



**MEMORANDUM**

**TO:** Deschutes County Board of County Commissioners

**FROM:** Nicole Mardell, AICP, Senior Planner

**DATE:** March 27, 2024

**RE:** Work session in preparation for public hearing: Draft 2020-2040 Deschutes County Comprehensive Plan

The Board of County Commissioners will conduct a work session in preparation for an initial public hearing on April 10, 2024, to consider legislative amendments to repeal and replace the 2030 Comprehensive Plan with the Deschutes County 2040 Comprehensive Plan (file no. 247-23-000644-TA).

**I. BACKGROUND**

The Comprehensive Plan is Deschutes County’s policy document for guiding growth, development, and resource protection within the county over a 20-year planning period. The plan’s purpose is to provide a policy framework for zoning and land use regulations, demonstrate consistency with all applicable statewide goals, rules, and laws, and serve as a cohesive vision for future planning activities.



The project was initiated in April 2022 and progressed through four phases:

- Phase 1 - Project Initiation: Hiring of consultant (MIG, Inc), review of background documents, creation of Community Engagement Plan, project website, and branding materials.
- Phase 2 – Initial round of community engagement – visioning, review of existing policies with Planning Commission, review of policy best practices in drafting new text.
- Phase 3 – Second round of community engagement – policy approaches, finalizations of goal and policies with Planning Commission, update of maps.
- Phase 4 – Compilation of final Comprehensive Plan document and findings package.

The project has now entered Phase 5, which focuses on the adoption of the updated document. Extensive information from the previous phases, including open house summaries, outreach materials, and iterative versions of policies can be found on the project website process page: [www.deschutes.org/2040](http://www.deschutes.org/2040).

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

## **II. PLANNING COMMISSION ROLE AND REVIEW**

The Deschutes County Planning Commission played an integral role overseeing the Deschutes County 2040 process. Commissioners met eleven times (prior to any public hearings) to review the community engagement plan, participate in engagement activities, craft new and revised goal and policy language, and review initial iterations of the Comprehensive Plan document. Staff initiated the Post Acknowledgement Plan Amendment process on August 30, 2023. From that date forward, the role of the Planning Commission shifted to that of a formal review body for the initial hearings process.

The Planning Commission held public hearings on October 26, 2023<sup>1</sup>, November 9, 2023<sup>2</sup>, and December 14, 2023<sup>3</sup>. At the conclusion of the December 14, 2023, meeting, commissioners closed the oral record and left the written record open until December 28, 2023. The Commission deliberated on January 11, 2024<sup>4</sup>, January 25, 2024<sup>5</sup>, February 8, 2024<sup>6</sup>, and February 22, 2024<sup>7</sup>. The Planning Commission ultimately voted to recommend approval of the plan as revised in accordance

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

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

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

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

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

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

<sup>7</sup> <https://www.deschutes.org/bc-pc/page/planning-commission-47>

with the edits in Attachment A. These edits have been incorporated into the updated draft in Attachment B. Additionally, the Planning Commission wanted to emphasize the following points:

- The Planning Commission promoted a balance of regulations and incentives in addressing growth and development, although wanted to emphasize their preference to explore incentives where possible as the first approach.
- Policy 3.3.6 explores the creation of a new nonresource zoning classification that balances preservation of the high desert environment while allowing for rural housing opportunities. The Planning Commission emphasized the importance of holding an extensive engagement process while exploring creation of a potential new zone.
- Policy 8.1.2 promotes collaboration on trail projects between agencies and property owners, especially for projects adjacent to farm or forestry operations. The Planning Commission wanted to emphasize the group voted 3-2 on the final language, with two Commissioners preferring an additional policy to explore limitations to trails adjacent to farm and forestry operations to protect statutory “Right to Farm” allowances.
- Policy 5.1.3, now removed, sought to add consideration of potential impacts of water quality and quantity in surrounding areas as part of the siting, planning, and approval processes for destination resorts. Commissioners voted 3-2 to remove this policy, citing lack of regulatory authority and recognition of the extensive existing code requirements regulating this use.

To aid in the Commission’s review, staff also provided draft findings (Attachment C) and a policy tracker spreadsheet (Attachment D) to this memo which describes the iterative changes to the policies from the 2010 version to the current March 15, 2024, draft.

### **III. PUBLIC TESTIMONY**

Approximately 132 public comments were received as of the date of this memo. Major topics of community interest included:

- Potential development of a footbridge across the Deschutes River near the Brookwood neighborhood of Deschutes River Woods.
- Water availability monitoring, planning, and management.
- Voluntary or required measures to conserve water.
- Protection of private property rights and use of incentives to address issues related to growth and development.
- Rezoning of farmland and allowed uses on farmland.
- Dark skies protections.
- Wildlife protection.
- County role in housing production, including affordable housing opportunities.
- Destination resort siting and development.

The Planning Commission placed certain items that may be precluded by current state law, or those that may be more fitting for an action or work plan into a “parking lot”. Staff will utilize this information in drafting an action plan or exploring further if state regulations change.

## **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 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.
- Explore Unincorporated community status for Three Rivers.

### Action Items

- 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.
- Host community conversations to discuss benefits and challenges of destination resorts.

## **IV. AGENCY EDITS**

The Deschutes Historical Society and U.S. Fish and Wildlife Service provided suggested edits to reflect best practices and updated terminology related to historic resources and wildlife resources, respectively. Staff integrated these edits directly into the document.

Central Oregon Irrigation District (COID) provided an extensive list of terminology and technical edits. Commissioners were generally comfortable adopting the majority of these edits, although three suggestions from COIDs recommendations were discussed by the Planning Commission, as

they expressed a particular perspective on issues related to groundwater recharge and hydroelectric facilities. The Planning Commission provided general direction to staff to draft revised language incorporating COIDs edits while also recognizing divergent community perspectives.

These edits are noted in Attachment A and the revised document.

## **V. NEXT STEPS**

The Board will hold an initial public hearing on April 10, 2024. Commissioners expressed interest in holding two additional hearings in other locations in Deschutes County.

Staff has identified options for those two hearings and seeks direction from the Board on a preferred hearing time:

Sunriver Homeowners Association Recreation Center (SHARC):  
Tuesday 4/23, options for hearing start time – 2:30 pm, 3 pm, 4 pm

Sisters City Hall Hearing  
Tuesday 4/30, options for hearing start time – 2 pm, 3 pm, 4 pm

Following feedback from the Board, staff will finalize the details for these subsequent hearings.

Attachments:

- A. Planning Commission Recommended Edits
- B. Deschutes 2040 Draft Comprehensive Plan – 3.15.2024 updated version
- C. Deschutes 2040 Draft Findings
- D. Policy Tracker 2030 vs. 2040 language