



Attachment G - Conduit Hydroelectric Facility Amendments

BACKGROUND & OVERVIEW

In 1986, Deschutes County adopted Ordinance No. 86-018, allowing hydroelectric facilities as a conditional use. In 2020, Three Sisters Irrigation District (TSID) applied for a hydroelectric facility to be integrated into their existing conduit system for the purpose of generating operational revenue for the district. The Board ultimately approved the request, only applying the provisions of DCC 18.128.260(A-B) that pertained to hydroelectric facilities located along existing conduit, not located directly adjacent to natural waterways or impoundments. The Board’s approval was ultimately upheld at the Land Use Board of Appeals (LUBA) in 2022.

CURRENT PROCESS & CHANGES

During final reading of the Board’s hydroelectric facility approval, the Commissioners expressed an interest in revisiting the code provisions at DCC 18.128.260(A-B) for the purpose of differentiating the “riverine” and “conduit” facilities, as characterized throughout the review of the TSID application¹. The Board mentioned the terms “affected stretch of river” and “maintain or enhance” as language that may be changed to differentiate between these types of hydroelectric facilities. Other changes to existing code language may be necessary to fully encapsulate the review criteria that may apply to riverine and conduit facilities, respectively. These revisions would ultimately create a more streamlined review process for conduit hydroelectric facility proposals which do not directly abut waterways or otherwise directly impact rivers or other water sources.

Key Amendment Concerns	
Staff Effort/Resources	Medium/High
Legal Complexity	Medium
Implementation Urgency	Medium

¹ Deschutes County BOCC Decision (Document No. 2021-223) pg. 20. 2021.