



COMMUNITY DEVELOPMENT

DESCHUTES COUNTY PLANNING COMMISSION

5:30 PM, THURSDAY, JANUARY 25, 2024

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

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

AGENDA

MEETING FORMAT

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

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

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

<https://us02web.zoom.us/j/86236927854?pwd=dIRDSXB2aWhCbFIRNmt4NEtpRkRsdz09>

Passcode: 413088

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: 1-312-626-6799. When prompted, enter the following Webinar ID: 862 3692 7854 and Passcode: 413088. Written comments can also be provided for the public comment section to planningcommission@deschutes.org by 5:00 p.m. on January 25. They will be entered into the record.

I. CALL TO ORDER

II. APPROVAL OF MINUTES - January 11

III. PUBLIC COMMENT

IV. ACTION ITEMS

1. Deliberations: RVs as Rental Dwellings Text Amendments (*Tanya Saltzman, Senior Planner*)
2. Deliberations: Deschutes County 2040 Comprehensive Plan Update (*Nicole Mardell, Senior Planner*)

V. PLANNING COMMISSION AND STAFF COMMENTS

VI. ADJOURN



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.



MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Tanya Saltzman, AICP, Senior Planner

DATE: January 18, 2024

SUBJECT: Continued Deliberations – RVs as Rental Dwellings

On January 25, 2024 the Deschutes County Planning Commission will continue deliberations from January 11 to consider legislative text amendments to allow recreational vehicles as rental dwellings (File No. 247-23-000700-TA). The primary purpose of the amendments is to consider allowing RVs as rental dwellings subject to the requirements set forth in Senate Bill (SB) 1013 and any locally developed standards.

I. BACKGROUND

Staff submitted a Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on October 4, 2023. Staff presented information on the proposed amendments at a Planning Commission work session on October 12, 2023.¹ The Planning Commission held an initial public hearing on November 9, 2023,² which was continued to December 14, 2023.³ At that time, the hearing was closed, and the written record was held open until December 28 at 4:00 p.m. The Planning Commission began deliberating on January 11, 2023⁴ and elected to continue the discussion to January 23 to form a complete recommendation to forward to the Board of County Commissioners (Board).

The record, which contains all memoranda, notices, and written testimony received, is available at the following website: www.deschutes.org/rvamendments

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

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-41>

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

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

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

II. JANUARY 11 DELIBERATIONS

On January 11, after summarizing the public and agency testimony received, staff provided the Planning Commission with several questions aimed at guiding deliberation discussions.

The first question under consideration was the following:

Does the Planning Commission recommend to the Board of County Commissioners that RVs as rental dwellings should be allowed in rural residential exception areas (RR-10, MUA-10, UAR-10, SR 2 ½, WTZ) pursuant to SB 1013 and subject to certain additional standards?

After extensive discussion (summarized below), the Planning Commission voted 4-3 to **not** recommend adoption of the proposed amendments. Staff will relay to the Board the Planning Commission's reasons for its recommendation as well as the dissenting opinions.

The following issues were raised in discussion of the majority opinion of not supporting the amendments:

- Amendments apply to a very large number of rural residential lots (approximately 12,500-13,000 1 acre minimum or greater; 5,000 additional lots between 0.5 acre and 1 acre).
- These amendments generate unprecedented land use impacts that have not been fully vetted at a community-wide level (traffic, road maintenance, wildlife, rural fire protection, garbage, etc.).
- It will be difficult enforcing code violators based on CDD's backlog of active cases that involve imminent public health and safety issues.
- RVs are an incompatible land use with adjoining residences.
- The amendments create unfunded responsibilities on rural fire protection districts because RVs aren't recognized as real property.
- RVs increase the threat of wildfire because they are not fire hardened

The following issues were raised in support of the amendments:

- It is necessary to provide options for another type of housing and the County does have a role to play with respect to this issue
- While RVs as rental dwellings might not solve the affordable housing problem, it can provide a pressure release
- RVs would be a less expensive option than ADUs
- Concerning rural character, resource lands (farm and forest) would remain untouched under this proposal

The Planning Commission also voted to continue deliberating additional components of the amendments to provide maximum context to the Board should the Board consider adoption despite the Planning Commission's "no" recommendation. Those items are outlined in the next section of this memorandum for discussion on January 25. The Planning Commission can choose to discuss and relay a recommendation concerning any combination of these items, including forwarding just the "no" recommendation and its immediate context as summarized above.

III. ADDITIONAL TOPICS FOR DELIBERATION

Remaining Staff Items for Deliberation

Below, staff has provided its remaining issues for the Planning Commission to consider that have been carried over from the initial January 11 session. The Planning Commission has discretion over which items, if any, it would like to discuss.

1. Should there be a minimum acreage requirement for RVs as rental dwellings?

- a. 1 acre minimum (current draft amendments)
- b. 0.5 acre minimum
- c. Other minimum
- d. No minimum - SB 1013 does not propose a minimum acreage

2. Should wildfire protection standards be included in the proposed amendments?

- a. No wildfire protection standards should be included - SB 1013 does not contain fire protection standards
- b. The wildfire protection standards that are utilized for ADUs should apply to RVs where applicable, specifically:
 - Adequate access standards for road and driveway (DCC 18.116.355(B)(11)(a))
 - Wildfire Hazard Mitigation Defensible Space Standards (DCC 18.116.355(B)(11), customized where necessary for RVs)
- c. Other recommendations from various fire protection districts:
 - Require a five-foot non-combustible ground cover around RV
 - Access roads to the living sites should have an all-weather surface and not just dirt
 - All exterior portions of the RV should be within 150 feet of the fire apparatus access lane
 - Recommend that staff further refine specific recommendations from fire districts

3. Should RVs as rental dwellings be subject to special setbacks or other standards to dictate location on the property?

- a. No additional setbacks – current draft requires all RVs to meet the same setbacks required of a manufactured dwelling or single-family dwelling on the subject lot
- b. Setback of a certain distance. Examples include:

Campgrounds – Developed areas of campgrounds must be set back 100 feet from property lines. Staff notes that there are important similarities between campground and the proposed RV use (including indoor/outdoor living) and similar setbacks may be appropriate to buffer noise and visual impacts from the use.

Home Occupations – outdoor storage is limited and, where allowed, has a minimum 20-foot setback and screening requirements.

- c. Require the RV to be sited within a certain distance of the primary dwelling (example: 100 feet)

Other Items for Planning Commission Consideration

The following additional items were provided by Commissioner Altman for Planning Commission consideration, in the interest of providing a comprehensive recommendation to the Board. The Planning Commission may choose to issue a recommendation concerning all, some, or none of these items.

4. Should there be a maximum acreage for RVs as rentals?

- a. 2 acres
- b. 3 acres
- c. 5 acres
- d. No

5. Should there be a limit to the number of permits issued for the first two years?

- a. 100
- b. 250
- c. 500
- d. No

6. Should the allowed use be within a certain distance from the UGB?

- a. 1 mile
- b. 2 miles
- c. 5 miles
- d. No

7. Should the Wildlife Area Combining Zone be excluded from the program?

- a. Yes
- b. No

8. Should the county issue SDCs or a high permit fee to offset the increased road usage and emergency services?

- a. Yes
- b. No

9. Does the Planning Commission suggest that the BOCC pause reviewing this issue until ADUs are fully implemented (or for a period of 6-12 months)?

- a. Yes
- b. No

IV. NEXT STEPS

At the conclusion of the meeting, the Commission can:

- Continue deliberations to a date certain;
- Close deliberations and propose a recommendation during this meeting.

Ultimately, the Planning Commission will provide a recommendation to the Board. Options include:

- Recommend approval of amendments as drafted;
- Recommend approval of amendments with suggested edits or recommendations;
- Recommend denial of amendments;
- Other.

Attachments:

1. Proposed Text Amendments and Findings

CHAPTER 18.04 TITLE, PURPOSE AND DEFINITIONS

18.04.030 Definitions

18.04.030 Definitions

* * *

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

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

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

HISTORY

Adopted by Ord. [PL-15](#) on 11/1/1979

Amended by Ord. [82-013](#) §1 on 5/25/1982

Amended by Ord. [83-037](#) §2 on 6/1/1983

Amended by Ord. [83-033](#) §1 on 6/15/1983

Amended by Ord. [84-023](#) §1 on 8/1/1984

Amended by Ord. [85-002](#) §2 on 2/13/1985

Amended by Ord. [86-032](#) §1 on 4/2/1986

Amended by Ord. [86-018](#) §1 on 6/30/1986

Amended by Ord. [86-054](#) §1 on 6/30/1986

Amended by Ord. [86-056](#) §2 on 6/30/1986

Amended by Ord. [87-015](#) §1 on 6/10/1987

Amended by Ord. [88-009](#) §1 on 3/30/1988

Amended by Ord. [88-030](#) §3 on 8/17/1988

Amended by Ord. [88-030](#) §4 on 8/17/1988

Amended by Ord. [89-004](#) §1 on 3/24/1989

Amended by Ord. [89-009](#) §2 on 11/29/1989

Amended by Ord. [90-014](#) §2 on 7/12/1990

Amended by Ord. [91-002](#) §11 on 2/6/1991

Amended by Ord. [91-005](#) §1 on 3/4/1991

Amended by Ord. [92-025](#) §1 on 4/15/1991

Amended by Ord. [91-020](#) §1 on 5/29/1991

Amended by Ord. [91-038](#) §§3 and 4 on 9/30/1991

Amended by Ord. [92-004](#) §§1 and 2 on 2/7/1992

Amended by Ord. [92-034](#) §1 on 4/8/1992

Amended by Ord. [92-065](#) §§1 and 2 on 11/25/1992

Amended by Ord. [92-066](#) §1 on 11/25/1992

Amended by Ord. [93-002](#) §§1, 2 and 3 on 2/3/1993
Amended by Ord. [93-005](#) §§1 and 2 on 4/21/1993
Amended by Ord. [93-038](#) §1 on 7/28/1993
Amended by Ord. [93-043](#) §§1, 1A and 1B on 8/25/1993
Amended by Ord. [94-001](#) §§1, 2, and 3 on 3/16/1994
Amended by Ord. [94-008](#) §§1, 2, 3, 4, 5, 6, 7 and 8 on 6/8/1994
Amended by Ord. [94-041](#) §§2 and 3 on 9/14/1994
Amended by Ord. [94-038](#) §3 on 10/5/1994
Amended by Ord. [94-053](#) §1 on 12/7/1994
Amended by Ord. [95-007](#) §1 on 3/1/1995
Amended by Ord. [95-001](#) §1 on 3/29/1995
Amended by Ord. [95-075](#) §1 on 11/29/1995
Amended by Ord. [95-077](#) §2 on 12/20/1995
Amended by Ord. [96-003](#) §2 on 3/27/1996
Amended by Ord. [96-082](#) §1 on 11/13/1996
Amended by Ord. [97-017](#) §1 on 3/12/1997
Amended by Ord. [97-003](#) §1 on 6/4/1997
Amended by Ord. [97-078](#) §5 on 12/31/1997
Amended by Ord. [2001-037](#) §1 on 9/26/2001
Amended by Ord. [2001-044](#) §2 on 10/10/2001
Amended by Ord. [2001-033](#) §2 on 10/10/2001
Amended by Ord. [2001-048](#) §1 on 12/10/2001
Amended by Ord. [2003-028](#) §1 on 9/24/2003
Amended by Ord. [2004-001](#) §1 on 7/14/2004
Amended by Ord. [2004-024](#) §1 on 12/20/2004
Amended by Ord. [2005-041](#) §1 on 8/24/2005
Amended by Ord. [2006-008](#) §1 on 8/29/2006
Amended by Ord. [2007-019](#) §1 on 9/28/2007
Amended by Ord. [2007-020](#) §1 on 2/6/2008
Amended by Ord. [2007-005](#) §1 on 2/28/2008
Amended by Ord. [2008-015](#) §1 on 6/30/2008
Amended by Ord. [2008-007](#) §1 on 8/18/2008
Amended by Ord. [2010-018](#) §3 on 6/28/2010
Amended by Ord. [2010-022](#) §1 on 7/19/2010
Amended by Ord. [2011-009](#) §1 on 10/17/2011
Amended by Ord. [2012-004](#) §1 on 4/16/2012
Amended by Ord. [2012-007](#) §1 on 5/2/2012
Amended by Ord. [2013-008](#) §1 on 7/5/2013
Amended by Ord. [2014-009](#) §1 on 8/6/2014
Amended by Ord. [2015-004](#) §1 on 4/22/2015
Amended by Ord. [2016-015](#) §1 on 7/1/2016
Amended by Ord. [2016-026](#) §1 on 11/9/2016
Amended by Ord. [2016-006](#) §1 on 2/27/2017
Amended by Ord. [2017-015](#) §1 on 11/1/2017

Repealed by Ord. [2018-005](#) §8 on 10/10/2018
Amended by Ord. [2018-006](#) §4 on 11/20/2018
Amended by Ord. [2019-010](#) §1 on 5/8/2019
Amended by Ord. [2019-016](#) §1 on 2/24/2020
Amended by Ord. [2020-001](#) §1 on 4/21/2020
Amended by Ord. [2020-010](#) §1 on 7/3/2020
Amended by Ord. [2020-007](#) §7 on 10/27/2020
Amended by Ord. [2021-013](#) §3 on 4/5/2022
Amended by Ord. [2023-001](#) §2 on X/XX/2023
[Amended by Ord. 2023-xxx §x on X/XX/2023](#)

CHAPTER 18.32 MULTIPLE USE AGRICULTURAL ZONE; MUA

18.32.020 Uses Permitted Outright

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18.32.020 Uses Permitted Outright

The following uses and their accessory uses are permitted outright:

- A. Agricultural uses as defined in DCC Title 18.
- B. A single family dwelling, or a manufactured home subject to DCC 18.116.070.
- C. Propagation or harvesting of a forest product.
- D. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- E. Class III road or street project.
- F. Noncommercial horse stables, excluding horse events.
- G. Horse events, including associated structures, involving:
 - 1. Fewer than 10 riders;
 - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
 - 3. More than 25 riders, no more than two times per year on nonconsecutive days. Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- H. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- I. Type 1 Home Occupation, subject to DCC 18.116.280.
- J. Historic Accessory Dwelling Units, subject to DCC 18.116.350.
- K. Residential Accessory Dwelling Units, subject to DCC 18.116.355.
- L. Recreational vehicles as rental dwellings, subject to DCC 18.116.095.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 91-002 §6 on 2/6/1991

Amended by Ord. 91-005 §18 on 3/4/1991

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 91-038 §1 on 9/30/1991

Amended by Ord. 93-001 §1 on 1/27/1993

Amended by Ord. 93-043 §4 on 8/25/1993

Amended by Ord. 94-008 §10 on 6/8/1994

Amended by Ord. 2001-016 §2 on 3/28/2001

Amended by Ord. 2001-039 §2 on 12/12/2001

Amended by Ord. 2004-002 §3 on 4/28/2004

Amended by Ord. 2019-009 §1 on 9/3/2019

Recorded by Ord. 2019-009 §1 on 9/3/2019

Amended by Ord. 2023-00x §x on [date] – pending ADU ordinance

Amended by Ord. 2023-00x §x on [date]

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CHAPTER 18.60 RURAL RESIDENTIAL ZONE; RR-10

18.60.020 Uses Permitted Outright

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18.60.020 Uses Permitted Outright

The following uses and their accessory uses are permitted outright.

- A. A single-family dwelling, or a manufactured home subject to DCC 18.116.070.
- B. Utility facilities necessary to serve the area including energy facilities, water supply and treatment and sewage disposal and treatment.
- C. Community center, if shown and approved on the original plan or plat of the development.
- D. Agricultural use as defined in DCC Title 18.
- E. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
- F. Class III road or street project.
- G. Noncommercial horse stables as defined in DCC Title 18, excluding horse events.
- H. Horse events, including associated structures, involving:
 - 1. Fewer than 10 riders;
 - 2. Ten to 25 riders, no more than two times per month on nonconsecutive days; or
 - 3. More than 25 riders, no more than two times per year on nonconsecutive days. Incidental musical programs are not included in this definition. Overnight stays by participants, trainers or spectators in RVs on the premises is not an incident of such horse events.
- I. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.
- J. Type 1 Home Occupation, subject to DCC 18.116.280.
- K. Historic Accessory Dwelling Units, subject to DCC 18.116.350.
- L. Residential Accessory Dwelling Units, subject to DCC 18.116.355.
- M. Recreational vehicles as rental dwellings, subject to DCC 18.116.095.

HISTORY

Adopted by Ord. PL-15 on 11/1/1979

Amended by Ord. 91-005 §§30 & 31 on 3/4/1991

Amended by Ord. 91-020 §1 on 5/29/1991

Amended by Ord. 93-043 §8 on 8/25/1993

Amended by Ord. 94-008 §12 on 6/8/1994

Amended by Ord. 2001-016 §2 on 3/28/2001

Amended by Ord. 2001-039 §5 on 12/12/2001

Amended by Ord. 2004-002 §7 on 4/28/2004

Amended by Ord. 2019-009 §2 on 9/3/2019

Recorded by Ord. 2019-009 §2 on 9/3/2019

Amended by Ord. 2023-00x §x on [date] – pending rural ADU ordinance

Amended by Ord. 2023-00x §x on [date]

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CHAPTER 18.116 SUPPLEMENTARY PROVISIONS

18.116.095 Recreational Vehicle As A Residence On An Individual Lot

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18.116.095 Recreational Vehicle As A Residence On An Individual Lot

- A. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel in a manufactured dwelling park, mobile home park or recreational vehicle park, consistent with ORS 197.493(1), provided that:
1. The recreational vehicle is occupied as a residential dwelling; and
 2. The recreational vehicle is lawfully connected to water and electrical supply systems and a sewage disposal system.
- B. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel not containing a dwelling unit and not within in a manufactured dwelling park, mobile home park or recreational vehicle park and used as a temporary dwelling unit:
1. For a period totaling not more than 30 days in any consecutive 60-day period without obtaining a land use permit from the Deschutes County Planning Division; or
 2. For a total period not to exceed six months in a calendar year by obtaining a temporary use permit under the terms of DCC 18.116.095 from the Deschutes County Planning Division. A temporary use permit may be renewed annually for use of a recreational vehicle under the terms of DCC 18.116.095 on the same lot or parcel.
- C. A single recreational vehicle, as defined in DCC Title 18, may be located on a lot or parcel containing a manufactured dwelling or single-family dwelling, where such dwelling is uninhabitable due to damages from natural disasters, including wildfires, earthquakes, flooding or storms, until no later than the date:
1. The dwelling has been repaired or replaced and an occupancy permit has been issued;
 2. The local government makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
 3. Twenty-four months after the date the dwelling first became uninhabitable.
- D. In the RR-10 and MUA-10 Zones, a rental dwelling may be established in a single recreational vehicle, as defined in DCC Title 18, provided the following requirements are met:
1. The subject lot or parcel contains a manufactured dwelling or single-family dwelling;
 2. The rental dwelling is subject to a written residential rental agreement as defined in ORS 90.100(39);
 3. The property is not within an area designated as an urban reserve in the Deschutes County Comprehensive Plan;

4. The lot area is at least one acre in size;
5. A manufactured dwelling or a single-family dwelling that is occupied as the primary residence of the property owner is sited on the lot or parcel:
 - a. As used in this section, "sited" means established onsite or applied for prior to issuance of any land use permits for a residential recreational vehicle.
 - b. As used in this section, "primary residence" means a dwelling occupied by the property owner on a long-term or permanent basis.
6. There are no other dwelling units, guest houses, or occupied recreational vehicles on the property and no portion of the manufactured dwelling or single-family dwelling is rented as a dwelling. This prohibition does not apply to RVs under 18.116.095(C).
7. The recreational vehicle is owned or leased by the tenant;
8. The recreational vehicle shall include an operable toilet and sink;
9. If the recreational vehicle will be located within a structure, the structure shall be entirely open on two or more sides;
10. The recreational vehicle shall maintain a setback of at least 10 feet from other structures; and
11. The property owner will provide essential services to the recreational vehicle space including:
 - a. Sewage disposal, frost protected water supply, electrical supply and, if required by applicable law, any drainage system, all installed with permits and to applicable codes; and
 - b. Any other service or habitability obligation imposed by the rental agreement or ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition), the lack or violation of which creates a serious threat to the tenant's health, safety or property or makes the rented space unfit for occupancy.
 - c. A letter confirming that the supplier of water is "Willing and Able to Serve" the recreational vehicle shall be provided if the recreational vehicle is to be served by any water source other than an onsite domestic well.
12. The property owner shall provide a parking pad for the recreational vehicle with a surface material of compacted gravel with a minimum thickness of 4", concrete with a minimum thickness of 3.5", or asphalt with a minimum thickness of 3".
13. For properties located in the Wildlife Area Combining Zone, a recreational vehicle approved under this section is subject to DCC 18.88.060(B) and is considered a new dwelling.

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

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

- a. The occupant rents the unit for vacation purposes only, not as a principal residence; and
- b. The occupant has a principal residence other than at the unit; and
- c. The period of authorized occupancy does not exceed 45 days.

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

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

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

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

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

HISTORY

Amended by Ord. [91-038](#) §3 on 9/30/1991

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

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

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

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

Amended by Ord. [2023-0XX](#) §XX on X/XX/2023

CHAPTER 19.04 TITLE, COMPLIANCE, APPLICABILITY AND DEFINITIONS

19.04.040 Definitions

19.04.040 Definitions

* * *

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

HISTORY

Adopted by Ord. [80-217](#) §1 Exhibit A on 12/18/1980
 Amended by Ord. [82-011](#) on 8/9/1982
 Amended by Ord. [83-041](#) §2 on 6/1/1983
 Amended by Ord. [86-032](#) §1 on 4/2/1986
 Amended by Ord. [86-033](#) §1 on 4/2/1986
 Amended by Ord. [86-017](#) §1 Exhibit a on 6/30/1986
 Amended by Ord. [86-055](#) §1 on 6/30/1986
 Amended by Ord. [86-058](#) §1 on 6/30/1986
 Amended by Ord. [88-042](#) §3 on 12/19/1988
 Amended by Ord. [90-038](#) §1 on 10/3/1990
 Repealed & Reenacted by Ord. [90-007](#) §1 on 12/7/1990
 Amended by Ord. [91-001](#) §1 on 1/28/1991
 Amended by Ord. [91-029](#) §§1, 8, 9 and 10 on 8/7/1991
 Amended by Ord. [92-043](#) §1 on 5/20/1992
 Amended by Ord. [93-018](#) §1 on 5/19/1993
 Amended by Ord. [94-005](#) §§1 & 2 on 6/15/1994
 Amended by Ord. [95-045](#) §15 on 6/28/1995
 Amended by Ord. [96-071](#) §1D on 12/30/1996
 Amended by Ord. [97-017](#) §1 on 3/12/1997
 Amended by Ord. [97-038](#) §1 on 8/27/1997
 Amended by Ord. [99-001](#) §§2-4 on 1/13/1999
 Repealed & Reenacted by Ord. [2009-002](#) §1,2 on 2/11/2009
 Amended by Ord. [2013-013](#) §1 on 7/25/2013
 Amended by Ord. [2014-016](#) §1 on 12/29/2014
 Amended by Ord. [2016-016](#) §1 on 6/1/2016
 Amended by Ord. [2017-009](#) §7 on 7/21/2017
 Amended by Ord. [2020-001](#) §17 on 4/21/2020
 Amended by Ord. [2020-010](#) §8 on 7/3/2020
 Amended by Ord. [2021-009](#) §2 on 6/18/2021
 Amended by Ord. [2023-xxx](#) §2 on x/x/2023

CHAPTER 19.12 URBAN AREA RESERVE ZONE UAR-10

19.12.020 Permitted Uses

* * *

19.12.020 Permitted Uses

The following uses are permitted:

- A. Farm uses as defined in DCC Title 19.
- B. Single-family dwelling.
- C. Home occupation subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. Day care center facilities subject to site review, DCC 19.76 and DCC 19.88.160.
- F. Farm stands subject to DCC 19.76 and DCC 19.88.290.
- G. Historic Accessory Dwelling Units, subject to DCC 19.92.150.
- H. Residential Accessory Dwelling Units, subject to DCC 19.92.160
- I. Recreational vehicles as rental dwellings, subject to DCC 19.92.170.

HISTORY

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

Amended by Ord. 88-042 §4 on 12/19/1988

Repealed & Reenacted by Ord. 90-038 §1,2 on 10/3/1990

Amended by Ord. 91-001 §2 on 1/28/1991

Amended by Ord. 2008-014 §3 on 3/31/2008

Repealed & Reenacted by Ord. 2009-002 §1,2 on 2/11/2009

Amended by Ord. 2019-009 §4 on 9/3/2019

Recorded by Ord. 2019-009 §4 on 9/3/2019

Amended by Ord. 2023-00x §x on [date] – pending ADU ordinance

Amended by Ord. 2023-00x §x on [date]

CHAPTER 19.20 SUBURBAN LOW DENSITY RESIDENTIAL ZONE; SR 2 1/2

19.20.020 Permitted Uses

* * *

19.20.020 Permitted Uses

The following uses are permitted:

- A. Single-family dwelling.
- B. Agriculture, excluding the keeping of livestock.
- C. Home occupations subject to DCC 19.88.140.
- D. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- E. Historic Accessory Dwelling Units, subject to DCC 19.92.150.
- F. Child care facility and/or preschool.
- G. Residential Accessory Dwelling Units, subject to DCC 19.92.160.
- H. Recreational vehicles as rental dwellings, subject to DCC 19.92.170.

HISTORY

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

Amended by Ord. 88-042 §6 on 12/19/1988

Repealed & Reenacted by Ord. 90-038 §1,2 on 10/3/1990

Amended by Ord. 91-001 §4 on 1/28/1991

Amended by Ord. 93-018 §3 on 5/19/1993

Repealed & Reenacted by Ord. 2009-002 §1,2 on 2/11/2009

Amended by Ord. 2019-009 §5 on 9/3/2019

Recorded by Ord. 2019-009 §5 on 9/3/2019

Amended by Ord. 2020-001 §20 on 4/21/2020

Amended by Ord. 2020-010 §9 on 7/3/2020

Amended by Ord. 2023-00x §x on [date] – Pending ADU ordinance

Amended by Ord. 2023-00x §x on [date]

CHAPTER 19.22 WESTSIDE TRANSECT ZONE; WTZ

19.22.020 Permitted Uses

* * *

19.22.020 Permitted Uses

The following uses and their accessory uses are permitted outright:

- A. Single-family dwelling.
- B. Home occupation subject to DCC 19.88.140.
- C. Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use subject to DCC 19.92.020.
- D. Residential Accessory Dwelling Units, subject to DCC 19.92.160.
- E. Recreational vehicles as rental dwellings, subject to DCC 19.92.170.

HISTORY

Adopted by Ord. 2019-001 §8 on 4/16/2019

Amended by Ord. 2023-00x §x on [date] – pending ADU ordinance

Amended by Ord. 2023-00x §x on [date]

CHAPTER 19.76 SITE PLAN REVIEW

19.76.020 Site Plan Requirements

19.76.020 Site Plan Requirements

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

HISTORY

Adopted by Ord. [PL-11](#) on 7/11/1979

Repealed & Reenacted by Ord. [90-038](#) §1 on 10/3/1990

[Amended by Ord. 2023-0XX §XX on X/XX/2023](#)

CHAPTER 19.92 INTERPRETATIONS AND EXCEPTIONS

* * *

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

- A. In the UAR-10, SR 2 ½, and WTZ Zones, a single recreational vehicle, as defined in DCC 19.04, may be located on a lot or parcel containing a manufactured dwelling or single-family dwelling, subject to a residential rental agreement and provided the following are met:
1. The property is not within an area designated as an urban reserve in the Deschutes County Comprehensive Plan;
 2. The lot area is at least one acre in size;
 3. A manufactured dwelling or a single-family dwelling that is occupied as the primary residence of the property owner is sited on the lot or parcel:
 - a. As used in this section, “sited” means established onsite or applied for prior to issuance of any land use permits for a residential recreational vehicle.
 - b. As used in this section, “primary residence” means a dwelling occupied by the property owner on a long-term or permanent basis.
 4. There are no other dwelling units, guest houses, or occupied recreational vehicles permitted by the DCC on the property and no portion of the manufactured dwelling or single-family dwelling is rented as a residential tenancy.
 5. The recreational vehicle is owned or leased by the tenant;
 6. The recreational vehicle shall include an operable toilet and sink;
 7. If the recreational vehicle will be located within a structure, the structure shall be entirely open on two or more sides;
 8. The recreational vehicle shall maintain a setback of at least 10 feet from other structures; and
 9. The property owner will provide essential services to the recreational vehicle space including:
 - a. Sewage disposal, frost protected water supply, electrical supply and, if required by applicable law, any drainage system, all installed with permits and to applicable codes; and
 - b. Any other service or habitability obligation imposed by the rental agreement or ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition), the lack or violation of which creates a

serious threat to the tenant's health, safety or property or makes the rented space unfit for occupancy.

- c. A letter confirming that the supplier of water is "Willing and Able to Serve" the recreational vehicle shall be provided if the recreational vehicle is to be served by any water source other than an onsite domestic well.

10. The property owner shall provide a parking pad for the recreational vehicle with a surface material of compacted gravel with a minimum thickness of 4", concrete with a minimum thickness of 3.5", or asphalt with a minimum thickness of 3".

11. The applicant shall sign and record with the County Clerk, prior to the issuance of a building permit, a restrictive covenant stating a recreational vehicle unit allowed under this section cannot be used for vacation occupancy, as defined in DCC 19.92.170(A)(11)(a) and consistent with ORS 90.100, or other short-term uses.

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

- i. The occupant rents the unit for vacation purposes only, not as a principal residence; and
- ii. The occupant has a principal residence other than at the unit; and
- iii. The period of authorized occupancy does not exceed 45 days.

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

13. A permit shall be obtained from the Deschutes County Onsite Wastewater Division before disposing any wastewater or sewage on-site.

14. A recreational vehicle shall meet the same setbacks required of a manufactured dwelling or single-family dwelling on the subject lot.

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

16. As identified in this section, a recreational vehicle located within a special flood hazard area is subject to the standards and criteria established by DCC 19.72.

HISTORY

Adopted by Ord. 2023-00x §x on [date]



FINDINGS

I. PROPOSAL

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

II. BACKGROUND

A. Senate Bill 1013

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

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

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

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

B. Deschutes County Residential RV Amendments

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

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

Table 1 – SB 1013 Requirements

| Topic | SB 1013 Requirements | Comment |
|-------------------------------|--|--|
| Single Family Dwelling | SB 1013 Section 2(2)(b) requires one single-family dwelling that is occupied as the primary residence to be located on the lot or parcel. | DCC 18.116.095(D)(5) and DCC 19.92.170(A)(3) are consistent with SB 1013. |
| Urban Reserve Area | SB 1013 Section 2(2)(a) requires that the lot or parcel is not located within an area designated as an urban reserve as defined in ORS 195.137. | DCC 18.116.095(D)(3) and DCC 19.92.170(A)(1) are consistent with SB 1013. |
| Vacation Occupancy | SB 1013 Section 2(2)(d) prevents an RV allowed in this law from being used for vacation occupancy as defined in ORS 90.100 or other short-term uses. | DCC 18.116.095(E) and DCC 19.92.170(A)(11) are consistent with SB 1013. Both require a restrictive covenant be recorded to ensure compliance. |
| Other Dwelling Units | SB 1013 Section 2(2)(c) requires that there are no other dwelling units on the property and no portion of the single-family dwelling is rented as a residential tenancy. | DCC 18.116.095(D)(6) and DCC 19.92.170(A)(4) are consistent with SB 1013. |
| RV Ownership | SB 1013 Section 2(2)(e) requires the RV to be owned or leased by the tenant. | DCC 18.116.095(D)(7) and DCC 19.92.170(A)(5) are consistent with SB 1013. |

| Topic | SB 1013 Requirements | Comment |
|--|--|---|
| <p>Essential Services</p> | <p>SB 1013 Section 2(2)(f) requires that the property owner provides essential services to the RV space, as defined in ORS 90.100(13)(b).</p> <p>ORS 90.100(13)(b) defines “essential services” as: “For a tenancy consisting of rental space for a manufactured dwelling, floating home or recreational vehicle owned by the tenant or that is otherwise subject to ORS 90.505 (Definitions for ORS 90.505 to 90.850) to 90.850 (Owner affidavit certifying compliance with requirements for sale of facility):</p> <p>(A) Sewage disposal, water supply, electrical supply and, if required by applicable law, any drainage system; and</p> <p>(B) Any other service or habitability obligation imposed by the rental agreement or ORS 90.730 (Landlord duty to maintain rented space, vacant spaces and common areas in habitable condition), the lack or violation of which creates a serious threat to the tenant’s health, safety or property or makes the rented space unfit for occupancy.”</p> | <p>DCC 18.116.095(D)(11) and DCC 19.92.170(A)(9) are consistent with SB 1013.</p> <p>In addition, these sections require the water supply to be frost protected and for a “Will Serve” letter to be provided if the recreational vehicle is to be served by any water source other than an onsite domestic well.</p> |
| <p>Reasonable appearance, repair, inspection, or siting standards</p> | <p>SB 1013 Section 2(3)(d) allows counties to require that the RV complies with any reasonable appearance, repair, inspection, or siting standards adopted by the county.</p> | <p>DCC 18.116.095(D) and DCC 19.92.170(A) contain the following appearance, repair, inspection, or siting standards:</p> <p>DCC 18.116.095(D)(4) and DCC 19.92.170(A)(2) require the lot area to be at least one acre in size.</p> <p>DCC 18.116.095(D)(8) and DCC 19.92.170(A)(6) require that the recreational vehicle include an operable toilet and sink.</p> <p>DCC 18.116.095(D)(9) and DCC 19.92.170(A)(7) require that if the recreational vehicle is located within a structure, the structure must be entirely open on two or more sides.</p> <p>DCC 18.116.095(D)(10) and DCC 19.92.170(A)(8) require that the recreational vehicle maintains a setback of at least 10 feet from the primary residence.</p> <p>DCC 18.116.095(D)(12) and DCC 19.92.170(A)(10) require that the</p> |

| Topic | SB 1013 Requirements | Comment |
|-------|----------------------|--|
| | | <p>property owner provide a parking pad for the recreational vehicle.</p> <p>DCC 18.116.095(D)(13) requires that for properties located within the Wildlife Area Combining Zone, recreational vehicles are considered a structure and therefore must comply with the siting standards in 18.88.060(B).</p> |

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

III. REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative text amendment. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and its existing Comprehensive Plan.

IV. FINDINGS

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

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

Section 22.12.020, Notice

Notice

A. Published Notice

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

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

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

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

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

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

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

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

Section 22.12.030 Initiation of Legislative Changes.

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

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

Section 22.12.040. Hearings Body

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

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

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

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

B. Statewide Planning Goals and Guidelines

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

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

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

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

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

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

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

applicants must receive a permit from Deschutes County Onsite Wastewater Division before disposing any wastewater or sewage on-site.

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

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

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

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

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

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

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

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

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

C. Deschutes County Comprehensive Plan

Chapter 3, Rural Growth

Section 3.3, Rural Housing

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

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

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

V. CONCLUSION:

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

Recreational Vehicles as Rental Dwellings Text Amendment

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

Deschutes County Community Development

October 4, 2023

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References

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

Chapter 1: Overview of Goal 5 and ESEE Analyses

Introduction

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

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

Deschutes County Goal 5 Program

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

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

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

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

Required Steps and Discretionary Review

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

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

Table 2: Zones Containing Goal 5 Resources

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

¹ OAR 660-023-0250(3)(b)

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

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

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

² OAR 660-023-0040(1)

Chapter 2: Deschutes County Goal 5 Inventory and Methodology

660-23-0030 – Inventory Goal 5 Resources

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

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

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

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

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

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

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

Chapter 3: Conflicting Use Analysis

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

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

Table 3: Allowed Uses

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

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

General Impacts of Conflicting Uses

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

- *Noise and Light*

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

- *Habitat Removal*

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

⁴ OAR 660-023-0040(4)

- *Introduction of Invasive, Nonnative Plants*

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

- *Habitat Fragmentation*

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

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

Chapter 4: Impact Areas

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

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

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

Impact Area Methodology

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

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

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

Chapter 5: ESEE Analysis

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

Background

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

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

- *Noise and Light*

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

- *Habitat Removal*

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

- *Introduction of Invasive, Nonnative Plants*

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

- *Habitat Fragmentation*

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

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

ESEE Scenario Descriptions

Scenario (A) – Allow the Conflicting Use

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

Scenario (B) – Prohibit the Conflicting Use

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

Scenario (C) – Limit the Conflicting Use

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

RVs as Rental Dwellings ESEE Analysis

Scenario (A) Allow the Conflicting Use

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

Economic Consequences:

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

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

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

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

Social Consequences:

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

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

Environmental Consequences:

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

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

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

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

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

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

Energy Consequences:

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

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

Scenario (B) Prohibit the Conflicting Use

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

Economic Consequences:

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

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

Social Consequences:

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

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

Environmental Consequences:

There are 404 RR-10 tax lots, one acre or larger with a single-family dwelling and 247 that are vacant that abut the Little Deschutes River or Deschutes River. There are 479 tax lots one acre or larger that are split-zoned RR-10 or MUA-10 with the Flood Plain Zone that contain a single-family dwelling and 291 that are vacant. These properties contain a Goal 5 Riparian Area which is also the habitat for Goal 5 inventoried waterfowl, upland game bird, furbearers, and fish. The WA Combining Zone contains Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat. By prohibiting RVs and maintaining the status quo, these species will continue to be protected against habitat fragmentation and distress from second dwellings. The environmental consequences are therefore neutral.

Energy Consequences:

Energy consumption would have neutral consequences as this scenario maintains the status quo. Development associated with RVs may be displaced to other areas of rural Deschutes County, which could still have demands on utilities.

Scenario (C) Limit the Conflicting Use

In this scenario, Deschutes County would allow RVs as rental dwellings in the MUA-10 and RR-10 zones, with additional limitations to protect the inventoried resources, outside of existing protections. For example, a limitation could require the RV to be within a certain distance of the existing dwelling.

Economic Consequences:

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

Compared to scenario (a) where there is no required area in relation to the primary residence in which the RV must be sited, the addition of limitations could lessen the impact by minimizing the buildable footprint and ultimately, the number of eligible properties, recognizing that some may not have enough area to accommodate an RV depending on site constraints. This could positively impact the hunting and wildlife viewing economy in Central Oregon, valued at \$50 million annually. While such measures could lessen impacts, the overall burden caused by allowing RVs nevertheless may still overall impact wildlife and thereby impact revenue generated from the recreation economy.

In comparison to scenario (a), which would allow the use outright, Deschutes County finds that this scenario would provide a limitation to reduce the amount of impacts, even if those impacts still exist.

Social Consequences:

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

Adding a limitation requiring the RV to be within a certain distance of the existing dwelling (or other limitation) could establish a negative consequence, depending on siting, of RVs in rural areas with inadequate access to employment, schools, food markets, medical facilities and parks. This could lead to higher automobile dependence and vehicle emissions caused by more people driving to and from rural areas. Based on previous testimony from ODFW, there could also be negative impacts due to the potential loss of wildlife habitat stemming from the possible removal of habitat areas and construction of structures and their associated human presence. Many residents, advocacy

organizations, and wildlife agencies continue to express concerns regarding the loss of fish and wildlife habitat due to the region's rapid growth and development. There is a recognition that increases in human activity, especially in rural areas, displace habitat and diminish, incrementally, Deschutes County's rural character and quality of life. The proposed amendments could have negative consequences due to increased human presence and infrastructure near or within the inventoried Goal 5 resources, which could lead to a reduced level of access and enjoyment for recreationalists.

Environmental Consequences:

RVs as rental dwellings could present negative consequences as they have the potential to increase activity, noise, and light near fish and wildlife habitats, and in turn cause distress to inventoried Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat.

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

Existing protections in place today (discussed above) would prevent Goal 5 riparian areas from being developed when RVs are nearby. The establishment of RVs in these areas would likely be neutral.

By limiting the RV to within a certain distance of the existing dwelling, the negative environmental consequences associated with RVs could be mitigated to a certain extent.

Energy Consequences:

The energy consequences in this scenario are the same as in scenario (a). Limiting the RV to within a certain distance of the existing dwelling could decrease the amount of energy used to operate the RV, considering the essential services that are required to be provided.

Chapter 6: ESEE Decision

660-023-0040(5): Develop a program to achieve Goal 5. Local governments shall determine whether to allow, limit, or prohibit identified conflicting uses for significant resource sites. This decision shall be based upon and supported by the ESEE analysis. A decision to prohibit or limit conflicting uses protects a resource site. A decision to allow some or all conflicting uses for a particular site may also be consistent with Goal 5, provided it is supported by the ESEE analysis. One of the following determinations shall be reached with regard to conflicting uses for a significant resource site:

(c) A local government may decide that the conflicting use should be allowed fully, notwithstanding the possible impacts on the resource site. The ESEE analysis must demonstrate that the conflicting use is of sufficient importance relative to the resource site, and must indicate why measures to protect the resource to some extent should not be provided, as per subsection (b) of this section.

The graphic below is meant to be a simplified representation to balance each of the ESEE factors. As stated in the ESEE analysis, there are a variety of positive, negative, and neutral consequences associated with each scenario. Deschutes County finds that the issue of allowing an RV as rental dwellings in MUA-10 and RR-10 zones are both a social and economic issue that outweighs the other ESEE consequences. The County considered allowing the use with limitations by limiting the siting of the RV to within a certain distance of the existing dwelling, but this practice could limit the number of affordable housing opportunities. Therefore, the County is choosing scenario (a), which will allow the use fully, notwithstanding the possible impacts on the resource sites.

Table 5: ESEE Factors

| ESEE Factors | Support habitat functions (Environmental, economic, social) | Support Affordable Housing (Social, economic) | Support Recreational Economy (Economic, Social) | Preserves Rural Character (Social, economic) | Transportation (Energy) |
|---|--|--|--|---|--------------------------------|
| Prohibit conflicting use (No code change) | 0 | - | 0 | 0 | 0 |
| Allow conflicting use Allow RVs with no additional requirements | - | + | - | - | - |
| Limit conflicting use Allow RVs with additional limitation | - | + | - | - | - |

Chapter 7: Program to Achieve Goal 5

660-023-0050(1): *For each resource site, local governments shall adopt comprehensive plan provisions and land use regulations to implement the decisions made pursuant to OAR 660-023-0040(5). The plan shall describe the degree of protection intended for each significant resource site. The plan and implementing ordinances shall clearly identify those conflicting uses that are allowed and the specific standards or limitations that apply to the allowed uses. A program to achieve Goal 5 may include zoning measures that partially or fully allow conflicting uses (see OAR 660-023-0040(5)(b) and (c)).*

660-023-0050(2): *When a local government has decided to protect a resource site under OAR 660-023-0040(5)(b), implementing measures applied to conflicting uses on the resource site and within its impact area shall contain clear and objective standards. For purposes of this division, a standard shall be considered clear and objective if it meets any one of the following criteria:*

- (a) It is a fixed numerical standard, such as a height limitation of 35 feet or a setback of 50 feet;*
- (b) It is a nondiscretionary requirement, such as a requirement that grading not occur beneath the dripline of a protected tree; or ...*

Deschutes County has determined that allowing RVs as rental dwellings within the MUA-10 and RR-10 zones and within the Deer Migration Corridor, Deer Winter Range, and Significant Elk Habitat should be allowed fully, notwithstanding the possible impacts on the inventoried resources. The implementing measures do not include alternative, discretionary procedures for compliance.

Attachment 1 - Deschutes County Significant Goal 5 Resources

| Inventoried Resource | Flood Plain Relationship | Conflicts | Comments | Relevant Ordinances |
|--|--------------------------|---|--|---|
| Fish Habitat (Inventory – Ord. No. 92-041, page 18; creeks, rivers and lakes) | Yes | Major conflicts are removal of riparian vegetation, fill and removal activities within the bed and banks of streams or wetlands, hydroelectric, rural residential development and water regulation | Floodplain zone recognized as program to achieve the goal to conserve fish habitat (Ordinance Nos. 88-030, 88-031, 89-009). Others include: fill and removal permits, wetland removal regulations, hydro prohibitions, rimrock setbacks, 100' setback from OHW, conservation easements and restrictions on boats and docks. | Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041 |
| Deer Winter Range (Inventory – Ord. No. 92-041, page 22; Metolius, Tumalo, North Paulina, and Grizzly ranges identified by ODFW) | Yes | Major conflicts are dwellings, roads, and dogs. Activities which cause deterioration of forage quality and quantity or cover are conflicting uses. Fences which impede safe passage are also a conflicting use. | Floodplain zone recognized as a program to achieve the goal to protect deer winter range (Ordinance Nos. 88-030, 88-031, 89-009). Others include Wildlife Area Combining Zone. Requires 40-acre minimum lot size for all new residential land divisions. Underlying zoning in most of the deer winter range is: EFU, Forest, and Floodplain. These zones provide for large lot sizes and limit uses that are not compatible with farm or forest zones. | Ordinance Nos. 88-030, 88-031, 89-009, 92-040, 92-041, 92-042, 92-046 |
| Deer Migration Corridor (Inventory – Ord. No. 92-041, page 26; Bend-La Pine migration corridor identified by ODFW) | Yes | Major conflicts are dwellings, roads, and dogs. Fences which impede safe passage are also a conflicting use. | Wildlife Area Combining Zone was recognized as the only program to achieve the goal to protect the deer migration corridor. Underlying zoning is RR-10. It was amended to require cluster development for all land divisions in the RR-10 zone in the Bend/La Pine migration corridor (92-042). A 20-acre parcel is the minimum size required for a cluster development. Siting and fencing standards also apply in the deer migration corridor. Migration corridor includes some EFU, Forest, and Floodplain zoned land. These resource zones provide for large lot sizes and limit uses that are not compatible with farm or forest zones. | Ordinance Nos. 92-040, 92-041, 92-042, 92-046 |

| Inventoried Resource | Flood Plain Relationship | Conflicts | Comments | Relevant Ordinances |
|--|--------------------------|---|--|--|
| <p>Elk Habitat (Inventory – Ord. No. 92-041 – page 32; identified by USFS and ODFW)</p> | <p>Yes</p> | <p>Major conflict is the loss of habitat due to increased residential densities in the habitat areas. Increased human disturbance can cause conflict with elk. The use of land which necessitates the removal of large amounts of vegetative cover can also alter the quality of elk habitat.</p> | <p>Wildlife Area Combining Zone was recognized as the only program to achieve the goal to protect the elk habitat.</p> <p>It was amended to require a 160-acre minimum lot size for areas identified as significant elk habitat. Siting standards are required to minimize conflicts of residences with habitat protection.</p> <p>Underlying zoning in the elk habitat areas is either Floodplain, Forest, or Open Space and Conservation. These resource zones restrict high density residential development and prohibit industrial and commercial uses.</p> <p>* Some lands are zoned RR10, including lots that are split zoned with flood plain. They are already parcelized, preventing future land divisions.</p> | <p>Ordinance Nos. 88-030, 88-031, 89-009, 92-040, 92-041, 92-042, 92-046</p> |
| <p>Antelope Habitat (Inventory – Ord. No. 92-041 – page 38; identified by ODFW)</p> | <p>No</p> | <p>Land use or development activities which would result in the loss of habitat, and animal harassment and disturbance associated with human activity.</p> | <p>To achieve the goal to conserve antelope habitat, uses conflicting with antelope habitat are limited to the Wildlife Area Combining Zone. In antelope range, the minimum lot size is 320 acres. Except for rural service centers, the antelope habitat is zoned EFU or F1.</p> | <p>Ordinance Nos. 92-040, 92-041, 92-042, 92-046</p> |
| <p>Habitat for Sensitive Birds (Inventory – Ord. No. 92-041 – page 41 and Table 5; identified by ODFW, ODF, OSU, Oregon Natural Heritage Data Bases).</p> <p>The area required for each nest site varies between species.</p> | <p>No</p> | <p>Nest sites are found in Forest, EFU and Open Space and Conservation zones. Uses that could conflict with the habitat site are surface mining, residential use, recreation facilities, roads, logging, and air strips.</p> <p>Any activity which would disturb the nesting birds, including intensive recreational use or removal of trees or</p> | <p>The Sensitive Bird and Mammal Combining Zone achieves the goal to protect sensitive bird sites.</p> | <p>Ordinance Nos. 92-040, 92-041, 92-042, 92-046</p> |

| Inventoried Resource | Flood Plain Relationship | Conflicts | Comments | Relevant Ordinances |
|---|--------------------------|--|---|---|
| | | vegetation could conflict with the habitat site. | | |
| (UPDATE - Inventory – Ord. No. 94-004 –pages 3 to 140 Site specific ESEE analysis and decisions follow each site. | No | See above. | Habitat areas for sensitive birds of the Fish and Wildlife Element, adopted in No. 92-041 is repealed and replaced by inventories in Exhibit 1. Area required around each nest site needed to protect the nest from conflict varies between species. It's called "sensitive habitat area." Note: Northern bald eagle, osprey, golden eagle, prairie falcon, and great blue heron rookeries are located on federal land. Classified as "2A" Goal 5 Resources. Great Grey owl site no longer exists. Some bald eagle, golden eagle sites are controlled by the Sensitive Bird and Mammal Combining Zone. | Ordinance Nos. 94-004, 94-005 and 94-021 |
| Waterfowl Habitat (Inventory – Ord. No. 92-041 – page 56; includes all rivers, streams, lakes and perennial wetlands and ponds identified on the 1990 US Fish and Wildlife Wetland Inventory Maps; ODFW provided lists of all bird species; Co/City of Bend River Study provides additional information) | Yes | Future resort and vacation home development, human activity associated with recreation along rivers and lakes, timber-cutting around sensitive habitats, fill and removal of material in wetlands and within the bed and banks of rivers and streams, and removal of riparian vegetation are conflicting uses. | Floodplain zone recognized as program to achieve the goal to conserve waterfowl habitat (Ordinance Nos. 88-030, 88-031, 89-009). Others include: fill and removal permits, wetland removal regulations, rimrock setbacks, 100' setback from OHW, conservation easements, restrictions on boats and docks, landscape management, state and federal scenic water regulations. In addition, the Forest and EFU zones require large minimum lot size which limits the potential density of development in the areas adjacent to many of the rivers, streams, wetlands, and ponds used for waterfowl habitat. | Ordinance Nos. 86-018, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-042- 92-045, 92-046 |

| Inventoried Resource | Flood Plain Relationship | Conflicts | Comments | Relevant Ordinances |
|---|--------------------------|--|--|--|
| <p>Upland Game Bird Habitat (Inventory – Ord. No. 92-041 – page 60; ODFW did not identify critical habitat for any of the upland game species except for the sage grouse; habitat for upland game birds is dispersed throughout the county in riparian, forest, agricultural, and rangeland areas)</p> | <p>Yes</p> | <p>Pheasant and quail are affected whenever agricultural land is taken out of production through urban sprawl, road construction, industrial development and other land clearing activities.</p> <p>Farming practices on existing agricultural lands also have an impact. Fence row, woodlots, and riparian vegetation are constantly being removed at the expense of upland bird use.</p> <p>Chapter 6 of County/City of Bend River Study identifies conflicting uses with upland bird habitat.</p> | <p>For all of the upland game birds except sage grouse, the habitat is adequately protected by the existing EFU and Forest zoning and the provisions to protect wetlands and riparian areas to achieve the goal of protecting upland game birds.</p> <p>County provisions to protect riparian areas and wetlands protect one of the most significant components of upland game habitat.</p> <p>Note: conflicts with sage grouse are limited by EFU zoning with a 320 acre minimum parcel size. Sensitive Bird and Mammal Combining Zone pertaining to sage grouse and leks have been repealed due to LCDC enacted rules in OAR 660, Division 23.</p> | <p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-042, 92-046</p> |
| <p>UPDATE - Inventory – Ord. No. 94-004 – pages 156-201.</p> | <p>Yes</p> | <p>See above.</p> | <p>Habitat areas for Upland Game Bird Habitat, adopted in No. 92-041 is repealed and replaced and further amended in Exhibit 4 with the ESEE Analysis and inventory for upland game bird habitat.</p> <p>Conflicts with sage grouse are reduced by the limitations on uses in the EFU and Floodplain zone, by the 320 acre minimum lot size and predominance of BLM lands.</p> <p>Note: conflicts with sage grouse are limited by EFU zoning with a 320 acre minimum parcel size. Sensitive Bird and Mammal Combining Zone pertaining to sage grouse and leks have been repealed due to LCDC enacted rules in OAR 660, Division 23.</p> | <p>Ordinance Nos. 94-004 and 94-021</p> |

| Inventoried Resource | Flood Plain Relationship | Conflicts | Comments | Relevant Ordinances |
|--|--------------------------|---|--|--|
| <p>Furbearer Habitat (Inventory – Ord. No. 92-041 – page 65; ODFW has not identified any specific habitat sites other than riparian and wetland areas that are critical for the listed species.</p> | <p>Yes</p> | <p>The conflicting uses are those activities or development which would degrade or destroy habitat, or disturb the animals causing them to relocate.</p> <p>Conflicts between furbearers and other land uses are minimal in the county.</p> | <p>Furbearer habitat is adequately protected by the existing EFU and Forest zoning and the provisions to protect farm use and forest zoning, and the provisions to protect wetlands and riparian areas to achieve the goal to protect furbearers.</p> <p>The farm and forest zones require large minimum lot sizes and many uses are permitted only as conditional uses. The measures to protect riparian and wetland habitat are detailed in this plan in the Riparian and Wetland Habitat section.</p> | <p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041</p> |
| <p>Habitat Areas for Townsend’s Big-Eared Bats (Inventory – Ord. No. 92-041 – page 69; identified by ODFW, ODF, OSU, Oregon Natural Heritage Data Bases)</p> | <p>No</p> | <p>Caves located in EFU zones. Uses permitted in those zones that could conflict with the habitat site are surface mining, recreation facilities including golf courses and destination resorts, roads, logging, and air strips.</p> | <p>Program to achieve the goal is Sensitive Bird and Mammal Combining Zone</p> | <p>Ordinance No. 92-041 and 042</p> |
| <p>UPDATE - Inventory – Ord. No. 94-004 – pages 140 to 155 Site specific ESEE analysis and decisions follow each site.</p> | <p>No</p> | <p>See above.</p> | <p>Habitat areas for Townsend Bats, adopted in No. 92-041 is repealed and replaced and further amended in Exhibit 2. The ESEE for Townsend’s big-eared bats is amended for additional bat sites in Exhibit 3.</p> | <p>Ordinance Nos. 94-004 and 94-021</p> |

| Inventoried Resource | Flood Plain Relationship | Conflicts | Comments | Relevant Ordinances |
|--|--------------------------|---|--|--|
| <p>Wetlands and Riparian Areas (Inventory – Ord. No. 92-041 – page 73; identified on USFWS NWI)</p> | <p>Yes</p> | <p>Conflicting uses include fill and removal of material, including vegetation which could cause a reduction in the size or quality or function of a wetland, or cause destruction or degradation of the riparian habitat and vegetation.</p> <p>Structural development in wetlands or riparian areas would reduce the habitat and the use of the structure could cause conflicts such as harassment or disturbance or wildlife dependent on the habitat. Cutting of riparian vegetation can remove important shade for streams, eliminate habitat for various waterfowl, furbearers, and nongame bird species, and can increase the potential for erosion or bank instability in riparian areas.</p> | <p>Floodplain zone recognized as program to achieve the goal to conserve wetland and riparian habitat (Ordinance Nos. 88-030, 88-031, 89-009).</p> <p>Others include: fill and removal permits, wetland removal regulations, hydro prohibitions, 100' setback from OHW, conservation easements, restrictions on boats and docks, and landscape management.</p> | <p>Ordinance Nos. 86-018, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-045</p> |

| Inventoried Resource | Flood Plain Relationship | Conflicts | Comments | Relevant Ordinances |
|---|--------------------------|--|---|------------------------------|
| <p>UPDATE – Riparian inventory – Ord. No. 94-007; Significant riparian habitat is located in three areas:</p> <p>Area within 100’ of OHW of an inventoried stream or river;</p> <p>Area adjacent to an inventoried river or stream and located within a flood plain mapped by FEMA and zoned Floodplain by the county (Deschutes River, Little Deschutes River, Paulina Creek, Fall River, Indian Ford Creek, Tumalo Creek, Squaw (Whychus) Creek, and Crooked River</p> <p>Area adjacent to a river or stream and inventoried as a wetland on the NWI</p> | <p>Yes</p> | <p>Conflicting uses:</p> <p>Locating septic systems in riparian area could cause pollution of ground and surface water systems. The potential for this conflict depends on the characteristics of the soil.</p> <p>Locating structural development in riparian areas can reduce the habitat and the use of structures could cause conflicts such as harassment or disturbance of wildlife dependent on habitat.</p> <p>Recreational use of the riparian area including boat landing areas, formal and informal trails, and camping areas can alter soil composition and cause destruction of vegetation.</p> <p>Increase in density of residential lots in or adjacent to riparian areas could result in a decrease of habitat effectiveness because of disturbance to wildlife.</p> | <p>Riparian Areas inventory and ESEE analysis adopted by Ordinance No. 92-041 is deleted and replaced by an inventory and ESEE contained in Exhibit A.</p> <p>New parcels meeting the minimum lot size in the resource zones (EFU, Forest, non-exception flood plain) will not cause an increase in residential density that would conflict with riparian habitat values.</p> <p>In RR10, MUA-10, and Floodplain zones found adjacent to inventoried riparian areas, the creation of new 10 acre parcels would not significantly increase the overall density of residential use adjacent to riparian areas because the areas where new parcels could be created, with the exception of Tumalo Creek, are already divided into lots considerably smaller than 10 acres.</p> <p>Program to achieve Goal 5 for Riparian Habitat: fill and removal regulations to protect wetlands, 100’ setback from OHW, Floodplain zone (regulates docks too), Landscape Management zone, Conservation easements, State Scenic Waterway</p> | <p>Ordinance Nos. 94-007</p> |

| Inventoried Resource | Flood Plain Relationship | Conflicts | Comments | Relevant Ordinances |
|--|--------------------------|--|--|------------------------------|
| <p>UPDATE – Wetland Inventory – Ord. No. 94-007, Exhibit B – inventory is NWI (Ord. No. 92-045)</p> | <p>Yes</p> | <p>Conflicting uses include fill and removal of material, including vegetation, which could cause reduction in the size, quality or function of a wetland.</p> <p>Locating structural development in wetlands could reduce the habitat and the use of the structure could cause conflicts such as harassment or disturbance of wildlife dependent on the habitat.</p> <p>Draining wetlands for agriculture or other development purposes destroys the hydrological function of the wetland and alters the habitat qualities that certain wildlife depend on.</p> <p>Cutting wetland vegetation adjacent to streams can remove important shade for streams, eliminate habitat for various waterfowl, furbearers, and nongame bird species, and can also increase the potential for erosion or bank instability in riparian areas.</p> | <p>Wetlands Inventory and ESEE analysis adopted by Ordinance No. 92-041 is deleted and replaced by an inventory and ESEE contained in Exhibit B, Wetlands.</p> <p>Program to achieve Goal 5 for Wetland Habitat:</p> <ul style="list-style-type: none"> • Fill and removal regulations to protect wetlands • 100’ setback from OHW • Flood plain zone (regulates docks too) • DSL Removal / Fill law | <p>Ordinance Nos. 94-007</p> |

| Inventoried Resource | Flood Plain Relationship | Conflicts | Comments | Relevant Ordinances |
|--|--------------------------|--|---|--|
| <p>Ecologically and Scientifically Significant Natural Areas * Little Deschutes River / Deschutes River Confluence (Inventory – Ord. No. 92-052, Exhibit B, Page 1; identified by Oregon Natural Heritage Program); Analysis of Pringle Falls and Horse Ridge Research Areas, West Hampton Butte and Davis Lakes excluded b/c they're on federal land and/or not related to flood plains.</p> | <p>Yes</p> | <p>Resort and vacation home development, recreational uses, livestock grazing, and fill and removal in wetlands are conflicting uses.</p> | <p>Programs for resource protection include the zoning of the property, the provisions of the flood plain, wetlands and the river corridor.</p> <p>The implementing measures which protect and regulate development in the confluence area are: EFU zoning, Floodplain zoning, conservation easements, and fill and removal permits.</p> <p>The confluence area is located in the undeveloped open space area of the Sunriver development (Crosswater). 80% of the property is retained as open space.</p> <p>Today, zoning is Floodplain and Forest Use.</p> | <p>Ordinance Nos. 86-018, 86-054, 86-056, 88-030, 88-031, 89-009, 92-040, 92-041, 92-045</p> |
| <p>Landscape Management Rivers and Streams (Inventory – Ord. No. 92-052, Exhibit C, Page 3; identified by state and federal wild and scenic corridors; and within 660' of OHW of portions of Deschutes River, Little Deschutes River, Paulina Creek, Fall River, Spring river, Tumalo Creek, Squaw (Whychus) Creek, and Crooked River not on the state or federal scenic designations)</p> | <p>Yes</p> | <p>Uses conflicting with open space and scenic resources along the designated Landscape Management rivers and streams include land management activities that result in habitat loss or development within river or stream corridors which would excessively interfere with the scenic or natural appearance of the landscape as seen from the river or stream or alteration of existing natural landscape by removal of vegetative cover.</p> | <p>Program for resource protection includes: Floodplain zone and restrictions, fill and removal permits, wetland removal regulations, hydro prohibitions, rimrock setbacks, conservation easements, restrictions on boats and docks, and landscape management.</p> | <p>Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-033, 93-034</p> |

| Inventoried Resource | Flood Plain Relationship | Conflicts | Comments | Relevant Ordinances |
|---|--------------------------|--|--|---|
| Lakes and Reservoirs (Inventory – Ord. No. 92-052, Exhibit C, Page 10; includes Upper Tumalo Reservoir; remaining are on federal land | No | Conflicting uses with the open space and scenic values of the land adjacent to the inventoried lakes include development which would cause a loss of open space or a decrease in the aesthetic and scenic resources, and land management activities resulting in the removal of natural vegetation which provides wildlife habitat and scenic value. | Conflicting uses around Tumalo Reservoir are specifically limited by Title 18.48, Open Space Conservation Zone and a 100’ setback for any structure from OHW. | Ordinance No. 91-020 |
| State Scenic Waterways and Federal Wild and Scenic Rivers (Inventory – Ord. No. 92-052, Exhibit E, Page 1; | Yes | See County / City of Bend River Study and 1986 River Study Staff Report. Both referenced in Ord. 92-005, Exhibit E. | Program for resource protection includes: Floodplain zone and restrictions, fill and removal permits, wetland removal regulations, hydro prohibitions, rimrock setbacks, conservation easements, restrictions on boats and docks, and landscape management. | Ordinance Nos. 86-018, 86-053, 86-054, 86-056, 88-030, 88-031, 89-009, 92-033, 93-034 |
| Wilderness Areas, Areas of Special Concern, Energy Sources (Ord. No 92-052), and Groundwater Resources (Ord. No. 94-003) not analyzed because they’re on federal land or don’t relate to flood plains. | No | N/A | N/A | N/A |





Attachment 2 - Inventory Site Maps



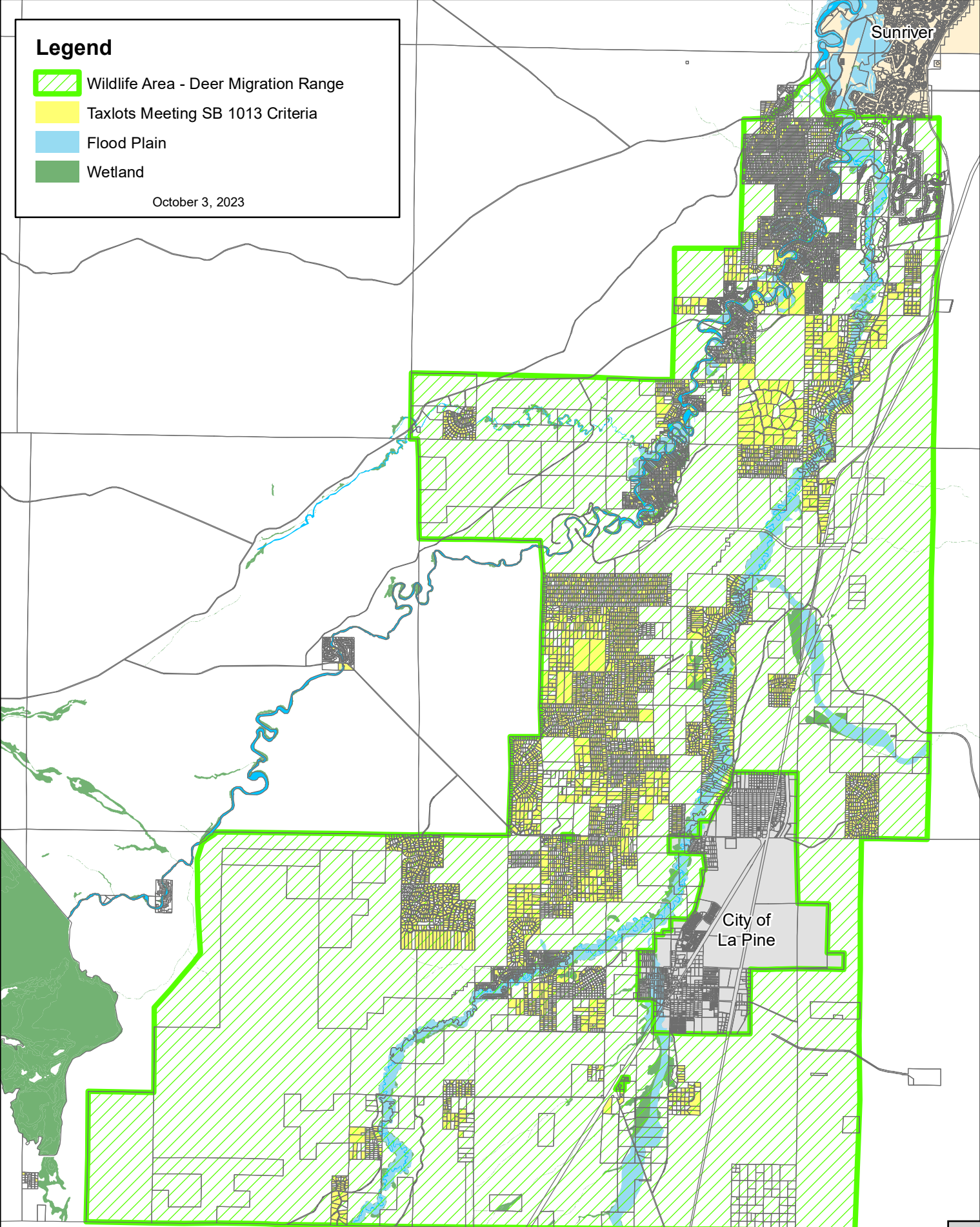
Taxlots Meeting SB 1013 Criteria - Deer Migration Range

Item #IV.1.

Legend

-  Wildlife Area - Deer Migration Range
-  Taxlots Meeting SB 1013 Criteria
-  Flood Plain
-  Wetland

October 3, 2023

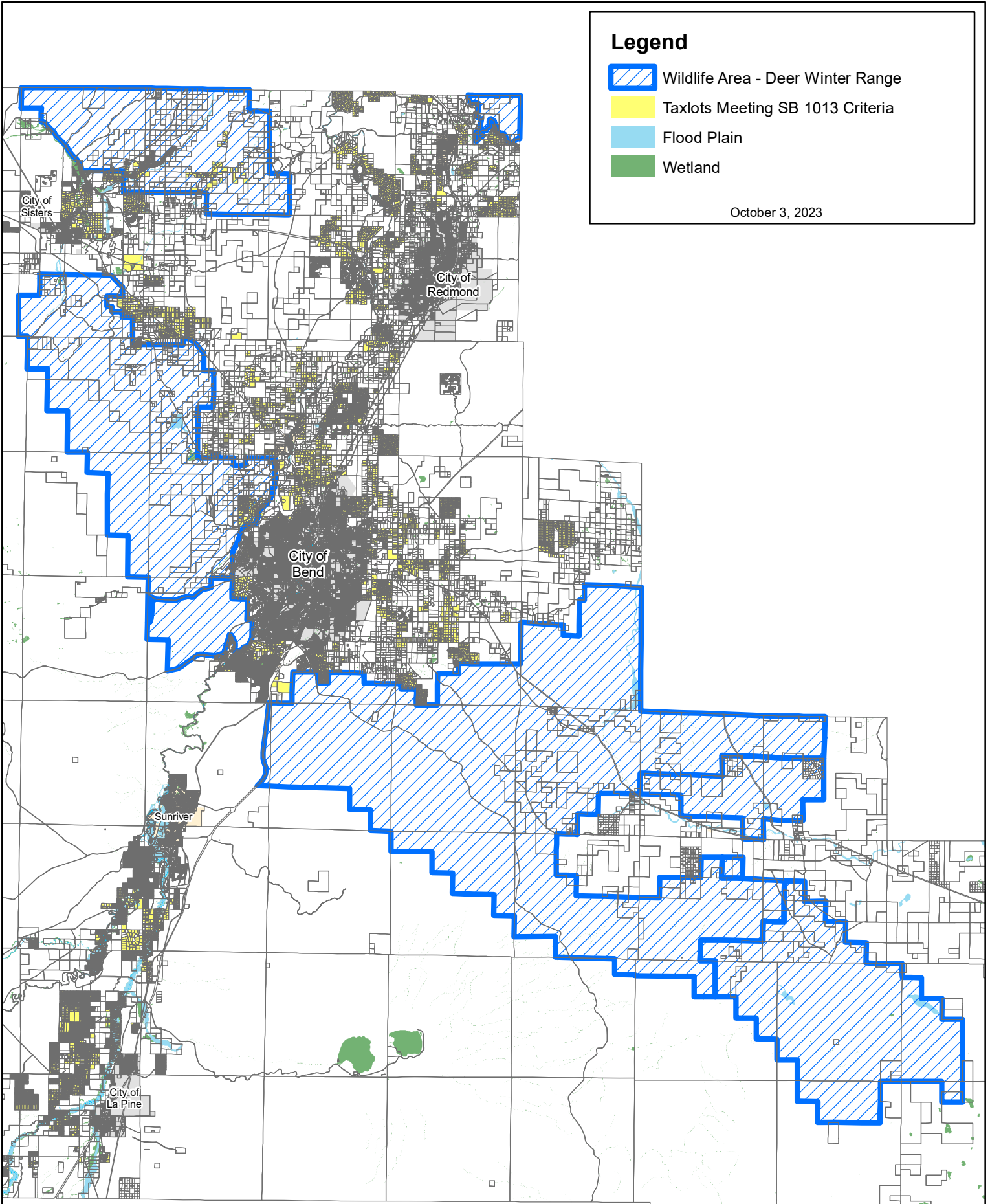








Taxlots Meeting SB 1013 Criteria - Deer Winter Range

Item #IV.1.

1" = 6 mi.



Legend

-  Wildlife Area - Deer Winter Range
-  Taxlots Meeting SB 1013 Criteria
-  Flood Plain
-  Wetland

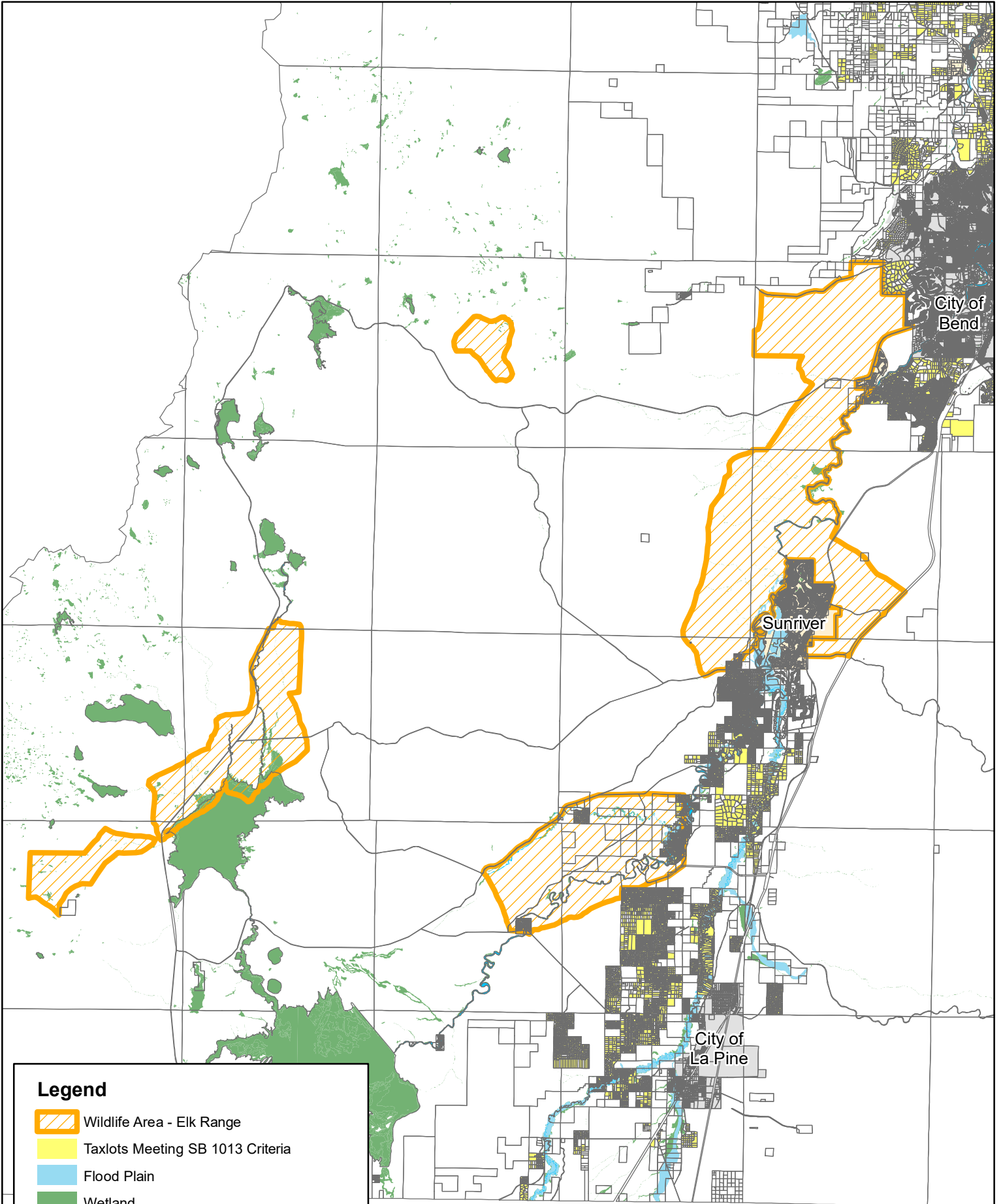
October 3, 2023



1" = 4 mi.

Taxlots Meeting SB 1013 Criteria - Elk Range

Item #IV.1.



Legend

-  Wildlife Area - Elk Range
-  Taxlots Meeting SB 1013 Criteria
-  Flood Plain
-  Wetland

October 3, 2023

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MEMORANDUM

TO: Deschutes County Planning Commission

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

DATE: January 18, 2024

SUBJECT: Deliberations: Deschutes County 2040 Comprehensive Plan Update

On January 25, 2024, the Deschutes County Planning Commission will conduct deliberations to consider a legislative amendment to repeal and replace the 2030 Comprehensive Plan with the Deschutes County 2040 Comprehensive Plan Update.

I. BACKGROUND

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

The project website contains all record materials – visit www.deschutes.org/2040 and click on the “hearings page” to view the official hearing record, from August 30, 2023, onward. The “process page” provides information from the iterative process leading up to the creation of the document. The Deschutes County Planning Commission held public hearings on October 26, 2023¹, November 9, 2023², and December 14, 2023³ to consider amendments to repeal

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

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

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

and replace the 2030 Comprehensive Plan with the Deschutes County 2040 Comprehensive Plan (file no. 247-23-000644-TA).

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

II. APPROACH TO DELIBERATIONS

The Commission initiated the deliberative process on January 11, 2024, selecting issues to be included in a deliberations matrix to be presented at the following meeting. Following staff review, numerous potential matrix items, as identified through public comments, were found to potentially be precluded by state laws or administrative rule. Others were deemed to be action items or individual projects rather than broader goal and policy statements. Staff has created a “parking lot” of these items, which are not scheduled for discussion as part of the Planning Commission deliberations but will be shared with the Board during their review.

Parking Lot

Potentially Precluded by State Law

- Tie rezoning to groundwater availability and quality
- Require consideration of water availability during Urban Growth Boundary Expansion processes.
- Require appellants to cover costs for appeal process.
- Limit standing in appeals to adjacent landowners.
- Require water budgets and monitoring for public lands.
- Re-evaluate use of water rights and prioritize for active agricultural operations.
- Regulate development through water availability and quality.
- Require approval of water permits prior to processing applications.
- Limit development that could impact natural springs.
- Limit housing where water quality and quantity will be negatively impacted.
- Moratoria on development.

Action Items

- Unincorporated community status – Three Rivers.
- Include stronger language on noxious weed removal on county lands and in new developments.
- Create a County strategic plan.
- Advocate for legislation/policy at state level to enable transitional housing outside UGBs.
- Construct infrastructure to manage/limit water waste.

- Revise County code to state only minimum provisions required by state law for farm uses.
- Encourage clear and objective criteria where possible to reduce appeals.

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

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

Items Included in Decision Matrix

✓: Topic was discussed during plan development.

| Agency Comments | Prior PC Discussion? | Related Goals/Policies |
|---|----------------------|--|
| 1. Central Oregon Irrigation District provided several letters offering recommendations to narrative, goal, and policy language to better characterize the role of irrigation districts, limitations on County authority to alter water right requirements, and collaboration among groups on water management. | | Ch 2,3 added |
| 2. City of Bend provided a letter expressing support for regional bicycle routes connecting cities, towns, and recreational areas across the County. | ✓ | <ul style="list-style-type: none"> • Policy 8.1.2 and 8.1.5 |
| Public Comments | | |
| Chapter 1 - Community Engagement | | |
| 1. Continue engaging community on planning related topics and seek ways to reach youth. | ✓ | <ul style="list-style-type: none"> • Policy 1.1.7, 1.1.8, and 1.2.6 |
| 2. Limit Planning Commission membership to residents of unincorporated areas. | ✓ | <ul style="list-style-type: none"> • Policy 1.2.3 |
| Chapter 2 - Land Use and Regional Coordination | | |
| 3. Conduct area-specific analysis for the Three Rivers census designated | | Note: Newberry Country Plan is |

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| place related to water quality, economic development, wildlife, and growth-related issues. | | scheduled to be updated in 2024. |
| 4. Protect private property rights and offer incentives to balance impacts of development. | ✓ | • Policy 2.1.1 |
| 5. Enforce existing codes and laws before creating new ones. | | |
| New: Central Oregon Landwatch Letter – agriculture and forestry designation descriptions | | • Page 2-3 |
| New: Central Oregon Landwatch Letter – balance of private property rights/economic impacts of land use decisions with other community goals | | • Policy 2.1.1 |
| New: Central Oregon Landwatch Letter – collaboration with federal agencies | | • Policy 2.2.6 |
| Chapter 3 – Farm and Forest Resources | | |
| 6. Rezoning of farmland | | |
| a. Remove policies related to creating new alternative zoning designation. | ✓ | • Policy 3.3.2, 3.3.6 |
| b. Re-evaluate land designated for farming and removal of barriers to rezoning. | ✓ | • Policy 3.1.3, 3.3.6 |
| c. Avoid creating open space through agricultural land designations. | ✓ | • Policy 3.3.6 |
| d. Clearly recognize that lands not meeting statutory definition of agricultural land should be redesignated for other purposes. | ✓ | • Policy 3.3.6(a) |
| 7. Non-farm uses | | |
| a. Support flexibility for income producing supplemental activities on farms. | ✓ | • Policy 3.2.6 |
| Chapter 5 - Natural Resources | | |
| 8. Water conservation | | |
| a. Address drought to a greater degree. | | |

| | | |
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| b. Coordinate with governor's office on new policies related to land use and water at state level. | ✓ | • Policy 5.5.3, 5.5.4 |
| c. Acknowledge treaty protected first water rights held by tribes. | ✓ | • Policy 5.1.4 |
| d. Promote, but do not require, coordination with tribal governments on water related issues. | ✓ | • Policy 5.4.1 |
| e. Encourage or require metering, monitoring, conservation of exempt wells, commercial, and industrial water uses. | ✓ | • Policy 5.2.1 |
| f. Participate in Deschutes Basin Water Collaborative. | ✓ | • Policy 5.1.1 |
| g. Support OWRD Groundwater allocation rules. | | • Policy 5.5.3 |
| h. Require conservation and management measures. | ✓ | • Policy 5.2.1 |
| i. Minimize development dependent on exempt wells. | ✓ | • Policy 5.5.2 |
| j. Prevent use of irrigation water for recreation features. | ✓ | • Policy 5.2.1(b) |
| k. Recycle water for landscaping, irrigation, or drinking uses. | ✓ | • Policy 5.2.1(b) |
| l. Address water management, allocation, and infrastructure to a greater degree. | | |
| m. State/federal scenic waterway status for Deschutes River not discussed in the document. Upper Deschutes Wild and Scenic River and State Scenic Waterway | | |

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| Comprehensive Management Plan should be referenced. | | |
| 9. Environmental quality | | |
| a. Strengthen and enforce dark skies lighting requirements. | ✓ | • Policy 5.10.2 |
| b. Address climate and air quality issues from human activities. | ✓ | • Policy 5.11.5 |
| 10. Protection of wildlife | | |
| a. Expand protections for wildlife species. | ✓ | • Policy 5.7.1, 5.7.2, 5.7.3, 5.7.4, 5.7.5 |
| b. Update wildlife inventories. | ✓ | • Policy 5.7.2 |
| c. Integrate state and federal recommendations into land use policies. | ✓ | • Policy 5.8.3, Goal 5.9, Policy 5.9.1, 5.9.2, 5.9.3 |
| d. Prioritize incentives over regulations. | ✓ | • Policy 5.7.1, 5.7.3, 5.7.4, 5.8.1 |
| e. List predation, homeless populations, and multiuse trails as factors relating to mule deer population decline. | | |
| f. Adopt clear and objective criteria for Goal 5 polices that limit or prohibit allowed uses. | | |
| g. Balance protection with property rights and constitutional protections on property. | ✓ | • Policy 5.7.1, 5.7.3, 5.7.4, 5.8.1, Goal 5.8 |
| h. Include paragraph discussing 2021-23 wildlife inventory update project, including support and Commissioners rejection. | | |
| Chapter 7 - Natural Hazards | | |
| 11. Limit housing and development in high wildfire risk areas | ✓ | • Policy 7.1.4, 7.1.7, 7.1.11, 7.2.5, 7.2.5 |
| 12. Require more than one access/egress route to a | ✓ | • Policy 7.2.1, 7.1.11, 7.2.5 |

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| development or subdivision | | |
| 13. Ensure availability of affordable fire insurance | | |
| New: Central Oregon Landwatch letter – narrative summary of wildfire | | <ul style="list-style-type: none"> Page 7-3 |
| Chapter 8 - Recreation | | |
| 14. Require collaboration among county, city, and state agencies in recreation topics | ✓ | <ul style="list-style-type: none"> Policy 8.1.2, 8.1.3, 8.1.5. |
| 15. Support footbridge near the southern edge of Bend’s Urban Growth Boundary | ✓ | <ul style="list-style-type: none"> Policy 8.1.2 |
| 16. Limit trails near farm and forestry operations | ✓ | <ul style="list-style-type: none"> Policy 8.1.2 |
| Chapter 9 - Economic Development | | |
| 17. Consider balancing of land, facilities, environment, and resource capacities with economic development | ✓ | <ul style="list-style-type: none"> Policy 9.1.1, Goal 9.2, Goal 9.3. Goal 9.4 |
| 18. Recognize development and housing as key to promoting/growing the economy | | |
| New: Central Oregon Landwatch letter: rural commercial land goal | | <ul style="list-style-type: none"> Policy 9.1.1, Goal 9.2, Goal 9.3. Goal 9.4 |
| New: Central Oregon Landwatch letter: rural industrial land goal | | <ul style="list-style-type: none"> Policy 9.1.1, Goal 9.2, Goal 9.3. Goal 9.4 |
| Chapter 10 - Housing | | |
| 19. Discourage vacation rentals | ✓ | <ul style="list-style-type: none"> Policy 10.1.8 |
| 20. Work with cities to create affordable housing within Urban Growth Boundaries | ✓ | <ul style="list-style-type: none"> Policy 10.4.2 |
| 21. Limit secondary accessory farm dwellings in the MUA-10 zone | | |
| 22. Address issues relating to homelessness | ✓ | <ul style="list-style-type: none"> Policy 10.4.3 |
| 23. Partner with agencies to address homelessness through services, outreach, and housing first strategies | ✓ | <ul style="list-style-type: none"> Policy 10.4.3, 10.1.5, 10.1.6, 10.1.7, 10.2.1, 10.2.2, 10.4.1 |

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| 24. Ensure workforce, affordable, transitional housing, and secure shelter housing types are included in housing goals and policies | | |
| Chapter 11 - Unincorporated Communities/Destination Resorts | | |
| 25. Destination Resorts | | |
| a. Limit within 100 miles of Bend | ✓ | • Policy 11.7.2 |
| b. Require analysis of water quality and availability during approval process | ✓ | • Policy 11.7.2, 5.1.3 |
| c. Recognize as a key recreational strategy of the County | | |
| d. Recognize all destination resorts in text that have received final master plan approval | ✓ | Note: all destination resorts are listed, although Thornburgh Resort is listed as receiving all approval but not yet having broken ground. |
| e. Incorporate statutory language for resorts within 24 air miles of Bend's UGB which strictly limit proposals for new or expanded resorts to provide housing only where necessary for employees and management of the resort | | |
| f. Alter resort eligibility maps to incorporate new statutory definitions | | |
| Chapter 14 - Energy | | |
| 26. Support renewable energy | ✓ | • Goal 14, Policy 14.1.1, 14.1.3, 14.1.5, 14.1.6, 14.1.8, 14.1.9, 14.1.10, 9.1.4 |
| Miscellaneous | | |

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|---|---|--|
| 27. Strengthen verbiage throughout the plan to avoid loopholes or misinterpretations. | ✓ | Note: Staff and the PC discussed the use of terminology and role of the plan throughout the process. |
| New Central Oregon Landwatch Letter – line items | ✓ | |

To ensure orderly and efficient deliberations process and adequate time for discussion, staff is proposing to organize the deliberations process into “modules.” During each meeting, topics relating to three chapters will be presented to the Commission for discussion in a deliberations matrix. The tentative schedule outlines the timing for deliberation on each module. Depending on the pace of deliberations, it may be possible to reduce the total number of modules. Staff and/or the PC could make a recommendation in that regard after reviewing Module 1.

Module 1 (Chapters 1-3): Community Engagement, Land Use and Regional Coordination, Farm and Forestry.

Tentative start date: January 25, 2024

Module 2 (Chapter 5 and 7): Natural Resources and Natural Hazards.

Tentative start date: February 8, 2024

Module 3 (Chapters 8-10): Recreation, Economic Development, Housing

Tentative start date: February 22, 2024

Module 4 (Chapters 11, 14, Misc.): Destination Resorts, Energy, and any miscellaneous items.

Tentative start date: March 14, 2024

III. NEXT STEPS

Staff will utilize information received to develop a matrix for each module to aid Commissioners in the deliberation process at a subsequent meeting.

PLANNING COMMISSION DECISION MATRIX

Deschutes County 2040 Comprehensive Plan Update

Land use File No. 247-23-000644-PA

| Issue Area | Applicable Plan Provision | Support / Opposition | Staff Comment | PC Decision Points |
|---|--|--|---|--|
| <p>1</p> <p>Should goals, policies, or narrative in Chapter 1 be amended to address the following topics:</p> <ol style="list-style-type: none"> 1. Continue engaging community on planning related topics. 2. Seek out ways to engage with youth on planning related topics. | <p>Chapter 1, Community Engagement</p> <p>Policy 1.1.7. Promote opportunities for community members to have civil dialogue around key community issues.</p> <p>Policy 1.1.8. Explore new and innovative ways to reach community members and promote participation in the planning process.</p> <p>Policy 1.2.2. Provide regular updates, speakers, panel discussions, and handouts on land use law and policy.</p> <p>Policy 1.2.6. Maintain open and civil discourse among Committee members and with the public.</p> | <ul style="list-style-type: none"> • Support: Public commenters expressed general support for targeted engagement to youth populations and generally more opportunities to be involved with planning related issues. • Opposition: N/A | <p>Staff believes that the existing policy language addresses the desire for continued community engagement on planning topics, although does not specifically discuss youth engagement.</p> | <p>If yes, the Planning Commission may recommend Option A (new policy): Policy x.x.x Explore and implement methods to better involve youth in the community engagement process.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p> |
| <p>2</p> <p>Should a policy be added to limit Planning Commission membership to residents of unincorporated areas?</p> | <p>Chapter 1, Community Engagement</p> <p>Policy 1.2.3. Appoint members through an open and public process to reflect the diverse geographic regions, demographics, and values of Deschutes County residents.</p> | <ul style="list-style-type: none"> • Support: Several public commenters expressed interest in limiting membership to unincorporated residents. • Opposition: N/A | <p>The criteria for Planning Commission membership are included in the Deschutes County Code and Planning Commission Procedures Manual. The Board of County Commissioners explored revisiting these criteria in 2023, and ultimately expressed support for the current process and representation of area-specific and at-large seats.</p> <p>If the PC were to explore this, staff has concerns regarding the reduced number of eligible applicants that could apply for open positions and challenges in maintaining an adequate number of positions.</p> <p>Staff recommends the PC maintain the current language.</p> | <p>If yes, the Planning Commission may recommend Option A (new policy): Policy x.x.x Limit Planning Commission membership to representatives residing in unincorporated Deschutes County.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p> |

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|----------|--|--|--|---|--|
| <p>3</p> | <p>Should area-specific policies for the Three Rivers area related to water quality and treatment, economic development, wildlife and growth be added to the Deschutes County 2040 Plan?</p> | <p>Chapter 2, Land Use and Regional Coordination.</p> <p>Policy 2.2.9. Support updates to unincorporated community area plans.</p> | <ul style="list-style-type: none"> • Support: Three Rivers residents expressed concern that specific needs in the Newberry Country Plan and draft Deschutes 2040 plan did not address existing and emerging challenges from development. • Opposition: N/A | <p>The Board of County Commissioners directed staff to update the Newberry Country Plan in 2024. This plan provides area-specific policies for the area south of Lava Butte to the southern county border. As the Comprehensive Plan is intended to provide more general policies for the entire county, staff believes the Newberry Country Plan is a more fitting avenue for this specific policy language. It also is consistent with the approach staff has taken in other unincorporated communities and specific areas in the County.</p> <p>As an alternative, staff could provide more detail on the issues in Three Rivers in the narrative for Chapter 5 or other chapters.</p> <p>Staff believes it may be premature to present policy options prior to more extensive engagement with the Three Rivers community and recommends the PC retain the current language.</p> | <p>If yes, the Planning Commission may recommend Option A (new policy): Policy x.x.x As part of the Newberry Country Plan, include area-specific analysis of Three Rivers to identify challenges related to ongoing natural resource, water, and development related issues.</p> <p>If yes, the Planning Commission may direct staff to incorporate additional detail on issues pertaining to Three Rivers in the document narrative.</p> <p>If no, staff recommends utilizing the existing draft language in Policy 2.2.9 to support updates to unincorporated community area plans, including policies specific to Three Rivers during the Newberry Country Plan update process, similar to the approach used in other unincorporated areas of the County.</p> |
| <p>4</p> | <p>Should policy language prioritize use of incentives over regulations?</p> | <p>Chapter 2, Land Use and Regional Coordination</p> <p>Policy 2.1.1. Balance the consideration of private property rights and the economic impacts of land use decisions on property owners with other community goals identified in the Comprehensive Plan.</p> <p>Goal 2.4. Minimize onerous barriers to land use application and development review processes.</p> | <ul style="list-style-type: none"> • Support: Commentors expressed support of policies that better address private property rights and limit delays and expenses associated with land use reviews. • Opposition: Central Oregon LandWatch (COLW) provided edits to 2.1.1. Other commentors did not directly weigh in on this topic but promoted additional opportunities for engagement and balancing of development with livability and impacts to natural resources. | <p>Staff heard several concerns related to this topic during the initial engagement process and attempted to draft language to reduce onerous barriers to otherwise allowed development while still balancing other concerns such as impacts to natural resources. This resulted in draft Policy 2.1.1 and Goal 2.4. Staff and the PC had extensive discussions of these policies.</p> <p>Staff recommends the Planning Commission retain the current language as drafted.</p> | <p>If yes, the Planning Commission may recommend Option A (new policy): Policy x.x.x. Where possible, explore landowner incentives to mitigate impacts from development and achieve community goals.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p> <p>If no, the Planning Commission may recommend incorporating changes in COLWs letter: Balance the consideration of private property rights and the economic impacts of land use decisions on property owners with <u>the need to preserve agricultural and forest land, wildlife habitat, ground and surface water resources, wetlands, riparian areas, open areas and</u> other community goals identified in the Comprehensive Plan.</p> |

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| <p>5</p> | <p>Should additional policy language address enforcement of existing codes and laws?</p> | <p>Chapter 2, Land Use and Regional Coordination</p> | <ul style="list-style-type: none"> • Support: Commentor expressed support for enforcement of existing regulations and laws prior to establishing new codes and laws. • Opposition: N/A | <p>Deschutes County currently has three Code Compliance Specialists and an Administrative Manager who oversees the Code Compliance Program. The County continues to receive a large volume of code complaints and prioritizes complaints with a public health or safety component to address first. Funding and staffing for this division are under the purview of the Board of County Commissioners.</p> <p>Staff notes that new issues emerge, and regulations are often legally required to address changes in case law, state law, or new allowed use, therefore new codes must often be drafted. Additionally, staff notes that this item would be more fitting for an action plan.</p> <p>Staff recommends the PC maintain the current language as drafted.</p> | <p>If yes, the Planning Commission may recommend Option A (new policy): Policy x.x.x Analyze resources to enforce new regulations prior to adoption.</p> <p>If no, the Planning Commission may recommend retaining current language as drafted.</p> |
| <p>6</p> | <p>Should the County integrate COLWs recommended edits to the agriculture and forestry Comprehensive Plan designation purpose statements in their December 14, 2023 letter?</p> | <p>Chapter 2, Land Use and Regional Coordination Page 2-3 – Table</p> | <ul style="list-style-type: none"> • Support: COLW, commentors expressed general support for COLW recommendations. • Opposition: N/A | <p>The existing Comprehensive Plan designation purpose statement comes directly from Oregon Planning Goal 3. The forestry purpose statement is a condensed version of the statement in Oregon Planning Goal 4. The purpose statements were edited to reflect the current language in 1993.</p> <p>Staff and legal counsel are also concerned that the language in COLW's recommendation will adversely affect the County's code due to unclear language that is not consistent with state statute or Oregon Administrative Rule. The language change could have the effect of requiring further limits on uses, which would best be done through a development code amendment process.</p> <p>Staff strongly recommends that the definition remains as drafted. If the PC were interested in changing this definition, staff recommends the purpose statements be amended to list the purpose statement from each state planning goal to reduce confusion to community members and applicants.</p> | <ul style="list-style-type: none"> • If yes, the Planning Commission may recommend Option A – definition from planning goals: Agriculture – To preserve and maintain agricultural lands. Forest - 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. • If no, the Planning Commission may recommend retaining current language as drafted. |

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| <p>7</p> | <p>Should the County integrate COLWs recommended edits relating to coordination with federal agencies?</p> | <p>Chapter 2, Land Use and Regional Coordination</p> <p>Policy 2.2.6. Collaborate with federal agencies on land management issues including homelessness, sustainable recreation expansion, and energy projects.</p> | <ul style="list-style-type: none"> • Support: COLW, commentors expressed general support for COLW recommendations. • Opposition: N/A | <p>Policy 2.2.6 language was drafted in partnership with federal agencies. Staff has concerns about the phrase “excessive road networks” but otherwise does not see any major concerns with the proposed edits.</p> | <ul style="list-style-type: none"> • If yes, the Planning Commission may recommend Option A (amended language): <p>Policy 2.2.6. Collaborate with federal agencies on land management issues including homelessness, <u>wildlife habitat restoration, water quality, excessive road networks, energy projects, the impacts of recreation, and the expansion of sustainable recreation opportunities.</u></p> <ul style="list-style-type: none"> • If no, the Planning Commission may recommend retaining current language as drafted. |
| <p>8</p> | <p>Should the Planning Commission incorporate changes to further limit rezoning of farm land?</p> | <p>Chapter 3, Farm and Forest Resources</p> <p>Policy 3.3.6 Support the evaluation and potential redesignation of lands with a farm designation and poor soils and low productivity for protected open space, development of needed housing, or other uses that support community goals as follows.</p> <p>a. Allow comprehensive plan and zoning map amendments, including for those that qualify as non-resource land, for individual EFU parcels as allowed by State Statute, Oregon Administrative Rule, and this Comprehensive Plan.</p> <p>b. Explore creation of a new zoning classification intended to balance value of high desert environment while allowing for limited housing opportunities and applying this designation through coordination with interested and willing property owners.</p> | <ul style="list-style-type: none"> • Support: Community members cited concerns regarding loss of productive farm land, impacts of sprawl to wildlife, water availability, and open space. • Opposition: Community members noted the challenges of productively using land that is not viable for agricultural use and were supportive of allowing the current practice of rezoning on a case by case basis. | <p>Staff notes this topic was one of the most discussed during development of the draft plan. Staff attempted to balance community member concerns from initial outreach regarding valuing farm land as a food source, economic driver, and de facto open space, while also recognizing challenges with miscategorized land unfit for farming, including use of water rights to preserve farm tax deferral.</p> | <ul style="list-style-type: none"> • If yes, the Planning Commission may recommend removing policy 3.3.6, which is in support of exploring new classifications and redesignation of farm zoned land. • If no, the Planning Commission could utilize the existing language in this policy to support retention of accurately designated agricultural lands while recognizing the state allows for rezonings if specific statutory criteria are met and expressing interest in exploring a new zoning classification. |

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| 9 | Should policy language pertaining to flexibility for income-producing supplementary activities on farm land be strengthened? | Chapter 3, Farm and Forestry Policy 3.2.6. Continue to review and revise County Code as needed and consistent with state rules and regulations to permit alternative and supplemental farm activities that are compatible with farming, such as agri- tourism or commercial renewable energy projects. | <ul style="list-style-type: none">• Support: Commentors cited support for income-producing activities.• Opposition: Commentors expressed concern regarding uses that could interfere or detract from the preservation and use of land for agricultural operations. | Staff notes this topic was widely discussed during development of the draft plan. Staff attempted to balance community member concerns from initial outreach regarding preservation of land for agricultural activities and concerns around encroachment of illegal uses while also balancing the need for additional income to support commercial agriculture operations. Staff notes these uses are heavily regulated by state law. Staff recommends retaining the current language. | <ul style="list-style-type: none">• If yes, the Planning Commission may recommend the language in Option A (new): Policy x.x.x. Support incoming producing supplemental activities on farm land.• If no, the Planning Commission may recommend retaining current language as drafted. |
|---|--|---|---|--|--|

Deschutes County Comprehensive Plan



DESCHUTES
COUNTY
2040



Draft - Revised August 25, 2023

Acknowledgements

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WHAT ARE THE TOP 3 ISSUES FACING DESCHUTES COUNTY TODAY



Community Engagement

WATER

NATURAL RESOURCE AND OPEN SPACE PROTECTION

ECONOMIC DEVELOPMENT OPPORTUNITIES (JOBS)

HOUSING AFFORDABILITY

FARMS AND LOCAL FOOD SUPPLY

MANAGING GROWTH

TRANSPORTATION

MAINTAINING QUALITY OF LIFE

DROUGHT AND WATER SUPPLY



DESCHUTES COUNTY 2040

JOB/ COST OF LIVING CORRECTION

GARBAGE

Promising

Take a sticker and vote on your top 3 issues. Don't see your priority listed? Write it down on a post-it and stick it to the board.



Opportunities, Challenges, and Considerations

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

2023 Comprehensive Plan Update

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

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

Context

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

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

Summary of Engagement for the 2023 Update



Regulatory Framework

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

Statewide Planning Goal 1

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

Deschutes County’s Community Involvement Program

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

DESCHUTES COUNTY PLANNING COMMISSION

The Deschutes County Planning Commission serves as the County’s Committee for Community Involvement (CCI). The Planning Commission is composed of seven volunteer members appointed to four-year terms by the Board of County Commissioners (Board).

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

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

HISTORIC LANDMARKS COMMISSION

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



OTHER LAND USE RELATED ADVISORY GROUPS

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

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

members appointed to three-year terms by the Board (see also Section 2.5).

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

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

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





Key Community Issues

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

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

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

Goals and Policies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



2

Land Use and Regional Coordination





Opportunities, Challenges, and Considerations

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



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

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

- Implementing state policy and laws and furthering local planning goals by maintaining, updating and applying County land use policies, standards and regulations in its zoning codes and this Comprehensive Plan.
- Reviewing development and land use proposals and help applicants to navigate the application process.

- Coordinating with other local jurisdictions on issues of regional growth management, infrastructure, and public services.
- Coordinating land use and transportation planning efforts in rural areas including planning for farm and forest lands and natural resource management and protection.
- Administering land use regulations for unincorporated communities in the County.

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

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

Context

Comprehensive Plan Designations

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

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



Land Use Planning in Oregon

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

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

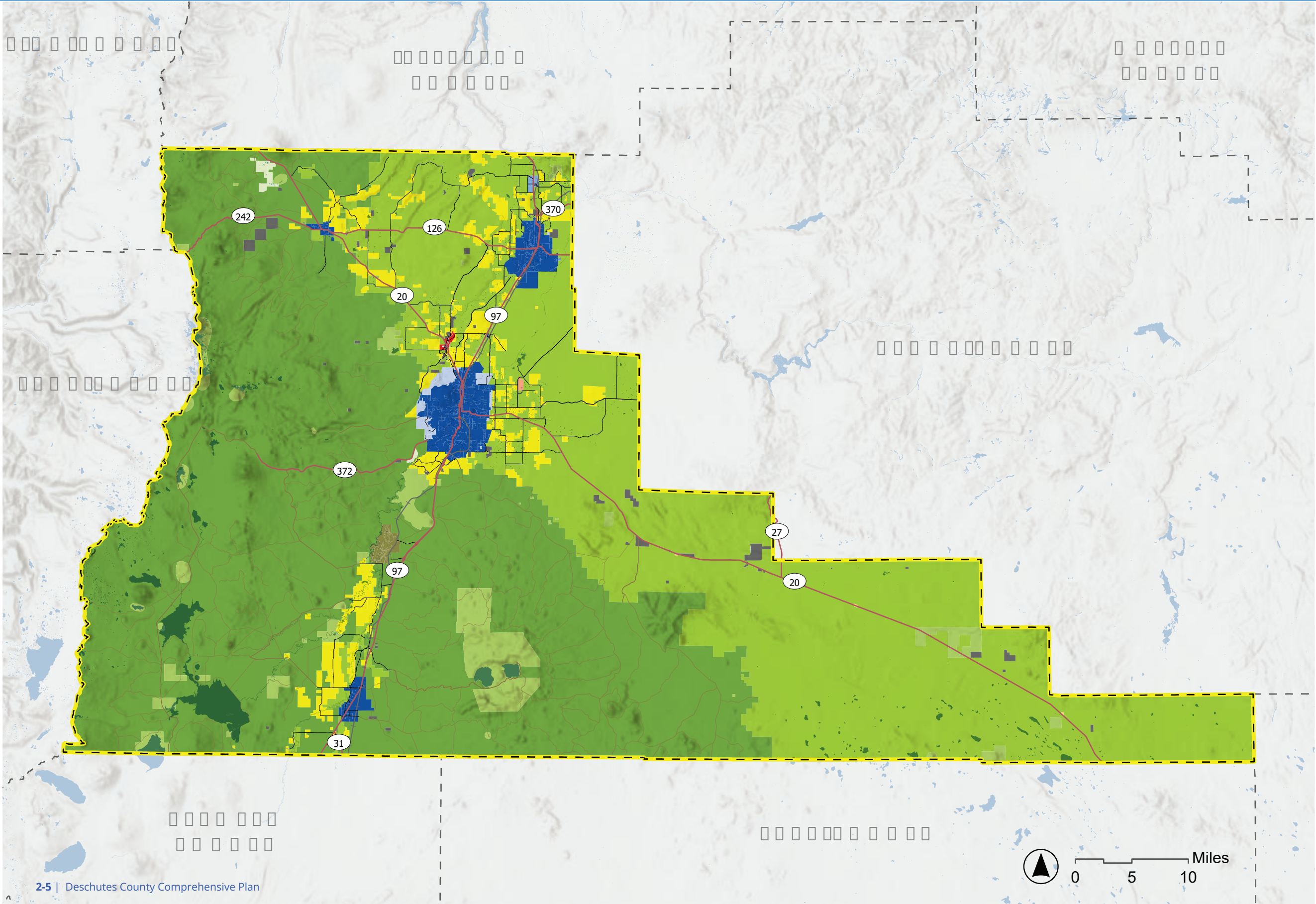
Local comprehensive plans must be consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the state's Land Conservation and Development Commission (LCDC). When LCDC officially approves a local government's plan, the plan is said to be acknowledged. It then becomes the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

The goals relevant to Deschutes County are:

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

COMPREHENSIVE PLAN DESIGNATION

Map 2-1



A PLAN FOR THE FUTURE

- Water Bodies
 - County Boundary
- Transportation**
- State Routes
 - Railroad
 - County Lines
 - Arterial
 - Collector
 - Forest Highway
- Comprehensive Plan Designation**
- Airport
 - Agriculture
 - Forest
 - Flood Plain
 - Open Space & Conservation
 - Rural Commercial
 - Resort
 - Rural Industrial
 - Rural Residential Exception Area
 - Surface Mining
 - Terrabone Districts
 - Tumalo Districts
 - Unincorporated Community
 - Mixed Use / Commercial
 - Mixed Use / Commercial Future Expansion Area
- Other**
- Urban Growth Boundary
 - Urban Reserve
 - Urban Unincorporated Community



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



Zoning Designations

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

OVERLAY ZONES

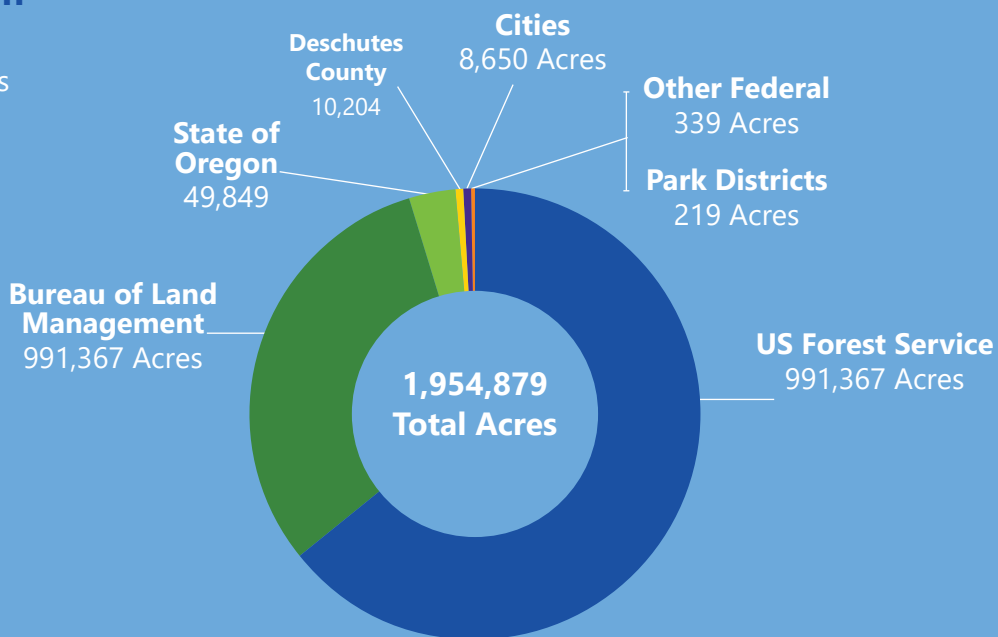
Deschutes County has the following overlay zones, which apply in addition to the base zone of a given property.

- **Airport Safety:** The purpose of the AS Zone is to restrict incompatible land uses and airspace obstructions around airports in an effort to maintain an airport’s maximum benefit.
- **Destination Resort:** The purpose of the Destination Resort Combining Zone is to identify lands eligible for siting a Destination Resort and establish procedures and standards for establishing this type of development.

- **Landscape Management:** The purposes of the Landscape Management Combining Zone are to maintain scenic and natural resources of the designated areas and to maintain and enhance scenic vistas and natural landscapes as seen from designated roads, rivers, or streams.
- **Greater Sage-Grouse Combining Zone.** The purpose of the Greater Sage-Grouse Combining Zone is to fulfill obligations of OAR 660-23-0115. This state rule requires seven Oregon counties to mitigate impacts of large-scale development on sage-grouse habitat.
- **Sensitive Bird and Mammal Habitat:** The purpose of the Sensitive Bird and Mammal Combining Zone is to insure that sensitive habitat areas identified in the County’s Goal 5 sensitive bird and mammal inventory as critical for the survival of the northern bald eagle, great blue heron, golden eagle, prairie falcon, osprey, great grey owl, and the Townsend’s big-eared bat are protected from the effects of conflicting uses or activities which are not subject to the Forest Practices Act.

Public Land Ownership in Deschutes County

Approximately 79% of Deschutes County is public land.



- **Surface Mining Impact Area:** The purpose of the SMIA zone is to protect the surface mining resources of Deschutes County from new development which conflicts with the removal and processing of a mineral and aggregate resource while allowing owners of property near a surface mining site reasonable use of their property.
- **Wildlife Area:** The purpose of the Wildlife Area Combining Zone is to conserve important wildlife areas in Deschutes County; to protect an important environmental, social and economic element of the area; and to permit development compatible with the protection of the wildlife resource.

CITY COORDINATION

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

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

City of Bend

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

City of La Pine

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

City of Redmond

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



ZONING DESIGNATIONS

Map 2-2



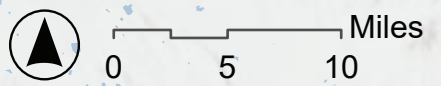
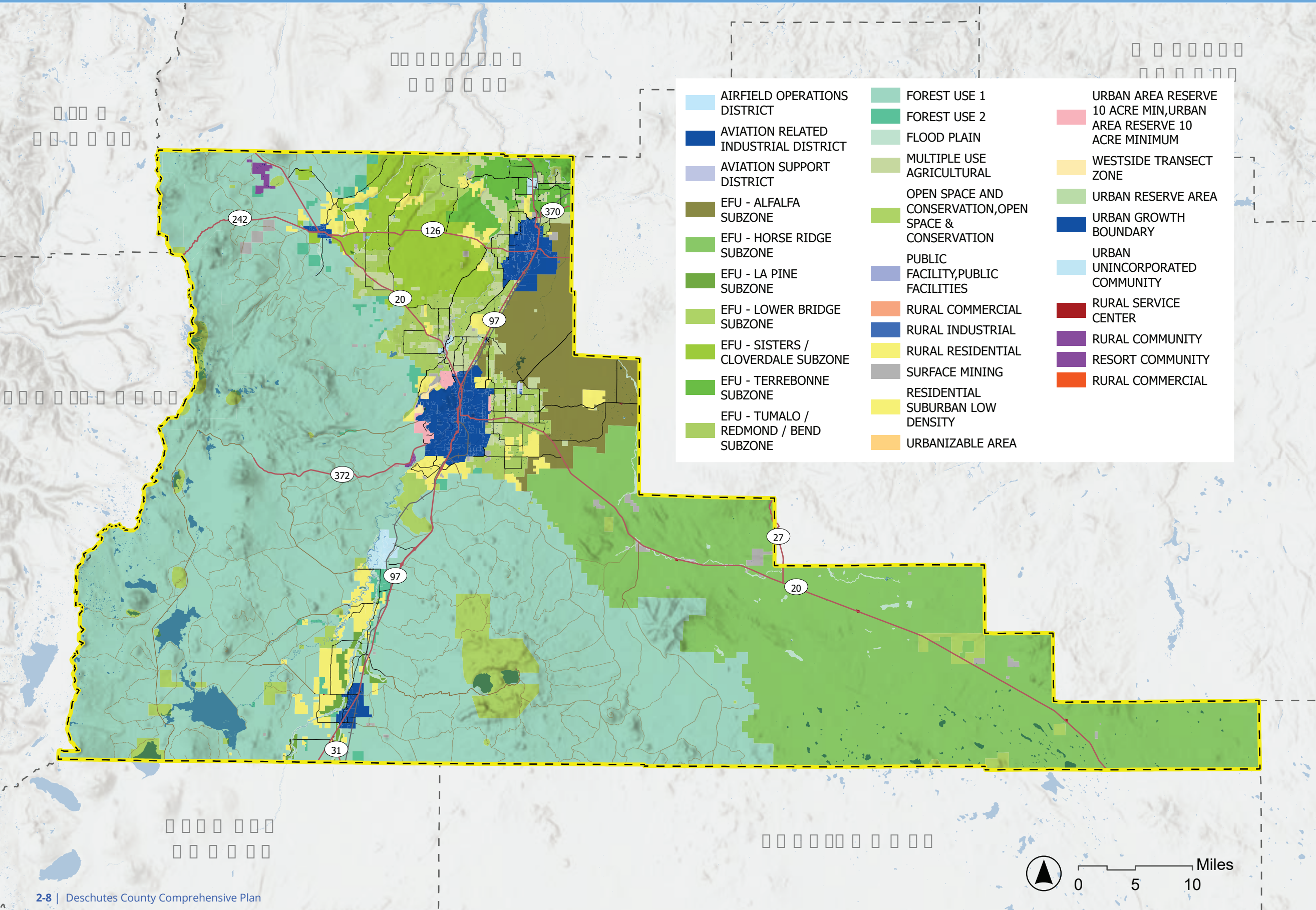
A PLAN FOR THE FUTURE

- Water Bodies
- County Boundary

Transportation

- State Routes
- Railroad
- County Lines

| | | |
|---------------------------------------|--|--|
| AIRFIELD OPERATIONS DISTRICT | FOREST USE 1 | URBAN AREA RESERVE 10 ACRE MIN, URBAN AREA RESERVE 10 ACRE MINIMUM |
| AVIATION RELATED INDUSTRIAL DISTRICT | FOREST USE 2 | WESTSIDE TRANSECT ZONE |
| AVIATION SUPPORT DISTRICT | FLOOD PLAIN | URBAN RESERVE AREA |
| EFU - ALFALFA SUBZONE | MULTIPLE USE AGRICULTURAL | URBAN GROWTH BOUNDARY |
| EFU - HORSE RIDGE SUBZONE | OPEN SPACE AND CONSERVATION, OPEN SPACE & CONSERVATION | URBAN UNINCORPORATED COMMUNITY |
| EFU - LA PINE SUBZONE | PUBLIC FACILITY, PUBLIC FACILITIES | RURAL SERVICE CENTER |
| EFU - LOWER BRIDGE SUBZONE | RURAL COMMERCIAL | RURAL COMMUNITY |
| EFU - SISTERS / CLOVERDALE SUBZONE | RURAL INDUSTRIAL | RESORT COMMUNITY |
| EFU - TERREBONNE SUBZONE | RURAL RESIDENTIAL | RURAL COMMERCIAL |
| EFU - TUMALO / REDMOND / BEND SUBZONE | SURFACE MINING | |
| | RESIDENTIAL SUBURBAN LOW DENSITY | |
| | URBANIZABLE AREA | |



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City of Sisters

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

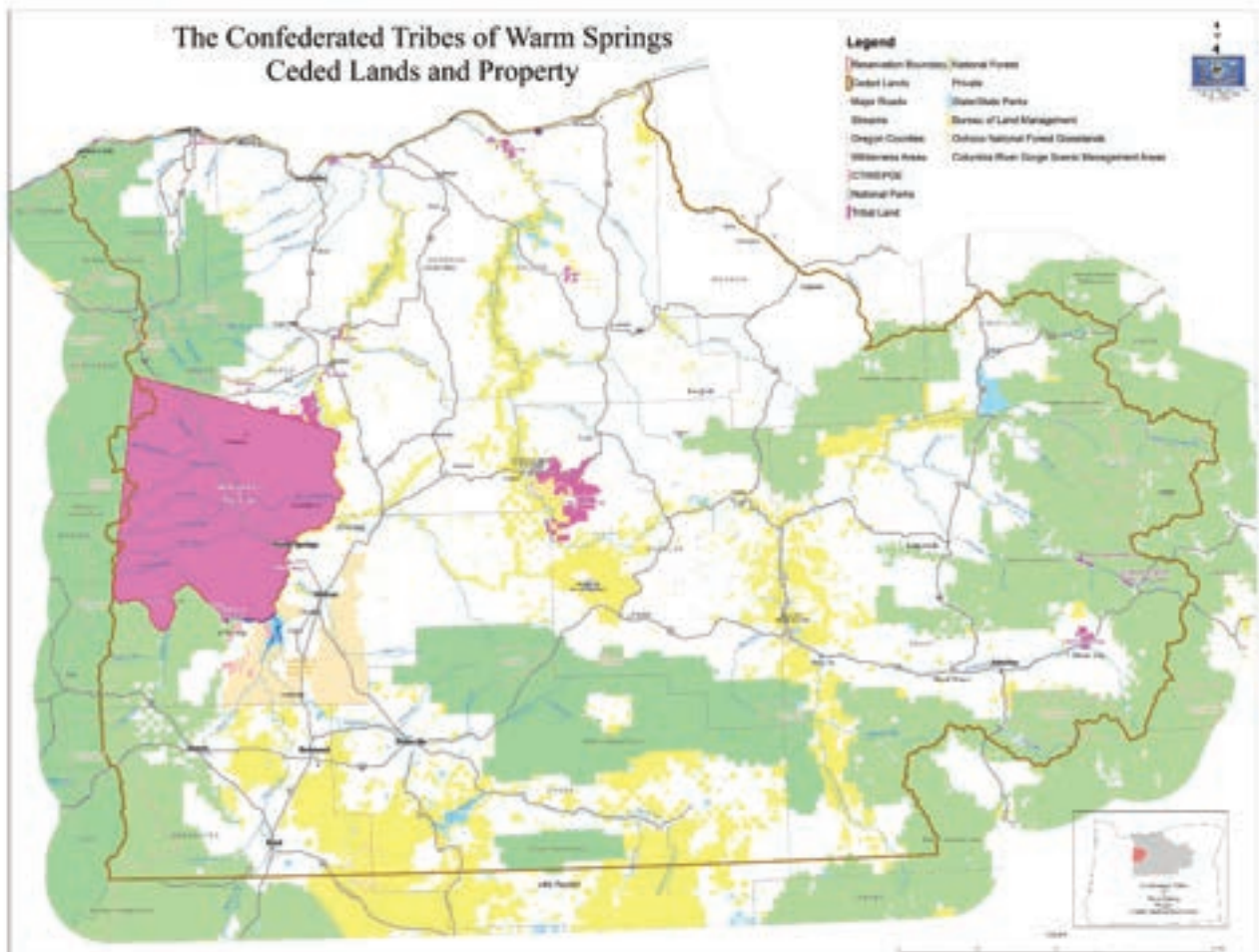
TRIBAL COORDINATION

In the Treaty of 1855, the Confederated Tribes of Warm Springs ceded approximately 10.2 million acres to the United States Government in exchange for creation of the Warm Springs Reservation. As part of this agreement, the Tribes maintained rights to hunt, fish, gather, and graze on these ceded lands. The map below identifies the location of these ceded areas in Deschutes County, which primarily intersect with publicly owned lands. Coordination with the Confederated Tribes of Warm Springs on growth and development related issues is important to ensure consistency with these treaty rights.

Key Community Considerations

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

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



- Strong desire for interagency collaboration to manage growth in a coordinated manner.

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

Goals and Policies

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

Policy 2.1.1. Balance the consideration of private property rights and the economic impacts of land use decisions on property owners with other community goals identified in the Comprehensive Plan.

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

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

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

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

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

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

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

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

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

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

Policy 2.2.6. Collaborate with federal agencies on land management issues including homelessness, sustainable recreation expansion, and energy projects.

Policy 2.2.7. Collaborate with tribal governments on regional issues, particularly those that impact ceded lands or shared natural resources.

Policy 2.2.8. Support efforts to reduce barriers to regional infrastructure projects with community benefit while mitigating negative impacts.

Policy 2.2.9. Support updates to unincorporated community area plans.

Policy 2.2.10. In accordance with OAR 660-024-004 and 0045, Deschutes County, fulfilling coordination duties specified in ORS 195.025, shall approve and update its comprehensive plan when participating cities within their jurisdiction legislatively or through a quasi-judicial process designate regionally significant sites.

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

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

Additionally, the County will coordinate planning efforts and development goals with the City of Redmond prior to bringing County-owned property into Redmond's urban growth boundary.

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

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

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

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

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

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

3

Farm and Forest Resources



Opportunities, Challenges, and Considerations

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

PREVALENCE OF SMALL FARMING OPERATIONS AND HOBBY FARMS

The 2017 Census of Agriculture profiles Deschutes County as primarily consisting of small acreage, hobby farms and other relatively small agricultural operations. As of 2017, there were approximately 1,484 farms, an increase of 16% from 2012. Although the average size of a farm in Deschutes County is 91 acres, the majority of acreage (about 85%) is in farms of 10 acres or less in size.

MARGINAL OR LOW PRODUCTIVITY SOILS

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

FINANCIAL CHALLENGES

According to the 2017 Agricultural Census, agricultural producers in Deschutes County are often operating in the red. The per-farm average of market value of products sold was \$19,386, a 21% increase from 2012, and average production expenses of \$34,748. This results in a deficit of approximately \$12,866 per farm per year. Government payments help cover a portion of this deficit, with the average farm receiving \$7,477 in assistance. The costs of operating continue to be a major challenge from small family operations, resulting in approximately 46% of farms in Deschutes County reporting under \$2,500 in sales.

DECLINING FOREST PRODUCTS INDUSTRY

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



WATER SUPPLY AND IRRIGATION

Much of Deschutes County is served by six irrigation districts (Map 3-1) – these are special entities created for the purpose of delivering water to their patrons. These districts are effectively non-profit water user associations. In addition to irrigation, these districts also supply other services including municipal, industrial, and pond maintenance. The total water available for irrigation and other human uses in Deschutes County is fixed under the current water regime. No additional water rights can be issued without the decommissioning of a previous claim. Therefore, there is little opportunity to expand irrigated farming in the County. Existing farms with senior water rights in general have relatively generous irrigation rights, which have rarely been fully utilized, and are expected to have sufficient water to cope with increasing temperatures and drought conditions in the future. Junior water right holders, associated with Arnold Irrigation District and North Unit Irrigation District, have recently seen challenges with water delivery due to limited availability and drought.

CHANGES IN CLIMATE CONDITIONS

A number of forecasted trends may impact agriculture and forestry resources and production either positively or negatively by the middle of this century, including the following:

- Drought conditions. Increasing temperatures will lead to an increase in the length of the growing season and a slight change in the

cold hardiness zones throughout the County. The ongoing patterns of drought and lack of sufficient water for irrigation in some districts is likely to be exacerbated by increasing temperatures.

- Growing season. Projected increases in average temperature will have the effect of drastically increasing the length of the growing season. For example, currently the region around Bend has a growing season of just under 100 days a year, but that will increase by more than a month to between 133 to 143 days a year. The eastern part of the county will likely see an even more marked increase from a brief 35 days to between 85 and 100 days. This may increase potential agricultural productivity in parts of the County.
- Water demand and availability. Water demand is likely to increase due to increased temperatures. Warmer days and warmer nights will increase evaporation and transpiration, requiring an increase in irrigation. Because the total volume of water available for agricultural and human use is fixed, strategies to decrease water usage (capping irrigation channels, irrigation timing strategies, water conservation) will become more crucial.

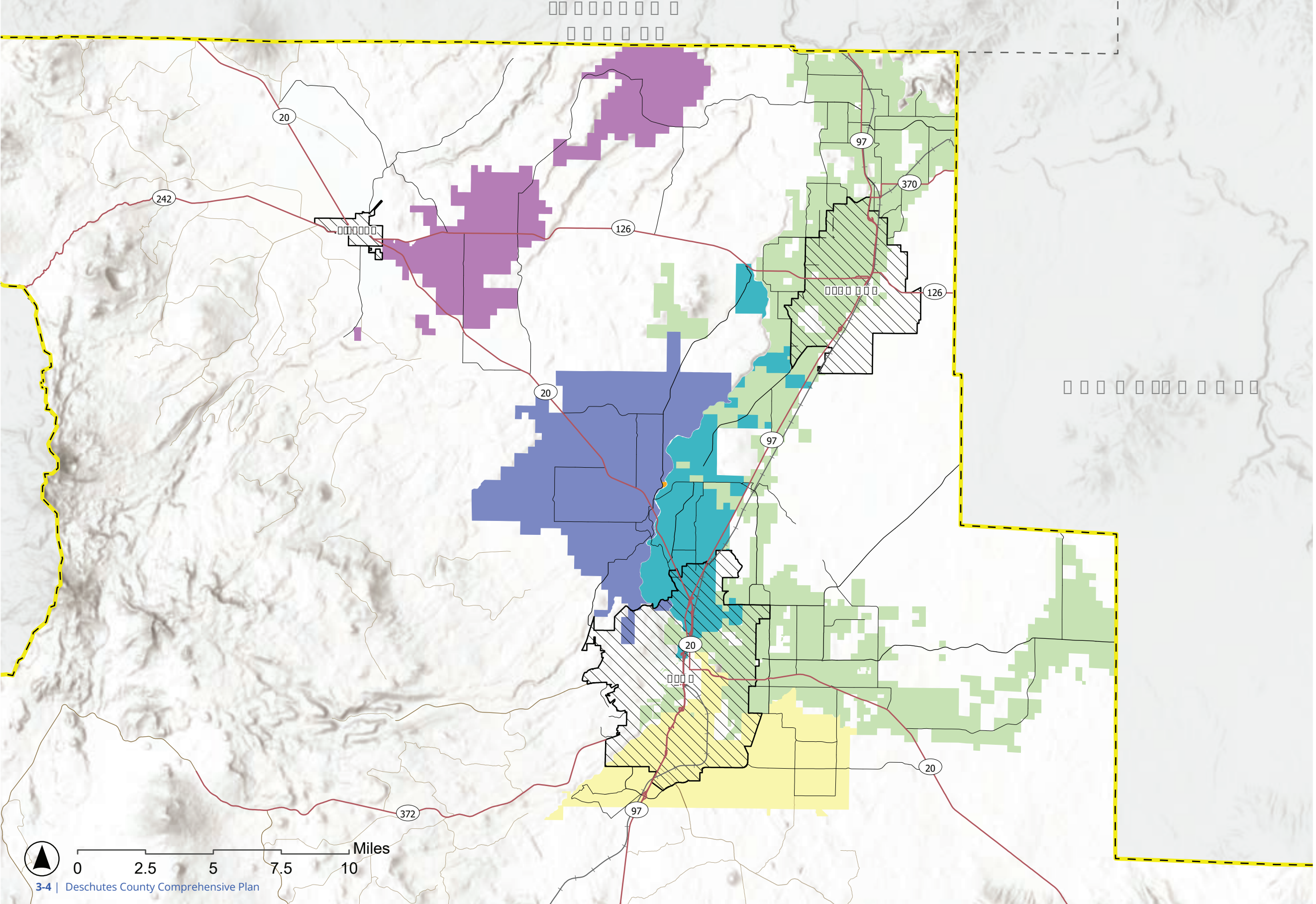
CONFLICTS WITH OTHER USES

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

Days Above 90 Degrees in Brothers



Map 3-1



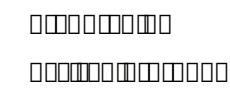
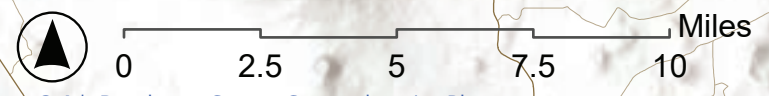
A PLAN FOR THE FUTURE

Irrigation Districts

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

Transportation

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



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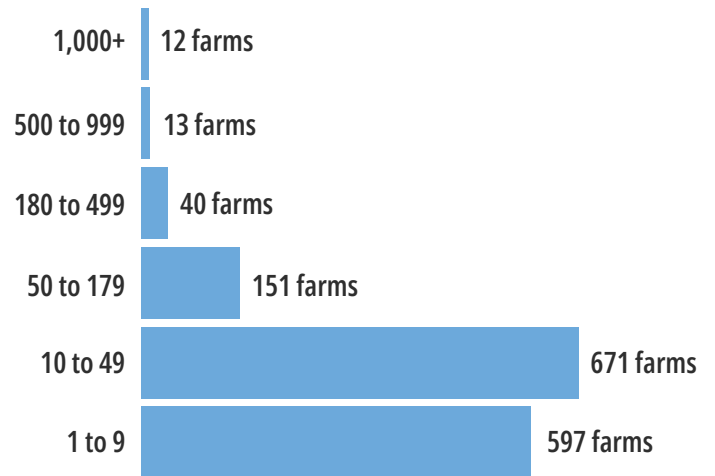
Context

Agriculture

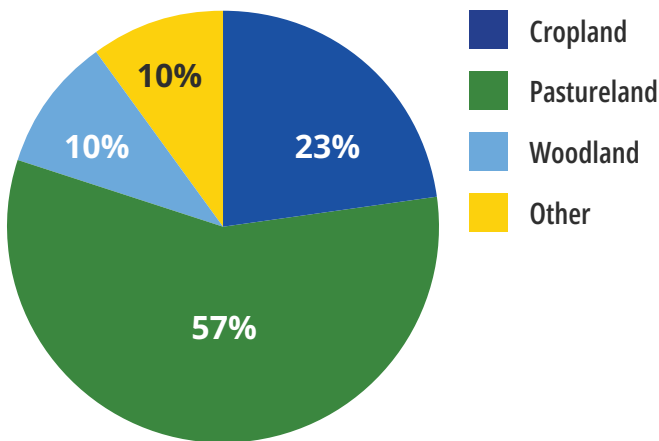
Agriculture and ranching operations in Deschutes County vary widely based on water availability, soil, and microclimate. The following subzones were created through a commercial farm study conducted in 1992. This study concluded that irrigation is a key factor to viability of operations, which enabled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

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

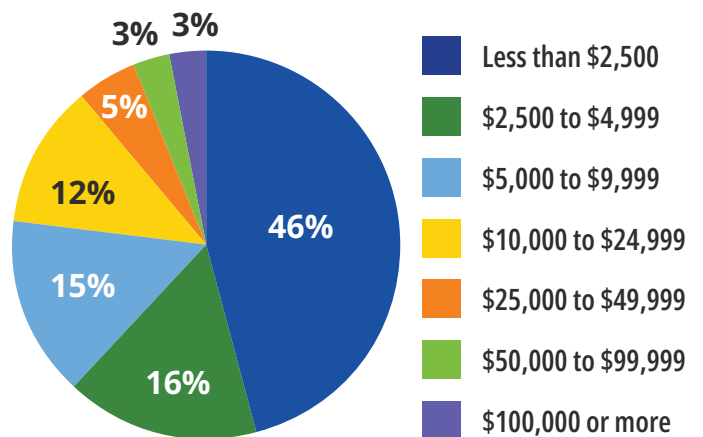
Farms By Size (acres)



Land in Farms by Use



Farms By Value of Sales



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

Forest Lands

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

State regulations limit residential and non-forestry related development on forest lands and the County sees only a few applications for development in these areas each year. Even with this limitation on development, forest managers and service providers continue to express concern with wildfire risk associated with residential development in heavily wooded areas.

Most lands in either of these classifications within Deschutes County are federally owned and managed by the US Forest Service. Historically, forest lands were used for timber production. As timber harvesting decreases, other uses for forest lands are emerging. State regulations permit five general types of uses, including forest operations; environmental, agricultural or recreational uses; two types of dwellings and locally dependent uses. Permitted uses are defined and clarified in OAR 660-006. The following uses are major forest uses in Deschutes County:

- **Secondary forest products (forest operations):** There is an increasing use of secondary forest products, such as hog fuel (chipped wood) or wood slash. This type of product is generally seen as providing dual benefit, by providing economic opportunity while also reducing wildfire risk through thinning projects.
- **Alternative Energy:** Biomass is an emerging technology for renewable energy and can also be integrated with these products. The first biomass facility in the County is currently

under development through a partnership with Mt. Bachelor Ski Resort and the US Forest Service.

- **Recreation (environmental, agricultural and recreation uses):** The proximity of federal forests for hiking, mountain biking, skiing, hunting, fishing, wildlife viewing and other outdoor recreation draws tourists and residents alike. Skyline Forest, a 33,000-acre privately owned property in the Forest 1 zone has been identified as a potential community asset, with several groups and nonprofits seeking to acquire and utilize the property as a community forest. In 2022, Deschutes Land Trust facilitated a community visioning process to identify preferred community uses if land were to be purchased as a privately held recreational asset.



Key Community Considerations

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

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



Goals and Policies

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

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

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

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

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

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

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

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

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

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

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

Policy 3.2.6. Continue to review and revise County Code as needed and consistent with state rules and regulations to permit alternative and supplemental farm activities that are compatible with farming, such as agri- tourism or commercial renewable energy projects.

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

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

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

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

Policy 3.3.1. Identify and retain accurately designated agricultural lands.

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

a. Apply for grants to review and, if needed, update farmland designations.

b. Study County agricultural designations considering elements such as water availability, farm viability and economics, climatic conditions, land use patterns, accepted farm practices, and impacts on public services.

c. Lobby for changes to State Statute regarding agricultural definitions specific to Deschutes County that would allow some reclassification of agricultural lands.

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

a. The large number of platted lots not meeting the minimum acreage;

b. The need for non-farm dwellings and location requirements for farm dwellings;

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

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

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

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

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

- b. Explore creation of a new zoning classification intended to balance value of high desert environment while allowing for limited housing opportunities and applying this designation through coordination with interested and willing property owners.

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

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

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

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

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

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

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

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

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

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

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

Policy 3.4.6. Coordinate and cooperate with the U.S. Forest Service, the Bureau of Land Management and other public agencies to promote sustainable forest uses, including recreation and biomass facilities, on public

forest land, including currently adopted Forest and Land Management Plans prepared by the US Forest Service (USFS) and US Bureau of Land Management (BLM).

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

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

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

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

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

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

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

