

FINDINGS

The Deschutes County Planning Commission held a work session on August 25, 2011 to review Ordinance 2011-008. These legislative plan amendments to Deschutes County Code (DCC) 23.104, Fish and Wildlife, and 23.112, Water Resources, formally recognize a South Deschutes County Local Wetland Inventory recently approved by the Oregon Department of State Lands (DSL). Consistent with DCC 22.12.010, the Board of County Commissioners held a public hearing on September 26, 2011.¹

National Wetland Inventory (NWI)

Deschutes County's NWI was developed by the U.S. Fish and Wildlife Service in the 1980s and covers the entire county. It relies on high-altitude aerial photos, with limited field work. While the NWI is extremely useful for many resource management and planning purposes, its small scale, accuracy limitations, age, and absence of property boundaries make it unsuitable for parcel-based decision making.

Local Wetland Inventory (LWI)

To augment the NWI where more detailed inventory information is needed, DSL developed guidelines and rules for LWIs. An LWI aims to map all wetlands at least 0.5 acres or larger. The LWI maps and report provide information about the inventory area and the individual wetlands, including:

- Total acreage of wetlands in the inventory area
- Acreage of each wetland type in the inventory area (e.g., 18 acres of forested wetland)
- Location, approximate size, and classification (type) of each wetland mapped
- A description of each mapped wetland
- A functions and condition assessment of all mapped wetlands
- All tax lots containing wetlands

By adopting Ordinance 2011-008, the South County Local Wetland Inventory (South County LWI) will replace the NWI map for South County and improve the accuracy in the identification of jurisdictional wetland characteristics in the upper Deschutes Basin because unlike the NWI, the South County LWI identifies wetlands within an accuracy of 5 meters (16.4 feet).

As a parcel based document, the South County LWI is designed to be a useful tool for County and DSL staff in review of development permits potentially affecting wetlands in the La Pine sub-basin. An approved LWI must be used by the local government (in place of the NWI) for the Wetland Land Use Notification process (a local-state

¹ <http://www.co.deschutes.or.us/dccode/title22/docs/chapter%2022.12.doc>. A public notice was published in the *Bulletin* on September 11, 2011.

coordination process) when a land use application is in a mapped wetland area.² The South County LWI will not change the way Deschutes County regulates development in wetland areas. As described below, since 1986 Deschutes County required (and will continue to require) a conditional use permit for any vegetation removal, and fill and removal of a wetland. These requirements are in DCC 18.128.270. In these cases, an applicant is required, among others to demonstrate no practicable alternative and coordinate with the Oregon Department of Fish and Wildlife (ODFW) and DSL.³

The DSL is involved because Oregon's Removal-Fill Law (ORS 196.795-990) requires people who plan to remove or fill material in waters of the state to obtain a state permit. The purpose of the law, enacted in 1967, is to protect public navigation, fishery and recreational uses of the waters. "Waters of the state" are defined as:

natural waterways including all tidal and nontidal bays, intermittent streams, constantly flowing streams, lakes, wetlands and other bodies of water in this state, navigable and nonnavigable, including that portion of the Pacific Ocean that is in the boundaries of this state.

The law applies to all landowners, whether private individuals or public agencies. Wetlands and waterways, regardless of whether or not they are mapped, may be regulated under the State Removal-Fill Law. If ground-altering site work is proposed, a more precise wetland boundary may need to be located (a "delineation") to know where state permit requirements apply. Compliance with wetland and waterway regulations remains the responsibility of the landowner.

BACKGROUND

A. Central Oregon Endangered Species Act Risk Evaluation

Steelhead trout, which are listed as threatened under the Endangered Species Act, are being reintroduced into the upper Deschutes Basin. The cities and counties of Central Oregon, in 2009, evaluated whether current local government policies and practices are sufficiently protective of steelhead trout and their habitat. Specifically, the jurisdictions desire to avoid the "take" of reintroduced steelhead trout, and reduce the potential of Endangered Species Act-related enforcement actions and third-party lawsuits.

A September 2009 report produced by ICF Jones & Stokes evaluated Deschutes County policies and practices to determine its potential for take of listed steelhead trout. ICF Jones & Stokes gathered the information for this evaluation from County documents and from information gathered in a meeting with County staff in February 2009.

² ORS 215.418. <http://www.oregon.gov/DSL/WETLAND/227-350.shtml>

³ DCC 18.128.270(D)(2)(a) as a condition of approval requires an application to obtain all state and federal permits. DSL administers Oregon's Removal-Fill Law. Section 404 of the Clean Water Act regulates the discharge of dredged, excavated, or fill material in wetlands, streams, rivers, and other U.S. waters. The U.S. Army Corps of Engineers is the federal agency authorized to issue Section 404 Permits for certain activities conducted in wetlands or other U.S. waters.

Because the County does not authorize or participate in high-risk activities such as water diversions, there is minimal risk that the County's activities could directly cause steelhead trout mortality. There are however, policies and practices that can be improved through programmatic adjustments to further minimize the exposure to Endangered Species Act risk and enhance environmental benefits. Important areas for improvement include riparian, floodplain development, stormwater management and sediment control Best Management Practices. One recommended action identified in the ICF Jones & Stokes report recognized:

- The County should conduct a wetland inventory to gather more comprehensive wetland data and mapping in south Deschutes County.⁴

B. South County LWI Grant Funding

In 2009, Deschutes County coupled an \$80,000 grant from the Deschutes River Mitigation and Enhancement Program with a \$35,440 grant from the Oregon Watershed Enhancement Board to conduct an LWI and assessment in the La Pine sub-basin. ESA Adolfson (ESA), a wetland consulting firm, was selected through a Request for Proposal process in January 2010. ESA ultimately prepared the South County LWI with technical assistance by Deschutes County and DSL.

C. Overview of the Inventory Process

An LWI is the foundation of wetland planning in the State of Oregon. Requirements are outlined in the LWI Rule (Oregon Administrative Rule [OAR] 141-086-0210). The LWI includes a comprehensive survey and map of all potential wetlands within a local government study area. The LWI process involves survey, identification and mapping of all wetlands larger than 0.5 acre that occur within a defined study area. For the South County LWI, the study area covers 18,937 acres from Sunriver to south of La Pine. This is the largest LWI that has been done in Oregon to date. An LWI is also a refinement of the NWI, which was undertaken by the US Fish and Wildlife Service in the 1980s. The NWI is a series of maps that show the likely location of wetlands across the nation; however, these maps are not very accurate because they were derived from high altitude images of the landscape and are based on imagery from the 1980s.

Local Wetland Inventories are required by statewide planning goals and are useful for local planners as well as landowners. The South County LWI will help the County protect wetlands that provide important water quality functions because it has a higher degree of accuracy than the NWI. For landowners who are proposing a development project on their property, the South County LWI maps show the general location of a wetland so that development in a wetland can be avoided (if possible) or disturbance to the wetland can be minimized. A state-approved wetland delineation report for wetlands identified in an LWI is usually needed prior to site development.

⁴ *Central Oregon ESA Risk Evaluation: Deschutes County Findings and Recommendations*. ICF Jones and Stokes. Pages 4 and 10.

Deschutes County, citizens, wetland scientists from ESA, and DSL all played a role in the inventory process. The County began the effort by scheduling a public meeting in March 2010 to inform citizens of the LWI and by obtaining permission from landowners to allow wetland scientists to access private property. ESA compiled existing data on wetlands including NWI maps, aerial photos and soils maps, and then conducted field observations to confirm the information sources. Where needed and where property access was permitted, ESA collected data on the vegetation, soils, and hydrology of a parcel to determine if the area is or is not a wetland. ESA also assessed the functions and values of the wetlands using the Oregon Rapid Wetland Assessment Protocol (ORWAP). The DSL reviewed the draft South County LWI to ensure it was conducted according to state standards and to provide quality control and quality assurance.

The final South County LWI consists of a set of maps that show the approximate location of wetlands and streams, and descriptive information about the wetlands and the main functions they provide. This level of detail does not exist for the NWI. Functions that were evaluated included wildlife habitat quality, contribution to fish habitat or water quality improvement, and floodwater retention capability. Every attempt is made by the wetland consultants during the development of the South County LWI to map wetlands correctly on parcels and wetland boundaries to an accuracy of at least 5 meters (16.4 feet). There may be areas where the boundary is less accurate, especially on large tracts with few geographic reference points, and areas where property access was denied.

D. Public Involvement

The County organized the public involvement efforts for this project. Letters sent in February 2010 describing the project and seeking property access permission were mailed to all property owners within the study area, including those whose tax lots intercepted hydric soil layers and/or NWI-mapped wetlands and streams, or whose tax lots showed soil saturation (darker areas) indicative of wetlands in the aerial photographs. A public open house was held at Sunriver on March 16, 2010, at the Three Rivers Elementary School. Approximately 100 members of the public attended the meeting. Access permission was ultimately granted to 1,286 of 4,652 properties within the study area, for a permission rate of 28 percent. According to DSL, this is the highest permission rate of any LWI project in Oregon to date.

Letters were sent in October 2010 to all landowners whose land contain or abut mapped wetlands identified on the draft South County LWI. The letter announced the October 29 release of the draft South County LWI and a November 16, 2010 public workshop. At the second workshop, also held at the Three Rivers Elementary School, ESA, DSL, and Deschutes County staff set up stations to answer questions. Approximately 90 people attended. The public comment period closed on December 31.

E. Overview of Oregon Rapid Wetland Assessment Protocol

The ORWAP was developed to rapidly and qualitatively assess the functions and values of all types of wetlands throughout the state of Oregon. The ORWAP is intended to be completed by wetland professionals and was designed for planning and educational purposes. The methodology, as outlined in The Manual to the Oregon Rapid Wetland Assessment Protocol (version 2.0) (Adamus et al., 2009), consists of a series of questions with multiple-choice responses. The questions cover a wide variety of features that can be observed rapidly when visiting a wetland or in some cases, obtained from aerial imagery or other sources. These particular questions are believed to correlate with the relative levels of various functions that a wetland can perform and the values potentially associated with those functions. After a user answers all the questions, ORWAP uses the responses to automatically compute a score for each function and its potential value.

“Functions” are things that wetlands do naturally, like store water, purify run-off, and provide habitat (to name a few). Not all wetlands perform the same function equally. For example, some wetlands provide habitat well-suited for nesting ducks, while others (such as densely forested wetlands) do not. The responses to ORWAP questions predict that potentially associated with those functions. After a user answers all the questions, ORWAP uses the responses to automatically compute a score for each function and its potential value. The ORWAP Raw Data, Glossary and Summary Scores are located in the South County LWI, Appendices F and G.

F. South County LWI Incorporated into Statewide Inventory

On July 19, 2011, DSL approved the South County LWI and incorporated it into the Statewide Inventory (Attachment). OAR 141-086-0185(1)(2) requires Deschutes County to use the South County LWI in place of the NWI for notifying DSL of land use applications affecting mapped wetlands and other waters. Deschutes County subsequently notified landowners of record by mail in mid-August, as required by OAR 141-086-0240 and ORS 215.503, whose parcel contains or abuts a mapped wetland or probable wetland identified on the South County LWI. The letter also alerted property owners to the Planning Commission work session and Board of County Commissioner September 26, 2011 public hearing and emphasized that the LWI will not change the way Deschutes County regulates development in wetland areas.

G. South County LWI Results

ESA identified and recorded a total of 114 wetlands within the study area. Seventy-one (71) probable wetlands (PW) were also mapped as defined by OAR 141-086-0200. In some cases, a PW represents a small portion of a larger wetland that is located outside of the study area. Probable wetlands appeared to have wetland characteristics but were either less than 0.50 acre or small and of an underdetermined size. They may or may not be state or federally jurisdictional. Twenty-nine (29) artificially created wetlands were found as well; three stormwater treatment ponds, two irrigation channels, two excavated

ponds, three golf course ponds, two fish hatchery ponds, one landscape pond, eleven stock ponds, and three other ponds.

The summary statistics derived from ORWAP indicate that most of the 114 mapped wetlands in the Upper Deschutes are currently capable of performing all functions commonly attributed to wetlands except for providing habitat to anadromous fish and nesting waterbirds habitat. The inventoried wetlands do not provide anadromous fish habitat because of the lack of access to the project area by anadromous fish. Also, the inventoried wetlands do not provide much habitat for nesting waterbird because of the scarcity of large wetlands that remain ponded throughout the summer. Waterbirds do nest in riverine wetlands along the Deschutes River within the study area, but even this nesting is very limited.

The functions scoring the highest overall for the wetlands inventoried are: Organic Matter Export, Pollinator Habitat, and Aquatic Invertebrate Habitat. Some functions show relatively little variation among the project wetlands (e.g., Carbon Sequestration, Native Plant Diversity), while others vary considerably (e.g., Nitrate Removal, Organic Matter Export). Although most of the assessed wetlands perform similar functions, the values associated with performance of these functions vary considerably. The ORWAP identified the following three functions as having the highest value in the project area:

- Phosphorus Retention,
- Aquatic Invertebrate Habitat, and
- Nitrate Removal.

The value of some functions varies little among the project wetlands (Pollinator Habitat, Public Use & Access) while the value of others shows large spatial variation (Aquatic Invertebrate Habitat, Water Storage & Delay).

PROPOSED PLAN AMENDMENT

The proposed amendments to Deschutes County's Comprehensive Plan are described in Ordinance 2011-008, Exhibits A and B. Added language is underlined and deleted shown as ~~strikethrough~~.

REVIEW CRITERIA

Ordinance 2011-008 formally recognizes a South County LWI recently approved by DSL. Oregon Administrative Rule 141-086-0185(1)(2) requires Deschutes County to use the South County LWI in place of the NWI for notifying DSL of land use applications affecting mapped wetlands and other waters. The South County LWI will not change the way Deschutes County regulates development in wetland areas. Since 1992, Deschutes County required (and will continue to require) a conditional use permit for any excavation, grading, vegetation removal and fill and removal of a wetland. In these cases, an applicant is required, among others to demonstrate no practicable alternative and coordinate with ODFW and DSL.

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan amendment. Nonetheless, because this is a Deschutes County initiated plan amendment, the County bears the responsibility for justifying that the amendments are consistent with the statewide planning goals and its Comprehensive Plan.

FINDINGS

1. Statewide Planning Goals

The parameters for evaluating these specific amendments are based on an adequate factual base and supportive evidence demonstrating consistency with Statewide Planning Goals. The following findings demonstrate that Ordinance 2011-008 complies with applicable statewide planning goals and state law.

- **Goal 1, Citizen Involvement**, is met through this adoption process because these amendments will receive one public hearing before the Board of County Commissioners, consistent with ORS 215.060 and DCC 22.12.010.
- **Goal 2, Land Use Planning**, is met because ORS 197.610 allows local governments to initiate post acknowledgments plan amendments (PAPA). An Oregon Land Conservation and Development Department 45-day notice was initiated on August 4, 2011.⁵ This FINDINGS document provides the adequate factual basis and documented analysis for this plan update.
- **Goal 3, Agricultural Lands and Goal 4, Forest Lands**, is met because the South County LWI replaces the NWI for the purpose of identifying mapped wetlands and probable wetlands. Many of the Exclusive Farm Use (EFU) and Forest Use (F1 or F2) zoned tax lots that have areas designated as NWI and/or LWI are very small, sliver pieces of property. A comparison of the NWI with the South County LWI within the resource zones are:

NWI (EFU): 62 taxlots affected
NWI (F1 or F2): 83 taxlots affected

LWI (EFU): 61 taxlots affected
LWI (F1 or F2): 35 taxlots affected

As mentioned throughout the FINDINGS, the South County LWI will not change the way Deschutes County regulates development in wetland areas. Since 1992, Deschutes County required (and will continue to require) a conditional use permit for any excavation, grading, vegetation removal and fill and removal of a wetland. In these cases, an applicant is required, among others to demonstrate no practicable alternative and coordinate with ODFW and DSL.

⁵ Deschutes County completed period review on January 23, 2003.

- **Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces**, is met because the South County LWI replaces the NWI for the purpose of identifying mapped wetlands and probable wetlands. Oregon Administrative Rule 660-023-0250(3) recognizes that local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. In one of the underlying LUBA opinions, *Johnson v. Jefferson County*, __Or LUBA__, (LUBA No. 2007-015, 2007-017, 2007-019, 2007-020, 2007-023, 2007-024, 2007-028 and 2007-029, February 11, 2008), LUBA reaffirmed that when a local government has already balanced the importance of conflicting uses with a Goal 5 resource, it may not need to re-justify those choices when adopting a PAPA that does not result in significantly different effects on that Goal 5 resource.

This plan amendment does not result in significantly different effects on wetland resources because Deschutes County is not changing its wetland regulations and those regulations have been acknowledged as protecting wetlands. Deschutes County completed periodic review in 2003. The South County LWI will replace the NWI map for South Deschutes County and improve the accuracy in the identification of jurisdictional wetland characteristics in the upper Deschutes Basin. The South County LWI is designed to be a useful tool for County and DSL staff in review of development permits potentially affecting wetlands in the La Pine sub-basin. Unlike the NWI, which utilized high altitude aerial maps from the 1980s, the South County LWI aims to map all wetlands at least 0.5 acres or larger at an accuracy of approximately 5 meters on a parcel-based map.

The South County LWI will not change the way Deschutes County regulates development in wetland areas. Deschutes County's wetland program has been in existence since 1986. Ordinance 86-12418 required a conditional use permit for any fill or removal, or removal of vegetation, regardless of the amount, within the bed and banks of any stream or river or in any wetland. During periodic review, Deschutes County adopted three ordinances in 1992 pertaining specifically to the NWI. Excerpts of each ordinance are summarized below:

- Ordinance 92-040, Amending Comprehensive Plan (PL-20), Fish and Wildlife Section, Policy 18,

*County shall notify the Oregon Division of State Lands and the Oregon Department of Fish and Wildlife (ODFW) of any development applications for land within a wetland identified on the National Wetlands Inventory maps.*⁶

- Ordinance 92-041, Amending Comprehensive Plan (PL-20), Adopting Fish and Wildlife Resource Element and economic, social, environment, and energy consequence analysis (ESEE),

*Ordinance 92-045 adopted all wetlands identified in the U.S. Fish and Wildlife Service NWI Maps as the Deschutes County wetland inventory.*⁷

⁶ Ordinance 92-040, Exhibit A, Page 5.

⁷ Ordinance 92-041, Exhibit A, Page 73.

(Program to Achieve Goal)⁸

In all zones, the county zoning ordinance requires a 100 foot setback from the ordinary high water mark of all streams or lakes for all sewage disposal installations and structures.

Title 18.96, Flood Plain Zone – protects riparian habitat and wetlands by requiring a conditional use for any development.

Title 18.128(W), Fill and Removal – requires a conditional sue permit for any fill and removal, including vegetation in wetlands or within the bed and banks of any streams or river.

- Ordinance 92-045, Adoption of Wetland Maps,

*Resource Element of the Comp Plan is amended to adopt and incorporate by reference, the National Wetlands Inventory, as published by the U.S. Department of the Interior, Fish and Wildlife Service, falling within the borders of Deschutes County.*⁹

In 1994, Deschutes County adopted Ordinance 94-007 as a result of a Land Conservation and Development Commission Remand Order (93-RA-883), requiring an amendment to the Comprehensive Plan Resource Element ESEE for riparian and wetlands in order to comply with periodic review.

- Ordinance 94-007, Wetlands and Riparian Areas inventory and ESEE analysis adopted by Ordinance 92-041 (p. 73-76) be deleted and replaced by the inventory and ESEE analysis contained in Exhibit A, Riparian Areas, and Exhibit B, Wetlands.

(Exhibit A)

*In all zones a conditional use permit is required for fill and removal of any material, including vegetation, within a wetland or within the bed and banks of an inventoried stream. This provision applies to all wetlands mapped on the National Wetland Inventory Maps.*¹⁰

(Exhibit B)

Title 18.128(W), Fill and Removal, establishes the criteria for the conditional use permit. All zones in the county outside of UGBs require a conditional use permit for fill and removal activity in a wetland or within the bed and banks of a stream or river. The criteria require: (1) review by ODFW; (2) control of erosion; (3) minimizing disturbance of existing vegetation; (4) a determination that there is no

⁸ Ibid. Pages 75-76

⁹ Ordinance 92-045, Page 1.

¹⁰ Ordinance 94-007, Exhibit A. Page 13.

practicable alternative for development. A conservation easement is required as a condition for a fill and removal conditional use permit.¹¹

- **Goal 6, Air, Water and Land Resources Quality**, is met because, unlike the NWI, the South County LWI, using ORWAP, identifies wetland function and values. The summary statistics derived from ORWAP indicate that most wetlands in the upper Deschutes are currently capable of performing all functions commonly attributed to wetlands, including organic matter export, sediment retention and stabilization, phosphorous retention, nitrate removal and retention, thermoregulation, water storage and delay, and carbon sequestration. Two functions showing the highest value in the project area include phosphorous retention and nitrate removal.

Because the existing county regulations in DCC 18.128.270(D) protect wetlands by requiring a conditional use permit for the “fill or removal of material or vegetation within the bed and banks of a stream, river or wetland”, the wetlands are protected sufficiently to allow them to continue to perform their natural functions as described in the previous paragraph.

- **Goal 7, Natural Hazards**, is met because the South County LWI will replace the NWI map and improve the accuracy in the identification of jurisdictional wetland characteristics in the upper Deschutes Basin. The South County LWI is designed to be a useful tool for County and DSL staff in review of development permits potentially affecting wetlands in the La Pine sub-basin. Unlike the NWI, which utilized high altitude aerial maps from the 1980s, the South County LWI aims to map all wetlands at least 0.5 acres or larger at an accuracy of approximately 5 meters on a parcel-based map.
- **Goal 8, Recreational Needs**, is not applicable because no destination resorts are currently mapped in the study area. Although an application was made for parcels near the Sunriver urban unincorporated community to be mapped to become eligible for siting a destination resort, none of the wetlands identified in the South County LWI that were not also included in the NWI are located on those parcels.
- **Goal 9, Economic Development**, is met because, Unlike the NWI, which utilized high altitude aerial maps from the 1980s, the South County LWI aims to map all wetlands at least 0.5 acres or larger at an accuracy of approximately 5 meters on a parcel-based map. Lands designated for economic development (EFU and F1 or F2 zoned tax lots) have areas designated as NWI and/or LWI that are very small, sliver pieces of property. A comparison of the NWI with the South County LWI for these lands are:

NWI (EFU): 62 taxlots affected

NWI (F1 or F2): 83 taxlots affected

LWI (EFU): 61 taxlots affected

LWI (F1 or F2): 35 taxlots affected

¹¹ Ibid. Exhibit B. Page 4

Since the South County LWI mapping designations on EFU and F1 and F2 lands are such that they do not interfere with the ability to have economically viable agricultural and forest uses, the adoption of the LWI complies with this goal.

Furthermore, the South County LWI will not change the way Deschutes County regulates development in wetland areas. Since 1992, Deschutes County required (and will continue to require) a conditional use permit for any excavation, grading, vegetation removal and fill and removal of a wetland. In these cases, an applicant is required, among others to demonstrate no practicable alternative and coordinate with ODFW and DSL. An approved LWI must be used by the local government (in place of the NWI) for the Wetland Land Use Notification process (a local-state coordination process) when a land use application is in a mapped wetland area.

- **Goal 10, Housing** is not applicable because, unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.
- **Goal 11, Public Facilities and Goal 12, Transportation**, is not applicable because the South County LWI replaces the NWI for the purpose of identifying mapped wetlands and probable wetlands. The South County LWI can be used as a tool for public facility and transportation facility planning to avoid and/or minimize impacts to jurisdictional wetlands.
- **Goal 13, Energy Conservation**, is not applicable because the South County LWI replaces the NWI for the purpose of identifying mapped wetlands and probable wetlands. The wetland inventory does not alter land uses from the context of energy conservation, energy utilization, depletion of non-renewable energy, or recycling as underscored by Goal 13 and its respective guidelines.
- **Goal 14, Urbanization**, is not applicable because no expansion of an urban area is proposed with these amendments.
- **Goals 15 through 19** are not applicable to any amendments to the County's comprehensive plan because the county has none of those types of lands.

2. Comprehensive Plan / Fish and Wildlife Chapter

The South County LWI will replace the NWI for the La Pine sub-basin and improve the accuracy in the identification of jurisdictional wetland characteristics in the upper Deschutes Basin. This plan amendment is consistent with the Comprehensive Plan, DCC 23.104, Fish and Wildlife Goals and Policies. This amendment fulfills Goals 1 and 4 by conserving and maintaining wildlife areas through an LWI that has been incorporated into the State Wetland Inventory and, upon adoption of Ordinance 2011-008, integrated into Deschutes County's existing wetland regulations.¹² Policy 18, as shown in DCC 23.104.030,¹³ now references the South County LWI in the requirement

¹² <http://www.co.deschutes.or.us/dccode/title23/docs/chapter%2023.104.doc>

¹³ Ordinance 2011-008, Exhibit A.

for County staff to notify DSL and ODFW of any development applications for land within a wetland identified on the NWI or LWI.¹⁴

3. Comprehensive Plan / Water Resources Chapter

This plan amendment is consistent with the Comprehensive Plan, DCC 23.112, Water Resources Goals and Policies. As shown in Ordinance 2011-008, Exhibit B, a riparian wetland is now recognized on the NWI and South County LWI.¹⁵ The citations for the County's Wetland Inventory Maps have also been updated.¹⁶

4. Consistency with Deschutes County Comprehensive Plan

Land use planning implemented through Deschutes County policies and zoning will enable residents, stakeholders, and property owners in the La Pine sub-basin to maintain and enhance wetland resources. The LWI identified and recorded a total of 114 wetlands within the study area. Additionally, 71 probable wetlands (PW) and 27 artificial wetlands were identified in the study area. Twenty-nine (29) artificially created wetlands were found in the study area. The summary statistics derived from ORWAP indicate that most wetlands in the Upper Deschutes are currently capable of performing all functions commonly attributed to wetlands except for providing habitat to anadromous fish and nesting waterbirds habitat.

The South County LWI will help the County protect wetlands that provide important water quality functions. For landowners who are proposing a development project on their property, the South County LWI maps will show the general location of a wetland so that development in a wetland can be avoided (if possible) or so that disturbance to the wetland can be minimized. The South County LWI is designed to be a useful tool for County and DSL staff in review of development permits potentially affecting wetlands in the La Pine sub-basin. The South County LWI consists of a set of maps that show the approximate location of wetlands and streams, and descriptive information about the wetlands and the main functions they provide. In 2003, upon completing periodic review, DCC 23.104, Fish and Wildlife and DCC 23.112, Water Resources were found to be in compliance with the County's comprehensive plan. Adopting the South County LWI into these two chapters helps Deschutes County to continue implementing land use policies pertaining specifically to wetland inventories recognized on the Statewide Inventory.

Attachment

Oregon Department of State Lands Letter Approving South County LWI

¹⁴ Ibid. Page 2.

¹⁵ Ordinance 2011-008. Exhibit B, Page 3.

¹⁶ Ibid. Pages 4 and 5.