



MEMORANDUM

TO: Deschutes County Planning Commission

FROM: Nicole Mardell, AICP, Senior Planner
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DATE: January 4, 2023

SUBJECT: Deliberations: Deschutes County 2040 Comprehensive Plan Update

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.

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 purpose of this memo is to summarize the topics identified by the public and allow Commissioners to elevate topics of interest to include in a deliberations matrix.

I. PROPOSAL

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

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

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

³ Will add

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.

II. APPROACH TO DELIBERATIONS

The Deschutes County 2040 Comprehensive Plan update touches on many topics and provides overarching goal and policy guidance pertaining to key issues surrounding management of growth and development in the rural county. In order to ensure an efficient and orderly deliberations process, staff requests Commissioners review the record found on the project website (www.deschutes.org/2040) and the summary of comments received below. During the January 11 meeting, staff will ask Commissioners to elevate topics that will be included in a deliberations matrix. This matrix will then be brought back at a subsequent meeting to aid Commissioners in proposing recommended edits to the draft plan. The matrix will include background information on the issue, public comments pertaining to that issue, policy options to choose from, and staff comments.

Staff notes that the Deschutes Historical Society provided comments that address terminology and best practices in framing for cultural resources. Similarly, the United States Fish and Wildlife Services provided comments that address updated terminology. Due to the nature of these changes, staff will be integrating these edits directly into the next draft of the plan, therefore it is anticipated that the Planning Commission will not need to discuss these comments.

III. SUMMARY OF TESTIMONY RECEIVED

To date, five agency comments (three from Central Oregon Irrigation District, one from City of Bend and one from United States Fish and Wildlife Service) and 133 public comments have been entered into the record. The following is a summary of this testimony. Staff has categorized these by draft plan chapter for ease in reference, although some topics may touch on several chapters.

✓: 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.		
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.	✓	<ul style="list-style-type: none"> Policy 1.1.7, 1.1.8, and 1.2.6
2. Seek out ways to engage with youth on planning related topics.	✓	<ul style="list-style-type: none"> Policy 1.1.8
3. 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		
4. Place moratorium on new development in the rural county.		
5. 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.
6. Update Newberry Country Plan.		Note: Newberry Country Plan is scheduled to be updated in 2024. <ul style="list-style-type: none"> Policy 2.2.9
7. Work with state agencies to alter rules surrounding establishment of new unincorporated communities or amend the Sunriver unincorporated community to include Three Rivers. Alternatively, expand Sunriver water treatment plan to serve Three Rivers Area.		Note: Newberry Country Plan is scheduled to be updated in 2024.

8. Protect private property rights and offer incentives to balance impacts of development.	✓	• Policy 2.1.1
9. Enforce existing codes and laws		
10. Require appellants to cover costs for appeal process.	✓	• Policy 2.4.2
11. Clarify that goals and polices are not new procedural or substantive criteria.		
12. Encourage clear and objective criteria where possible to reduce appeals.	✓	• Goal 2.4
13. Limit standing in appeals to adjacent landowners.		Note: this suggestion would violate state statute pertaining to standing in land use matters.
Chapter 3 – Farm and Forest Resources		
14. Rezoning of farmland		
a. Preserve land for farm uses, limit rezoning.	✓	• Policy 3.1.1, 3.1.2, 3.1.4, 3.3.1, 3.3.2
b. Remove policies related to creating new alternative zoning designation.	✓	• Policy 3.3.2, 3.3.6
c. Re-evaluate land designated for farming and removal of barriers to rezoning.	✓	• Policy 3.1.3, 3.3.6
d. Avoid creating open space through agricultural land designations.	✓	• Policy 3.3.6
e. Clearly recognize that lands not meeting statutory definition of agricultural land should be redesignated for other purposes.	✓	• Policy 3.3.6(a)
f. Increase amount of agricultural zoned lands.	✓	• Policy 3.31, 3.3.2
g. Eliminate farm subzones.		Note: this suggestion would result in more restrictive parcel sizes and limit EFU-

		zoned dwellings under state statute.
h. Create “Working Lands Conservation Easement” program.	✓	<ul style="list-style-type: none"> • Policy 3.2.4
15. Non-farm uses		
a. Limit non-farm uses.	✓	<ul style="list-style-type: none"> • Policy 3.2.6
b. Revise County code to state only minimum provisions required by state law for farm uses.	✓	<ul style="list-style-type: none"> • Policy 3.1.4
c. Support flexibility for income producing supplemental activities on farms.	✓	<ul style="list-style-type: none"> • Policy 3.2.6
d. Allow residence on EFU land outright – expensive to establish even if farming land.		Note: this suggestion would violate state statute.
e. Include stronger language on noxious weed removal on county lands and in new developments.		
16. Forest Lands		
a. Oppose residential and commercial development in forest areas.		
b. Remove coordination policy for biomass facility on federal land. Outside of County purview.	✓	<ul style="list-style-type: none"> • Policy 3.4.6
Chapter 5 - Natural Resources		
17. Water conservation		
a. Address drought to a greater degree.		
b. Re-evaluate use of water rights and prioritize for active agricultural operations.	✓	<ul style="list-style-type: none"> • Policy 5.4.10 and 5.5.2
c. Coordinate with governor’s office on new policies related to land use and	✓	<ul style="list-style-type: none"> • Policy 5.5.3, 5.5.4

water at state level.		
d. Regulate development through water availability and quality.	✓	• Policy 5.5.2
e. Acknowledge treaty protected first water rights held by tribes.	✓	• Policy 5.1.4
f. Promote, but do not require, coordination with tribal governments on water related issues.	✓	• Policy 5.4.1
g. Encourage or require metering, monitoring, conservation of exempt wells, commercial, and industrial water uses.	✓	• Policy 5.2.1
h. Require water budgets and monitoring for public lands.		
i. Participate in Deschutes Basin Water Collaborative.	✓	• Policy 5.1.1
j. Support OWRD Groundwater allocation rules.		• Policy 5.5.3
k. Require approval of water permits prior to processing applications.	✓	• Policy 5.1.3, 5.5.2
l. Require conservation and management measures.	✓	• Policy 5.2.1
m. Construct infrastructure to manage/limit water waste.	✓	• Policy 5.2.3
n. Limit development that could impact natural springs.	✓	• Policy 5.5.2
o. Minimize development dependent on exempt wells.	✓	• Policy 5.5.2
p. Prevent use of irrigation water for recreation features.	✓	• Policy 5.2.1(b)
q. Recycle water for landscaping, irrigation, or drinking uses.	✓	• Policy 5.2.1(b)

r. Address water management, allocation, and infrastructure to a greater degree.		
s. Require consideration of water availability during Urban Growth Boundary Expansion processes.		
t. Tie rezoning to groundwater availability and quality.		
u. 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.		
18. Environmental quality		
a. Review impacts to air quality from Biomass facilities.	✓	• Policy 5.10.3
b. Address environmental justice issues associated with transportation including road or airport projects.	✓	• Goal 5.10
c. Strengthen and enforce dark skies lighting requirements.	✓	• Policy 5.10.2
d. Address climate and air quality issues from human activities.	✓	• Policy 5.11.5
19. 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	✓	• Policy 5.7.1, 5.7.3,

regulations.		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.	✓	<ul style="list-style-type: none"> Policy 5.7.1, 5.7.3, 5.7.4, 5.8.1, Goal 5.8
h. Include dates on current wildlife habitat inventories used in the plan.	✓	Note: Included in appendix.
i. Include paragraph discussing 2021-23 wildlife inventory update project, including support and Commissioners rejection.		
20. Protection of native vegetation		
a. Preserve significant trees for carbon sequestration.	✓	<ul style="list-style-type: none"> Goal 3.4
b. Ban grass lawns, promote xeriscaping.	✓	<ul style="list-style-type: none"> Policy 5.2.1
Chapter 7 - Natural Hazards		
21. Address extreme flooding	✓	<ul style="list-style-type: none"> Policy 7.1.11, 7.2.2, 7.2.7, 7.2.8
22. Limit housing and development in high wildfire risk areas	✓	<ul style="list-style-type: none"> Policy 7.1.4, 7.1.7, 7.1.11, 7.2.5, 7.2.5
23. Require more than one access/egress route to a development or subdivision	✓	<ul style="list-style-type: none"> Policy 7.2.1, 7.1.11, 7.2.5
24. Ensure availability of affordable fire insurance		
25. Limit ADU/RVs in high wildfire risk areas		
Chapter 8 - Recreation		
26. Limit use or tourism promotion when habitat capacity is	✓	<ul style="list-style-type: none"> Policy 8.1.11

approached, or when resources are degrading		
27. 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.
28. Support footbridge near the southern edge of Bend's Urban Growth Boundary	✓	<ul style="list-style-type: none"> Policy 8.1.2
29. Limit trails near farm and forestry operations	✓	<ul style="list-style-type: none"> Policy 8.1.2
30. Evaluate need for new shooting districts, coordinate with state and federal agencies on hunting signage and regulations		
31. Concerns regarding multiuse paths and homeless encampments		
Chapter 9 - Economic Development		
32. 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
33. Recognize development and housing and key to promoting/growing the economy		
Chapter 10 - Housing		
34. Discourage vacation rentals	✓	<ul style="list-style-type: none"> Policy 10.1.8
35. Work with cities to create affordable housing within Urban Growth Boundaries	✓	<ul style="list-style-type: none"> Policy 10.4.2
36. Limit secondary accessory farm dwellings in the MUA-10 zone		
37. Address issues relating to homelessness	✓	<ul style="list-style-type: none"> Policy 10.4.3
38. Partner with agencies to address homeless 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
39. Remove policies and goals from this chapter that are in other chapters, such as natural resource protections		

40. Limit housing where water quality and quantity will be negatively impacted	✓	
41. Advocate for legislation/policy at state level to enable transitional housing outside UGBs		
42. Ensure workforce, affordable, transitional housing, and secure shelter housing types are included in housing goals and policies		
Chapter 11 - Unincorporated Communities/Destination Resorts		
43. Black Butte Ranch Policies		
a. Add additional policies responsive to concerns regarding owner and guest access to Black Butte Ranch facilities.		Note: The entirety of Black Butte Ranch is on private property. Use of facilities by property owners, lessees, guests, and the general public is determined by the owner's association.
44. 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 13 - Transportation		
45. Recognize that private roads are appropriate in rural development, including exceptions from county road standards		Note: The Transportation System Plan serves as the transportation element of the comp plan.
Chapter 14 - Energy		
46. 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
47. Limit production of methane as energy source		
Miscellaneous		
48. Create a County strategic plan	✓	Note: an action plan will be created following adoption of the updated Comprehensive Plan and provide more specific actions and performance metrics for implementation of the plan.
49. Create additional resources and requirements for septic inspections		
50. Creation of an amnesty program to remedy violations related to docks		
51. 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.

52. Define key terms throughout the plan.	✓	Note: Staff and the consultant are preparing an updated glossary.
53. Include reference to Dial maps in document so reader can view zone boundaries and overlay in greater detail.	✓	Note: Staff will include this information in the next revision.
54. Include links to agreements or summaries of agreements that are referenced in the plan.	✓	Note: Staff will include this information in the next revision.

Staff has attempted to present a thorough summary of all themes presented in the testimony received to date. Planning Commissioners are welcome to raise additional themes from testimony if they do not appear to be represented in the above list.

IV. NEXT STEPS

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