, environmental concerns, concerns about increased density, and questions about whether the property qualifies as agricultural land. Two members of the public attended the Hearings Officer hearing on November 13, 2023.

Comments from the Department of Geology and Mineral Industries (DOGAMI) indicate they do not have any concerns with the proposal. Comments received from other public agencies also did not express any concerns.

**IV. BOARD OPTIONS**

Pursuant to DCC 22.28.030(B), the Board shall adopt the Hearing's Officer decision unless an appeal is filed or the Board initiates review of the application. Under DCC Title 22, the Board is only required to hold their own hearing when a Plan Amendment and Zone Change application involves an exception to a Statewide Planning Goal or involves land that is designated for forest or agricultural use. In this instance, neither of those conditions apply and the Board is therefore not required hear this application.

Reasons not to hear

Members of the public received a mailed Notice of Application and Notice of Public Hearing and were provided an opportunity to submit testimony. There was a 21-day open record period following the November 13, 2023, hearing, and the Hearings Officer decision responded to all comments received. Many of the comments received were not directed at applicable approval criteria and raised concerns about potential future uses of the property, which are not being reviewed through this application. The Applicant provided property-specific technical reports, the findings of which were not contested.

Staff and the Applicant generally concur with the Hearings Officer decision and there do not appear to be any interpretive issues that would benefit from further review. The Hearings Officer decision provided a thorough analysis and could be supported, as the record exists today, on appeal to the Land Use Board of Appeals.

Reasons to hear

The Board may want to take testimony and make interpretations relating to the Hearings Officer’s decision. The Board may also want to reinforce or refute some or all of the decision findings/interpretations prior to Land Use Board of Appeals review. Several members of the public provided testimony in opposition, and the Hearings Officer found that many issues raised in objection were not directed at approval criteria. The Board may choose to modify those findings and provide additional analysis in response to concerns raised by members of the public. Finally, the Board may want to offer additional opportunities for public testimony by holding a new public hearing.

If the Board decides the Hearings Officer’s Decision shall be the final decision of the county, then the Board shall not initiate review. Staff will then return to the Board for a first and second reading of a draft Ordinance approving the subject Comprehensive Plan Amendment and Zone Change.

**V. STAFF RECOMMENDATION**

The Hearing’s Officer decision was well-reasoned and aligned with staff’s analysis of the application materials. Staff does not have any concerns with the Hearing’s Officer decision and therefore recommends the Board decline to initiate review.

**VI. 150-DAY LAND USE CLOCK**

Pursuant to DCC 22.20.040(D)(1), the subject application is exempt from the 150-day land use clock.

**VII. RECORD**

The record for File Nos. 247-23-000547-PA, 247-23-000548-ZC are as presented at the following Deschutes County Community Development Department website:

<https://www.deschutes.org/cd/page/247-23-000547-pa-247-23-000548-zc-miller-pit-llc-comprehensive-plan-amendment-and-zone>

Attachments:

- 1. Location Map
- 2. Hearing’s Officer Decision for file nos. 247-23-00547-PA, 247-23-000548-ZC
- 3. Staff Report for file nos. 247-23-000547-PA, 247-23-000548-ZC

# Land Use File #247-23-000547-PA, 548-ZC

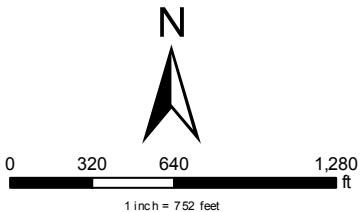
Miller Pit LLC



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community  
Deschutes County GIS



Date: 7/5/2023



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

**FILE NUMBERS:** 247-23-000547-PA, 247-23-000548-ZC

**HEARING DATE:** November 13, 2023, 6:00 p.m.

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

**APPLICANT:** Caldera Land, LLC

**OWNER/  
SUBJECT PROPERTY:** Miller Pit LLC  
Map and Taxlot: 1812210000200  
Account: 110218  
Situs Address: N/A

**REQUEST:** Applicant requests approval of a Comprehensive Plan Amendment to change the designation of the Subject Property from Surface Mine (SM) to Rural Residential Exception Area (RREA). Applicant also requests a corresponding Zone Change to rezone the Subject Property from Surface Mining to Multiple Use Agricultural (MUA-10).

**HEARINGS OFFICER:** Tommy A. Brooks

**SUMMARY OF RECOMMENDATION:** The Hearings Officer finds that the Applicant has met its burden of proof with respect to the requested Comprehensive Plan Amendment and Zone Change and, therefore, recommends APPROVAL of the Application based on the Findings set forth in this Recommendation.

**I. APPLICABLE STANDARDS AND CRITERIA**

Title 18 of the Deschutes County Code, the County Zoning Ordinance:  
Chapter 18.04, Title, Purpose, and Definitions  
Chapter 18.32, Multiple Use Agricultural (MUA10)  
Chapter 18.52, Surface Mining (SM)  
Chapter 18.136, Amendments  
Title 22, Deschutes County Development Procedures Ordinance

Deschutes County Comprehensive Plan  
 Chapter 2, Resource Management  
 Chapter 3, Rural Growth Management  
 Appendix C, Transportation System Plan  
 Oregon Administrative Rules (OAR), Chapter 660  
 Division 12, Transportation Planning  
 Division 15, Statewide Planning Goals and Guidelines  
 Division 23, Procedures and Requirements for Complying with Goal 5

**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 Property from Surface Mining (SM) to Rural Residential Exception Area (RREA). The Applicant also requests approval of a corresponding Zoning Map Amendment (“Zone Change”) to change the zoning of the Subject Property from Surface Mining (SM) to Multiple Use Agricultural (MUA10). If approved, the Plan Amendment would also remove the Subject Property, designated as “Site No. 391”, from the County’s Goal 5 inventory of significant mining resources.

The primary bases of the request in the Application are the Applicants’ assertions that: (1) the Subject Property has been mined to the extent that it no longer qualifies as a significant Goal 5 resource; and (2) the Subject Property does not qualify as “agricultural land” under the applicable provisions of the Oregon Revised Statutes or Oregon Administrative Rules governing agricultural land. Based on those assertions, the Applicant is not seeking an exception to Statewide Planning Goal 3 for the Plan Amendment or Zone Change.

B. Notices and Hearing

The Application is dated June 23, 2023. On July 7, 2023, the County issued a Notice of Application to several public agencies and to property owners in the vicinity of the Subject Property (together, “Application Notice”). The Application Notice invited comments on the Application. The County also provided notice of the Plan Amendment to the Department of Land Conservation and Development on October 9, 2023.

The County mailed a Notice of Public Hearing on October 10, 2023 (“Hearing Notice”) announcing an evidentiary hearing (“Hearing”) for the requests in the Application. Pursuant to the Hearing Notice, I presided over the Hearing as the Hearings Officer on November 13, 2023, opening the Hearing at 6:00 p.m. The Hearing was held via videoconference, with Staff and representatives of the Applicant in the hearing room. The Hearings Officer appeared remotely. The Hearing concluded at 6:51 p.m.



Prior to the Hearing, on November 7, 2023, the Deschutes County Planning Division (“Staff”) issued a report setting forth the applicable criteria and presenting the evidence in the record at that time (“Staff Report”).

At the beginning of the Hearing, I provided an overview of the quasi-judicial process and instructed participants to direct comments to the approval criteria and standards, and to raise any issues a participant wanted to preserve for appeal if necessary. I stated I had no *ex parte* contacts to disclose or bias to declare. I asked for but received no objections to the County’s jurisdiction over the matter or to my participation as the Hearings Officer.

Prior to the conclusion of the Hearing, Staff recommended, and the Applicant agreed to, leaving the written record open to take additional evidence. At the conclusion of the Hearing, I announced that the written record would remain open: (1) until November 20, 2023, for any participant to provide additional evidence (“Open Record Period”); (2) until November 27, 2023, for any participant to provide rebuttal evidence to evidence submitted during the Open Record Period; and (3) until December 4, 2023, for the Applicant only to provide a final legal argument, without additional evidence.

C. 150-day Clock

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

**III. SUBSTANTIVE FINDINGS AND CONCLUSIONS**

A. Staff Report

On November 7, 2023, Staff issued the Staff Report, setting forth the applicable criteria and presenting evidence in the record at that time.

The Staff Report does not make a final recommendation. However, the Staff Report does make several findings with respect to the approval standards. Because much of the information, analysis, and findings provided in the Staff Report are not refuted, portions of the findings below refer to the Staff Report and, in some cases, adopt sections of the Staff Report as my findings. In the event of a conflict between the findings in this Decision and the Staff Report, the findings in this Decision control.

B. Code, Plan, and Statewide Planning Goal Findings

The legal criteria applicable to the requested Plan Amendment and Zone Change were set forth in the Application Notice and appear in the Staff Report. No participant in 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.

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<sup>1</sup> ORS 215.427(7).  
Page | 3

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

Section 18.136.010, Amendments

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

The Applicant submitted the Application with the consent of the owner of the Subject Property, as evidenced by the owner’s signature on the Application form. The Applicant has requested a quasi-judicial Plan Amendment and filed the Application for that purpose, together with the request for a Zone Change. It is therefore appropriate to review the Application using the applicable procedures contained in Title 22 of the Deschutes County Code.

Section 18.136.020, Rezoning Standards

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

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

According to the Applicant, with which the Staff Report agrees, the County’s application of this Code provision does not involve the direct application of the Plan’s introductory statements and goals as approval criteria. Rather, consistency with the Plan can be determined by assessing whether the proposal is consistent with specific Plan goals and policies that may be applicable to the proposal.

The Applicant identified multiple Plan goals and policies it believes are relevant to the Application.<sup>2</sup> Among those goals and policies are those set forth in: (1) Section 2.4 of Chapter 2, relating to Goal 5 resources; (2) Section 2.10 of Chapter 2, relating to surface mining; (3) Section 3.3 of Chapter 3, relating to rural housing; and (4) Section 3.4 of Chapter 3, relating to the rural economy. The Application explains how the Plan Amendment and Zone Change is consistent with these goals and policies. No participant disputes the Applicant’s characterization of the goals and policies, asserts the Application is inconsistent with those goal and policies, or identifies other goals and policies requiring consideration. Separate findings appear below relating to the identified Comprehensive Plan policies.

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

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<sup>2</sup> See page 15-17 of the Application narrative prepared by AKS Engineering and Forestry (“Application Narrative”).  
Page | 4

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

The Applicant and Staff each offer evidence and argument with respect to the purpose of the MUA-10 zone. The purpose of the MUA-10 zoning district is stated in DCC 18.32.010 as follows:

The purposes of the Multiple Use Agricultural Zone are to preserve the rural character of various areas of the County while permitting development consistent with that character and with the capacity of the natural resources of the area; to preserve and maintain agricultural lands not suited to full-time commercial farming for diversified or part-time agricultural uses; to conserve forest lands for forest uses; to conserve open spaces and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; to establish standards and procedures for the use of those lands designated unsuitable for intense development by the Comprehensive Plan, and to provide for an orderly and efficient transition from rural to urban land use.

According to the Applicant, the Subject Property is not suited to commercial farming. The MUA-10 zone will instead allow the owners to engage in low-density development allowed by the MUA-10 zone, which will conserve open spaces and protect natural and scenic resources. As a result, the Applicant asserts that the MUA-10 zoning provides a proper transition zone from urban to EFU zoning. The Staff Report agrees that the change in classification is consistent with the purpose and intent of the MUA10 Zone.

The record contains several comments expressing potential concerns arising from residential development on the Subject Property. Those comments, however, are based on the fact that no specific development is yet proposed, and those comments do not assert that the change to MUA-10 is inconsistent with the purpose of that zone.

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

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

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

As noted in the Staff Report, this criterion specifically asks if the Zone Change will *presently* serve public health, safety, and welfare. The Applicant provided the following as support for why this criterion is met:

- Necessary public facilities and services are available to serve the Subject Property
- Transportation access to the Subject Property is available, and the impact of increased traffic on the transportation system is non-existent and, to the contrary, the planned rezone results in a reduction in the trip generation potential
- The Subject Property receives police services from the Deschutes County Sheriff and fire service

- from Rural Fire Protection District # 2, which has a fire station 1.4 miles from the Subject Property
- The close proximity of the Subject Property to urban development will allow for efficient service provision of water, electric, and telephone, which already exist on surrounding properties

The Staff Report acknowledges that no service issues have been identified for the Subject Property. The Staff Report also confirms that, prior to development of the Subject Property, the Applicant would be required to comply with the applicable requirements of the Code, at which time assurances of adequate public services and facilities will be verified.

Comments in the record express concerns about the adequacy of water supplies for agriculture or irrigation purposes. Those comments do not expressly state that this Code provision is not satisfied, but they do provide testimony that the Arnold Irrigation District has not supplied adequate water in recent years and that inadequate water poses increased fire risks if the Subject Property is developed with residential uses. The Applicant relies on a service provider letter from Avion Water Company, Inc. That letter confirms that Avion is able to serve the Subject Property and can provide water both for domestic purposes and for fire flow. No participant challenges Avion’s ability to serve the Subject Property.

Based on the foregoing, I find that services are currently available and sufficient for the Subject Property, and that they can remain available and sufficient if the Subject Property is developed under the MUA-10 zone. I therefore find this Code provision is satisfied.

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

The Applicant asserts the following:

Any potential impacts on surrounding land would be minimal due to the consistent zoning and the fact that most of the surrounding MUA-10 properties are less than five acres in size, have been subdivided, and contain residential uses. Regardless, the development and uses permitted under the MUA-10 Zone are far less impactful to surrounding land than uses permitted under the SM Zone. Applicable Comprehensive Plan goals and polices are addressed in the responses above. The standards are met.

The Staff Report agrees that the Applicant has demonstrated the impacts on surrounding land use will be consistent with the specific goals and policies contained within the Plan. Some testimony in the record expresses concerns about the impact of future development on the Subject Property, but that testimony does not assert that any potential impacts are inconsistent with Plan goals and policies. Nor does that testimony dispute the Applicant’s characterization of the applicable goals and policies.

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

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*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.*

According to the Applicant, a change in circumstances exists because the Subject Property has been mined and reclaimed, meaning there are no longer any viable uses for the Subject Property under the SM zone. The Staff Report agrees that the termination of mining and the reclamation of the Subject Property constitute a change in circumstances. No other participant appears to dispute those arguments or otherwise assert that there has been no 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.

Section 18.52, Surface Mining Zone

Section 18.52.200, Termination of the Surface Mining Zoning and Surrounding Surface Mining Impact Area Combining Zone

*A. When a surface mining site has been fully or partially mined, and the operator demonstrates that a significant resource no longer exists on the site, and that the site has been reclaimed in accordance with the reclamation plan approved by DOGAMI or the reclamation provisions of DCC 18, the property shall be rezoned to the subsequent use zone identified in the surface mining element of the Comprehensive Plan.*

The Applicant provided information documenting that the Subject Property no longer has a significant resource. The Subject Property has been mined since the late 1940’s. No participant in opposition to the Application asserts that any mineable resource remains, much less a significant resource. The Applicant has also documented that DOGAMI has acknowledged the reclamation of the site.

Based on the foregoing, the Code contemplates that a reclaimed site will be rezoned. The Code specifically provides that a reclaimed site will be rezoned to the “subsequent use zone identified in the surface mining element of the Comprehensive Plan.” For the Subject Property, the surface mining element of the Comprehensive Plan does not identify a subsequent use zone.

A comment submitted by Central Oregon LandWatch (“COLW”) asserts that the subsequent use zone for the Subject Property is “agriculture”. The sole basis of COLW’s comment is that “[t]he only subsequent use zone identified anywhere, in both the property’s reclamation plan on file with DOGAMI and in the 1979 Comprehensive Plan, is Agriculture.” COLW points to the County’s original Comprehensive Plan Map, on which the Subject Property appears to be depicted as “agriculture”. COLW also points to the 1974 Reclamation Plan Guideline submitted to DOGAMI in which the property owner indicated that the “planned subsequent ‘beneficial use’ of the permit area” would be “Immediate – Agriculture (pasture)”.

The Applicant responds, and I agree, that COLW’s assertion is misplaced for several reasons. First, this Code provision refers not just to any identified subsequent use, but rather to the “subsequent use zone identified in the surface mining element of the Comprehensive Plan.” That is a very specific reference, and the surface mining element of the Comprehensive Plan contains a specific table that identifies a

subsequent use zone for various properties in the Surface Mining Zone. Second, even if the 1979 Comprehensive Plan Map were relevant, the County has since made a determination that the Map was in error for the Subject Property, and the Subject Property was not “agriculture” as COLW suggests. Finally, the 1974 Reclamation Plan Guideline COLW relies on is also irrelevant. That document asked the property owner to identify a subsequent “beneficial use” and does not itself refer to what zone was contemplated. Even so, the portion of that document COLW relies on is not a complete characterization of the subsequent beneficial use the property owner anticipated. That document also states that, beyond the immediate pasture use, the long-term use was unknown but could be a race track or stadium.

Based on the foregoing, I find that a Plan Amendment and Zone Change is available to the Applicant as long as all other criteria are satisfied, and the Code does not require the Applicant to change the zoning of the Subject Property to an agriculture use.

*B. Concurrent with such rezoning, any surface mining impact area combining zone which surrounds the rezoned surface mining site shall be removed. Rezoning shall be subject to DCC 18.136 and all other applicable sections of DCC 18, the Comprehensive Plan and DCC Title 22, the Uniform Development Procedures Ordinance.*

As described in the Staff Report, this criterion is contingent upon approval of the Application and, if approved, the Surface Mining Impact Area Combining Zone would also be removed from affected surrounding properties. No participant objects to that description. Based on the foregoing, I find that this Code provision will be implemented if the Application is approved as part of the final action by the County’s Board of Commissioners (“Board”).

2. Deschutes County Comprehensive Plan Goals and Policies

The Applicant and Staff Report both identify several Comprehensive Plan goals and policies potentially relevant to this Application. Staff’s discussion of those goals and policies appears on pages 12 through 19 of the Staff Report. No participant in this proceeding identified other applicable goals and policies or otherwise asserted that the proposal is inconsistent with the plans and policies the Applicant and Staff identified. I therefore adopt the findings in the Staff Report as my findings relating to the Comprehensive Plan goals and policies.

3. Oregon Administrative Rules

The Applicant and Staff agree that the Transportation Planning Rule – OAR 660-012-00060 – is relevant to the Plan Amendment and Zone Change. Only the Applicant and Staff address that rule.

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.*

I find that this administrative rule is applicable to the Plan Amendment and the Zone Change because they involve an amendment to an acknowledged comprehensive plan. The Applicant asserts that its proposal will not result in a significant effect to the transportation system. In support of that assertion, the Applicant submitted a transportation impact analysis memorandum dated March 22, 2023, prepared by traffic engineer, Joe Bessman, PE. No participant to this proceeding disputed the information in the impact analysis or otherwise objected to the use of that information.

The County’s Transportation Planner agreed with the report’s conclusions. As a result, the Staff Report finds that the Plan Amendment and Zone Change will comply with the Transportation Planning Rule.

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

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4. Statewide Planning Goals

Division 15 of OAR chapter 660 sets forth the Statewide Planning Goals and Guidelines, with which all comprehensive plan amendments must demonstrate compliance. The Applicant asserts the Application is consistent with all applicable Goals and Guidelines. No participant in this proceeding identified a Statewide Planning Goal with which the proposal does not comply, except that COLW asserts that the Subject Property is agricultural land protected by Statewide Planning Goal 3. The Staff Report generally agrees with the Applicant and asks the Hearings Officer to address Statewide Planning Goal 3. Having reviewed the evidence and arguments presented, I adopt the Applicants’ position 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 has an established citizen involvement program. The application will be processed as a quasi-judicial Plan Amendment and Zone Change, which is a land use action involving public notification and public hearings as established in DCC Title 22. Therefore, Goal 1 is satisfied.

**Goal 2, Land Use Planning.** The County reviewed and processed this quasi-judicial Plan Amendment and Zone Change consistent with the procedures detailed in DCC Title 22, including consideration of any public comments received regarding the Application. Therefore, consistency with this Statewide Planning Goal is established.

Further, the Application provides an adequate factual basis for the County to approve the Application because it describes the site and its physical characteristics and applies those facts to the relevant approval criteria. Goal 2 also requires coordination of the Application by the County with affected governmental entities. Coordination requires notice of an application, an opportunity for the affected governmental entity to comment on the application, and the County’s incorporation of the comments to a reasonable extent. Coordination of this Application has been accomplished in two ways: by the Applicant prior to submittal of the Application and by the County in the review process for the Application.

**Goal 3, Agricultural Lands.** The Subject Property is designated as Surface Mining and had been mined since the late 1940s. There is no evidence of prior agricultural use, the property predominantly consists of Class VII and VIII soils, and the property does not have water rights. The Subject Property is not identified as agricultural land on the acknowledged Deschutes County Comprehensive Plan Map. The 1980 zone change (Z-80-13) to SM included findings acknowledging that active surface mining sites at the time of plan adoption should have been zoned SM, the Subject Property was active and designated as site #58 on a preliminary map, and a “simple error” resulted in site #58 not being transposed to the final zoning map with adoption of the 1979 Comprehensive Plan. The Subject Property was again identified as containing mineral resources in the Deschutes County Goal 5 Aggregate inventory adopted by the County’s Board on December 6, 1988. In 1990, the County listed the property as Site No. 391 on the Goal 5 Inventory, adopted a site-specific economic, social, environmental and energy (“ESEE”) analysis, and imposed the SM and SMIA zoning (Ord No. 90-014, 90-025, 90-028, and 90-029).



The Subject Property’s status as something other than agricultural land was confirmed in the 1990 ESEE. Ordinarily, the ESEE identifies the post-mining uses and zoning for properties deemed Goal 5 significant mineral resources. The ESEE for the Subject Property does not include any such discussion. In *Tumalo Irrigation District (247-17-000775-ZC/247-17-000776-PA)*, the County’s Board interpreted that a similar ESEE omission on a Goal 5 site would have specified EFU zoning if the property had been classified as agricultural land, and concluded that the SM Zone was “intended to be a distinct zoning and Comprehensive Plan designation and the properties designated as other than ‘resource uses’ (lands subject to Goals 3 and 4).”

In 1992, as part of periodic review and a revamping of the County’s agricultural lands program, the County again inventoried its agricultural lands. Once again, the County did not classify the Subject Property as agricultural land. The agricultural land analysis was incorporated into the County’s Comprehensive Plan, which was again acknowledged.

Based on the foregoing, the Subject Property is not agricultural land subject to the protections of Statewide Planning Goal 3 and, as such, the Plan Amendment and Zone Change is consistent with that Goal.

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

**Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces.** The Subject Property does not contain any inventoried significant resources related to energy sources, habitat, natural areas, scenic views, water areas or watersheds, wilderness areas, historic areas, or cultural areas. The Subject Property no longer contains any significant aggregate resources.

The Subject Property contains a small strip of “wetland” within the southern pit. The Comprehensive Plan has no specific protections for wetlands; protections are provided by ordinances that implement Goal 5 protections (for example, fill and removal zoning code regulations). Because the Plan Amendment and Zone Change are not development, there is no impact to any Goal 5 resource. Any potential future development of a wetland – no matter what zone the wetland is in – will be subject to review by the County’s fill and removal regulations. Therefore, Goal 5 is satisfied.

**Goal 6, Air, Water, and Land Resources Quality.** The surface mine has been reclaimed and mining activities have ceased. Rezoning the Subject Property will not impact the quality of the air, water, and land resources of the County because no specific development is proposed at this time. However, any future uses permitted in the MUA-10 zone are likely to have less adverse impacts to air, water, and land resources than the historical mining use or uses permitted in the SM Zone. Future development of the property will be subject to local, state, and federal regulations that protect these resources. Therefore, Goal 6 is satisfied.

**Goal 7, Areas Subject to Natural Disasters and Hazards.** The Subject Property does not include areas subject to flooding or landslide activity. The Subject Property is located in a Wildfire Hazard Area. The Subject Property is also located in Rural Fire Protection District #2. Rezoning the

property to MUA-10 does not change the Wildfire Hazard Area designation. Any future development of the Subject Property will have to demonstrate compliance with applicable local and state health, environmental quality, and wildfire regulations. Therefore, Goal 7 is satisfied.

**Goal 8, Recreational Needs.** Goal 8 is not applicable because the proposed Plan Amendment and Zone Change do not reduce or eliminate any opportunities for recreational facilities on the Subject Property or in the general vicinity.

**Goal 9, Economy of the State.** The Subject Property no longer contains sufficient quantity or quality of mining or aggregate materials for profitable economic use. However, the proposed Plan Amendment and Zone Change will promote continued economic opportunities by allowing the currently undeveloped and underutilized property to be put to productive use. Therefore, Goal 9 is satisfied.

**Goal 10, Housing.** The Plan Amendment and Zone Change do not reduce or eliminate any opportunities for housing on the Subject Property or in the general vicinity. Rather, they will allow rural residential development, consistent with Goal 10 as implemented by the acknowledged Deschutes County comprehensive plan. Therefore, Goal 10 is satisfied.

**Goal 11, Public Facilities and Services.** The approval of the Application will have no adverse impact on the provision of public facilities and services to the site. Utility service providers have confirmed that they have the capacity to serve the maximum level of residential development allowed by the MUA-10 zoning district. Therefore, Goal 11 is satisfied.

**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.** Approval of the Application does not reduce or eliminate the ability to conserve energy. In fact, Planning Guideline 3 of Goal 13 states “land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land...” Surface mining activities have ceased on the subject property and has been vacant for decades. The Subject Property abuts the Bend City Limits and is surrounded by other rural residential uses. The Plan Amendment and Zone Change will allow for rural residential development that would provide homes close to urban services and employment, as opposed to more remote rural locations. Siting homes close to urban services and employment results in fewer vehicle miles traveled and related energy expenditures as residents travel to work, school, and essential services. Therefore, Goal 13 is satisfied.

**Goal 14, Urbanization.** This goal is not applicable because the Applicant’s proposal does not involve property within an urban growth boundary and does not involve the urbanization of rural land. The MUA-10 zone is an acknowledged rural residential zoning district that limits the intensity and density of developments to rural levels.

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

**IV. CONCLUSION**

Based on the foregoing findings, I find the Applicant has met its 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 APPROVED.

Dated this 8th day of January 2024



Tommy A. Brooks  
Deschutes County Hearings Officer



**STAFF REPORT**

**FILE NUMBER:** 247-23-000547-PA, 247-23-000548-ZC

**SUBJECT PROPERTY/  
OWNER:** Mailing Name: MILLER PIT LLC  
Map and Taxlot: 1812210000200  
Account: 110218  
Situs Address: **\*\*NO SITUS ADDRESS\*\***

**APPLICANT:** Caldera Land, LLC

**REQUEST:** The applicant requests approval of a Comprehensive Plan Amendment to change the designation of the subject property from Surface Mine (SM) to Rural Residential Exception Area (RREA). The applicant also requests a corresponding Zone Change to rezone the subject property from Surface Mining (SM) to Multiple Use Agricultural (MUA10).

**STAFF CONTACT:** Audrey Stuart, Associate Planner  
Phone: 541-388-6679  
Email: [Audrey.Stuart@deschutes.org](mailto:Audrey.Stuart@deschutes.org)

**RECORD:** Record items can be viewed and downloaded from:  
<https://www.deschutes.org/cd/page/247-23-000547-pa-247-23-000548-zc-miller-pit-llc-comprehensive-plan-amendment-and-zone>

**I. APPLICABLE CRITERIA**

- Title 18 of the Deschutes County Code, the County Zoning Ordinance:
  - Chapter 18.04, Title, Purpose, and Definitions
  - Chapter 18.32, Multiple Use Agricultural (MUA10).
  - Chapter 18.52, Surface Mining (SM)
  - Chapter 18.136, Amendments
- Title 22, Deschutes County Development Procedures Ordinance
- Deschutes County Comprehensive Plan
  - Chapter 2, Resource Management
  - Chapter 3, Rural Growth Management
  - Appendix C, Transportation System Plan

Oregon Administrative Rules (OAR), Chapter 660  
Division 12, Transportation Planning  
Division 15, Statewide Planning Goals and Guidelines  
Division 23, Procedures and Requirements for Complying with Goal 5

**II. BASIC FINDINGS**

**LOT OF RECORD:** The Burden of Proof includes the following statement:

Pursuant to the Hearings Officer’s decision in Belveron (ZC-08-04) and Powell/Ramsey (PA-14-2) legal lot of record status is not applicable to an application for a plan amendment and zone change.

Staff concurs with this analysis and notes the Applicant will be required to obtain Lot of Record Verification prior to any development of the subject property.

**SITE DESCRIPTION:** The subject property is 65.67 acres in size and is approximately rectangular in shape. The property is bordered to the north by Knott Road, which is classified as a City of Bend arterial. The application materials provide the following description of the site:

The property is the site of a former cinder cone that was mined beginning in the late 1940s. There are two pits in the middle of the site, the smaller one to the north and a larger one extending to the south. Natural elevations of the property range from ±3,760 feet near the northeast corner along Knott Road to ±3,825 feet along the west edge of southern pit in the south-central part of the Site. Outside the two pits, the outer edges of the property are characterized by slopes typically less than 8% with rolling topography. Existing vegetation is typical of the southeast side of Bend and predominantly juniper trees of varying heights and maturities, sagebrush, and bitterbrush. There are no drainages evident within the Site. The property is vacant, is not irrigated, and does not have water rights (Exhibit J, Arnold Irrigation District correspondence). The subject property has not been farmed or used in conjunction with any farming operation.

The property is zoned Surface Mining (SM) and is not within any overlay zones. There is no mapped floodplain on the subject property, and a small portion of the subject property is mapped on the national wetland inventory.

**Figure 1: Location Map and Proximity to Bend UGB**



**PROPOSAL:** The Applicant requests approval of a Comprehensive Plan Map Amendment to change the designation of the subject property from Surface Mine to Rural Residential Exception Area. The Applicant also requests approval of a corresponding Zoning Map Amendment to change the zoning of the subject properties from Surface Mining (SM) to Multiple Use Agricultural (MUA10).

Submitted with the application is an Order 1 Soil Survey of the subject property, titled *Site-Specific Soil Survey of Property Located South of Knott Road, also known as T18S, R12E, Section 21, Tax Lot 200 (65.67 acres), Southeast of Bend in Deschutes County, Oregon* (hereafter referred to as the "soil study") prepared by soil scientist Brian T. Rabe, CPSS, WWSS of Cascade Earth Sciences. The Applicant has also submitted a traffic analysis prepared by Transight Consulting, LLC titled *Miller Pit Rezone*, hereafter referred to as "traffic study." The application materials also include a Geotechnical Reconnaissance report, titled *Site 391- Miller Pit (formerly known as Shalex Pit) Bend, Oregon*, prepared by J. Andrew Siemens, PE, GE of Siemens and Associates.

Additionally, the Applicant has submitted an application form, a burden of proof statement, and other supplemental materials, all of which are included in the record for the subject applications.

**SURROUNDING LAND USES:** The area surrounding the subject property is defined by the City of Bend’s UGB, which is adjacent to the north and only 430 feet away to the west. Surrounding land within the UGB is primarily developed with single family dwellings but also includes a school, park, and church. Neighboring rural lands to the east, south, and west are zoned MUA10. The surrounding area outside of the UGB is generally characterized by single family dwellings and small-to-medium scale agriculture.

*North.*

The Bend UGB is located adjacent to the subject property to the north. Caldera High School is located across Knott Road from the subject property, on a 72.8-acre parcel. The Caldera High School property includes a number of buildings, parking areas, and sports fields, as well as approximately 23 acres of undeveloped land located to the north of SE Caldera Drive. Alpenglow Community Park is located immediately to the north of the school on a 36.48-acre parcel that is developed with trails, parking areas, and picnic shelters. Alpenglow Community Park is owned by Bend Park and Recreation District. Nativity Lutheran Church is also located across Knott Road from the subject property, on a 4.69-acre parcel. This church property is located at the intersection of Brosterhous Road and Knott Rott, and is separated from Caldera High School by SE Wolfpack Way.

There is a significant amount of undeveloped land located to the northeast of the subject property, east of 15<sup>th</sup> Street and north of Knott Road. This area is currently under development by Pahlisch Homes as the Easton master-planned community, which will be constructed in phases.

*West.*

Neighboring lots in the Brightenwood Estates IV subdivision range in size from 0.58 to 0.46 acres and are developed with single-family dwellings. The Brightenwood Estates subdivisions are primarily within the Bend UGB but a small section, containing eleven lots, is located outside of the UGB and to the west of the subject property.

There is also a 25.4-acre parcel adjacent to the subject property, between the subject property and the Bend UGB. This MUA10 parcel is undeveloped and is bisected by Woodside Road. The Bend UGB is located approximately 430 feet west of the subject property and surrounding land within the UGB is primarily developed with single family dwellings, and is platted as various phases of the Brightenwood Estates subdivision.

The general surrounding area to the west is characterized by single-family development and is zoned Bend Residential Low Density (RL) and Bend Residential Standard Density (RS). A railroad track is located approximately 860 feet northwest of the subject property, within the Bend UGB. A golf course is also located approximately 4,000 feet west of the subject property.

*South.*

Land to the south of the subject property is located outside of the Bend UGB and is more rural in character. Neighboring properties to the south are zoned MUA10 and range in size from 3.69 to 6.99 acres. Three of these four neighboring properties are developed with dwellings, and irrigated fields are visible on two of these properties. Farther south, the surrounding area is zoned Rural Residential (RR10) and Exclusive Farm Use (EFU).

The RR10 land is located to the southwest of the subject property and consists of several rural subdivisions, including Woodside Ranchettes and Woodside Ranch phases one through six. These subdivision lots are generally two-to-four acres in size and are developed with dwellings, residential accessory structures, and some small hobby farming.

EFU-zoned land is located approximately 420 feet south of the subject property. Surrounding EFU parcels range in size from 3.68 to 20 acres. Many of these parcels appear to be receiving farm tax deferral and contain irrigated fields and pasture.

*East.*

Adjacent properties to the east are zoned MUA10 and are platted lots in the Skylandia subdivision, which range in size from 2.09 to 4.66 acres. These lots are developed with single family dwellings and some appear to contain irrigated pasture. MUA10 parcels east of Tekampe Road also appear to be developed with a mix of residential uses and small-scale agriculture, with the exception of a church located at the intersection of Knott Road and Tekampe Road.

EFU-zoned land is located approximately 0.33 miles east of the subject property, beyond the MUA10-zoned parcels. This EFU land generally contains larger lots and more intensive farm uses than the MUA10 parcels adjacent to the subject property.

**PUBLIC AGENCY COMMENTS:** The Planning Division mailed notice on July 7, 2023, to several public agencies and received the following comments:

Deschutes County Senior Transportation Planner, Tarik Rawlings

I have reviewed the application materials submitted on behalf of file no. 247-23-000547-PA, 548-ZC for a Plan Amendment from Surface Mine (SM) to Rural Residential Exception Area (RREA) and Zone Change from Surface Mining (SM) to Multiple Use Agricultural (MUA10) for property located on Assessor’s Map 18-12-21 Tax Lot 200.

This property does not have a mailing address and the applicant should work with the County Property Address Coordinator to establish valid mailing addresses for the property.

The site itself is a surface mine that has been reclaimed according to the Department of Geologic and Mineral Industries (DOGAMI) within which the surface mine resource has been exhausted and trip generation is essentially zero based on the lack of activity or an established land use on the property.

I have reviewed Mr. Bessman’s March 23, 2023, Traffic Impact Analysis and I’m mostly fine with its assumptions, methodology, and conclusions. Mr. Bessman utilizes the acceptable road segment standard of 13,400 Average Daily Trips (ADT) which is incorporated into the County’s most recent 2020-2040 Transportation System Plan. As Mr. Bessman utilizes the 2040 planning horizon year (reflective of the most recent data included in the County’s



forthcoming Transportation System Plan update) this analysis appears to comply with relevant criteria.

Department of Geology and Mineral Industries, Becky Johnson

I did a review of the site in question (DOGAMI ID# 09-0013) and it was a 34 acre Limited Exemption site, closed in August of 1998. We have nothing permitted in the area currently, nor any active applications. DOGAMI has no comments or concerns with the land use application! Thank you so much for checking in with us about it.

Arnold Irrigation District, Juanita Harvey

The above-mentioned property does not have any Arnold Irrigation District water rights appurtenant to it nor does it have any District facilities within its property boundaries or associated with it.

The following agencies did not respond to the notice: Arnold Irrigation District, Bend Fire Department, City of Bend Planning Department, City of Bend Growth Management Department, Oregon Department of Agriculture, Oregon Department of Land Conservation and Development, Department of State Lands, Deschutes County Assessor, Deschutes County Building Division, Deschutes County Road Department, and District 11 Watermaster.

**PUBLIC COMMENTS:** The Planning Division mailed notice of the application to all property owners within 250 feet of the subject property on July 7, 2023. The Applicant also complied with the posted notice requirements of Section 22.24.030(B) of Title 22. The Applicant submitted a Land Use Action Sign Affidavit indicating the Applicant posted notice of the land use action on September 13, 2023. Four public comments were received. These public comments generally included questions about future use of the property and the process of filling in the surface mine, as well as concerns regarding impacts to wetlands, available water, wildfire risk, impacts to wildlife, and increased residential density.

**NOTICE REQUIREMENT:** On October 10, 2023, the Planning Division mailed a Notice of Public Hearing to all property owners within 250 feet of the subject property and public agencies. A Notice of Public Hearing was published in the Bend Bulletin on Sunday, October 22, 2023. Notice of the first evidentiary hearing was submitted to the Department of Land Conservation and Development on October 9, 2023.

**REVIEW PERIOD:** According to Deschutes County Code 22.20.040(D), the review of the proposed quasi-judicial plan amendment and zone change application is not subject to the 150-day review period.

**III. FINDINGS & CONCLUSIONS**

**Title 18 of the Deschutes County Code, County Zoning**

**Chapter 18.32, Multiple Use Agricultural Zone**

Section 18.32.010, Purpose

*The purposes of the Multiple Use Agricultural Zone are to preserve the rural character of various areas of the County while permitting development consistent with that character and with the capacity of the natural resources of the area; to preserve and maintain agricultural lands not suited to full-time commercial farming for diversified or part-time agricultural uses; to conserve forest lands for forest uses; to conserve open spaces and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; to establish standards and procedures for the use of those lands designated unsuitable for intense development by the Comprehensive Plan, and to provide for an orderly and efficient transition from rural to urban land use.*

**FINDING:** The Applicant proposes to change the zoning designation of the subject property from SM to MUA10. The submitted Burden of Proof includes the following explanation of how the proposed zone change is consistent with the purpose of the MUA10 Zone.

The MUA-10 Zone is appropriate for the subject property because it is surrounded on three sides by other properties zoned MUA-10. Portions of the property may support some agricultural uses, but the property could never be high-quality agricultural land that would support commercial farming. The maximum density, if developed under a planned or cluster development is one unit per five acres because the property is within one mile of the Bend UGB. This equates to ±13 units for the ±65-acre property. This relatively low density will conserve open space and maintain or improve the quality of air, water, and land resources. It also allows for clustering to maximize flexibility in siting future uses, which is particularly suited for a former surface mining site that may come with some grading challenges. Finally, the MUA-10 zoning provides a logical transition zone between urban and EFU zoning, appropriate for this property and location. The standard is met.

As described in additional detail under the findings for DCC 18.136, staff finds the proposed zoning designation is consistent with DCC 18.32.010.

**Chapter 18.52, Surface Mining Zone**

Section 18.52.200, Termination Of The Surface Mining Zoning And Surrounding Surface Mining Impact Area Combining Zone

- A. *When a surface mining site has been fully or partially mined, and the operator demonstrates that a significant resource no longer exists on the site, and that the site has been reclaimed in accordance with the reclamation plan approved by DOGAMI or the reclamation provisions of DCC 18, the property shall be rezoned to the subsequent use zone identified in the surface mining element of the Comprehensive Plan.***

**FINDING:** The submitted Burden of Proof includes the following response to this criterion:

As described in Kimble (PA-07, ZC-07-2), this standard requires that Site No. 391 be 1) fully or partially mined, 2) no longer a significant resource, and 3) reclaimed in accordance with the reclamation plan approved by DOGAMI. The first two prongs are addressed in the responses to OAR 660-023-0180, above, which sets out the standards for determining whether an aggregate resource is significant. The third prong is satisfied by documentation contained in Exhibit E demonstrating that Site No. 391 has been reclaimed and DOGAMI has approved the reclamation of the site. A memo to DOGAMI file# 09-0013 Shalex Mine dated August 12, 1998 states: "The site has operated as a Limited Exemption since 1974. A reclamation plan was submitted in October 1974. Thirty-four acres were effected [sic] by mining at this site...Thirty-four acres have been voluntarily reclaimed. It is recommended that this file be closed."

The mining element of the Comprehensive Plan does not identify a subsequent use for Site No. 391 and subsequent uses are not identified in the ESEE analysis for Site No. 391 adopted by the County. The Applicant proposes rezoning the property MUA-10 because the subject property is surrounded by MUA-10 land on three sides and it is appropriate for the context abutting the Bend City Limits and UGB. Therefore, the criteria are met.

Staff concurs with this analysis and notes comments dated August 24, 2023 from Department of Geology and Mineral Industries confirm the subject mine was closed in August, 1998. The application materials also include a report dated September 29, 2022 from J. Andrew Siemens, a licensed engineer, concluding that no significant cinder resource exists on the property anymore. For these reasons, staff finds the subject property has been partially or fully mined and has been reclaimed in accordance with the approved reclamation plan.

***B. Concurrent with such rezoning, any surface mining impact area combining zone which surrounds the rezoned surface mining site shall be removed. Rezoning shall be subject to DCC 18.136 and all other applicable sections of DCC 18, the Comprehensive Plan and DCC Title 22, the Uniform Development Procedures Ordinance.***

**FINDING:** Staff notes this criterion is contingent on approval of the subject Comprehensive Plan Amendment and Zone Change. If the subject application is ultimately approved by the Board of County Commissioners, the adopting Ordinance will also remove the Surface Mining Impact Area Combining Zone associated with the property.

**Chapter 18.136, Amendments**

Section 18.136.010, Amendments

***DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner***

**for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.**

**FINDING:** The Applicant, also the property owner, has requested a quasi-judicial plan amendment and filed the applications for a plan amendment and zone change. The Applicant has filed the required Planning Division’s land use application forms for the proposal. The application will be reviewed utilizing the applicable procedures contained in Title 22 of the 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.**

**FINDING:** The Applicant provided the following response in its submitted burden of proof statement:

In several previous decisions, Deschutes County Hearings Officers have found the introductory statements and goals are not approval criteria for the proposed plan amendment and zone change.

...

“The purpose of the Comprehensive Plan for Deschutes County is not to provide a site-specific identification of the appropriate land uses which may take place on a particular piece of land but rather it is to consider the significant factors which affect or are affected by development in the county and provide a general guide to the various decision which must be made to promote the greatest efficiency and equity possible, which managing the continuing growth and change of the area. Part of that process is identification of an appropriate land use plan, which is then interpreted to make decision about specific sites (most often in zoning and subdivision administration) but the plan must also consider the sociological, economic and environmental consequences of various actions and provide guidelines and policies for activities which may have effects beyond physical changes of the land (Emphases added.)

The Hearings Officer previously found that the above-underscored language strongly suggests the county's plan statements, goals and policies are not intended to establish approval standards for quasi-judicial/and use permit applications.”

Staff agrees with the Applicant’s analysis and finds the above provision to be met based on Comprehensive Plan conformance as demonstrated in subsequent findings. The Applicant utilized analyses provided in prior Hearings Officers’ decisions to determine and respond to only the Comprehensive Plan Goals and policies that apply, which are listed in the Comprehensive Plan section of this staff report in further detail.

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

**FINDING:** The findings for DCC 18.32.010, above, address this criterion and staff incorporates them herein. The Applicant has demonstrated that proposed Zone Change is consistent with the purpose and intent of the MUA 10 Zone, which allows for residential development by preserving agricultural resources and large lot sizes. The proposed MUA10 zoning is consistent with the surrounding area and will provide an orderly and efficient transition from rural to urban land use.

Staff finds the Applicant has demonstrated the change in classification is consistent with the purpose and intent of the MUA10 Zone, but asks the Hearings Officer to amend or add to these findings as the Hearings Officer sees fit.

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

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

**FINDING:** Although there are no plans to develop the properties in their current state, the above criterion specifically asks if the proposed zone exchange will *presently* serve public health, safety, and welfare. The Applicant provided the following response in the submitted burden of proof statement:

In Tumalo Irrigation District (247-17-000775-ZC/247-17-000776-PA), the BOCC acknowledged that “a zone change, in and of itself, does not create any demand for public services or impact surrounding land uses” before concluding that an applicant for a zone change “must demonstrate that public services and facilities are either presently available for specified development or that there are no significant impediments to providing public services and facilities when site specific development, within the context of the proposed zoning, is actually proposed.”

Necessary public facilities and services are available to serve the subject property. Transportation access is available from Knott Road, designated a Minor Arterial in the City of Bend Transportation System Plan (TSP). According to the Transportation Memorandum prepared by Transight Consulting (Exhibit G), the planned rezone results in a reduction in the trip generation potential of the property, even at higher residential densities only permitted through a conditional use.

The property receives police services from the Deschutes County Sheriff. It is in Rural Fire Protection District #2 and ±1.4 miles from Bend Fire Department Station 303. Surrounding properties contain residential uses, which receive water service from Avion Water or wells, on-site sewage disposal systems, electrical service, telephone service, etc. Exhibit H contains correspondence from Avion Water, Cascade Natural Gas, Central Electric Cooperative, Inc (CEC), Lumen, and TDS, documenting that necessary public services and facilities are

available and can be provided efficiently in a manner that serves the public health, safety and welfare.

No issues have been identified in the record regarding service provision to the subject property. The Bend UGB is adjacent to the north side of the subject property, and nearby land within the UGB includes a mix of established neighborhoods and undeveloped land that is currently being master planned. Staff finds the proximity to the Bend UGB will allow for efficient provision of public services.

The subject property is bordered to the north by Knott Road, which is maintained by the City of Bend. This road connection provides direct access to land within the Bend UGB as well as surrounding rural lands. There are no known deficiencies in public services or facilities that would negatively impact public health, safety, or welfare. In addition, the application materials include materials from water, gas, and electricity providers indicating necessary public facilities and services can be provided.

Prior to development of the properties, the Applicant would be required to comply with the applicable requirements of the Deschutes County Code. Through these development review processes, assurance of adequate public services and facilities will be verified. Staff finds this provision is met.

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

**FINDING:** The Applicant provided the following response in the submitted burden of proof statement:

Any potential impacts on surrounding land would be minimal due to the consistent zoning and the fact that most of the surrounding MUA-10 properties are less than five acres in size, have been subdivided, and contain residential uses. Regardless, the development and uses permitted under the MUA-10 Zone are far less impactful to surrounding land than uses permitted under the SM Zone. Applicable Comprehensive Plan goals and policies are addressed in the responses above. The standards are met.

The Applicant provided specific findings for each relevant Comprehensive Plan goal and policy, which are addressed below. Staff finds the Applicant has demonstrated the impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan, and asks the Hearings Officer to amend or add to these findings as the Hearings Officer sees fit.

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

**FINDING:** The Applicant proposed to rezone the properties from SM to MUA10 and re-designate the properties from Surface Mine to Rural Residential Exception Area. The Applicant provided the following response in the submitted burden of proof statement:

The major change of circumstance since the property was zoned SM is that Site No. 391 no longer contains significant resources, and the site has been voluntarily reclaimed. Consequently, there are no longer any viable uses under the SM zone and designation. The subject property may support some resource uses, but not any form of commercial agriculture or forestry. Additional requirements for changing conditions related to surface mining are addressed in the responses to DCC 18.52.200, above. The applicable standards are met.

Staff finds the termination of mining and the reclamation of the property constitute a change in circumstances since the property was last zoned.

## Deschutes County Comprehensive Plan

### Chapter 1, Comprehensive Planning

#### Section 1.3, Land Use Planning

***Goal 1, Maintain an open and public land use process in which decisions are based on the objective evaluation of facts.***

**FINDING:** The subject application is being evaluated based on an objective review of compliance with Statewide Planning Goals, Deschutes County Comprehensive Plan policies, and Oregon Administrative Rules. A public hearing will be held before a Hearings Officer on November 13, 2023, and members of the public can attend and testify at that hearing. Pursuant to DCC 22.28.030, the Board of County Commissioners will take final action on the application and may choose to either adopt the Hearings Officer findings or conduct their own hearing. This Comprehensive Plan Amendment and Zone Change application will be evaluated through an open process that allows for public input and follows Deschutes County's Procedures Ordinance.

Staff finds that within each of the steps described above, there is an open and public process that is based on an objective evaluation of facts. This criterion will be met.

### Chapter 2, Resource Management

#### Section 2.2, Agricultural Lands Policies

**FINDING:** The subject property has a Comprehensive Plan designation of Surface Mine and is therefore not categorized as agricultural lands. In addition, staff finds there is nothing in the record that indicates the property is in farm use. The Applicant submitted a soil study (Applicant's Exhibit F), which was prepared by a certified soils scientist and soil classifier. A letter dated August 9, 2021 indicates the Order 1 soil study was accepted by the Department of Land Conservation and Development. The property-specific soil study made the following findings:

Based on observed conditions, it is unlikely that this site would have ever qualified as resource land. Areas where mining occurred most likely would have been classified as cinders or Class VII Bluesters. This is evidenced by the classification of soils immediately abutting the pits and the overburden deposits present on site. The minimal volume and makeup (comprised of little soil) of overburden deposits suggest that cinder resources were very close to the surface.

...

Since the Site predominantly consists of Class VII and VIII soils, the site does not qualify as "Agricultural Land" based on soil conditions.

The soil study goes on to provide additional analysis regarding the soil fertility and suitability for grazing, again concluding that the property could not support a commercially viable livestock operation. There is no evidence the subject property is in agricultural use and the Applicant has demonstrated that it does not contain agricultural soils. Staff therefore finds agricultural lands policies do not apply.

Section 2.3, Forests

**FINDING:** The subject property has a Comprehensive Plan designation of Surface Mine and is therefore not categorized as forest land. Staff therefore finds forest land policies do not apply.

Section 2.4, Goal 5 Overview Policies

**Goal 1, Protect Goal 5 Policies**

**FINDING:** The Applicant does not propose to modify or repeal Goal 5 policies. The Applicant proposes to remove the subject property from the list of significant aggregate and mineral resources in Deschutes County, based on site-specific conditions. Re-designating the subject property will not impact any County-wide Goal 5 policies. Staff therefore finds the proposed Comprehensive Plan Amendment and Zone Change will not have an adverse impact on Goal 5 policies.

***Policy 2.4.4, Incorporate new information into the Goal 5 inventory as requested by an applicant or as County staff resources allow.***

**FINDING:** The Applicant provided the following response in their Burden of Proof:

This application provides new information supporting removal of Site No. 391 from the County's Surface Mining Mineral and Aggregate Inventory (Comprehensive Plan Table 5.8.1). The Geotechnical Reconnaissance Report (Exhibit D) concludes the site no longer qualifies as a significant Goal 5 resource based on the quantity, quality, and location of the resource. Documentation from DOGAMI (Exhibit E) shows Site No. 391 has been voluntarily reclaimed in accordance with a DOGAMI reclamation plan and DOGAMI has approved the reclamation of the site. The plan policy is met.



Staff finds the Applicant has submitted new information for the purpose of amending the Goal 5 mineral aggregate inventory.

Section 2.5, Water Resources Policies

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

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

**FINDING:** The Applicant has not proposed a specific development application at this time. Therefore, the Applicant is not required to address water impacts associated with development. Rather, the Applicant will be required to address this criterion during development of the subject property, which would be reviewed under any necessary land use process for the site (e.g. conditional use permit, tentative plat). This criterion does not apply to the subject application.

Section 2.6, Wildlife

**FINDING:** There are no Goal 5-listed wildlife species present on the subject property, based on the Goal 5 inventory nor threatened or endangered species. There is no identified wildlife habitat on the subject property.

Section 2.7, Open Spaces, Scenic Views and Sites

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

***Policy 2.7.1 Goal 5 open spaces, scenic views and sites inventories, ESEEs and programs are retained and not repealed.***

**FINDING:** The subject proposal will not repeal any open space designations, or impact identified scenic corridors. The subject property is not identified as significant open space and any future development will be subject to setbacks, height limitations, lot coverage standards, and use limitations, which will effectively limit the impact on scenic views.

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

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

**FINDING:** These policies are fulfilled by the County’s Goal 5 program. The County protects scenic views and sites along major rivers and roadways by imposing Landscape Management (LM) Combining Zones to adjacent properties. Staff notes that no LM Combining Zone applies to the

subject property at this time. The subject property is adjacent to the Bend UGB and there is a significant amount of existing development in the surrounding area. The subject property was historically mined but has been inactive for many years, and photographs submitted with the application materials show little vegetation or scenic features on the subject property. Furthermore, no new development is proposed under the present application. These provisions of the plan, therefore, are not impacted by the proposed zone change and plan amendment.

Section 2.10, Surface Mining

**Goal 1, Protect and utilize mineral and aggregate resources while minimizing adverse impacts of extraction, processing and transporting the resource.**

**Policy 2.10.1, Goal 5 mining inventories, ESEEs and programs are retained and not repealed.**

**FINDING:** The Applicant proposes to amend the County’s Goal 5 mining inventory on the basis the subject property has been substantially mined and does not contain a significant aggregate resource. The Applicant submitted a Geotechnical Reconnaissance study dated September 29, 2022, prepared by a registered professional engineer. The study estimates that over 800,000 tons of cinder may have been extracted from the subject property when it was an active surface mine. The report addresses OAR 660-023-0180 and provides an analysis of how the property is eligible to be rezoned based on the limited quantity and quality of remaining aggregate resources. In part, the report states:

Mining activities at Site 391 appear to have terminated for several technical reasons including:

- Depleted quantities of readily minable cinder
- Declining cinder quality with depth
- No favorable areas for expansion

Within the perimeter of the former cinder cones, only small quantities of loose cinder remain available for export (less than a few thousand tons). Developing additional cinder would require extending the depth of the mine using aggressive methods for excavation (ripping, drilling, and blasting). Evidence is present that some of this has been done, probably to explore the feasibility of expansion. These efforts were terminated when indurated, volcanics were discovered and likely judged to offer poor characteristics for economic cinder production. Hence, declining cinder quality.

Based on surface reconnaissance, SA [Siemens & Associates] has identified limited quantities of other, non-significant materials including surficial soils and Newberry basalt. Surficial soil thickness appears to be limited and the basalt is judged to be of low quality, with durability characteristics far below Oregon Department of Transportation (ODOT) standards.

As described further under Policy 2.10.6, below, the Applicant has demonstrated the mineral and aggregate resources on the subject property have been substantially mined. No changes are

proposed to Comprehensive Plan policies or other programs regarding surface mining in Deschutes County. Table 5.8.2 of the Deschutes County Comprehensive Plan lists the Non-Significant Mining Mineral and Aggregate Inventory, and the subject property would be eligible for inclusion in this table based on submitted evidence demonstrating there is no longer a significant aggregate resource. The Hearings Officer decision for files 247-17-000775-ZC, 776-ZC provides the following analysis of sites listed in this table:

The applicant and COLW appear to agree that this Non-Significant Mining Mineral and Aggregate Inventory is not a Goal 5 provision. The County has retained it apparently to address potential use for reservoirs which may or may not require “mining” or extraction.

...

There do not appear to be any express criteria for inclusion on the Non-significant inventory.

The Applicant does not propose to modify the ESEE associated with the subject property, or modify the County’s Goal 5 program. The Applicant has demonstrated that limited aggregate resources remain on the subject property, and it is therefore eligible to be rezoned and removed from Table 5.8.1 of the Comprehensive Plan, Surface Mining Mineral and Aggregate Inventory.

***Policy 2.10.2, Cooperate and coordinate mining regulations with the Oregon Department of Geology and Mineral Industries.***

**FINDING:** The Oregon Department of Geology and Mineral Industries provided comments on the subject application and indicated there were no concerns. The application materials also include reclamation documents and file notes from DOGAMI regarding the subject surface mine.

***Policy 2.10.3, Balance protection of mineral and aggregate resources with conflicting resources and uses.***

**FINDING:** The record does not include any comments or objections regarding the conflict between surface mining and surrounding uses.

***Policy 2.10.4, Review surface mining codes and revise as needed to consider especially mitigation factors, imported material and reclamation.***

**FINDING:** No amendment is proposed to the provisions of the Surface Mining Zone or the Surface Mining Impact Area Combining Zone. Staff finds this policy does not apply.

***Policy 2.10.5, Review surface mining site inventories as described in Section 2.4, including the associated Economic, Social, Environmental and Energy (ESEE) analyses.***

***Policy 2.10.6, Support efforts by private property owners and appropriate regulatory agencies to address reclamation of Goal 5 mine sites approved under 660-016 following mineral extraction.***

**FINDING:** The Applicant provided the following response in the submitted Burden of Proof:

DOGAMI formally closed the file for Site No. 391 in August 1998 after confirming the site had been voluntarily reclaimed consistent with the 1974 reclamation plan (Exhibit E). The Geotechnical Reconnaissance Report (Exhibit D) concludes that Site No. 391 no longer qualifies as a significant Goal 5 resource based on the quantity, quality, and location of the resource. The report, prepared by a registered engineer specializing in geologic engineering who has conducted geotechnical explorations in the area since 1992, states: "Cinder fails to meet the identified ODOT specification for base rock since the particles offer poor durability characteristics compared to base rock produced from quality hard rock sources and crushed sand and gravel. Therefore, cinder is not considered 'significant' and cinder products are no longer used in municipal road building activities." This determination is consistent with prior decisions in Tumalo Irrigation District (247-17-000775-ZC/247-17-000776-PA) and TID/Cascade Pumice (PA-02-8/ZC-02-4).

Even if the cinders met ODOT standards, a sufficient amount of these materials has been removed such that the site does not possess the 500,000-ton significance threshold for sites outside the Willamette Valley. Based on aerial photography, site geology, and onsite investigation, Mr. Siemens concludes that "over one million cubic yards (over 800,000 tons) of cinder may have been extracted from Site 391 over the lifetime of the mine and the remaining cinder resource is far less than 500,000 tons." Consequently, to the extent the site ever met OAR 660-023-0180(3)(a) standards for significance, the majority of the significant material has been removed such that there is no longer a "deposit" on the site. The plan policies are met.

Staff concurs with this analysis but requests the Hearings Officer modify as they see fit.

**Chapter 3, Rural Growth**

Section 3.3, Rural Housing Policies

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

**FINDING:** No new rural housing is proposed. Residential uses are permitted in the MUA10 Zone, so changing the zoning of the subject property to MUA10 may provide for additional housing units in unincorporated Deschutes County. The Applicant has not specified the intended use of the subject property and any future housing will be subject to all applicable provisions of Deschutes County Code. The types of housing permitted in the MUA10 Zone are relatively low density and will therefore maintain a rural character if housing is developed.

***Policy 3.3.1, Except for parcels in the Westside Transect Zone, the minimum parcel size for new rural residential shall be 10 acres.***

**FINDING:** The Applicant provided the following response in the Burden of Proof:

The planned MUA-10 zoning allows residential uses with a minimum parcel size of 10 acres. The plan policy is met.

Staff concurs and finds no land division is proposed as part of the subject application.

***Policy 3.3.2, Incorporate farm and forest housing reports into a wider system for tracking the cumulative effects of rural housing development.***

**FINDING:** The subject Comprehensive Plan Amendment and Zone Change does not review or approve any new uses or construction on the subject property. In addition, the proposed MUA10 zoning is not a farm or forest zone, therefore new residential construction would not be subject to this reporting requirement. Staff therefore finds this criterion does not apply.

***Policy 3.3.4, Encourage new subdivisions to incorporate alternative development patterns, such as cluster developments, that mitigate community and environmental impacts.***

**FINDING:** No land divisions, including subdivisions, are proposed with the subject application. The proposed MUA10 zoning allows for cluster development with a Conditional Use Permit. Future development will be subject to applicable provisions of Deschutes County Code, and will be reviewed at the time a land use application is submitted.

***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 Rule to permit accessory dwelling units in the Exclusive Farm Use, Forest and Rural Residential zones.***

**FINDING:** The Applicant provided the following response to this criterion:

This policy is implemented by the development standards DCC Title 18. The planned MUA-10 zoning matches the existing zoning on three sides of the subject property and allows housing opportunities that are more rural in appearance. Future development will be subject to the applicable code standards in effect at that time. The plan policy is met.

Staff concurs and finds that the portion of this policy regarding accessory dwelling units does not apply. The Applicant does not propose to change allowed uses or establish an accessory dwelling unit in the MUA10 Zone. Uses permitted in the MUA10 Zone are generally rural in character, and will maintain relatively large lot sizes. No specific use has been proposed for the subject property, but housing may be provided as allowed by DCC 18.32.020. Staff therefore finds the proposal complies with the applicable sections of this policy, namely those regarding rural character and provision of housing opportunities.

Section 3.4, Rural Economy Policies

**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.**

**FINDING:** The Applicant provided the following response to this criterion:

Up through the 1980s when the subject property contained a significant Goal 5 aggregate resource, it was capable of supporting rural economic opportunities and the County complied with the plan policy by imposing the SM zoning and designation. Now that the significant resource has been exhausted, the property can no longer support the economic development opportunities that come from surface mining. Given the surrounding MUA-10 zoning and residential uses, it is not an appropriate site for either rural commercial or rural industrial uses. The MUA-10 zone allows for limited economic initiatives, including home occupations, that would maintain the integrity of the surrounding MUA-10 character and context. The plan policy is met.

Staff concurs with this analysis and notes any future commercial uses on the subject property will be subject to separate review. As outlined in the Geotechnical Reconnaissance report submitted with the application materials, the subject property currently provides limited economic value for surface mining.

Section 3.7, Transportation

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

**FINDING:** This policy applies to the County and advises it to consider the roadway function, classification and capacity as criteria for plan amendments and zone changes. The County will comply with this direction by determining compliance with the Transportation Planning Rule (TPR), also known as OAR 660-012, as described below in subsequent findings.

**OREGON ADMINISTRATIVE RULES CHAPTER 660, LAND CONSERVATION AND DEVELOPMENT DEPARTMENT**

**DIVISION 12, TRANSPORTATION PLANNING**

OAR 660-012-0060 Plan and Land use Regulation Amendments

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

**FINDING:** This above language is applicable to the proposal because it involves an amendment to an acknowledged comprehensive plan. The proposed plan amendment would change the designation of the subject properties from SM to RREA and change the zone from SM to MUA10. The applicant is not proposing any land use development of the properties at this time.

The Applicant submitted a traffic memorandum, Exhibit G, dated March 22, 2023, and prepared by Joe Bessman of Transight Consulting LLC. The traffic study examined vehicle trips under the proposed MUA10 zoning and made the following conclusions:

The proposed comparative assessment of scenarios with and without the rezone shows that in consideration of outright allowed residential use (or even with conditionally allowed clustered development) the overall trip generation potential is reduced with the proposed rezone. This does not meet Deschutes County’s or the City of Bend’s significance thresholds to require further analysis.

The report was reviewed by the County Transportation Planner, who agreed with its assumptions and methodology. Staff finds that the proposed plan amendment and zone change will be consistent with the identified function, capacity, and performance standards of the County’s transportation facilities in the area. The proposed zone change will not change the functional classification of any existing or planned transportation facility or change the standards implementing a functional classification system.

Based on the County Senior Transportation Planner’s comments and the traffic study from Transight Consulting LLC, staff finds compliance with the Transportation Planning Rule has been effectively demonstrated. However, staff asks the Hearings Officer to modify these findings as they see fit.

**DIVISION 15, STATEWIDE PLANNING GOALS AND GUIDELINES**

OAR 660-015, Division 15, Statewide Planning Goals and Guidelines

**Goal 1, Citizen Involvement. *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

**FINDING:** A land use action sign was posted on the subject property on September 13, 2023, and a Notice of Application was mailed to nearby property owners on July 7, 2023. A public hearing will be held before a Hearings Officer and a decision will ultimately be made by the Board of County Commissioners. Notice of all public hearings will be mailed to impacted individuals and a notice will also be printed in the Bend Bulletin newspaper. The published and mailed notices will all comply with the requirements of DCC 22.12.020.

**Goal 2, Land Use Planning. *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

**FINDING:** The Applicant provided the following response in its submitted burden of proof statement:

The County will review and process this quasi-judicial Plan Amendment and Zone Change consistent with the procedures detailed in DCC Title 22, including consideration of any public comments received regarding the application. Therefore, consistency with this Statewide Planning Goal is established.



The County can also find the other two substantive requirements of Goal 2 are satisfied. First, the application provides an adequate factual basis for the County to approve the application because it describes the site and its physical characteristics and applies those facts to the relevant approval criteria. Second, Goal 2 requires coordination of the application by the County with affected governmental entities. Coordination requires notice of an application, an opportunity for the affected governmental entity to comment on the application, and the County’s incorporation of the comments to a reasonable extent. The County can find that coordination of this application will be accomplished in two ways: by the Applicant prior to submittal of the application and by the County in the review process for the application.

Staff agrees with this analysis and finds this Goal will be met.

**Goal 3, Agricultural Lands. To preserve and maintain agricultural lands.**

**FINDING:** The Applicant provided the following response in its submitted burden of proof statement:

The subject property is designated as Surface Mining and had been mined since the late 1940s. There is no evidence of prior agricultural use, the property predominantly consists of Class VII and VIII soils (Exhibit F), and the property does not have water rights (Exhibit J). The subject property is not identified as agricultural land on the acknowledged Deschutes County Comprehensive Plan map. The 1980 zone change (Z-80-13) to SM included findings acknowledging that active surface mining sites at the time of plan adoption should have been zoned SM, the subject property was active and designated as site #58 on a preliminary map, and a “simple error” resulted in site #58 not being transposed to the final zoning map with adoption of the 1979 Comprehensive Plan (Exhibit C). The property was again identified as containing mineral resources in the Deschutes County Goal 5 Aggregate inventory adopted by the BOCC on December 6, 1988. In 1990, the County listed the property as Site No. 391 on the Goal 5 Inventory, adopted a site-specific economic, social, environmental and energy (ESEE) analysis (Exhibit I), and imposed the SM and SMIA zoning (Ord No. 90-014, 90-025, 90-028, and 90-029).

The subject property’s status as something other than agricultural land was confirmed in the 1990 ESEE. Ordinarily, the ESEE identifies the post-mining uses and zoning for properties deemed Goal 5 significant mineral resources. The ESEE for the subject property does not include any such discussion. In *Tumalo Irrigation District (247-17-000775-ZC/247-17-000776-PA)*, the BOCC interpreted that a similar ESEE omission on a Goal 5 site would have specified EFU zoning if the property had been classified as agricultural land, and concluded that the SM Zone was “intended to be a distinct zoning and Comprehensive Plan designation and the properties designated as other than ‘resource uses’ (lands subject to Goals 3 and 4).”

In 1992, as part of periodic review and a revamping of the County’s agricultural lands program, the County again inventoried its agricultural lands. Once again, the County did not classify the subject property as agricultural land. The agricultural land analysis was incorporated into the County’s Comprehensive Plan, which was again acknowledged.

In *Caldwell v. Klamath County*, 45 Or. LUBA 548 (2003), LUBA concluded that a proposed zone change from Non-Resource to Rural Residential (e.g., SM to MUA-10) did not require revising the County’s original determination that the property did not qualify as agricultural land, memorialized through a zoning designation that zoned the property Non-Resource, a zone that applied to lands that were not protected by Goals 3 and 4. On several occasions, Deschutes County has determined that the subject property is not agricultural land and those prior determinations were incorporated into the County’s acknowledge Comprehensive Plan. Those determinations are binding and not subject to challenge as part of a subsequent land use decision.

Furthermore, in *Urquhart v. Lane Council of Governments*, 80 Or App 176, 181-82, 721 P2d 870 (1986), the Court of Appeals held that a statewide goal is only implicated for review purposes if the PAPA itself affects the goal, either directly or indirectly. Under the Urquhart rule, a PAPA is not reviewable “on the basis of a defect in the inventory which is not directly or indirectly attributable to the plan amendment.” This was affirmed in *Central Oregon Landwatch v. Deschutes County*, 301 Or App 701 (2020), where the Court of Appeals upheld Deschutes County’s approval in *Tumalo Irrigation District* of a similar plan amendment and zone change from SM to MUA-10, and concluded Deschutes County was not required to revisit its prior determination that the subject property was not agricultural land subject to Goal 3. Therefore, Goal 3 does not apply.

The findings above are applicable to other sections of this staff report, including Comprehensive Plan policies regarding agricultural lands. Staff therefore requests the Hearings Officer make specific findings on whether Statewide Planning Goal 3 applies to the subject property.

***Goal 4, Forest Lands. To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.***

**FINDING:** The subject property does not contain any forest lands and therefore this goal is not applicable.

***Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces. To protect natural resources and conserve scenic and historic areas and open spaces.***

**FINDING:** The Applicant provided the following response in its submitted burden of proof statement:

The subject property does not contain any inventoried significant resources related to energy sources, habitat, natural areas, scenic views, water areas or watersheds, wilderness areas, historic areas, or cultural areas. As described below in the responses to OAR 660-023-0180, the subject property no longer contains any significant aggregate resources.

Deschutes County DIAL property information and Interactive Map show the subject property contains a small strip of “wetland” within the southern pit. According to the Comprehensive Plan (Chapters 2, Resource Management and 5, Supplemental Sections), in 1992 Deschutes County Ordinance 92-045 adopted all wetlands identified on the US Fish and Wildlife Service National Wetland Inventory (NWI) Maps as the Deschutes County wetland inventory. Additionally, as described in the Comprehensive Plan, the NWI Map “shows an inventory of wetlands based on high-altitude aerial photos and limited field work. While the NWI can be useful for many resource management and planning purposes, its small scale, accuracy limitations, errors of omission that range up to 55 percent (existing wetlands not shown on NWI), age (1980s), and absence of property boundaries make it unsuitable for parcel-based decision making” [emphasis added].

The Comprehensive Plan has no specific protections for wetlands. Protections are provided by code sections that implement Goal 5 protections (for example, fill and removal zoning code regulations). Because the proposed plan amendment and zone change are not development, there is no impact to any Goal 5 wetland (to the extent one even exists). Any potential future development of a wetland—regardless of the zoning—will be subject to review by the County's fill and removal regulations. Therefore, Goal 5 is satisfied.

Staff generally concurs with this analysis, but notes the presence of mapped wetlands on a property does not in itself mean that this Goal cannot be met. Statewide Planning Goal 5 offers protection to a wide range of natural and scenic resources, and the mineral resources are the only ones currently inventoried on the subject property.

**Goal 6, Air, Water, and Land Resources Quality. *To maintain and improve the quality of the air, water, and land resources of the state.***

**FINDING:** The Applicant provided the following response in its submitted burden of proof statement:

The surface mine has been reclaimed and mining activities have ceased. Rezoning the subject property will not impact the quality of the air, water, and land resources of the County because no specific development is proposed at this time. However, any future uses permitted in the MUA-10 zone are likely to have less adverse impacts to air, water, and land resources than the historical mining use or uses permitted in the SM Zone. Future development of the property will be subject to local, state, and federal regulations that protect these resources. Therefore, Goal 6 is satisfied.

Staff agrees with this analysis and finds development of the subject property under the proposed MUA10 zoning will not likely have a measurable impact on air, water, and land resources quality.

**Goal 7, Areas Subject to Natural Disasters and Hazards. *To protect people and property from natural hazards.***

**FINDING:** The Applicant provided the following response in its submitted burden of proof statement:

The site does not include areas subject to flooding or landslide activity. According to the Deschutes County Property Information (DIAL) Interactive Map, the entirety of Deschutes County, including the subject property, is located in a Wildfire Hazard Area. The subject property is also located in Rural Fire Protection District #2. Rezoning the property to MUA10 does not change the Wildfire Hazard Area designation. Any future development of the subject property will have to demonstrate compliance with applicable local and state health, environmental quality, and wildfire regulations. Therefore, Goal 7 is satisfied.

Staff agrees with this analysis and notes the subject property is adjacent to Knott Road, which is developed to urban standards and maintained by the City of Bend. There is a significant amount of development in the surrounding area due to the proximity to the Bend UGB, and development of the subject property is not likely to have a noticeable impact on wildfire risk in the general area. In addition, the road access and proximity to service providers will benefit the subject property if a natural disaster were to occur.

**Goal 8, Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.***

**FINDING:** The Applicant provided the following response in its submitted burden of proof statement:

Goal 8 is not applicable because the proposed plan amendment and zone change do not reduce or eliminate any opportunities for recreational facilities on the subject property or in the general vicinity.

Staff agrees with this statement and notes the subject property has not been identified as a current or future recreational facility.

**Goal 9, Economy of the State. *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.***

**FINDING:** The Applicant provided the following response in its submitted burden of proof statement:

The subject property no longer contains sufficient quantity or quality of mining or aggregate materials for profitable economic use. However, the proposed plan amendment and zone change will promote continued economic opportunities by allowing the currently undeveloped and underutilized property to be put to productive use. Therefore, Goal 9 is satisfied.

Staff agrees with this analysis and finds it is supported by the Geotechnical Reconnaissance report submitted with the application materials. This report detailed the limited economic value of the subject property for future surface mining, based on the amount and deposition of remaining mineral aggregate.

**Goal 10, Housing. To provide for the housing needs of citizens of the state.**

**FINDING:** The Applicant provided the following response in its submitted burden of proof statement:

The plan amendment and zone change do not reduce or eliminate any opportunities for housing on the subject property or in the general vicinity. Rather, the plan amendment and zone change will allow rural residential development, consistent with Goal 10 as implemented by the acknowledged Deschutes County comprehensive plan. Therefore, Goal 10 is satisfied.

Staff agrees with this analysis. The Applicant has not identified the intended use of the subject property but single family dwellings are a permitted use in the MUA10 Zone. The MUA10 Zone is generally more permissive of residential development than the SM Zone, and the proposed rezone may lead to the creation of additional housing.

**Goal 11, Public Facilities and Services. To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

**FINDING:** The Applicant provided the following response in its submitted burden of proof statement:

The approval of this application will have no adverse impact on the provision of public facilities and services to the subject site. Utility service providers have confirmed (Exhibit H) that they have the capacity to serve the maximum level of residential development allowed by the MUA-10 zoning district. Therefore, Goal 11 is satisfied.

Staff agrees with this statement and notes the proximity to the Bend UGB and existing development will allow for more efficient public service delivery to the subject property.

**Goal 12, Transportation. To provide and encourage a safe, convenient and economic transportation program.**

**FINDING:** Compliance with Goal 12 is demonstrated by meeting the Transportation System Planning Rule, OAR 660-012-0060. Compliance with this rule is addressed above and the application materials include a traffic study.

**Goal 13, Energy Conservation. To conserve energy.**

**FINDING:** The Applicant provided the following response in its submitted burden of proof statement:

Approval of this application does not reduce or eliminate the ability to conserve energy. In fact, Planning Guideline 3 of Goal 13 states "land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land..." Surface mining activities have ceased on the subject property and has been vacant for decades. The subject property abuts the Bend City Limits and is surrounded by other rural residential uses. The plan amendment and zone change will allow for rural residential development that would provide homes close to urban services and employment, as opposed to more remote rural locations. Siting homes close to urban services and employment results in fewer vehicle miles traveled and related energy expenditures as residents travel to work, school, and essential services. Therefore, Goal 13 is satisfied.

Staff agrees with this analysis.

**Goal 14, Urbanization. To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.**

**FINDING:** The Applicant provided the following response in its submitted burden of proof statement:

Goal 14 is not applicable because the proposal does not involve property within a UGB and does not involve the urbanization of rural land. The acknowledged Deschutes County Comprehensive Plan confirms that MUA-10 is not an urban zone and the intensity and density of uses permitted therein do not constitute urban development. The Comprehensive Plan recognizes that the MUA-10 and RR zones are the zones that will be applied to lands designated Rural Residential Exception Areas.

Staff agrees with this analysis.

**Goal 15, Willamette Greenway.**

**FINDING:** This criterion does not apply because the subject property is not located in the Willamette Greenway.

**Goals 16 through 19.**

**FINDING:** These goals do not apply to land in Central Oregon.

Staff finds that compliance with the Statewide Planning Goals has been effectively demonstrated.

**DIVISION 23, PROCEDURES AND REQUIREMENTS FOR COMPLYING WITH GOAL 5**

OAR 660-023-0180 Mineral and Aggregate Resources

**FINDING:** The applicable provisions identified below and the associated findings are quoted from the applicant’s Burden of Proof. Staff agrees with this analysis but requests the Hearings Officer make specific findings.

- (2) ***Local governments are not required to amend acknowledged inventories or plans with regard to mineral and aggregate resources except in response to an application for a post acknowledgement plan amendment (PAPA) or at periodic review as specified in section (9) of this rule. The requirements of this rule modify, supplement, or supersede the requirements of the standard Goal 5 process in OAR 660-023-0030 through 660-023-0050, as follows:***
  - (b) ***Local governments shall apply the criteria in section (3) or (4) of this rule, whichever is applicable, rather than OAR 660-023-0030(4), in determining whether an aggregate resource site is significant;***

**FINDING:** The proposed amendment constitutes a PAPA. As outlined in the *Stott and Kimball* decisions, a determination of significance is required to de-list a Goal 5 aggregate resource. The thresholds for significance are addressed in the responses to OAR 660-023-0180(3) and (4), below.

- (3) ***An aggregate resource site shall be considered significant if adequate information regarding the quantity, quality, and location of the resource demonstrates that the site meets any one of the criteria in subsections (a) through (c) of this section, except as provided in subsection (d) of this section:***
  - (a) ***A representative set of samples of aggregate material in the deposit on the site meets applicable Oregon Department of Transportation (ODOT) specifications for base rock for air degradation, abrasion, and soundness, and the estimated amount of material is more than 2,000,000 tons in the Willamette Valley, or more than 500,000 tons outside the Willamette Valley;***

**FINDING:** The County’s Goal 5 inventory indicates that Site No. 391 contains the following:

#	Taxlot	Name	Type	Quantity	Quality	Access/Location
391	181221-00-00200	Central OR Pumice	Cinders	500,000	Good	

The material at the site likely never satisfied the OAR 660-023-0180(3)(a) standard for significance. According to the Geotechnical Reconnaissance Report (Exhibit D) provided by J. Andrew Siemens, of Siemens & Associates—a registered engineer specializing in geologic

engineering who has conducted geotechnical explorations in the area since 1992—"Cinder fails to meet the identified ODOT specification for base rock since the particles offer poor durability characteristics compared to base rock produced from quality hard rock sources and crushed sand and gravel. Therefore, cinder is not considered 'significant' and cinder products are no longer used in municipal road building activities." This determination is consistent with prior decisions in Tumalo Irrigation District (247-17-000775-ZC/247-17-000776-PA) and TID/Cascade Pumice (PA-02-8/ZC-02-4).

Even if the cinders met ODOT standards, a sufficient amount of these materials has been removed such that the site does not possess the 500,000-ton significance threshold for sites outside the Willamette Valley. Based on aerial photography, site geology, and on-site investigation, Mr. Siemens concludes that "over one million cubic yards (over 800,000 tons) of cinder may have been extracted from Site 391 over the lifetime of the mine and the remaining cinder resource is far less than 500,000 tons." Consequently, to the extent the site ever met OAR 660-023-0180(3)(a) standards for significance, the majority of the significant material has been removed such that there is no longer a "deposit" on the site.

**(b) The material meets local government standards establishing a lower threshold for significance than subsection (a) of this section; or**

**FINDING:** Subsection (b) is not applicable because Deschutes County has not established lower standards for significance.

**(c) The aggregate site was on an inventory of significant aggregate sites in an acknowledged plan on September 1, 1996.**

**FINDING:** Site No. 391 is included in the County's inventory of significant aggregate sites and was acknowledged prior to September 1, 1996. However, Subsection (c) is not applicable to this PAPA because the request includes removing the site from the acknowledged inventory.

In *Stott* (PA-98-12/ZC-98-6), the Hearings Officer made the following finding, adopted by the BOCC:

"The subject site is included in the county's inventory of significant mineral and aggregate sites. The Hearings Officer is aware this inventory was acknowledged prior to the effective date of the new Goal 5 administrative rules. Therefore, I find the subject site falls within the 'significant' standard in paragraph (c). Arguable that finding would end the inquiry since under this provision a site is considered 'significant' if it meets any of the three criteria. However, I find such a result would create a 'Catch-22' where, as here, the applicant is seeking to remove a site from the inventory as no longer 'significant.' Consequently, I find the 'significant' standard in paragraph (c) should not be applied to PAPAs requesting removal of a site from an acknowledged inventory..."



The Hearings Officer in *Tumalo Irrigation District* (247-17-000775-ZC/247-17-000776-PA) concurred and concluded that “as in ZC-98-6 and PA-98-12, subsections (b) and (c) are not applicable. Therefore the aggregate resource is significant only if it meets all the criteria in subsection (a).” The BOCC adopted the Hearings Officer’s finding in their ultimate approval of the application.

- (d) *Notwithstanding subsections (a) and (b) of this section, except for an expansion area of an existing site if the operator of the existing site on March 1, 1996, had an enforceable property interest in the expansion area on that date, an aggregate site is not significant if the criteria in either paragraphs (A) or (B) of this subsection apply:***
  - (A) *More than 35 percent of the proposed mining area consists of soil classified as Class I on Natural Resource and Conservation Service (NRCS) maps on June 11, 2004; or***
  - (B) *More than 35 percent of the proposed mining area consists of soil classified as Class II, or of a combination of Class II and Class I or Unique soil, on NRCS maps available on June 11, 2004, unless the average thickness of the aggregate layer within the mining area exceeds:***
    - (i) *60 feet in Washington, Multnomah, Marion, Columbia, and Lane counties;***
    - (ii) *25 feet in Polk, Yamhill, and Clackamas counties; or***
    - (iii) *7 feet in Linn and Benton counties.***

**FINDING:** The criterion does not apply. The subject property does not contain any Class I, Class II, or Unique soils as confirmed by the Site-Specific Soil Survey that was conducted by Cascade Earth Sciences (CES) and assessed as complete by the Department of Land Conservation and Development (DLCD) in accordance with OAR 660-033-0045(6)(a) (Exhibit F).

- (4) *Notwithstanding section (3) of this rule, a local government may also determine that an aggregate resource site on farmland is significant if subsections (a) and (b) of this section apply or if subsection (c) of this section applies:***

**FINDING:** The criterion does not apply. The subject property is not identified as agricultural lands on the acknowledged Deschutes County Comprehensive Plan map, and it has not been farmed or used in conjunction with any farming operation.

Staff finds the Applicant has demonstrated compliance with OAR-660-023-0180, above, but requests the Hearings Officer make specific findings on this topic.

**IV. CONCLUSION & RECOMMENDATION**

Staff requests the Hearings Officer determine if the Applicant has met the burden of proof

necessary to justify changing the Plan Designation from Surface Mine to Rural Residential Exception Area and Zoning of the subject property from Surface Mining to Multiple Use Agricultural through effectively demonstrating compliance with the applicable criteria of DCC Title 18 (the Deschutes County Zoning Ordinance), the Deschutes County Comprehensive Plan, and applicable sections of OAR and ORS.

**DESCHUTES COUNTY PLANNING DIVISION**



Written by: Audrey Stuart, Associate Planner



Reviewed by: Jacob Ripper, Principal Planner



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** January 31, 2024

**SUBJECT:** Ordinance 2024-001 changing the Comprehensive Plan Map Designation and Zone Designation for 40 acres located at 64430 Hunnell Road

**RECOMMENDED MOTIONS:**

1. Move approval of second reading of Ordinance No. 2024-001 by title only.
2. Move adoption of Ordinance No. 2024-001.

**BACKGROUND AND POLICY IMPLICATIONS:**

The applicant requests approval of a Comprehensive Plan Map Amendment to change the designation of the subject property from Agricultural (AG) to a Rural Residential Exception Area (RREA). The applicant also requests approval of a corresponding Zoning Map Amendment (Zone Change) to change the zoning of the subject property from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10).

Record items can be viewed and downloaded from:

<https://www.deschutes.org/cd/page/247-23-000210-pa-247-23-000211-zc-hunnell-road-plan-amendment-and-zone-change>

The Board conducted first reading of this ordinance on January 17<sup>th</sup>.

**BUDGET IMPACTS:**

None.

**ATTENDANCE:**

Jacob Ripper, Principal Planner

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

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

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

ORDINANCE NO. 2024-001

WHEREAS, Michael F. Groves and Cathie L. Groves, applied for changes to both the Deschutes County Comprehensive Plan Map (247-23-000210-PA) and the Deschutes County Zoning Map (247-23-000211-ZC), to change the comprehensive plan designation of the subject property from Agricultural (AG) to Rural Residential Exception Area (RREA), and a corresponding zone change from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10); and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on November 14, 2023, before the Deschutes County Hearings Officer and, on November 22, 2023, the Hearings Officer recommended approval of the Comprehensive Plan Map Amendment and Zone Change;

WHEREAS, pursuant to DCC 22.28.030(C), on December 20, 2023, the Board heard *de novo* the applications to change the comprehensive plan designation of the subject property from Agricultural (AG) to Rural Residential Exception Area (RREA) and a corresponding zone change from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10); now, therefore,

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

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

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

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

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

Section 5. FINDINGS. The Board adopts as its findings in support of this Ordinance the Recommendation of the Hearings Officer as set forth in Exhibit "F" and incorporated by reference herein.

Section 6. EFFECTIVE DATE. This Ordinance takes effect on the 90<sup>th</sup> day after the date of adoption or, if appealed, the date the ordinance is no longer subject to appeal.

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

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

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

ATTEST:

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

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

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

Date of 2<sup>nd</sup> Reading: \_\_\_\_ day of \_\_\_\_\_, 2024.

Record of Adoption Vote:

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

Effective date: \_\_\_\_ day of \_\_\_\_\_, 2024. Or, if appealed, the date the ordinance is no longer subject to appeal.

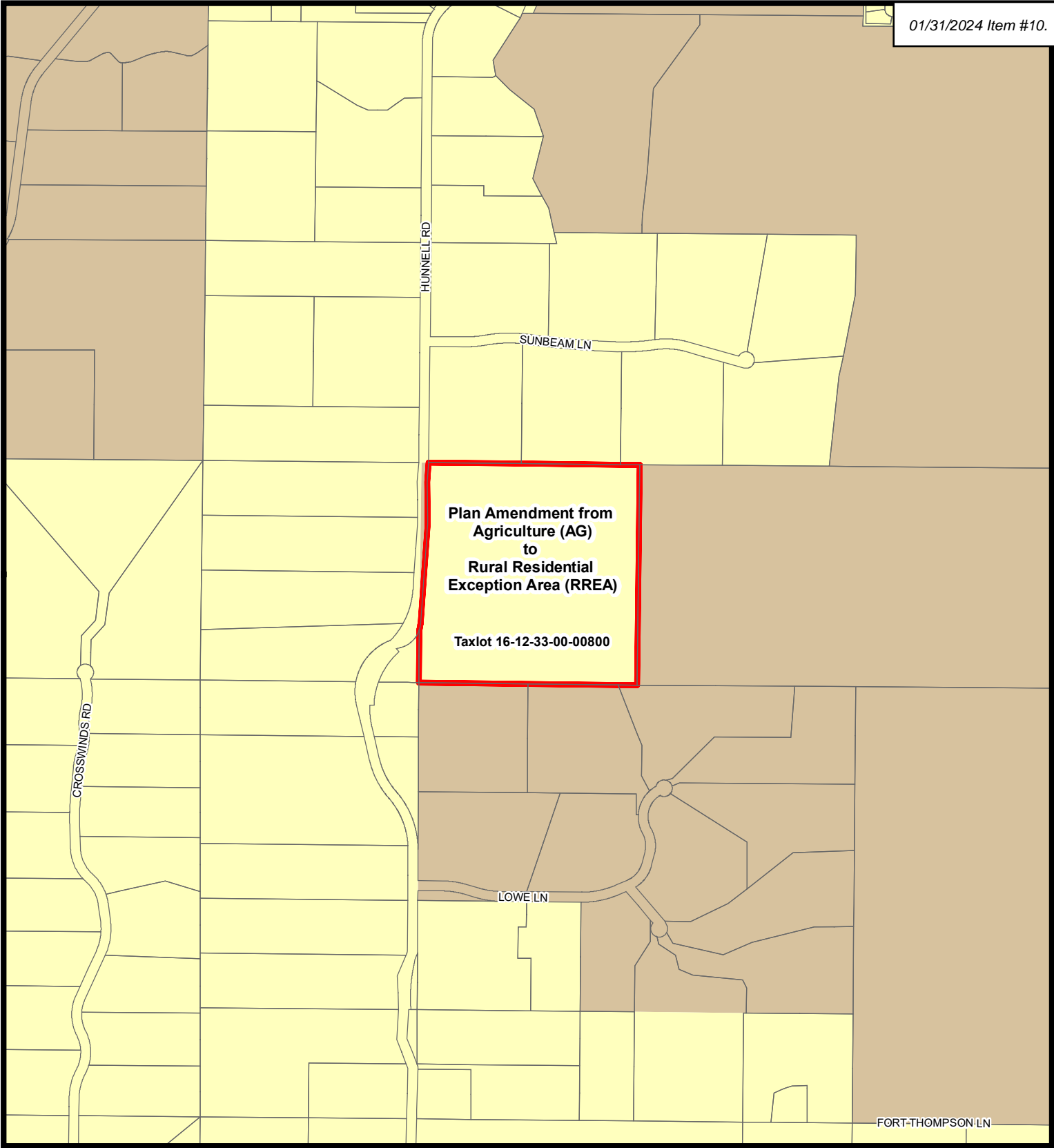
ATTEST

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

Exhibit "A" to Ordinance 2024-001

**LEGAL DESCRIPTION:** Real property in the County of Deschutes, State of Oregon, described as follows:


**THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE ¼ SW ¼) OF SECTION THIRTY THREE (33), TOWNSHIP 16 SOUTH, RANGE 12, EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON**



**Legend**

 Plan Amendment Boundary

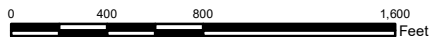
**Comprehensive Plan Designation**

 AG - Agriculture

 RREA - Rural Residential Exception Area

**PROPOSED  
PLAN AMENDMENT**

Exhibit "B"  
to Ordinance 2024-001



January 2, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

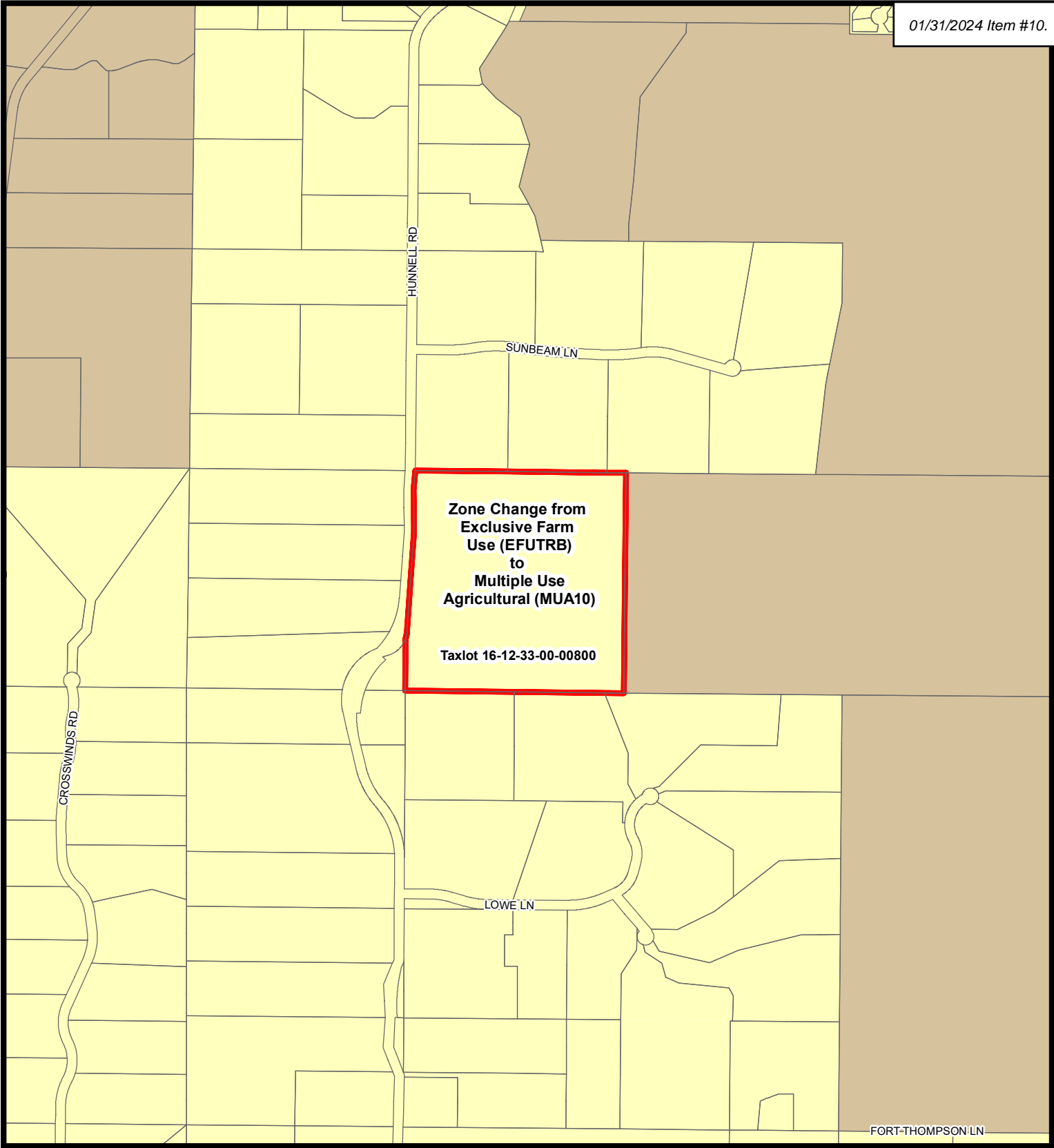
\_\_\_\_\_  
Anthony DeBone, Vice Chair

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

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

Dated this \_\_\_\_ day of \_\_\_\_, 2024  
Effective Date: \_\_\_\_, 2024






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

**Taxlot 16-12-33-00-00800**



**PROPOSED  
ZONE CHANGE**

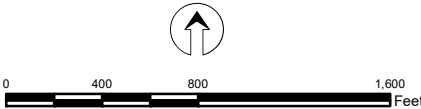
Exhibit "C"  
to Ordinance 2024-001

**Legend**

 Zone Change Boundary

**County Zoning**

-  EFUTRB - Tumalo/Redmond/Bend Subzone
-  MUA10 - Multiple Use Agricultural



January 2, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

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

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

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

Dated this \_\_\_\_ day of \_\_\_\_, 2024  
Effective Date: \_\_\_\_, 2024

TITLE 23 COMPREHENSIVE PLAN

CHAPTER 23.01 COMPREHENSIVE PLAN

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

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

- AI. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-011, are incorporated by reference herein.
- AJ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-006, are incorporated by reference herein.
- AK. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-019, are incorporated by reference herein.
- AL. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-016, are incorporated by reference herein.
- AM. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-001, are incorporated by reference herein.
- AN. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-002, are incorporated by reference herein.
- AO. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-003, are incorporated by reference herein.
- AP. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-008, are incorporated by reference herein.
- AQ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-007, are incorporated by reference herein.
- AR. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-006, are incorporated by reference herein.
- AS. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-009, are incorporated by reference herein.
- AT. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-013, are incorporated by reference herein.
- AU. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-002, are incorporated by reference herein.
- AV. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-005, are incorporated by reference herein.
- AW. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-008, are incorporated by reference herein.
- AX. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-001, are incorporated by reference herein.
- AY. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-003, are incorporated by reference herein.

- AZ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-006, are incorporated by reference herein.
- BA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-010, are incorporated by reference herein.
- BB. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-011, are incorporated by reference herein. (superseded by Ord. 2023-015)
- BC. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-013, are incorporated by reference herein.
- BD. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-001, are incorporated by reference herein.
- BE. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-007, are incorporated by reference herein.
- BF. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-010 are incorporated by reference herein.
- BG. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-018, are incorporated by reference herein.
- BH. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-015, are incorporated by reference herein.
- BI. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-025, are incorporated by reference herein.
- [BJ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-001, are incorporated by reference herein.](#)**

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

#### HISTORY

*Amended by Ord. [2011-027](#) §10 on 11/9/2011*

*Adopted by Ord. [2011-003](#) §2 on 11/9/2011*

*Amended by Ord. [2011-017](#) §5 on 11/30/2011*

*Amended by Ord. [2012-012](#) §1, 2, 3, 4 on 8/20/2012*

*Amended by Ord. [2012-005](#) §1 on 11/19/2012*

*Amended by Ord. [2013-002](#) §1 on 1/7/2013*

*Repealed by Ord. [2013-001](#) §1 on 1/7/2013*

*Amended by Ord. [2013-005](#) §1 on 1/23/2013*

*Amended by Ord. [2012-016](#) §1 on 3/4/2013*

*Amended by Ord. [2013-009](#) §1 on 5/8/2013*

Amended by Ord. [2013-012](#) §1 on 8/8/2013  
Amended by Ord. [2013-007](#) §1 on 8/28/2013  
Amended by Ord. [2014-005](#) §2 on 2/26/2014  
Amended by Ord. [2014-006](#) §2 on 3/15/2014  
Amended by Ord. [2014-012](#) §1 on 8/6/2014  
Amended by Ord. [2014-021](#) §1 on 11/26/2014  
Amended by Ord. [2015-029](#) §1 on 11/30/2015  
Amended by Ord. [2015-010](#) §1 on 12/21/2015  
Amended by Ord. [2015-021](#) §1 on 2/22/2016  
Amended by Ord. [2015-018](#) §1 on 3/28/2016  
Amended by Ord. [2016-001](#) §1 on 4/5/2016  
Amended by Ord. [2016-022](#) §1 on 9/28/2016  
Repealed & Reenacted by Ord. [2016-027](#) §1, 2 on 12/28/2016  
Amended by Ord. [2016-005](#) §1 on 2/27/2017  
Amended by Ord. [2016-029](#) §1 on 3/28/2017  
Amended by Ord. [2017-007](#) §1 on 11/1/2017  
Amended by Ord. [2018-002](#) §1 on 1/25/2018  
Amended by Ord. [2018-005](#) §2 on 10/10/2018  
Amended by Ord. [2018-008](#) §1 on 10/26/2018  
Amended by Ord. [2018-008](#) §1 on 10/26/2018  
Amended by Ord. [2018-008](#) §1 on 10/26/2018  
Amended by Ord. [2018-006](#) §1 on 11/20/2018  
Amended by Ord. [2018-011](#) §1 on 12/11/2018  
Amended by Ord. [2019-004](#) §1 on 3/14/2019  
Amended by Ord. [2019-003](#) §1 on 3/14/2019  
Amended by Ord. [2019-002](#) §1 on 4/2/2019  
Amended by Ord. [2019-001](#) §1 on 4/16/2019  
Amended by Ord. [2019-010](#) §1 on 5/8/2019  
Amended by Ord. [2019-011](#) §1 on 5/17/2019  
Amended by Ord. [2019-006](#) §1 on 6/11/2019  
Amended by Ord. [2019-019](#) §2 on 12/11/2019  
Amended by Ord. [2020-001](#) §26 on 4/21/2020  
Amended by Ord. [2020-003](#) §1 on 5/26/2020  
Amended by Ord. [2020-002](#) §1 on 5/26/2020  
Amended by Ord. [2020-008](#) §5 on 9/22/2020  
Amended by Ord. [2020-007](#) §1 on 10/27/2020  
Amended by Ord. [2020-006](#) §1 on 11/10/2020  
Amended by Ord. [2020-009](#) §4 on 11/17/2020  
Amended by Ord. [2020-013](#) §1 on 11/24/2020  
Amended by Ord. [2021-002](#) §3 on 4/27/2021  
Amended by Ord. [2021-005](#) §1 on 6/16/2021  
Amended by Ord. [2021-008](#) §1 on 6/30/2021  
Amended by Ord. [2022-001](#) §2 on 7/12/2022

*Amended by Ord. [2022-003](#) §2 on 7/19/2022*  
*Amended by Ord. [2022-006](#) §2 on 7/22/2022*  
*Amended by Ord. 2022-010 §1 on 10/25/2022*  
*Amended by Ord. 2023-001 §1 on 3/1/2023*  
*Amended by Ord. 2022-013 §2 on 3/14/2023*  
*Amended by Ord. 2023-007 §19 on 4/26/2023*  
*Amended by Ord. 2023-010 §1 on 6/21/2023*  
*Amended by Ord. 2023-018 §1 on 8/30/2023*  
*Amended by Ord. 2023-015 §3 on 9/13/2023*  
*Amended by Ord. 2023-025 §1 on 11/29/2023*  
*Amended by Ord. 2024-001§1 on xx/xx/2024*

## Section 5.12 Legislative History

### Background

This section contains the legislative history of this Comprehensive Plan.

**Table 5.12.1 Comprehensive Plan Ordinance History**

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



2013-016	10-21-13/10-21-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Sisters Urban Growth Boundary
2014-005	2-26-14/2-26-14	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2014-012	4-2-14/7-1-14	3.10, 3.11	Housekeeping amendments to Title 23.
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
2014-027	12-15-14/3-31-15	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Industrial
2015-021	11-9-15/2-22-16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Surface Mining.
2015-029	11-23-15/11-30-15	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Tumalo Residential 5-Acre Minimum to Tumalo Industrial
2015-018	12-9-15/3-27-16	23.01.010, 2.2, 4.3	Housekeeping Amendments to Title 23.

2015-010	12-2-15/12-2-15	2.6	Comprehensive Plan Text and Map Amendment recognizing Greater Sage-Grouse Habitat Inventories
2016-001	12-21-15/04-5-16	23.01.010; 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial (exception area)
2016-007	2-10-16/5-10-16	23.01.010; 5.10	Comprehensive Plan Amendment to add an exception to Statewide Planning Goal II to allow sewers in unincorporated lands in Southern Deschutes County
2016-005	11-28-16/2-16-17	23.01.010, 2.2, 3.3	Comprehensive Plan Amendment recognizing non-resource lands process allowed under State law to change EFU zoning
2016-022	9-28-16/11-14-16	23.01.010, 1.3, 4.2	Comprehensive plan Amendment, including certain property within City of Bend Urban Growth Boundary
2016-029	12-14-16/12/28/16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial
2017-007	10-30-17/10-30-17	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-002	1-3-18/1-25-18	23.01, 2.6	Comprehensive Plan Amendment permitting churches in the Wildlife Area Combining Zone

2018-006	8-22-18/11-20-18	23.01.010, 5.8, 5.9	Housekeeping Amendments correcting tax lot numbers in Non-Significant Mining Mineral and Aggregate Inventory; modifying Goal 5 Inventory of Cultural and Historic Resources
2018-011	9-12-18/12-11-18	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-005	9-19-18/10-10-18	23.01.010, 2.5, Tumalo Community Plan, Newberry Country Plan	Comprehensive Plan Map Amendment, removing Flood Plain Comprehensive Plan Designation; Comprehensive Plan Amendment adding Flood Plain Combining Zone purpose statement.
2018-008	9-26-18/10-26-18	23.01.010, 3.4	Comprehensive Plan Amendment allowing for the potential of new properties to be designated as Rural Commercial or Rural Industrial
2019-002	1-2-19/4-2-19	23.01.010, 5.8	Comprehensive Plan Map Amendment changing designation of certain property from Surface Mining to Rural Residential Exception Area; Modifying Goal 5 Mineral and Aggregate Inventory; Modifying Non-Significant Mining Mineral and Aggregate Inventory
2019-001	1-16-19/4-16-19	1.3, 3.3, 4.2, 5.10, 23.01	Comprehensive Plan and Text Amendment to add a new zone to Title 19: Westside Transect Zone.

2019-003	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the Large Lot Industrial Program
2019-004	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the expansion of the Deschutes County Fairgrounds and relocation of Oregon Military Department National Guard Armory.
2019-011	05-01-19/05-16/19	23.01.010, 4.2	Comprehensive Plan Map Amendment to adjust the Bend Urban Growth Boundary to accommodate the refinement of the Skyline Ranch Road alignment and the refinement of the West Area Master Plan Area I boundary. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.
2019-006	03-13-19/06-11-19	23.01.010,	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2019-016	11-25-19/02-24-20	23.01.01, 2.5	Comprehensive Plan and Text amendments incorporating language from DLCD's 2014 Model Flood Ordinance and Establishing a purpose statement for the Flood Plain Zone.

2019-019	12-11-19/12-11-19	23.01.01, 2.5	Comprehensive Plan and Text amendments to provide procedures related to the division of certain split zoned properties containing Flood Plain zoning and involving a former or piped irrigation canal.
2020-001	12-11-19/12-11-19	23.01.01, 2.5	Comprehensive Plan and Text amendments to provide procedures related to the division of certain split zoned properties containing Flood Plain zoning and involving a former or piped irrigation canal.
2020-002	2-26-20/5-26-20	23.01.01, 4.2, 5.2	Comprehensive Plan Map Amendment to adjust the Redmond Urban Growth Boundary through an equal exchange of land to/from the Redmond UGB. The exchange property is being offered to better achieve land needs that were detailed in the 2012 SB 1544 by providing more development ready land within the Redmond UGB. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.
2020-003	02-26-20/05-26-20	23.01.01, 5.10	Comprehensive Plan Amendment with exception to Statewide Planning Goal 11 (Public Facilities and Services) to allow sewer on rural lands to serve the City of Bend Outback Water Facility.

2020-008	06-24-20/09-22-20	23.01.010, Appendix C	Comprehensive Plan Transportation System Plan Amendment to add roundabouts at US 20/Cook-O.B. Riley and US 20/Old Bend-Redmond Hwy intersections; amend Tables 5.3.T1 and 5.3.T2 and amend TSP text.
2020-007	07-29-20/10-27-20	23.01.010, 2.6	Housekeeping Amendments correcting references to two Sage Grouse ordinances.
2020-006	08-12-20/11-10-20	23.01.01, 2.11, 5.9	Comprehensive Plan and Text amendments to update the County's Resource List and Historic Preservation Ordinance to comply with the State Historic Preservation Rule.
2020-009	08-19-20/11-17-20	23.01.010, Appendix C	Comprehensive Plan Transportation System Plan Amendment to add reference to J turns on US 97 raised median between Bend and Redmond; delete language about disconnecting Vandeventer Road from US 97.
2020-013	08-26-20/11/24/20	23.01.01, 5.8	Comprehensive Plan Text And Map Designation for Certain Properties from Surface Mine (SM) and Agriculture (AG) To Rural Residential Exception Area (RREA) and Remove Surface Mining Site 461 from the County's Goal 5 Inventory of Significant Mineral and Aggregate Resource Sites.
2021-002	01-27-21/04-27-21	23.01.01	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)

2021-005	06-16-21/06-16-21	23.01.01, 4.2	Comprehensive Plan Map Amendment Designation for Certain Property from Agriculture (AG) To Redmond Urban Growth Area (RUGA) and text amendment
2021-008	06-30-21/09-28-21	23.01.01	Comprehensive Plan Map Amendment Designation for Certain Property Adding Redmond Urban Growth Area (RUGA) and Fixing Scrivener’s Error in Ord. 2020-022
2022-001	04-13-22/07-12-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-003	04-20-22/07-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-006	06-22-22/08-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2022-011	07-27-22/10-25-22 (superseded by Ord. 2023-015)	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)
2022-013	12-14-22/03-14-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)

2023-001	03-01-23/05-30-23	23.01.010, 5.9	Housekeeping Amendments correcting the location for the Lynch and Roberts Store Advertisement, a designated Cultural and Historic Resource
2023-007	04-26-23/6-25-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-010	06-21-23/9-17-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-018	08-30-23/11-28-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-015	9-13-23/12-12-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Industrial (RI)
2023-025	11-29-23/2-27-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
<u>2024-001</u>	<u>01-31-24/4-30-24</u>	<u>23.01.010</u>	<u>Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)</u>



**HEARINGS OFFICER RECOMMENDATION**

**FILE NUMBERS:** 247-23-000210-PA, 247-23-000211-ZC

**HEARING:** November 14, 2023, 6:00 p.m. (the "Hearing")  
Videoconference and Barnes & Sawyer Rooms  
Deschutes Services Center  
1300 NW Wall Street  
Bend, OR 97708

**SUBJECT PROPERTY/  
OWNER:** Groves Family Revocable Trust  
Map and Taxlot: 1612330000800  
Situs Address: 64430 Hunnell Rd, Bend, OR 97703  
(the "Subject Property")

**APPLICANT/OWNER:** Michael F. Groves and Cathie L. Groves (the "Applicant")  
20075 Cox Lane  
Bend, OR 97703

**ATTORNEY:** Elizabeth A. Dickson  
Dickson Hatfield, LLP  
400 SW Bluff Dr., Ste. 240  
Bend, OR 97702

**PROPOSAL:** The Applicant requested approval of a Comprehensive Plan Map Amendment to change the designation of the Subject Property from Agricultural ("AG") to a Rural Residential Exception Area ("RREA"). The Applicant also requests approval of a corresponding Zoning Map Amendment (Zone Change) to change the zoning of the Subject Property from Exclusive Farm Use ("EFU") to Multiple Use Agricultural ("MUA-10").

**STAFF REVIEWER:** Jacob Ripper, Principal Planner  
Jacob.Ripper@deschutes.org  
541-385-1759

**I. APPLICABLE STANDARDS AND CRITERIA:**

Deschutes County Code, Title 18, County Zoning Ordinance  
Chapter 18.04, Title, Purpose, and Definitions  
Chapter 18.16, Exclusive Farm Use Zones

Chapter 18.32, Multiple Use Agricultural Zone  
Chapter 18.136, Amendments

Deschutes County Code, Title 22, 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 6, Forest Lands  
Division 12, Transportation Planning  
Division 15, Statewide Planning Goals and Guidelines  
Division 33, Agricultural Land

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

**II. BASIC FINDINGS:**

**LOT OF RECORD:** The Subject Property has been verified as a lawfully created lot of record as it was created by a Land Patent in April of 1922, recorded in Volume 33, Page 67 of the Deschutes County Book of Records. However, per DCC 22.04.040 (Verifying Lots of Record) lot of record verification is only required for certain permits:

- B. *Permits Requiring Verification.*
  - 1. *Unless an exception applies pursuant to subsection (B)(2) below, verifying a lot or parcel pursuant to subsection (C) shall be required prior to the issuance of the following permits:*
    - a. *Any land use permit for a unit of land in the Exclusive Farm Use Zones (DCC Chapter 18.16), Forest Use Zone – F1 (DCC Chapter 18.36), or Forest Use Zone – F2 (DCC Chapter 18.40);*
    - b. *Any permit for a lot or parcel that includes wetlands as shown on the Statewide Wetlands Inventory;*
    - c. *Any permit for a lot or parcel subject to wildlife habitat special assessment;*
    - d. *In all zones, a land use permit relocating property lines that reduces in size a lot or parcel;*
    - e. *In all zones, a land use, structural, or non-emergency on-site sewage disposal system permit if the lot or parcel is smaller than the minimum area required in the applicable zone;*

In the *Powell/Ramsey* (PA-14-2, ZC-14-2) decision, a County Hearings Officer held in a prior zone change decision (*Belveron* ZC-08-04; page 3), that a property's lot of record status was not required

to be verified as part of a plan amendment and zone change application. Rather, the Hearings Officer concluded that the Applicant would be required to receive lot of record verification prior to any development on the property. Therefore, the Hearings Officer, in this case, finds that this criterion does not apply.

**PROPOSAL:** The Applicant requested approval of a Comprehensive Plan Map Amendment to change the designation of the Subject Property from AG to RREA. The Applicant also requested approval of a corresponding Zoning Map Amendment (Zone Change) to change the zoning of the subject property from EFU to MUA-10. The Applicant requested that Deschutes County change the zoning and the plan designation because the Subject Property does not qualify as “agricultural land” under Oregon Revised Statutes (“ORS”), Oregon Administrative Rules (“OAR”) or Deschutes County Code definitions. The Applicant proposed that no exception is required to Statewide Planning Goal 3, Agricultural Land, because the Subject Property is not “agricultural land.”

Staff, in the Staff Report (page 3), noted that the original proposal included a Tentative Plan (“TP”) application for a four-lot subdivision. Because that subdivision application would be dependent on the successful outcome of the subject plan amendment and zone change, the TP application has been placed “on hold” and decoupled from the current applications. Several documents and materials submitted by the Applicant include information directed towards the approval of a subdivision but are not applicable to the plan amendment and zone change.

**SITE DESCRIPTION:** The Subject Property is undeveloped and scattered with sagebrush and juniper and is relatively flat. Although the Subject Property is zoned EFU, there is no indication in the record of current or historic farm uses or agricultural uses. The Subject Property is not in farm tax deferral and does not contain any irrigated areas nor does it have irrigation water rights.

**SURROUNDING LAND USES:** Surrounding land uses generally consist of rural residential uses as well as some agricultural or small-scale farm uses. Zoning in the areas to the north, west, and south are smaller 5- to 10-acre lots or parcels in the MUA10 Zone. The property directly to the east of the Subject Property is approximately 80 acres in size, vacant, owned by Deschutes County, and is within the EFU Zone. Properties further to the east are relatively large lots, owned by Deschutes County and the City of Bend, and are predominately in the EFU and Open Space and Conservation (“OS&C”) Zones. Highway 97 runs approximately 0.85 miles to the southeast. The City of Bend’s Urban Growth Boundary and city limits are approximately 1.5 miles directly south. The Subject Property fronts on Hunnell Road to the west, which is designated as a rural collector.

**SOILS:** According to Natural Resources Conservation Service (“NRCS”) maps of the area, the Subject Property contains three soil units:

*NRCS Soil Map*

27A, Clovkamp Loamy Sand: Clovkamp Loamy Sand soils consist of 85 percent Clovkamp soils and similar inclusions and 15 percent contrasting inclusions. The agricultural capability ratings of this

soil are 3s when irrigated and 6s when not irrigated. Section 18.04.030 of the DCC considers this soil type high-value farmland<sup>1</sup> soil when irrigated.

38B, Deskamp-Gosney complex, 0 to 8 percent slopes: This soil is composed of 50 percent Deskamp soil and similar inclusions, 35 percent Gosney soil and similar inclusions, and 15 percent contrasting inclusions. The Deskamp soils have ratings of 6e when unirrigated, and 3e when irrigated. The Gosney soils have ratings of 7e when unirrigated, and 7e when irrigated. This soil type is not considered high-value farmland soil.

58C, Gosney-Rock Outcrop-Deskamp complex, 0 to 15 percent slopes: This soil type is comprised of 50 percent Gosney soil and similar inclusions, 25 percent rock outcrop, 20 percent Deskamp soil and similar inclusions, and 5 percent contrasting inclusions. The Gosney soils have ratings of 7e when unirrigated, and 7e when irrigated. The rock outcrop has a rating of 8, with or without irrigation. The Deskamp soils have ratings of 6e when unirrigated, and 4e when irrigated. This soil type is not considered high-value farmland soil.

### *Site-Specific Soil Survey*

Submitted as Exhibit 4 is a soil assessment titled, Site-Specific Soil Survey of Property Located at 64430 Hunnell Road [...], dated December 11, 2020, with field work completed by Soil Scientist Michael Sowers, CCA-WR, CPSS, and the report prepared by Soil Scientist Brian T. Rabe, CPSS, WWS, of Cascade Earth Sciences (the "Applicant Soil Study").

A letter from the DLCD, dated April 12, 2021, and included with Exhibit 4, stated:

*"In accordance with OAR 660-033-0045(6)(a), the Department of Land Conservation and Development (DLCD) finds that this soils assessment is complete and consistent with reporting requirements. The county may make its own determination as to the accuracy and acceptability of the soils assessment. DLCD has reviewed the soils assessment for completeness only and has not assessed whether the parcel qualifies as agricultural land as defined in OAR 660-033-0020(1) and 660-033-0030."*

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<sup>1</sup> Deschutes County code, 18.04, defines "High Value Farmland" as:

"High-value farmland" means land in a tract composed predominantly of the following soils when they are irrigated: Agency loam (2A and 2B), Agency sandy loam (1A), Agency-Madras complex (3B), Buckbert sandy loam (23A), Clinefalls sandy loam (26A), Clovkamp loamy sand (27A and 28A), Deschutes sandy loam (31A, 31B and 32A), Deschutes-Houstake complex (33B), Deskamp loamy sand (36A and 36B), Deskamp sandy loam (37B), Era sandy loam (44B and 45A), Houstake sandy loam (65A, 66A and 67A), Iris silt loam (68A), Lafollette sandy loam (71A and 1B), Madras loam (87A and 87B), Madras sandy loam (86A and 86B), Plainview sandy loam (98A and 98B), Redmond sandy loam (104A), Tetherow sandy loam (150A and 150B) and Tumalo sandy loam (152A and 152B). In addition to the above described land, high-value farmland includes tracts growing specified perennials as demonstrated by the most recent aerial photography of the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture taken prior to November 4, 1993. For purposes of this definition, "specified perennials" means perennials grown for market or research purposes including, but not limited to, nursery stock, berries, fruits, nuts, Christmas trees or vineyards but not including seed crops, hay, pasture or alfalfa.

Soil Scientist Mr. Rabe included the following summary and conclusions within the Applicant Soil Study:

*"The purpose of this report is to present the results of an assessment to verify and, where necessary, refine the soils, map units, and boundaries mapped on the Site and to determine whether the soils on the Site meet the land capability classification criteria for a non-resource zoning designation.*

*The published soil survey information was reviewed and direct observations of soil conditions were made at representative locations across the Site. CES has determined that the information from the published soil survey was generally consistent with observations on the ground with boundary refinements primarily limited to delineating components of the complex mapped by the NRCS and/or commonly occurring inclusions. CES has determined that 26.2 acres, or 65.4%, of the Site consists of Class VII and Class VIII soils. Since the Site is predominantly Class VII and Class VIII soils and does not otherwise meet the criteria for further consideration as agricultural land, the Site meets the soils criteria for consideration of a non-resource zoning designation."*

**AGENCY COMMENTS:** The Planning Division mailed notice on April 14, 2023, to several public and private agencies and received the following comments:

Deschutes County Building Safety – Randy Sheid, Building Official:

*"NOTICE: The Deschutes County Building Safety Divisions code mandates that Access, Egress, Setbacks, Fire & Life Safety, Fire Fighting Water Supplies, etc. must be specifically addressed during the appropriate plan review process with regard to any proposed structures and occupancies. Accordingly, all Building Code required items will be addressed, when a specific structure, occupancy, and type of construction is proposed and submitted for plan review."*

Deschutes County Onsite Wastewater – Todd Cleveland, Manager:

*"A complete approved site evaluation is required for each proposed residential lot prior to final plat approval. Site evaluation applications for new properties need to include details of the proposed lot lines and proposed septic system areas/test pit locations for each parcel."*

Planning Staff Comment (Staff Report, page 5):

*"The original application included a proposal for a four-lot subdivision, which this comment was directed towards. Subsequently, it was determined that the subdivision would be reviewed once the subject Plan Amendment and Zone Change decision becomes final."*

Deschutes County Senior Transportation Planner – Peter Russel:

*"I have reviewed the transmittal materials for 247-23-000210-PA/211-ZC/212-TP to amend the Comprehensive Plan designation of a 40-acre property from Agriculture (AG) to Rural Residential*

Exception Area (RREA) and change the zoning for that same property from Exclusive Farm Use (EFU) to Multiple Use Agriculture (MUA-10) and a tentative plan to subdivide the property into four, 10-acre lots. The property is located at 64430 Hunnell Rd., aka County Assessors Map 16-12-33 Tax Lots 800. For reasons discussed below, staff finds more information is needed to address the Transportation Planning Rule (TPR) and County code.

The applicant's traffic study dated April 17, 2023, is incomplete for two reasons. The TPR at Oregon Administrative Rule (OAR) 660-012-0060 requires the demonstration of whether a plan amendment/zone change will have a significant effect or not. To determine that, the traffic study must include the operational analysis of the affected intersections predevelopment and post-development. The traffic study lacks this information and thus does not comply with the TPR. The TIA does analyze the segment of Hunnell Road itself for throughput, but not the intersection of the future Groves Road/Hunnell Road. Second, Deschutes County Code (DCC) 18.116.310(G)(4) requires zone changes to include a 20-year analysis. DCC 18.116.310(G)(10) requires existing and future years levels of service (LOS), average vehicle delay, and volume/capacity (V/C) ratios both with and without the project. (The V/C ratios are only applicable if ODOT facilities are analyzed.) The TIA lacks this feature and thus does not comply with County code. The TIA does not use the traffic volume standard of 9,600 Average Daily Traffic (ADT), which is set forth in the Transportation System Plan (TSP) at Page 81, Table 2.2T2 (Generalized County Road Segment and LOS). Further, the combination of the TPR and County code helps identify whether the transportation system has adequate capacity to serve the plan amendment/zone change or if the system is already overcapacity regardless of the proposed plan amendment/zone change. By contrast, the applicant has submitted what is in essence a trip generation memo.

The property accesses Hunnell Road, a public road maintained by Deschutes County and functionally classified as a collector. The property lacks a driveway permit; the applicant will need to either provide a copy of an access permit approved by Deschutes County or be required to obtain one as a condition of approval to meet the access permit requirements of DCC 17.48.210(A).

The County will assess transportation system development charges (SDCs) when development occurs based on the type of proposed use. However, as a plan amendment or a zone change by itself does not generate any traffic and neither does the subdividing of the land, no SDCs are triggered at this time. The SDCs are triggered by actual development."

Planning Staff Comment (Staff Report, page 6):

*"The applicant submitted additional information to address these comments. Below is the response from the Senior Transportation Planner."*

Deschutes County Senior Transportation Planner – Tarik Rawlings

*"These updated materials and the application materials in record satisfy the County's requirements and no further materials or analysis are required from the applicant."*

The following agencies either had no comment or did not respond to the notice: Arnold Irrigation

District, Avion Water Company, Bend Fire, Bend La Pine School District, Bend Metro Parks and Rec, Bend Planning Dept., Bend Public Works, BLM – Prineville, Department of State Lands, Dept of Land Conservation & Development, Deschutes County Assessor, Deschutes County Property Mgmt., Deschutes County Road Department, OR Dept of Ag Land Use Planning, OR Dept of Agriculture, OR Dept of Agriculture, OR Dept of Fish & Wildlife, OR Parks and Recreation, Swalley Irrigation District, and Watermaster - District 11.

**PUBLIC COMMENTS:** On April 14, 2023, the Planning Division mailed a Notice of Application to all property owners within 750 feet of the Subject Property. No comments from the public were received. Only the Applicant, Applicant’s representative and County Staff appeared at the Hearing. No request was received prior to or at the Hearing to keep the record open to allow the submission of additional evidence/argument. The Hearings Officer closed the record at the conclusion of the Hearing. Following the Hearing a letter was received from Kenneth Katzaroff (Schwabe, November 20, 2023). The Hearings Officer finds that the Katzaroff letter was submitted after the close of the record and therefore cannot be considered in the making of this recommendation.

**NOTICE REQUIREMENT:** The Applicant complied with the posted notice requirements of Section 22.23.030(B) of Deschutes County Code (DCC) Title 22. The Applicant submitted a Land Use Action Sign Affidavit, dated March 30, 2023, indicating the Applicant posted notice of the land use action on the Subject Property on that same date. On September 25, 2023, the Planning Division mailed a Notice of Public Hearing to all property owners within 750 feet of the Subject Property. A Notice of Public Hearing was published in the Bend Bulletin on Sunday, October 1, 2023. Notice of the first evidentiary hearing was submitted to the Department of Land Conservation and Development on September 22, 2023.

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

**LAND USE HISTORY:** Previous land use actions associated with the subject property are:

- LR-90-16: Lot of record verification.

**III. FINDINGS & CONCLUSIONS**

**PRELIMINARY FINDINGS**

As noted above no person or entity offered oral testimony or written documentation, in a timely manner, in opposition of the Applicant’s proposal or the Staff Report in this case. As such, the Hearings Officer finds that the Staff Report, as drafted, provides substantial evidence and legal argument to allow the Hearings Officer to adopt the Staff Report as findings for this recommendation.

Staff discussed, in the Staff Report (see pages 12-23), evidence and legal issues related to Applicant's choice to not seek a Goal 3 exception. The Hearings Officer provides the following supplemental findings related to Applicant's decision not to seek a Goal 3 exception.

### **Relevant Law**

The following quoted sections of statutes, regulations and case law represent a general overview of the law related to whether a Goal 3 exception is warranted and/or necessary:

#### **OAR 660-033-0020 (1)(a)**

*"Agricultural Land" as defined in Goal 3 includes:*

*(A) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;*

*(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.*

#### **OAR 660-033-0030 (5 (b))**

*If a person concludes that more detailed soils information than that contained in the Web Soil Survey operated by the NRCS, would assist a county to make a better determination of whether land qualifies as agricultural land, the person must request that the department arrange for an assessment of the capability of the land by a professional soil classifier who is chosen by the person, using the process described in OAR 660-033-0045.*

#### **ORS 215.203 (2)(a)**

*As used in this section, "farm use" means 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. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic, bird and animal species that are under the jurisdiction of the State Fish and Wildlife Commission, to the extent allowed by the rules adopted by the commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities*



described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees or land described in ORS 321.267 (3) or 321.824 (3).

**DCC 18.04**

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

"Farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or by 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. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm Use" also includes the current employment of the land for the primary purpose of obtaining a profit in money by stabling or training equines, including but not limited to, providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described above. "Farm use" does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3). Current employment of the land for farm use also includes those uses listed under ORS 215.203(2)(b).

*Wetherell v. Douglas County*, 342 Or 666 (2007) [hereafter referred to as "Wetherell Decision"]<sup>2</sup>

*Central Oregon LandWatch v. Deschutes County*, LUBA No. 2023-006 (2023) [hereafter referred to as the "LUBA 710 Decision"]

**Goal 3 Analysis**

The following represents the Hearings Officer's overview findings related to the legal approach to be taken with respect to addressing Applicant's argument that the Subject Property is not "agricultural land" and therefore no Goal 3 exception is required.

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<sup>2</sup> Staff, in the Staff Report (page 13), referenced the LUBA decision (52 Or LUBA 677 (2006)); the LUBA decision was appealed to the Oregon Supreme Court. The legal issue referenced by Staff was not a focus of the *Wetherell* Oregon Supreme Court decision.

LUBA stated, in the *LUBA 710 Decision* (page 11), that “generally counties apply Exclusive Farm Use (EFU) zones to ‘agricultural land’” (citing OAR 660-033-0090(1)). LUBA then proceeded to analyze the laws/regulations/codes referenced above in the context of determining if the property identified in that case was “agricultural land.”

The *LUBA 710 Decision* (pages 13-18) analysis of OAR 660-033-0020(1)(a)(A) addressed the need to meet identified U.S. Natural Resources Conservation Service (“NRCS”) soil classifications. Generally, OAR 660-033-0020(1)(a)(A) identifies soils (Eastern Oregon) classified as I-VI as “agricultural land.” However, LUBA (*LUBA 710 Decision*) held that OAR 660-033-0030(5) permits a county to rely, if certain conditions are met, upon a site-specific soils assessment.

OAR 660-033-0020(1)(a)(B) provides that property can be considered “agricultural land” in “other soil classes” if it is:

*“suitable for farm use as defined in ORS 215.203(2)(a) taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices.”*

The Hearings Officer refers to the OAR 660-033-0020(1)(a)(B) factors (i.e., soil fertility, suitability for grazing, ect.) as the “Suitability Factors.” OAR 660-033-0020(1)(a)(B) refers to ORS 215.203(2)(a) for the definition of “farm use.” ORS 215.203(2)(a), in part, states:

*“farm use” means the current employment of land for the primary purpose of obtaining a profit in money by...”*

The Oregon Supreme Court (*Wetherell Decision*) and LUBA (*LUBA 710 Decision*) addressed the “primary purpose of obtaining a profit” language in ORS 215.203(2)(a). The underlying County interpretation of “primary purpose of obtaining profit” focused on whether or not each of the Suitability Factors, in the context of whether it was reasonably possible (reasonable farmer concept) to obtain a profit, were met on the specific subject property. The *LUBA 710 Decision* refined LUBA’s interpretation of “primary purpose of obtaining profit” to require consideration of property other than (in addition to) just the property subject to the application (i.e., neighboring properties).

OAR 660-033-0020(1)(a)(C) provides that “agricultural land” includes “land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural land.”

DCC 18.04 definitions of “farm use” and “agricultural land” are generally consistent with the OAR 660-033-0020(1)(a) and ORS 215.203 definitions.

The Hearings Office finds the *LUBA 710 Decision* is currently under appeal to the Oregon Court of Appeals. The Hearings Officer considered the *LUBA 710 Decision* as instructional but not a final statement of the law related to the determination of what is “agricultural land” under Oregon and Deschutes County statutes/regulations/code. The Hearings Officer, however, did consider in this

recommendation the Applicant's Hearing testimony and submitted exhibits in the context of the LUBA 710 Decision.

## Title 18 of the Deschutes County Code

### Chapter 18.136, Amendments

#### Section 18.136.010, Amendments

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

**FINDING:** The Applicant, also the property owner, requested a quasi-judicial plan amendment and filed the applications for a plan amendment and zone change. The Applicant filed the required land use application forms for the proposal. The application will be reviewed utilizing 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.***

**FINDING:** Conformance with relevant sections of the Deschutes County Comprehensive Plan is reviewed below. The proposed rezoning from EFU to MUA-10 is required to be consistent with the proposed new plan designation. In previous comprehensive plan and zone change recommendations<sup>3</sup> to the Board of County Commissioners ("BCC") County hearings officers have found that the introductory statement of the Comprehensive Plan to be aspirational in nature and not necessarily approval criteria. The Hearings Officer, in this case, concurs with the prior BCC and hearings officer findings that this section is aspirational and not an approval criterion.

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

**FINDING:** In response to subsection (B) of this policy, the Applicant's Burden of Proof provides the following:

<sup>3</sup> Powell/Ramsey decision (PA-14-2, ZC-14-2) and Landholdings Decision (247-16-000317-ZC, 318-PA).

*"The proposed Plan change from Agricultural to Rural Residential Exception Area and Zone change from EFU-TRB to MUA-10 is consistent with the purposes and intents of the MUA zone classification. Per DCC 18.32.010, the stated purposes of the MUA zone are as follows:*

*The purposes of the Multiple Use Agricultural Zone are to preserve the rural character of various areas of the County while permitting development consistent with that character and with the capacity of the natural resources of the area; to preserve and maintain agricultural lands not suited to full time commercial farming for diversified or part time agricultural uses; to conserve forest lands for forest uses; to conserve open spaces and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; to establish standards and procedures for the use of those lands designated unsuitable for intense development by the Comprehensive Plan, and to provide for an orderly and efficient transition from rural to urban land use.*

*The County's Transportation System Plan includes planned improvements for the triangle between Highway 20 and Highway 97, as ODOT's management of the highways themselves is focusing on streamlining these through-ways by reducing local points of ingress and egress to the highways. The City of Bend and Deschutes County must develop local transportation networks that do not rely on these highways for local trips. This change includes improvements to Hunnell Road, scheduled for 2023. See Exhibit 7, Hunnell Road Project. City UGB Expansion includes expansion northward as well, presently approximately 7600' south of the subject property. The MUA-10 lands and other exception zone designations in the area are preferred lands for such expansion, as they do not require conversion of resource lands to urban uses, which is disfavored as part of the urban management process.*

*The MUA-10 zone is the optimal county zone designation to transition the Subject Property to a rural residential use. As detailed above and incorporated herein by reference, the Subject Property is not suited for agricultural use, as evidenced by the site-specific study of its soils (Exhibit 4). This property is more appropriately zoned MUA-10, like the surrounding property on 3 sides. The Subject Property is currently zoned Exclusive Farm Use (EFU) likely due to generalized designations in the overall area and/or prior ownership of larger parcels, rather than consideration of the agricultural capability of the land itself. The Property is not documented as ever having been in farm or pasture use, since it is unirrigated. It is not feasible to engage in productive or profitable farming activity without water rights, and the soils classified Classes VII and VIII will not sustain significant usable plant growth without irrigation.*

*This Comprehensive Plan Map and Zoning Map Amendment request will standardize zoning in the area and address the potential conflict and incompatibility between the EFU permitted uses and the adjacent, surrounding lands developed or committed for exception uses. The requested Comprehensive Plan Map and Zoning Map amendments will result in a zoning assignment that is compatible with neighboring properties rather than the current EFU zoning.*

*Rezoning of the Subject Property from EFU to MUA-10 will resolve the latent conflict between EFU permitted uses and the immediately adjacent rural residential uses. Furthermore, the Comprehensive Plan Map and Zone Map change will serve the interests of the northwest Bend*

residents, surrounding neighborhoods, and existing and future public investments in public facilities and services along Hunnell Road.

*By allowing for single family dwellings as an outright permitted use (DCC 18.32.020(B), the MUA-10 zone recognizes that rural lands may sometimes be better suited for residential use than agricultural uses. Other non-resource land uses are conditionally permitted; any nonresource land development proposal on the property other than a single family dwelling would not be allowed unless it was found to be consistent with the surrounding properties and the applicable conditional use evaluation standards. Therefore, the proposed change in zoning is consistent with the intent and purpose of the MUA-10 zone, and will be compatible with surrounding properties. The Hunnell Road improvements already planned serve this change well. As a straightened, widened, paved roadway, it is well planned to handle additional trips likely to be coming soon to this growing area."*

The Hearings Officer finds, based upon Applicant's record submissions, that Applicant has demonstrated that the requested change in classification is consistent with the purpose of the proposed zoning.

- C. That changing the zoning will presently serve the public health, safety and welfare considering the following factors:**
  - 1. The availability and efficiency of providing necessary public services and facilities.**

**FINDING:** Although there are no plans to develop the Subject Property in its current state, the above criterion specifically asks if the proposed zone change will *presently* serve public health, safety, and welfare. The Applicant provided the following response in the submitted Burden of Proof statement:

*"The proposed change from EFU to MUA-10 will not require the extension of new public services to the Subject Property. The site is already adjacent to enhanced infrastructure (Hunnell Road, Avion water lines, and electrical power). The site will be served by on-site septic systems. Thus, public facilities are available and can be efficiently provided to the site.*

*Subdividing the property and the Plan Amendment / Zone Change will presently serve public health, safety, and welfare. The 40-acre parcel is not used as farm land at the present time because its soils are not sufficient and it is not irrigated. The proposed land use approvals would allow this land to be used safely and efficiently for uses allowed in the MUA-10 zone, benefiting public health, safety, and welfare by utilizing the facilities already in place to expand housing in the area. The surrounding areas contain numerous properties that are residentially developed and have water service from a quasi-municipal source or wells, on-site sewage disposal systems, electrical service, telephone services, etc. There are no known deficiencies in public services or facilities that would negatively impact public health, safety, or welfare by allowing a housing supply increase. Development of the property under MUA-10 zoning would need to comply with applicable requirements of the DCC, including land use permits, building permits, and sewage disposal permit processes. Through development review processes, assurance of adequate public services and*

*facilities will be verified and public health, safety, and welfare overall will be improved by the addition of much needed housing in an underutilized area."*

Staff noted (Staff Report, page 10) that prior to development of the Subject Property the Applicant would be required to comply with the applicable requirements of the DCC, including possible land use, building, and sewage disposal permits, in addition to approval of the related subdivision. Through these development review processes, assurance of adequate public services and facilities will be verified. The Hearings Officer agrees with Staff and the Applicant that Applicant’s record submissions demonstrate compliance with this criterion.

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

**FINDING:** In response to this criterion the Applicant’s Burden of Proof included the following comments:

*"This application asks for approval to change the Comprehensive Plan designation of non-agricultural land to the more accurate Rural Residential Exception Area category, and rezone the Subject Property from EFU-TRB to MUA-10. The MUA-10 zone serves as a transition between EFU lands with productive soils and other rural lands that are "not suited to full time commercial farming" and are more appropriately suited for "diversified or part time agricultural uses." The MUA-10 zone retains consistency with EFU lands by allowing a limited array of rural uses and mandating a 10-acre minimum lot size. There are only a limited number of uses allowed in the MUA-10 zone that are not also allowed in the EFU zone. Further, the majority of the different non-resource land uses in the MUA-10 zone are conditional, thereby ensuring that potential impacts on surrounding land uses are reviewed by the County during each application.*

*In summary, the MUA-10 zone remains a rural zone devoted to a mix of mixed rural and residential uses that acknowledges soil deficiencies precluding profitable farm use. This minimizes potential impacts on surrounding lands. The MUA-10 zoning would emphasize the continued protection of the open space and wildlife values of the property with its 10-acre minimums."*

In addition to these comments, the Applicant provided specific findings for relevant Comprehensive Plan goals and policies, which are addressed below. The Hearings Officer concurs with Staff and Applicant that the Applicant demonstrated, with evidence in the public record, that the impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan.

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

**FINDING:** In response to this criterion, the Applicant’s Burden of Proof provides the following:

*"Circumstances have changed since the zoning of the property in November, 1979. Much of unirrigated lands were zoned EFU in large blocks in the interest of efficiency and expediency, even*

*though these parcels were dry and not profitably farmable. This property was zoned without detailed or site specific consideration given to its history, soil, geologic, or topographic characteristics. Now that a certified soils scientist has conducted a detailed Soils Investigation, it is documented that the parcel does not qualify as agricultural farmland and is properly rezoned to a practical designation reflecting the true facts of the parcel. See Exhibit 4.*

*In summary, the County's zoning of agricultural lands has been a process of refinement since the 1970s. The Subject Property appears to have never been suitable for production as profitable agriculture and there is no record of it ever been actively farmed, due to its poor soil and lack of irrigation water. Although it was originally assigned EFU zoning, this property likely should have been originally zoned MUA-10 due to its location, soils, geology, and lack of irrigation water supply. However, in 1979, only tracts with dwellings or divisions below minimum sizes were classified as exception lands, regardless of soils. It is now known that the parcel should be rezoned to MUA-10, consistent with the zoning of adjacent rural-residential uses and its poor soil. The MUA-10 zoning assignment supports logical, compatible, and efficient use of the land in keeping with its highest and best use."*

Staff, in the Staff Report (page 12), stated the following:

*"It is unclear to staff why the subject property was initially zoned EFU. Staff is unaware of any evidence such as soil classification, availability of irrigation, or historic farming, which explains its current zoning. Staff agrees with the applicant's findings that there have been several particularly relevant changes in circumstances that warrant a zone change, especially in consideration of the detailed information provided by the soil study. Staff finds the applicant has demonstrated compliance with this criterion, but asks the Hearings Officer to amend or add to these findings as the Hearings Officer sees fit."*

The Hearings Officer agrees, after reviewing the documents in the record and considering the testimony of County Staff and Applicant's representative at the Hearing, that the underlying rationale and reasoning underlying the original zoning the Subject Property being zoned as EFU is not clear and/or certain. The Hearings Officer finds that whatever the circumstances leading to the decision to assign the Subject Property with the EFU designation there are many relevant factors that are different today. Currently, urban style growth is moving towards the Subject Property and farm uses in the immediate vicinity are rare; if they exist at all. Properties to the north and west of the Subject Property are not in farm use; the property boarding to the north has been developed as the Sun Cloud Estates subdivision and properties to the south and west are divided into residential use parcels. The property boarding the Subject Property to the east is owned by the County and based upon evidence in the record has not been used for farming or agricultural purposes.

The Hearings also finds, based primarily upon the Applicant's site-specific soil study, that the soils on the Subject Property do not support the original EFU zoning designation. The Hearings Officer finds that there has been a change in circumstances since the Subject Property was zoned EFU. The Hearings Officer also finds that the EFU zoning was a mistake. The Hearings Officer finds this criterion is met.

# The Deschutes County Comprehensive Plan

## Chapter 2, Resource Management

### Section 2.2, Agricultural Lands Policies

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

**FINDING:** The Applicant provided the following response in the submitted Burden of Proof statement:

*“As discussed below, the Subject Property is not correctly categorized as agricultural land, because of its inability to retain water and sustain plant growth to a sufficient degree to make it profitable. See the Applicant’s soil study (Exhibit 4) and the responses in the submitted burden of proof, which effectively demonstrate that the Subject Property is not suitable for designation as Agriculture in the Comprehensive Plan. Changing the Subject Property’s Comprehensive Plan designation and zoning is an acknowledgment of site-specific facts, not interpretation.*”

The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion. The Hearings Officer also incorporates the findings for Comprehensive Plan Policy 2.2.3 and OAR 660-006-0005, 660-015-0000(3), 660-033-0020 and 660-033-0030 as additional findings for this criterion.

The Hearings Officer, based upon Applicant’s record submissions and the incorporated findings, concludes that the Subject Property is not “agricultural land” as that phrase is described in relevant laws/rules and relevant land use case law. Therefore, the Hearings Officer finds this policy is not applicable to the Subject Property.

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

**FINDING:** The Applicant is not asking to amend the subzone that applies to the Subject Property; rather, the Applicant is seeking a change under Policy 2.2.3 and has provided evidence to support rezoning the subject property to MUA-10.

***Policy 2.2.3 Allow comprehensive plan and zoning map amendments for individual EFU parcels as allowed by State Statute, Oregon Administrative Rules and this Comprehensive Plan.***

**FINDING:** The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion. The Hearings Officer also incorporates the findings for Comprehensive Plan Policy 2.2.3



and OAR 660-006-0005, 660-015-0000(3), 660-033-0020 and 660-033-0030 as additional findings for this policy.

The Applicant is seeking approval of a plan amendment and zone change to re-designate and rezone the properties from Agricultural to Rural Residential Exception Area. The Applicant is not seeking an exception to Goal 3 – Agricultural Lands, but rather demonstrated that the Subject Property does not meet the state definition of “Agricultural Land” as defined in Statewide Planning Goal 3 (OAR 660-033-0020).

Staff provided the following comments in the Staff Report (page 13):

*“The Land Use Board of Appeals (LUBA) allowed this approach in Wetherell v. Douglas County, 52 Or LUBA 677 (2006), and this approach has been utilized in the previous Plan Amendment and Zone Change applications within Deschutes County. The County Hearings Officer also accepted this method in file PA-10-5 (Rose & Associates). In Wetherell v. Douglas County, LUBA states at pp. 678-679:*

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

*Staff agrees that the facts presented by the applicant in the burden of proof for the subject application are similar to those in the Wetherell decisions and in previous Deschutes County plan amendment and zone change applications. Therefore, the applicant has the potential to prove the properties are not agricultural land and do not require an exception to Goal 3 under state law.”*

The Hearings Officer, based upon the above-quoted Staff comments and the incorporated findings, concurs with Staff’s conclusion that the Applicant may attempt to prove the Subject Property is not “agricultural land” and therefore does not require a Goal 3 exception.

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

**FINDING:** This plan policy provides direction to Deschutes County to develop new policies to provide clarity when EFU parcels can be converted to other designations. In the findings for previous Plan Amendment and Zone Change applications, the County has found that this policy does not impose a moratorium on requests for applications of this type, and that nothing in this plan policy prohibits the conversion of EFU parcels to other designations (see also PA-11-7, 247-16-000318-PA, PA-10-5, PA-07-1 and more). The Hearings Officer concurs with the County’s previous determinations and finds the proposal is consistent with this policy.

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

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

**FINDING:** The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion. The Hearings Officer also incorporates the findings for Comprehensive Plan Policy 2.2.3 and OAR 660-006-0005, 660-015-0000(3), 660-033-0020 and 660-033-0030 as additional findings for this policy.

This plan policy makes it clear that it is County policy to identify and retain agricultural lands that are accurately designated. The Applicant proposed that the Subject Property was not accurately designated as demonstrated by the soil study and the applicant’s Burden of Proof. The Hearings Officer finds that the EFU designation was not accurately placed on the Subject Property.

Section 2.5, Water Resources Policies

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

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

**FINDING:** The Applicant is not proposing a specific development application at this time. Therefore, the Applicant is not required to demonstrate the water impacts associated with development. Rather, the Applicant will be required to address this criterion during development of the subject property, which would be reviewed under any necessary land use process for the site (e.g. conditional use permit, tentative plat). This criterion does not apply to the subject application.

Section 2.7, Open Spaces, Scenic Views and Sites

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

**FINDING:** These policies are fulfilled by the County’s Goal 5 program. The County protects scenic views and sites along major rivers and roadways by imposing Landscape Management (“LM”) Combining Zone to certain adjacent properties. Staff noted (Staff Report, page 15) that no LM Combining Zone applies to the subject property at this time. The Subject Property is also not located

within the Open Space and Conservation (“OS&C”) Zone. Furthermore, no new development is proposed under the present application. These provisions of the plan, therefore, are not impacted by the proposed zone change and plan amendment.

## Chapter 3, Rural Growth

### Section 3.2, Rural Development

#### ***Growth Potential***

***As of 2010, the strong population growth of the last decade in Deschutes County was thought to have leveled off due to the economic recession. Besides flatter growth patterns, changes to State regulations opened up additional opportunities for new rural development. The following list identifies general categories for creating new residential lots, all of which are subject to specific State regulations.***

- ***2009 legislation permits a new analysis of agricultural designated lands***
- ***Exceptions can be granted from the Statewide Planning Goals***
- ***Some farm lands with poor soils that are adjacent to rural residential uses can be rezoned as rural residential***

**FINDING:** The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion. The Hearings Officer also incorporates the findings for Comprehensive Plan Policy 2.2.3 and OAR 660-006-0005, 660-015-0000(3), 660-033-0020 and 660-033-0030 as additional findings for this policy.

This section of the Comprehensive Plan does not contain Goals or Policies, but does provide the guidance above. In response to this section, the Applicant’s Burden of Proof provides the following:

*“The County Comprehensive Plan above notes that “Some farm lands with poor soils that are adjacent to rural residential uses can be rezoned as rural residential.” The requested Plan amendment is based on the results of the submitted Soils Investigation (Exhibit 4) which has demonstrated that the Subject Property does not constitute “agricultural lands” as defined in the goal, based upon a site-specific soils study conducted by a certified, professional soil scientist (Brian Raby). Therefore, the proposal is consistent with this section of the Comprehensive Plan, given that the Subject Property has been determined to be non-resource land appropriate for rural residential development. Its poor soil and adjacency to rural residential areas on 3 sides and 7600’ from the Bend UGB make it an appropriate candidate for the change contemplated by this section of the Plan.”*

Based upon the incorporated findings and the above-quoted Applicant response the Hearings Officer finds Applicant’s proposal in this case complies with this policy.

### Section 3.3, Rural Housing

#### ***Rural Residential Exception Areas***

***In Deschutes County most rural lands are designated for farms, forests or other resources and protected as described in the Resource Management chapter of this Plan. The majority of the land not recognized as resource lands or Unincorporated Community is designated Rural Residential Exception Area. The County had to follow a process under Statewide Goal 2 to explain why these lands did not warrant farm or forest zoning. The major determinant was that many of these lands were platted for residential use before Statewide Planning was adopted.***

***In 1979 the County assessed that there were over 17,000 undeveloped Rural Residential Exception Area parcels, enough to meet anticipated demand for new rural housing. As of 2010 any new Rural Residential Exception Areas need to be justified through taking exceptions to farm, forest, public facilities and services and urbanization regulations, and follow guidelines set out in the OAR.***

**FINDING:** The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion. The Hearings Officer also incorporates the findings for Comprehensive Plan Policy 2.2.3 and OAR 660-006-0005, 660-015-0000(3), 660-033-0020 and 660-033-0030 as additional findings for this policy.

A County hearings officer's decision for file numbers PA-11-17/ZC-11-2 provides the following findings in response to this portion of Section 3.3 of the Comprehensive Plan:

*"To the extent that the quoted language above represents a policy, it appears to be directed at a fundamentally different situation than the one presented in this application. The quoted language addresses conversions of "farm" or "forest" land to rural residential use. In those cases, the language indicates that some type of exception under state statute and DLCD rules will be required in order to support a change in Comprehensive Plan designation. See ORS 197.732 and OAR 660, Division 004. That is not what this application seeks to do. The findings below explain that the applicant has been successful in demonstrating that the subject property is composed predominantly of nonagricultural soil types. Therefore, it is permissible to conclude that the property is not "farmland" as defined under state statute, DLCD rules, and that it is not correctly zoned for exclusive farm use. As such, the application does not seek to convert "agricultural land" to rural residential use. If the land is demonstrated to not be composed of agricultural soils, then there is no "exception" to be taken. There is no reason that the applicant should be made to demonstrate a reasons, developed or committed exception under state law because the subject property is not composed of the type of preferred land which the exceptions process was designed to protect. For all these reasons, the Hearings Officer concludes that the applicant is not required to obtain an exception to Goal 3.*

*There is one additional related matter which warrants discussion in connection with this issue. It appears that part of Staff's hesitation and caution on the issue of whether an exception might be required is rooted in the title of the Comprehensive Plan designation that would ultimately apply to the subject property – which is "Rural Residential Exception Area." There appears to be seven countywide Comprehensive Plan designations as identified in the plan itself. These include*

*“Agriculture, Airport Development, Destination Resort Combining Zone, Forest, Open Space and Conservation, Rural Residential Exception Area, and Surface Mining.” Of the seven designations, only Rural Residential Exception Area provides for associated zoning that will allow rural residential development. As demonstrated by reference to the Pagel decision discussed above, there appears to be instances in which rural residential zoning has been applied without the underlying land necessarily being identified as an exception area. This makes the title of the “Rural Residential Exception Area” designation confusing, and in some cases inaccurate, because no exception is associated with the underlying land in question. However, it is understandable that since this designation is the only one that will allow rural residential development, that it has become a catchall designation for land types that are authorized for rural residential zoning. That is the case with the current proposal, and again, for the same reasons set forth in Hearings Officer Green’s decision in Pagel, I cannot find a reason why the County would be prohibited from this practice.*

Based on the incorporated findings and the above-quoted comments this Hearings Officer agrees with the past Deschutes County hearings officer interpretations and finds that the above language is not a policy and does not require an exception to the applicable Statewide Planning Goal 3. The Hearings Officer finds that the proposed RREA plan designation is the appropriate plan designation to apply to the Subject Property.

Section 3.7, Transportation

***The Transportation System was adopted in Ordinance 2012-005 and is hereby incorporated into this Plan as Appendix C ...***

**Appendix C – Transportation System Plan**

**ARTERIAL AND COLLECTOR ROAD PLAN**

**Goal 4**

- 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.***

**Policies**

...

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

**FINDING:** This policy applies to the County and advises it to consider the roadway function, classification, and capacity as criteria for plan amendments and zone changes. The County will

comply with this direction by determining compliance with the Transportation Planning Rule ("TPR"), also known as OAR 660-012, as described below in subsequent findings.

## **OREGON ADMINISTRATIVE RULES CHAPTER 660, LAND CONSERVATION AND DEVELOPMENT DEPARTMENT**

### **Division 6, Goal 4 – Forest Lands**

#### OAR 660-006-0005, Definitions

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

**FINDING:** The Subject Property is not zoned for forest lands, nor are any of the properties within an approximately 3.6-mile radius. The Subject Property does not contain merchantable tree species and there is no evidence in the record that the Subject Property has been employed for forestry uses historically. None of the soil units comprising the parcel are rated for forest uses according to NRCS data. The Subject Property does not qualify as forest land.

### **Division 33 - Agricultural Lands & Statewide Planning Goal 3 - Agricultural Lands;**

#### OAR 660-015-0000(3)

***To preserve and maintain agricultural lands.***

***Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.***

**FINDING:** Goal 3 defines "agricultural land," which is repeated in OAR 660-033-0020(1). The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion. The Hearings Officer also incorporates the findings for Comprehensive Plan Policy 2.2.3 and OAR 660-033-0020 and 660-033-0030 as additional findings for this policy. The Hearings Officer finds that the Subject Property is not "agricultural land" as defined by relevant Oregon laws/regulations.

#### OAR 660-033-0020, Definitions

***For purposes of this division, the definitions in ORS 197.015, the Statewide Planning Goals, and OAR Chapter 660 shall apply. In addition, the following definitions shall apply:***

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

**(A) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon<sup>4</sup>;**

**FINDING:** The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion.

The Applicant's basis for not requesting an exception to Goal 3 is that the Subject Property is not "agricultural land." In support, the Applicant offered the following response to the above definition in addition to subsection (1)(c)<sup>5</sup> as included in the submitted Burden of Proof statement:

*"A professionally conducted Soils Investigation has demonstrated that the Subject Property is not composed predominantly of Class I - VI soils (Eastern Oregon administrative standard cited above). To analyze the soils on the site, the Applicant obtained the services of Brian Raby, a Certified Professional Soil Scientist. The complete Soils Investigation report, detailing the procedures and methodology used as well as the complete findings, is attached to this application as Exhibit 4. It is certified by DLCD and that certification is included in the cited exhibit.*

*The purpose of the Soils Investigation for the Property was to determine the existence of agricultural soils on the Subject Property for planning purposes. The soils were found to be predominantly non-agricultural soils according to a certified and well-qualified soils scientist using state sanctioned and approved field investigation methods and techniques. Thus, the Subject Property as defined in OAR 660-033-0020 does not legally qualify as Agricultural land.*

*The Subject Property is characterized as a "lava plain north of Bend" on Page 2 of Exhibit 4. It has no record of ever having been irrigated, used for producing crops or grazing livestock, and is not part of a farm unit and is currently vacant and unused. None of the surrounding properties are used for profitable agriculture including the MUA-10 on three sides and the one EFU-zoned abutting property to the east. They are predominantly developed with rural residences and small hobby farms or are unused. There are no known commercial farm practices being undertaken on adjacent or nearby agricultural lands.*

*The Subject Property is zoned Exclusive Farm Use (EFU), but this designation is not based on the agricultural capability of the land, as the Subject Property has no record of ever having been in farm or pasture use.*

*This is understandable, now that the soil classification of this specific property is known. The soil types are Class VII and VIII and the property has no irrigation water rights. This Comprehensive Plan Map and Zoning Map Amendment request will help to resolve the potential conflict and*

<sup>4</sup> OAR 660-033-0020(5): "Eastern Oregon" means that portion of the state lying east of a line beginning at the intersection of the northern boundary of the State of Oregon and the western boundary of Wasco County, then south along the western boundaries of the Counties of Wasco, Jefferson, Deschutes and Klamath to the southern boundary of the State of Oregon.

<sup>5</sup> "Agricultural Land" does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.

*incompatibility between the EFU permitted uses and the adjacent, surrounding lands developed or committed for rural residential uses, and allow the land to be put to its highest and best use, rather than continue to go fallow."*

Staff (Staff Report, pages 19-20) provided the following comments:

*"Staff has reviewed the soil study provided by Brian Rabe of Cascade Earth Sciences (dated December 11, 2020) and agrees with the applicant's representation of the data for the subject property. Staff finds, based on the submitted soil study and the above OAR definition, that the subject property is comprised predominantly of Class VII and VIII soils and, therefore, does not constitute "Agricultural Lands" as defined in OAR 660-033-0020(1)(a)(A) above."*

The Hearings Officer finds that the Applicant Soil Study is credible and constitutes substantial evidence. The Hearings Officer finds that the Applicant Soil Study was conducted consistent with DLCDC requirements (Exhibit 4 – Letter from DLCDC). The Applicant Soil Study found that the Subject Property has 26.2 acres (65.4%) of Class VII and Class VIII soils. The Applicant Soil Study concluded that the Subject Property is "predominantly" Class VII and Class VIII soils. The Hearings Officer finds that OAR 660-033-0020 (1)(a)(B) describes "agricultural land," in Eastern Oregon, to include lands that are predominantly Class I – VI. Based upon the Applicant Soil Study that the Subject Property is predominantly Class VII and Class VIII soils. The Hearings Officer finds, per OAR 660-033-0020 (1)(a)(A) that the Subject Property is not "agricultural land."

- (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;**

**FINDING:** The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion. The Hearings Officer finds that the Applicant addressed the OAR 660-033-0020 (1)(a)(B) "Suitability Factors" in the Applicant Soil Study and in Applicant's Hearing testimony and Hearing documentary submissions.

Staff, in the Staff Report (pages 20 – 21) included the following statements from the Applicant Soil Study:



### **Soil Fertility**

These soils are predominantly shallow with sandy textures (low clay content) and low organic matter content. These conditions result in a low Cation Exchange Capacity (CEC) that limits the ability of these soils to retain nutrients. Fertilizer must be applied to achieve optimum yields. Proper management requires that fertilizers be applied in small doses on a frequent basis. The revenue from most locally adapted crops will not cover the costs of inputs and management.

### **Suitability for Grazing**

Without water, dryland grazing is the only potential agricultural use. The rangeland productivity potential of the soils mapped at the Site are shown in Table 6 of the published soil survey<sup>1</sup>. The productivity ranges from 700 to 900 to 1,100 pounds of dry matter per acre per year (unfavorable, normal, and favorable conditions, respectively) for Deskamp soils. The productivity ranges from 500 to 700 to 900 pounds of dry matter per acre per year (unfavorable, normal, and favorable conditions, respectively) for Gosney. It is often recommended that a sustainable level of grazing only removes about 25% of the total production leaving the remainder for maintenance of the stand, wildlife, and detritus for building soil organic matter. According to Ogle & Brazee<sup>3</sup>, it takes an estimated 912.5 pounds of dry matter to feed a cow and calf pair, or equivalent, for one month (animal unit month – AUM). Based on the acreages of each soil, the sustainable dry matter production potential for the Site ranges from 5,000 to 6,725 to 8,450 pounds, or about 5 to 7 to 9 AUM (unfavorable, normal, and favorable conditions, respectively). So the grazing potential is limited to 5 to 9 pair for one month or less than one pair for a year. This does not represent a viable source of grazing.

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<sup>3</sup> Ogle, D., & Brazee, B. (2009). *Technical note: estimating initial stocking rates*, (TN Range No. 3). Boise, ID: U.S. Department of Agriculture - Natural Resources Conservation Service.

(continued)

**Climatic Conditions**

The general climate conditions at the Site are typical of those in the Bend area with cold winters and warm, dry summers. There is no reason to believe there is anything unique about the climate at this specific location that would, by itself, warrant special attention.

**Existing and Future Availability of Water for Irrigation**

The Site is within the Swalley Oregon Irrigation District and has no water assigned to it. Most water for irrigation is fully allocated (or over-allocated) throughout the region. In most cases, water for any newly irrigated acreage would have to be removed from acreage elsewhere. This only makes sense if the land that the water is being moved to is better than the land where it is currently being used. There are substantial costs related to acquiring or moving water rights, as well as costs for acquiring or modifying and maintaining irrigation equipment. These costs would not be justified for small or irregular shaped areas.

The Class VII and VIII soils documented on the Site will remain Class VII and VIII regardless of irrigation. Even if water were available, the dispersed nature and irregular shapes of the Class VI (Deskamp) soils make the installation of irrigation equipment impractical for the limited added benefit irrigation would provide. The only potential agricultural use would be for dryland grazing of native grasses (discussed previously). The limited forage potential for the Site does not represent a sufficient number of AUMs for a commercially viable livestock operation.

**Existing Land Use Patterns**

The Site and parcel to the east are zoned Exclusive Farm Use Tumalo-Redmond-Bend (EFU TRB). The parcel to the east consists of 80 acres, is owned by Deschutes County, and is not managed for agricultural use. The parcels to the north, west, and south are zoned Multiple Use Agricultural 10-acre minimum (MUA10) with no indications of current or recent agricultural activity.

**Technological and Energy Inputs Required**

There is nothing that has been revealed during the course of this investigation that would suggest there is any technological or energy-related reason to retain the subject property in an agricultural classification. The low fertility, cost of irrigation systems and other infrastructure, as well as the irregular pattern of potentially suitable soils make the use of the Site for commercial agricultural production impractical and unprofitable.

**Accepted Farming Practices**

Since the Site is surrounded by parcels that are not managed for commercial farm use and there does not appear to be any recent history of farm use, the re-zoning of this parcel is not likely to represent any significant increase in the potential for conflicts with accepted agricultural practices.

Applicant’s legal counsel, Liz Dickson (“Dickson”), offered oral testimony and additional documents at the Hearing. Dickson’s additional documents were referenced, at the Hearing, as Exhibits 11, 12, 13 and 14. The focus of Dickson’s Hearing testimony was upon the *LUBA 710 Decision* and LUBA’s analysis of the Suitability Factors. The Hearings Officer finds Dickson’s testimony and accompanying documentary submissions to be credible and persuasive.

Dickson, in her Hearing testimony, emphasized that the Subject Property soils are predominantly class VII and VIII. Dickson stated the Applicant attempted to ascertain the level, if any, of historical farming activity in the immediate vicinity of the Subject Property. Dickson indicated, based upon Applicant’s research, that the Subject Property has never been used for farm or agricultural

purposes. Dickson noted that the Subject Property has not been cleared and has no water (irrigation rights).

Dickson testified that Applicant considered the Suitability Factors in the context of the *LUBA 710 Decision*. Dickson stated that Applicant considered adjacent / neighboring properties in relation to all relevant Suitability Factors. Dickson stated, based upon Applicant's research, that adjacent/ neighboring properties are not used for commercial farming or "agricultural purposes." Dickson stated that some nearby properties may conduct "hobby farm" activities but those activities were subordinate to the primary residential use and are not conducted for the primary purpose of obtaining a profit.

Dickson opined that the only possible "agricultural use" or farm use that might be considered feasible at the Subject Property is "grazing." Dickson, referencing the Applicant Soil Study, stated that the Subject Property standing alone, could not support commercial grazing. Dickson noted that property adjacent to the north, west and south are developed for residential uses. Dickson stated that combining the Subject Property with any of the adjacent properties would not result in creating a profitable situation for grazing.

Dickson reiterated that the Subject Property does not possess any irrigation rights. Dickson stated that existing land use patterns preclude the likelihood of combining the Subject Property with one or more adjacent property for the purpose of creating a profitable agricultural or farm use. Likewise, Dickson stated that the "accepted farming practices" Suitability Factor was not relevant to the Subject Property as no farming occurs on the Subject Property or any adjacent property.

Dickson, relying upon Exhibits 11, 12, 13 and 14, demonstrated geographical and land use differences between the property subject to the *LUBA 710 Decision* and the Subject Property. Dickson noted that the property subject to the *LUBA 710 Decision* is located in an area where agricultural/farm uses are prevalent. Dickson noted that ranches adjacent to or nearby the property subject to the *LUBA 710 Decision* expressed the desire to combine to facilitate improved agricultural/farm efficiency.

Dickson noted that the *LUBA 710 Decision* is under appeal and it is possible that the Oregon Court of Appeals and/or Oregon Supreme Court could reverse or modify the *LUBA 710 Decision*. However, despite the appellate status of the *LUBA 710 Decision* Dickson opined that there is evidence in the record sufficient to meet the requirements of that decision.

The Hearings Officer finds Applicant addressed, with substantial evidence, the *LUBA 710 Decision* Suitability Factors analysis. The Hearings Officer agrees with Staff and Applicant that there is sufficient evidence in the record to conclude that the Subject Property does not qualify as "agricultural land" as defined in OAR 660-033-0020.

**(c) "Agricultural Land" does not include land within acknowledged urban growth boundaries or land within acknowledged exception areas for Goal 3 or 4.**

**FINDING:** This criterion is addressed above.

OAR 660-033-030, Identifying Agricultural Land

- (1) **All land defined as "agricultural land" in OAR 660-033-0020(1) shall be inventoried as agricultural land.**
- (2) **When a jurisdiction determines the predominant soil capability classification of a lot or parcel it need only look to the land within the lot or parcel being inventoried. However, whether land is "suitable for farm use" requires an inquiry into factors beyond the mere identification of scientific soil classifications. The factors are listed in the definition of agricultural land set forth at OAR 660-033-0020(1)(a)(B). This inquiry requires the consideration of conditions existing outside the lot or parcel being inventoried. Even if a lot or parcel is not predominantly Class I-IV soils or suitable for farm use, Goal 3 nonetheless defines as agricultural "Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands." A determination that a lot or parcel is not agricultural land requires findings supported by substantial evidence that addresses each of the factors set forth in 660-033-0020(1).**

**FINDING:** The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion. The Hearings Officer also incorporates as additional findings the findings for OAR 660-033-0020 (1)(a)(A) & (B). The Hearings Officer finds that the Applicant addressed the OAR 660-033-0020 (1)(a)(B) "Suitability Factors" in the Applicant Soil Study and in Applicant's Hearing testimony in documentary submissions.

Staff provided (Staff Report, pages 22-24) additional discussion of the LUBA 710 Decision. "

*"... in a recent decision by the Land Use Board of Appeals (LUBA)<sup>6</sup>, LUBA remanded the Deschutes County Board of County Commissioners decision to approve a post-acknowledgement plan amendment and rezone application submitted by 710 Properties, LLC to change the designation and zoning of the subject property from AG/EFU to RREA/RR-10 on 710 acres of property west of Terrebonne and Redmond and north of Highway 126.*

*LUBA remanded the decision to "consider the ability to use the subject property for farm use in conjunction with other property, including the Keystone property," and directed that the Board "may not limit its review to the profitability of farm use of the subject property as an isolated unit." LUBA further stated that the Board "must consider the ability to import feed for animals and may not limit its consideration to the raising of animals where adequate food may be grown on the subject property." LUBA continued that the Board "must also consider whether the subject property is suitable for farm use as a site for construction and maintenance of farm equipment," and must "consider the evidence and adopt findings addressing the impacts of redesignation of the property related to water, wastewater, and traffic and whether retaining the property's agricultural designation is necessary to permit farm practices on adjacent or nearby lands." Each of the remanded issues is listed separately below.*

<sup>6</sup> *Central Oregon Landwatch, et al. v. Deschutes County and 710 Properties, LLC, et al.* (LUBA No. 2023-009)

- LUBA's discussion at pages 36-37 sustained DLCD's second assignment of error and portions of Redside's and Keystone's assignments of error based on a determination that the County did not consider the ability to use the subject property with a primary purpose of obtaining a profit in money **in conjunction with other property**. LUBA stated that "Relating the profitability of farm related activity solely to the activity on the subject property places undue weight on profitability." More discussion on this is found on pages 46-49 of the decision.
- "Source of Feed" – this discussion is found at pages 37-42 of the decision. **LUBA's decision states that the County erred in construing OAR 660-033-0020(1)(a)(B) and ORS 215.203(2)(a) in concluding that land is suitable for farm uses involving animals only if sufficient feed can be grown on-site.** LUBA stated that these authorities are silent as to the source of the feed that is necessary to sustain animals involved in farm uses. It also noted that, in determining whether land is suitable for dryland grazing, a farmer would have a reasonable expectation of obtaining a profit in money from that activity, based on the factors listed in OAR 660-033-0020(1)(a)(B) (soil fertility, suitability for grazing, climactic conditions, availability of water for irrigation, etc.)
- "On-Site Construction and Maintenance of Equipment and Facilities" – this discussion is found at pages 42-46 of the decision. **LUBA determined that the County erroneously concluded that this use need not be limited to supporting farm activities that occur on the subject property.** In other words, it does not matter where the equipment and facilities are used, whether on or off-site. That said, after a consideration of whether equipment and facilities can be stored onsite for the purpose of making a profit in money also requires a determination of the suitability of the property based on the factors listed in OAR 660-033-0020(1)(a)(B).
- "Nearby and Adjacent Land" – discussion at pages 46-49 of the decision. LUBA directs the County to make findings and conclusions on the question of whether the subject property is suitable for farm use in conjunction with nearby or adjacent land. It noted that several farms and ranchers testified they would not consider incorporating the subject property into their farm operations, and that it **"may be that the subject property is not suitable for farm use even in conjunction with nearby or adjacent land. However, the county did not reach that conclusion."**
- DCC 18.136.020(C)(2) and DCCP Agricultural Lands Goal 1 – see pages 69-74 of the decision. The County's findings that the impacts on surrounding land use from rezoning will be consistent with DCCP Agricultural Lands Goal 1 are inadequate and not supported by substantial evidence. LUBA states that the County only considered impacts on surrounding nonresource lands, and that it was error to consider that the subject property is functionally separated from surrounding agricultural lands due to its location on a plateau. LUBA remands for further consideration of water, wastewater, traffic impacts on surrounding agricultural lands and the agricultural industry.

The Hearings Officer appreciates Staff's above-quoted analysis and perspective. The Hearings Officer finds that Applicant, in its Burden of Proof, Applicant Soil Study and Dickson's Hearing testimony and record submissions, provided evidence and argument relating to (1) the ability to use the Subject Property with a primary purpose of obtaining a profit in money in conjunction with other

property, (2) the impacts of providing feed for grazing stock from outside properties, (3) the on-site construction and maintenance of equipment and facilities to serve other properties, and (4) the off-site impacts on resource and nonresource lands.

As summarized in the findings for OAR 660-033-0020 (1)(a)(B) above, the Subject Property has soils that are not considered suitable for "agricultural use" and that the Subject Property is not and has not been used for "agricultural uses." The OAR 660-033-0020 (1)(a)(B) findings indicated that the adjacent or nearby properties are not used for "agricultural uses" or farm uses. The OAR 660-033-0020 (1)(a)(B) findings indicate that combining the Subject Property with any adjacent or nearby property would not improve the chances that the Subject Property, or any nearby or adjacent property, could be operated for the primary purpose of obtaining a profit from agricultural or farm related uses. Impacts on nearby properties is discussed elsewhere in this recommendation. The Hearings Officer approval of Applicant's request would have minimal impacts, if any, on adjacent properties. Rather, the Hearings Officer finds that the proposed change would more consistently reflect the existing land use pattern in the area.

The Hearings Officer agrees with Staff and Applicant that there is sufficient evidence in the record to conclude that the Subject Property does not qualify as "Agricultural Land" as defined in OAR 660-033-0030.

- (3) Goal 3 attaches no significance to the ownership of a lot or parcel when determining whether it is agricultural land. Nearby or adjacent land, regardless of ownership, shall be examined to the extent that a lot or parcel is either "suitable for farm use" or "necessary to permit farm practices to be undertaken on adjacent or nearby lands" outside the lot or parcel.**

**FINDING:** The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion. The Hearings Officer also incorporates as additional findings the findings for OAR 660-033-0020 (1)(a)(A) & (B). The Hearings Officer finds that the Applicant addressed the OAR 660-033-0020 (1)(a)(B) "Suitability Factors" in the Applicant Soil Study and in Applicant's Hearing testimony and Hearing documentary submissions.

The Hearings Officer finds, based upon the evidence and arguments in the record that the Subject Property is not suitable for any identified "agricultural use" or farm use. Further, the Hearings Officer finds that is not necessary to conduct any sort of "agricultural use" or farm use on the Subject Property to facilitate or promote agricultural or farm practices to be undertaken on adjacent or nearby lands. In this review the Hearings Officer has not assigned any significance to the ownership of the Subject Property or adjoining properties.

- (5)(a) More detailed data on soil capability than is contained in the USDA Natural Resources Conservation Service (NRCS) soil maps and soil surveys may be used to define agricultural land. However, the more detailed soils data shall be related to the NRCS land capability classification system.**
- (b) If a person concludes that more detailed soils information than that contained in the Web Soil Survey operated by the NRCS as of January 2, 2012, would assist a**

**county to make a better determination of whether land qualifies as agricultural land, the person must request that the department arrange for an assessment of the capability of the land by a professional soil classifier who is chosen by the person, using the process described in OAR 660-033-0045.**

**FINDING:** The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion. The submitted Applicant Soil Study provided more detailed soils information than contained in the NRCS Web Soil Survey. NRCS sources provide general soils data for large units of land. The Applicant Soil Study provided detailed and accurate information about a single property based on numerous soil samples taken from the Subject Property. The Applicant Soil Study reports data and conclusions consistent with the NCRS Land Capability Classification (LCC) system that classifies soils class 1 through 8. An LCC rating is assigned to each soil type based on rules provided by the NRCS.

The Applicant Soil Study concluded that the Subject Property contains 65.4 percent Class 7 and 8 soils, based on site observations and examination of 111 test holes. The Applicant Soil Study is accompanied in the record by correspondence from the DLCDC. The DLCDC correspondence confirms that the Applicant Soil Study was completed and consistent with the reporting requirements for agricultural soils capability as dictated by DLCDC. Based on qualifications of the professionals conducting the site work and report preparation, the Hearings Officer finds the submitted Applicant Soil Study to be definitive and accurate in terms of site-specific soil information for the Subject Property.

**(c) This section and OAR 660-033-0045 apply to:**

**(A) A change to the designation of land planned and zoned for exclusive farm use, forest use or mixed farm-forest use to a non-resource plan designation and zone on the basis that such land is not agricultural land; and**

**FINDING:** The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion. The Hearings Officer also incorporates as additional findings the findings for OAR 660-033-0020 (1)(a)(A) & (B). The Hearings Officer finds that the Applicant addressed the OAR 660-033-0020 (1)(a)(B) "Suitability Factors" in the Applicant Soil Study and in Applicant's Hearing testimony and Hearing documentary submissions. The Hearings Officer finds the Subject Property is not "agricultural land" as that phrase is defined within relevant Oregon law.

**(d) This section and OAR 660-033-0045 implement ORS 215.211, effective on October 1, 2011. After this date, only those soils assessments certified by the department under section (9) of this rule may be considered by local governments in land use proceedings described in subsection (c) of this section. However, a local government may consider soils assessments that have been completed and submitted prior to October 1, 2011.**

**FINDING:** The Applicant submitted the Applicant Soil Study which was prepared by Michael Sowers and Brian Rabe of Cascade Earth Sciences and dated December 11, 2020. The Applicant Soil Study was submitted following the ORS 215.211 effective date. The Applicant submitted to the record an

acknowledgement from Hilary Foote, Farm and Forest Specialist with the DLCD, dated April 12, 2021, that the Applicant Soil Study is complete and consistent with DLCD's reporting requirements. The Hearings Officer finds this criterion to be met based on the submitted Applicant Soil Study and confirmation of completeness and consistency from DLCD.

- (e) This section and OAR 660-033-0045 authorize a person to obtain additional information for use in the determination of whether land qualifies as agricultural land, but do not otherwise affect the process by which a county determines whether land qualifies as agricultural land as defined by Goal 3 and OAR 660-033-0020.**

**FINDING:** The Applicant has obtained additional information regarding soils and how these soils relate to the agricultural designation of the Subject Property. The Applicant has also submitted DLCD's certification of its soils analysis, attached as part of Exhibit 4, and has complied with the soils analysis requirements of OAR 660-033-0045 in order to obtain that certification. DLCD's certification establishes compliance with OAR 660-033-0045.

## **DIVISION 12, TRANSPORTATION PLANNING**

### OAR 660-012-0060 Plan and Land use Regulation Amendments

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



**(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

**FINDING:** This above language is applicable to the proposal because it involves an amendment to an acknowledged comprehensive plan. The proposed plan amendment would change the designation of the Subject Property from AG to RREA and change the zone from EFU to MUA-10. The Applicant is not proposing any land use development of the properties at this time.

As referenced in the agency comments section in the Basic Findings section above, the Senior Transportation Planner for Deschutes County requested additional information to clarify the conclusions provided in the Transportation Planning Rule (TPR) analysis prepared by Joe Bessman, PE of Transight Consulting, LLC, dated March 17, 2023. The Applicant submitted an updated report and responses to issues raised also from Mr. Bessman, dated June 27, 2023, to address the additional information that was requested.

Staff noted (Staff Report, page 26) that the original application included a subdivision proposal in addition to the comprehensive plan and zone change proposal that is subject to this recommendation. Applicant has decoupled the subdivision proposal from the comprehensive plan amendment and zone change applications. The Hearings Officer notes that traffic impact studies take into account requirements for a subdivision in addition to the plan amendment and zone change.

In response to the revisions noted above, the County Senior Transportation Planner stated, "These updated materials and the application materials in [the] record satisfy the County's requirements and no further materials or analysis are required from the applicant." As such, the Hearings Officer finds that the proposed plan amendment and zone change will be consistent with the identified function, capacity, and performance standards of the County's transportation facilities in the area.

**DIVISION 15, STATEWIDE PLANNING GOALS AND GUIDELINES**

OAR 660-015, Division 15, Statewide Planning Goals and Guidelines

**FINDING:** The Statewide Planning Goals are outlined below in the Applicant's Burden of Proof:

***Goal 1, Citizen Involvement.** This proposal satisfies this goal because the Planning Division will provide notice of the proposed plan amendment and zone change to the public through individual notice to affected property owners, posting of the Subject Property with a notice of proposed land use action sign, online notice of the application on the County's website, and publishing notice of the public hearing in the "Bend Bulletin" newspaper. In addition, at least two public hearings will be held on the proposed plan amendment before it can be approved - one before the Hearings Officer and one before the Deschutes County Board of Commissioners.*

***Goal 2, Land Use Planning.** This proposal satisfies this goal because the applications were handled pursuant to the procedures applicable to plan amendments and zone changes in the*

County's Comprehensive Plan and Zoning Ordinance. An exception to Goal 3 is not required because site soils have been conclusively determined to be not Agricultural as that term is legally defined.

**Goal 3, Agricultural Lands.** The Applicant is not required to take an exception to Goal 3 for the Subject Property, but rather to provide evidence supporting response that the Subject Property does not constitute "agricultural land" as legally defined in Goal 3 and supporting administrative rules. The application includes a professionally prepared Soils Analysis (**Exhibit 4**) that proves the Subject Property does not constitute "agricultural land" and therefore the proposed plan amendment to Rural Residential Exception Area and zone change to MUA-10 is consistent with Goal 3.

**Goal 4, Forest Lands.** The proposal is consistent with Goal 4 because the Subject Property is not zoned for forest use and the Applicant's soil survey shows the Subject Property does not contain any forest soils or related resources.

**Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources.** The proposal is consistent with Goal 5 because the site is not identified as containing scenic, historic, or natural resource areas. It is not unique as open space in the area and has not been designated as significant for that purpose. It is reasonable to conclude that the proposed plan amendment and zone change will have no effect on any designated Goal 5 resources.

**Goal 6, Air, Water and Land Resources Quality.** The proposal is consistent with Goal 6 because it will not result in any legally significant detrimental impact on air or water quality and land resources.

**Goal 7, Areas Subject to Natural Disasters and Hazards.** Goal 7 is not applicable to the proposal because the Subject Property is not located in a known natural disaster or hazard area (i.e., flood hazard zone, steep slopes, historic landslide areas or other hazards identified under Goal 7).

**Goal 8, Recreational Needs.** Goal 8 is not applicable to the proposal because the proposal will not affect property zoned for recreation or impact recreational needs.

**Goal 9, Economy of the State.** The proposal is consistent with Goal 9 because it will not adversely impact legally identified economic activities in the state. It may have a minimal impact on the construction industry eventually when the four homesites are developed, but these have not been recognized as significant for purposes of evaluating goal impacts.

**Goal 10, Housing.** Goal 10 is not directly applicable to the proposal because it does not include development of additional housing. The proposal does not remove any land from the county's supply of land for needed housing. The proposal supports a potential, though not certain, eventual transition to development of four homes on the respective parcels. Applicant plans to develop the four created sites for rural residential homes in the future.

**Goal 11, Public Facilities and Services.** *The proposal is consistent with Goal 11 because the proposed plan amendment and zone change will have minimal impact upon the provision of public facilities and services to the Subject Property. Avion Water is already available to the site in Hunnell Road, power is available and sufficient, and Hunnell Road is scheduled for paving, widening, and straightening in 2023 already by the County. These facilities will not be strained by the addition of four lots made possible by the Plan Amendment and Zone Change.*

**Goal 12, Transportation.** *The proposal is consistent with the TPR, and therefore is also consistent with Goal 12 as demonstrated by the attached, professionally prepared Transportation Analysis. See Exhibit 5.*

**Goal 13, Energy Conservation.** *The proposal is consistent with this goal because it will have no legally significant impact on energy use or conservation. Southern exposure and spacing of the four proposed lots will allow solar power development if desired. Rezoning the Subject Property from EFU to MUA-10 will allow future dwellings to be developed on the site, which will be advantageous to the water supply, since the proposed change makes it less likely that the tracts will be irrigated with surface water, where such irrigation would not be productive considering the poor quality of the soils. Current irrigation practices commonly use electricity for pumping of water for distribution. This wasteful use would be made less likely by approval of this proposal.*

**Goal 14, Urbanization.** *The proposal is consistent with Goal 14 for the following reasons:*

1. *The proposal supports a likely, though not certain, eventual transition from rural to urban land use that responds to identified needed lands as the Bend UGB expands north 7600 feet;*
2. *The proposal represents an orderly growth pattern that eventually will efficiently utilize public facilities and services, including the 2023 improvements to Hunnell Road;*
3. *The proposal will ultimately result in the maximum efficiency of land uses on the fringe of the existing urban area;*
4. *The Subject Property has been found to be not predominantly agricultural land as defined in OAR 660-033-0020; and*
5. *The proposal will promote compatibility with surrounding rural residential uses and will not adversely impact any nearby commercial agricultural uses because there are none.*

**Goals 15 through 19.** *These goals, which address river, ocean, and estuarine resources, are not applicable to the proposal because the Subject Property is not located in or adjacent to any such areas or resources."*

The Hearings Officer incorporates the Preliminary Findings as additional findings for this criterion. The Hearings Officer also incorporates as additional findings the findings for OAR 660-033-0020 (1)(a)(A) & (B). The Hearings Officer finds that the Applicant addressed the OAR 660-033-0020 (1)(a)(B) "Suitability Factors" in Applicant's Soil Study and in Applicant's Hearing testimony and Hearing documentary submissions.

The Hearings Officer, based upon Applicant's above-quoted responses and the incorporated findings, concludes that Applicant's proposal complies with the applicable Statewide Planning Goals.

The Hearings Officer finds the overall proposal appears to comply with the applicable Statewide Planning Goals for the purposes of this review.

**IV. CONCLUSION & RECOMMENDATION:**

The Hearings Officer finds that the Applicant has met the burden of proof necessary to justify changing the Plan Designation from Agriculture to Rural Residential Exception Area and Zoning of the Subject Property from Exclusive Farm Use to Multiple Use Agricultural through effectively demonstrating compliance with the applicable criteria of DCC Title 18 (The Deschutes County Zoning Ordinance), The Deschutes County Comprehensive Plan, and applicable sections of OAR and ORS.

**DESCHUTES COUNTY HEARINGS OFFICER**



\_\_\_\_\_  
Gregory J. Frank, Hearings Officer

owner	agent	inCareOf	address	cityStZip	type	cdd id	email
Michael Groves and Cathie Groves			20075 Cox Lane	Bend, OR 97703	HOD	23-210-PA, 211-ZC	
Elizabeth Dickson	Dickson Hatfield LLP		400 SW Bluff Dr. Ste 240	Bend, OR 97702	HOD	23-210-PA, 211-ZC	



## COMMUNITY DEVELOPMENT

### NOTICE OF HEARINGS OFFICER'S RECOMMENDATION

The Deschutes County Hearings Officer has recommended approval of the land use application(s) described below:

**FILE NUMBER:** 247-23-000210-PA, 247-23-000211-ZC

**LOCATION:** Map and Taxlot: 1612330000800  
Situs Address: 64430 Hunnell Rd, Bend, OR 97703

**OWNER:** Groves Family Revocable Trust

**APPLICANT:** Michael F. Groves and Cathie L. Groves

**SUBJECT:** The Applicant requested approval of a Comprehensive Plan Map Amendment to change the designation of the Subject Property from Agricultural ("AG") to a Rural Residential Exception Area ("RREA"). The Applicant also requests approval of a corresponding Zoning Map Amendment (Zone Change) to change the zoning of the Subject Property from Exclusive Farm Use ("EFU") to Multiple Use Agricultural ("MUA-10").

**STAFF CONTACT:** Jacob Ripper, Principal Planner  
Jacob.Ripper@deschutes.org  
541-385-1759

**RECORD:** Record items can be viewed and downloaded from:  
[www.buildingpermits.oregon.gov](http://www.buildingpermits.oregon.gov) and  
<https://www.deschutes.org/cd/page/247-23-000210-pa-247-23-000211-zc-hunnell-road-plan-amendment-and-zone-change>

#### APPLICABLE CRITERIA:

Deschutes County Code, Title 18, County Zoning Ordinance  
Chapter 18.04, Title, Purpose, and Definitions  
Chapter 18.16, Exclusive Farm Use Zones

Chapter 18.32, Multiple Use Agricultural Zone  
Chapter 18.136, Amendments

Deschutes County Code, Title 22, 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 6, Forest Lands  
Division 12, Transportation Planning  
Division 15, Statewide Planning Goals and Guidelines  
Division 33, Agricultural Land

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

**DECISION:** The Hearings Officer finds that the application meets applicable criteria, and recommended approval to the Board of County Commissioners.

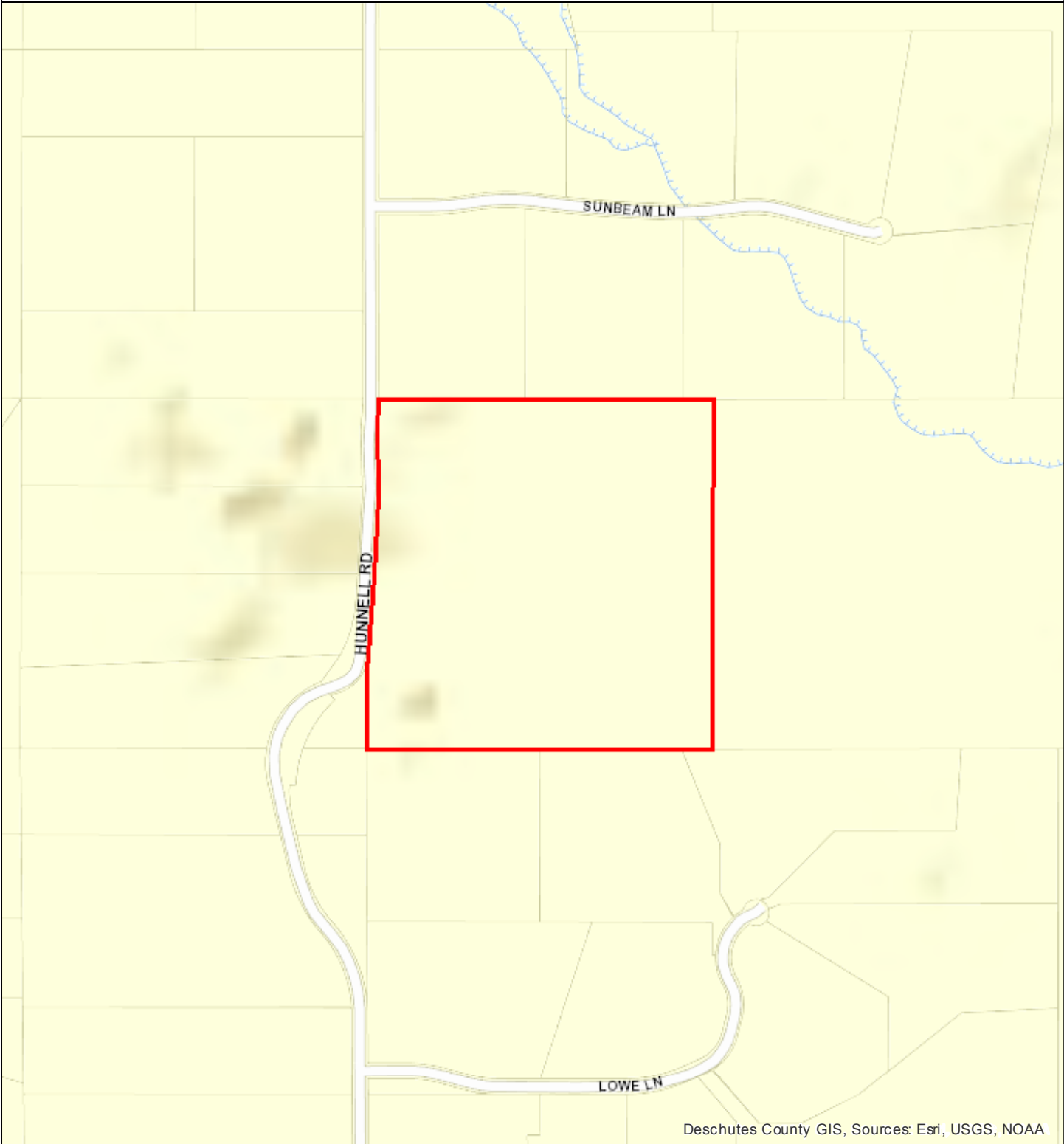
**This decision becomes final twelve (12) days after the date mailed**, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the base appeal deposit plus 20% of the original application fee(s), and a statement raising any issue relied upon for appeal with sufficient specificity to afford the Board of County Commissioners an adequate opportunity to respond to and resolve each issue.

Copies of the decision, application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

# File Nos 247-23-000210-PA, 211-ZC

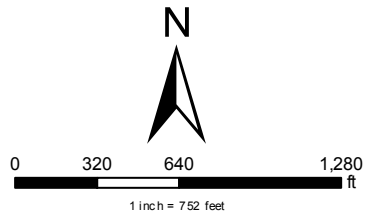
64430 HUNNELL RD, BEND, OR 97703



Deschutes County GIS, Sources: Esri, USGS, NOAA



Date: 9/22/2023





owner	agent	inCareOf	address	cityStZip	type	cdd id	email
Michael Groves and Cathie Groves			20075 Cox Lane	Bend, OR 97703	NOD	23-210-PA, 211-ZC	
Elizabeth Dickson	Dickson Hatfield LLP		400 SW Bluff Dr. Ste 240	Bend, OR 97702	NOD	23-210-PA, 211-ZC	
DESCHUTES CO. SR. TRANS. PLANNER	Tarik Rawlings		ELECTRONIC		NOD	23-210-PA, 211-ZC	Tarik.Rawlings@deschutes.org
Kenneth Katzaroff	Schwabe		1420 5th Ave., Suite 3400	Seattle, WA 98101	NOD	23-210-PA, 211-ZC	
NORBERT & JOAN VOLNY TRUST	VOLNY, JOAN TTEE		64545 HUNNELL RD	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
WILK,DAVID BLAISE & LINDA J			64455 HUNNELL RD	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
CAROLYN CARTER ESKY TRUST	ESKY, CAROLYN C TTEE		20575 SUNBEAM LN	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
MCDONALD, DAVID A & ELIZABETH A			64445 HUNNELL RD	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
THORNEYCROFT, ROY & KAREN E			20605 SUNBEAM LN	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
FARKAS, PETER & KAMILA AGNES			64520 HUNNELL RD	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
TERESA J FREEMAN LIVING TRUST	FREEMAN, TERESA J & PHILLIPPE C TTEES		20610 SUNBEAM LN	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
HALPERIN FAMILY 2019 TRUST	HALPERIN, BRUCE B & CONSTANCE C TTEES		20655 SUNBEAM LN	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
MITCHELL & PETERS REV LIVING TRUST	MITCHELL, HUGH S COTEE ETAL		64435 HUNNELL RD	BEND, OR 97703-8158	NOD	23-210-PA, 211-ZC	
VERN E & CAROLE L HEEREN FAM TRUST	HEEREN, VERN E TTEE ET AL		20560 LOWE LN	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
NEIDORF, DAVID A & LYDERS, PAULINE			64352 HUNNELL RD	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
WILKINSON, JESSICA L			20590 LOWE LN	BEND, OR 97701	NOD	23-210-PA, 211-ZC	
BURGIN, JEFFREY WILLIAM & SUZANNE MARIE			20550 LOWE LN	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
BRUCE W BUNDY TRUST	BUNDY, BRUCE WAYNE TTEE		20595 LOWE LN	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
CHARLES & BARBARA ROBERTS FAM TRUST	ROBERTS, CHARLES A & BARBARA M TTEES		PO BOX 940248	SIMI VALLEY, CA 93094	NOD	23-210-PA, 211-ZC	
MCKEAGE BYPASS TRUST ET AL	MCKEAGE, COLLEEN M TTEE		20585 LOWE LN	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
GROVES FAMILY REVOCABLE TRUST	GROVES, MICHAEL F & CATHIE L TTEES		20075 COX LN	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
DESCHUTES COUNTY		C/O PROPERTY MANAGEMENT	PO BOX 6005	BEND, OR 97708-6005	NOD	23-210-PA, 211-ZC	
OLSON FAMILY TRUST	OLSON, KRISTOPHER W & ELLEN L TTEES		20600 LOWE LN	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
GROSCUP FAMILY TRUST	GROSCUP, ROBERT A & MARLENE A TTEES		2301 WEMBLEY PARK RD	LAKE OSWEGO, OR 97034	NOD	23-210-PA, 211-ZC	
CAMERON, KAREN ANN			64425 HUNNELL RD	BEND, OR 97703	NOD	23-210-PA, 211-ZC	
SULLIVAN, GREGORY P & ALISA D			1857 KINGSTON RD	RICHLAND, WA 99354	NOD	23-210-PA, 211-ZC	
COOPER, RUSSELL L & LORI C			64385 HUNNELL RD	BEND, OR 97703	NOD	23-210-PA, 211-ZC	



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** January 31, 2024

**SUBJECT:** Approval of the 2023 Title III Certification Form

**RECOMMENDED MOTION:**

Move approval of Chair signature of Document No. 2024-103, the 2023 Title III Certification Form.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Secure Rural Schools and Community Self-Determination Act of 2000 (the Act), requires that counties which received funds under Title III of the Act submit to either or both the Secretary of Agriculture or the Secretary of the Interior, as appropriate, an annual certification that the funds expended have been used for the uses authorized under section 302(a) of the Act. The certification form reports the necessary information to meet the requirements of the Act.

**BUDGET IMPACTS:**

Money is drawn down from the Title III fund (327) to fund Search and Rescue efforts within the County and to fund the Forester and Fire Adapted Communities Coordinator positions.

**ATTENDANCE:**

Kevin Moriarty, County Forester



Secure Rural Schools and Community Self-Determination Act of 2000

Certification of Title III expenditures by participating county

Document No. 2024-103

The Secure Rural Schools and Community Self-Determination Act of 2000 (the Act), reauthorized in Public Law 110-343 and Public Law 112-141, requires the appropriate official of a county that receives funds under title III of the Act to submit to the Secretary concerned (the Secretary of Agriculture, or the Secretary of the Interior, as appropriate) an annual certification that the funds expended have been used for the uses authorized under section 302(a) of the Act. The Secretary concerned also is requiring the appropriate official to certify the amount of title III funds received since October 2008 that have not been obligated as of September 30 of the previous year.

The appropriate official of each participating county may use this form (see page 2) to report information to meet the requirements of the Act. Certification must be made by February 1 following each year title III funds are expended. Certain counties in Oregon receive title III payments initiated by both the Department of Agriculture and the Department of the Interior. If the county received Secure Rural Schools Act title III payments from more than one agency, the county must certify separately to each Secretary regarding the separate payment initiated by that agency. Submit the certification to the appropriate address below for the respective agency.

All counties expending title III funds received from Forest Service payments are to submit the annual certification by one of the following methods:

Mail:	e-mail:	FAX:
Secretary of Agriculture c/o U.S. Forest Service Payments to States Coordinator Albuquerque Service Center, B&F SWAM/IAS/ASR 101B Sun Avenue NE Albuquerque, NM 87109	asc_asr@fs.fed.us	877-684-1422

Certain counties in western Oregon expending title III funds received from payments from the Department of Interior for lands administered by the Bureau of Land Management are to submit a separate annual certification about the separate title III funds by one of the following methods:

Mail:	e-mail:	FAX:
Secretary of the Interior c/o BLM Oregon State Office State Director Office (OR931) Attn: Secure Rural Schools Coordinator P.O. Box 2965 Portland, OR 97208	(none available)	503 808-6021

**Secure Rural Schools and Community Self-Determination Act of 2000  
County's Certification of Title III Expenditures and Unobligated Funds.**

Name of participating county and state:	Deschutes County, Oregon
Calendar year for which this report is submitted:	2023

EXPENDITURES	
Amount of title III funds expended this year to carry out authorized activities under the Firewise Communities program:	\$10,490.05
Amount of title III funds expended this year to reimburse the participating county for emergency services performed on Federal land, as defined in the Act, and paid for by the participating county:	\$60,000.00
Amount of title III funds expended this year to develop community wildfire protection plans in coordination with the appropriate Secretary:	\$10,000.00
Total amount of title III funds expended this year for authorized uses:	\$80,490.05

FUNDS NOT OBLIGATED	
Amount of title III funds received since October 2008 not obligated by September 30 of the year for which this report is submitted.	\$0

CERTIFICATION	
<p>The expenditures reported above were for the uses authorized under section 302(a) of the Act. The proposed uses had a publication and comment period and were submitted to the appropriate Secure Rural Schools Act resource advisory committee(s) as required in Section 302(b) of the Act.</p> <p>The amounts reported as unobligated on September 30 are accurate and consistent with the county's accounting practices.</p> <p>Signature of certifying official: _____</p>	
Print or type name and title of certifying official: Patti Adair, Chair, Deschutes County Board of Commissioners	Date of certification:

### **Burden Statement**

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0220. The time required to complete this information collection is estimated to average 24 hours annually per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*

*The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).*

*To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.*



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** January 31, 2024

**SUBJECT:** Amendment to the land donation agreement with the City of Redmond for Northpoint Vista, and Board Order authorizing the Deschutes County Property Manager to execute the documents associated with closing the land donation

**RECOMMENDED MOTION:**

Move approval of Document No. 2024-104 authorizing Amendment No. 1 to the land donation agreement with the City of Redmond, and approval of Board Order No. 2024-005 authorizing the Deschutes County Property Manager to execute the documents associated with closing the land donation.

**BACKGROUND AND POLICY IMPLICATIONS:**

In 2016, House Bill 4079 (HB 4079) passed, which formed a pilot program aimed to help cities build affordable housing. The program allowed for two cities; one with population up to 25,000, and one with a population greater than 25,000, to add new housing units on lands currently outside their respective urban growth boundaries without going through the normal UGB expansion process.

Because no applications were received from a city with population less than 25,000, in 2019, the Oregon legislature amended the original statute by passing House Bill 2336. This allowed the Land Conservation and Development Commission to select the City of Redmond's application for the affordable housing pilot program, in lieu of a city of less than 25,000.

In 2019, Deschutes County and the City of Redmond (City) entered into a land donation agreement (Agreement) in accordance with House Bills 4079 and 2336. The Agreement provided a 40-acre donation of land located between NE Maple Avenue and NE Kingwood Avenue in East Redmond known as a portion of Map and Tax Lot 1513000000103. Highlights of the Agreement included:

1. The City completing land use entitlements to create a legal parcel within the UGB and City Limits, and responsible for the costs associated.
2. Minimum of 50% of developed housing units would remain at or below the threshold deemed affordable for a period of 50 years.
3. The City to demonstrate substantial initiation of the pilot project within seven years,

otherwise the County at its election, may exercise the right of reversions wherein ownership of the property will revert to County; substantial initiation is defined as infrastructure expenditures of at least \$1,000,000.

4. If the City does not fulfill the obligations set forth in the Agreement, property ownership in any part, developed or undeveloped, not otherwise transferred to a third party shall revert to the County.
5. The City paying all associated closing costs.

At the end of December 2023, the final partition plat for 39.31-acres was recorded, and the Agreement includes closing the transaction within 30-days of the recording. Subsequently, the City has requested the following:

1. Extend the Agreement to close within 120-days from recording the final plat, and
2. Modify the percentage of required affordable housing units from 50% to 30%. Note that the City intends to designate 45% of units to workforce housing (80 to 120% area medium income) and the remaining 25% at market rate, and
3. Modifying the original timeline as shown in the attached Exhibit B.

**BUDGET IMPACTS:**

39.31-acre donation to the City of Redmond at zero cost.

**ATTENDANCE:**

Kristie Bollinger, Property Manager

John Roberts, Deputy City Manager, City of Redmond

**AMENDMENT NO. 1 to  
LAND DONATION AGREEMENT**

THIS AMENDMENT NO. 1 is made as of the date of the last signature affixed hereto "Effective Date" by and between Deschutes County, a political subdivision of the State of Oregon ("County" or "Grantor") and CITY OF REDMOND, an Oregon municipal corporation ("CITY OF REDMOND" "Grantee"). County or Grantor and City of Redmond or Grantee referred to herein as "Party" or "Parties."

Amendment No. 1 amends that certain Land Donation Agreement ("Agreement") known as Deschutes County Document No. 2019-847) dated December 18, 2019 between the Parties.

The following sections of the Agreement are amended as follows:

**Closing of Agreement:** The Agreement shall be closed within one hundred twenty (120) days of recording the final partition plat, unless the parties agree to a later date. The Agreement shall be "closed" when the document conveying title is recorded. At closing, Grantor shall convey fee simple title to the Property to Grantee by bargain and sale deed, subject only to the permitted exceptions.

**Post Closing:** Grantee agrees to subsequently pursue any and all land use and building permits approvals to design, plat and develop housing units of which a minimum of (30%) will available as affordable housing units to be exclusively rented or sold to, and occupied by low income applicants, pursuant to applicable provisions of HB 4079/2336. The terms of this provision shall survive the Closing of Agreement, run with the land, and apply to subsequent owners/developers.

**Affordable Housing:** As outlined and described in Exhibit C of the Agreement , and consistent with applicable provisions of HB 4079/2336, Grantee shall provide methods to ensure that a minimum of 30% of developed housing units remain at or below the threshold deemed affordable housing for a period of 50 years from conveyance of the Property from Grantor to Grantee, including imposing such obligations on any and all subsequent owners. The terms of this provision shall survive the Closing of Agreement and run with the land.

The **City of Redmond – Proposed Schedule of Tasks & Timelines** as described in Exhibit B is replaced with **City of Redmond – Completed and Planned Tasks & Timelines**, recognizing the work that has already been completed or is underway on the Northpoint Vista project.

All other Terms of the Agreement to remain the same.

[SIGNATURE PAGES FOLLOW]



**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be effective for all purposes as of the Effective Date.

**GRANTOR/COUNTY:**

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

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

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

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

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

STATE OF OREGON     )  
                                  ) ss.  
County of Deschutes    )

Before me, a Notary Public, personally appeared PATTI ADAIR, ANTHONY DEBONE, and PHIL CHANG, the above-named Board of County Commissioners of Deschutes County, Oregon and acknowledged the foregoing instrument on behalf of Deschutes County, Oregon.

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

\_\_\_\_\_ My Commission Expires: \_\_\_\_\_

Notary Public for Oregon

**GRANTEE/CITY OF REDMOND:**

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

CITY OF REDMOND, OREGON

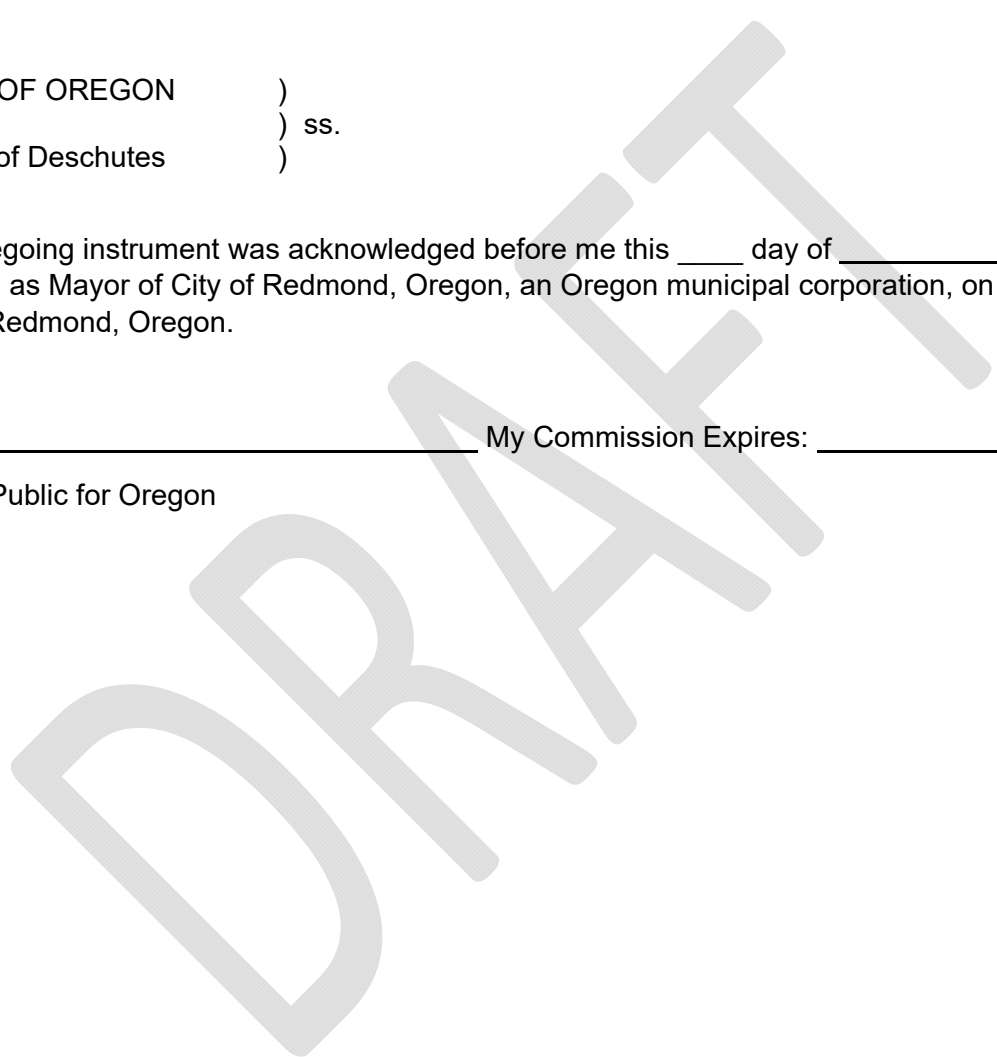
\_\_\_\_\_  
Ed Fitch, Mayor

STATE OF OREGON            )  
  ) ss.  
County of Deschutes        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by Ed Fitch as Mayor of City of Redmond, Oregon, an Oregon municipal corporation, on behalf of said City of Redmond, Oregon.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public for Oregon



**Amended Exhibit B – Schedule of Tasks and Associated Timelines**

**City of Redmond – Completed and Planned Tasks & Timeline**

	<b>Task</b>	<b>Timeline</b>
1.	Redmond is awarded Pilot Project under HB 2336	April 2019
2.	Establish Project Advisory Committee	November 2019
3.	Complete donation agreement with County for 40-acres	December 2019
<b>4.</b>	<b>Land Use Entitlements</b>	<b>January 2020 - December 2023</b>
4.a.	Phase 1 Environmental Survey	April 2020
4.b.	Transportation Impact Assessment	October 2020
4.c.	Survey subject property/finalize legal description	June 2023
4.d.	Partition subject property, amend the Urban Growth Boundary, and complete Annexation (approval from both County and City)	December 2023
<b>5</b>	<b>Master Developer</b>	<b>March 2022 – June 2024</b>
5.a.	Develop RFP with Project Advisory Committee	March 2022, Nov. 2022
5.b.	Issue RFP for Master Developer	March 2022, November 2022
5.c.	Select Master Developer	March 2023
5.d.	Master Planning and Infrastructure Development Contract Effective	December 2023
5.e.	Advisory Committee work with Master Developer to refine infrastructure plan	Scheduled for February / March 2024
5.f.	Infrastructure planning complete for entire 40-acres	Contracted December 2023 - June 2024
<b>6.</b>	<b>Infrastructure (City of Redmond and Master Developer)</b>	<b>January 2020 - June 2024</b>
6.a.	Infrastructure grants received or obligated ~\$6.3 M	\$5 M Lottery Bond anticipated January 2025
6.b.	Eastside Sewer Intercept construction completed	Spring 2023
<b>7.</b>	<b>Selection of affordable housing developers for initial phase of development</b>	<b>January 2024 – June 2024</b>
7.a.	Procurement process for selection of affordable housing developers	Underway
7.b.	Sales agreement or DDA for site control for affordable housing developer	Immediately following final land donation filing
7.c.	First affordable housing funding request of OHCS	Planned no later than June 2024

REVIEWED

LEGAL COUNSEL

01/31/2024 Item #12.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Designating the Deschutes County  
Property Manager, Kristie Bollinger as the  
Deschutes County Representative for the Purpose  
of Signing Documentation to Complete the Land  
Donation Transaction for 39.31-acres known as a  
portion of Map and Tax Lot 1513000000103 to  
the City of Redmond

\*  
\*  
\*  
\*

ORDER NO. 2024-005

WHEREAS, the Board of County Commissioners of Deschutes County has authorized the land donation consisting of 39.31-acres known as a portion of Map and Tax Lot 1513000000103, Redmond, Oregon, 97756 to the City of Redmond, an Oregon municipal corporation; and

WHEREAS, in accordance with House Bills 4079 and 2336, Deschutes County and the City of Redmond (City) entered into a Land Donation Agreement (Agreement) executed December 18, 2019; and

WHEREAS, the conditions of the Agreement included the City completing land use entitlements at its sole cost and expense to create a legal parcel located within the Urban Growth Boundary (UGB) and City Limits; and

WHEREAS, subsequently, the City has completed the land use entitlements including the partition plat process, which was recorded in the Deschutes County Official Records recording no. 2023-31682; now, THEREFORE,

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

Section 1. The Deschutes County Property Manager, Kristie Bollinger is designated as the Deschutes County representative for the purpose of signing the necessary documents to complete the land donation transaction consisting of 39.31-acres known as a portion of Map and Tax Lot 1513000000103 to the City of Redmond.

**SIGNATURES ON FOLLOWING PAGE**

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

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

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

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

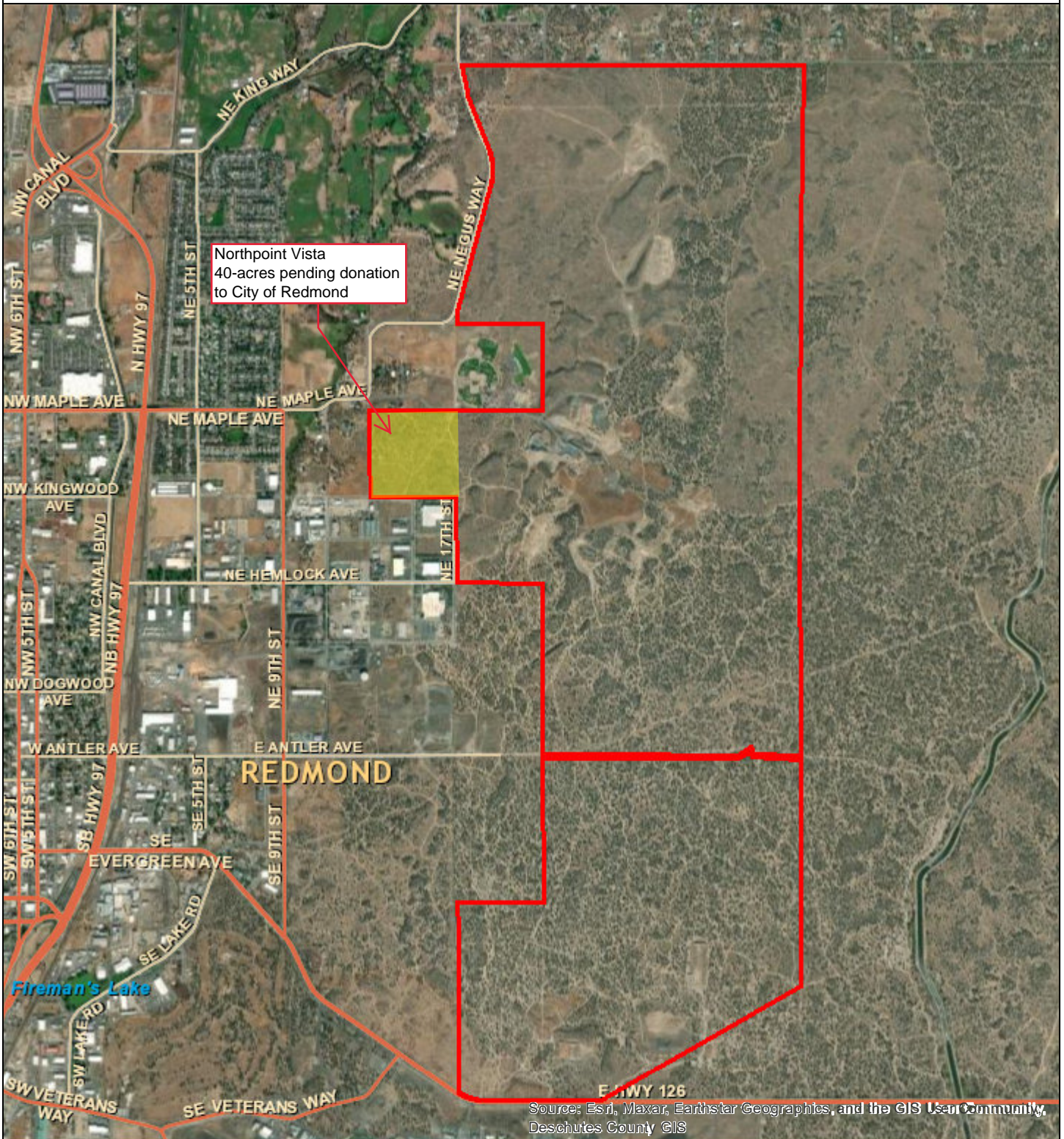
ATTEST:

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

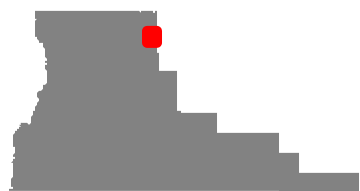
\_\_\_\_\_  
PHIL CHANG, Commissioner

# County-owned Property

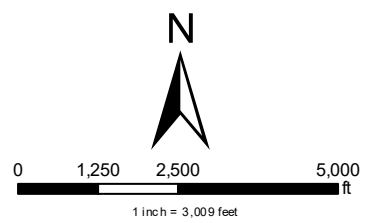
40-acres, pending donation to the City of Redmond



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Deschutes County GIS



Date: 1/24/2024





## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** January 31, 2024

**SUBJECT:** Application for Energy Efficiency and Conservation Block Grant Funds

**RECOMMENDED MOTIONS:**

Move to authorize the submittal of an application for grant funds to complete an Energy Audit and develop an Energy Efficiency and Conservation Strategy.

**BACKGROUND:**

The Department of Energy has funded the Energy Efficiency and Conservation Block Grant (EECBG) program from the Bipartisan Infrastructure Law. The EECBG program is designed to assist states, local governments, and Tribes in implementing strategies to reduce energy use, to reduce fossil fuel emissions, and to improve energy efficiency.

The EECBG has designated \$78,310 in funds for Deschutes County. With these funds, the County can apply for a Technical Assistance Voucher which allows government entities to use the funds for eligible voucher activities without going through a more rigorous federal grant process.

One of the requirements of using EECBG funds is for the local government entities to have an energy efficiency and conservation strategy, eligible voucher activities include using part of the funds to develop the strategy.

If the Commissioners are in favor of applying for the EECBG funding designated for Deschutes County, staff recommends the funds be applied to developing an energy efficiency and conservation strategy and conducting an energy audit.

**ATTENDANCE:**

Lee Randall, Facilities Director

Jen Patterson, Strategic Initiatives Manager