



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

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.		

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. 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

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

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		

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.