



MEMORANDUM

TO: Deschutes County Planning Commission

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

DATE: February 15, 2024

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

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

I. BACKGROUND

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

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

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

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

II. APPROACH TO DELIBERATIONS

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

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

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

Parking Lot

Potentially Precluded by State Law

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

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

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

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

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

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

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

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

Action Items

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

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

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

Items Included in Decision Matrix

✓: Topic was discussed during plan development.

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

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

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

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

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

19. Discourage vacation rentals	✓	<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. 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
23. Ensure workforce, affordable, transitional housing, and secure shelter housing types are included in housing goals and policies		
Chapter 11 - Unincorporated Communities/Destination Resorts		
24. Destination Resorts		
a. Limit within 100 miles of Bend	✓	<ul style="list-style-type: none"> • Policy 11.7.2
b. Require analysis of water quality and availability during approval process	✓	<ul style="list-style-type: none"> • Policy 11.7.2, 5.1.3
c. Recognize as a key recreational strategy of the County		
d. Recognize all destination resorts in text that have received final master plan approval	✓	Note: all destination resorts are listed, although Thornburgh Resort is listed as receiving all approval but not yet having broken ground.
e. Incorporate statutory language for resorts within 24 air miles of Bend's UGB which strictly limit proposals for new or expanded resorts to provide housing only where necessary for employees and management of the resort		
f. Alter resort eligibility maps		

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

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

III. REVIEW OF COID RECOMMENDATIONS

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

IV. NEXT STEPS

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

Attachments:

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