MEETING FORMAT

In response to the COVID-19 public health emergency, Oregon Governor Kate Brown issued Executive Order 20-16 (later enacted as part of HB 4212) directing government entities to utilize virtual meetings whenever possible and to take necessary measures to facilitate public participation in these virtual meetings. Since May 4, 2020, meetings and hearings of the Deschutes County Board of Commissioners have been conducted primarily in a virtual format.

Attendance/Participation options include: A) In Person Attendance and B) Live Stream Video: Members of the public may still view the BOCC meetings/hearings in real time via the Public Meeting Portal at www.deschutes.org/meetings.

Citizen Input: Citizen Input is invited in order to provide the public with an opportunity to comment on any meeting topic that is not on the current agenda. Citizen Input is provided by submitting an email to: citizeninput@deschutes.org or by leaving a brief voice message at 541-385-1734, or through in-person attendance at the meeting. Email and Voice Mail citizen input received by 8:00 a.m. before the start of the meeting will be included in the meeting record.

Zoom Meeting Information: Staff and citizens that are presenting agenda items to the Board for consideration or who are planning to testify in a scheduled public hearing may participate via Zoom meeting. The Zoom meeting id and password will be included in either the public hearing materials or through a meeting invite once your agenda item has been included on the agenda. Upon entering the Zoom meeting, you will automatically be placed on hold and in the waiting room. Once you are ready to present your agenda item, you will be unmuted and placed in the spotlight for your presentation. If you are providing testimony during a hearing, you will be placed in the waiting room until the time of testimony, staff will announce your name and unmute your connection to be invited for testimony. Detailed instructions will be included in the public hearing materials and will be announced at the outset of the public hearing.

For Public Hearings, the link to the Zoom meeting will be posted in the Public Hearing Notice as well as posted on the Deschutes County website at https://www.deschutes.org/bcc/page/public-hearing-notices.
CALL TO ORDER

PLEDGE OF ALLEGIANCE

CITIZEN INPUT: For items not on this Agenda

Note: In addition to the option of providing in-person comments at the meeting, citizen input comments may be emailed to citizeninput@deschutes.org or you may leave a brief voicemail at 541.385.1734. To be timely, citizen input must be received by 8:00am on the day of the meeting.

CONSENT AGENDA

1. Consideration of Board Signature of Resolution No. 2021-062 Accepting Grant Funds and Increasing Appropriations within the 2021-2022 Deschutes County Budget, Veterans Services Department

2. Approval of Minutes of the August 30, 2021 BOCC Meeting

3. Approval of Minutes of the September 1, 2021 BOCC Meeting

CONVENE AS THE GOVERNING BODY OF DESCHUTES COUNTY EXTENSION AND 4H SERVICE DISTRICT

4. Consideration of Board Signature of Resolution No. 2021-063 Increasing Appropriations within the 2021-2022 Deschutes County Budget, Deschutes County Extension and 4-H Service District

RECONVENE AS THE GOVERNING BODY OF DESCHUTES COUNTY

ACTION ITEMS

5. 9:15 AM Consideration of Board Signature of Document No. 2021-728, an Intergovernmental Agreement with Central Oregon Intergovernmental Council, Jefferson and Crook Counties regarding Emergency Transportation Services

6. 9:30 AM Consideration of Chair Signature of Document No. 2021-689, Amendment to IGA with the Oregon Health Authority

7. 9:50 AM Community Development – Planning Division Staffing Request

8. 10:10 AM Second Reading: Marijuana Retail Hours Text Amendments (Ord. No. 2021-011)

9. 10:15 AM Deliberations: Marijuana Annual Reporting Text Amendments (Ordinance No. 2021-012)

LUNCH RECESS
OTHER ITEMS

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.

EXECUTIVE SESSION

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories.

Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.

10. Executive Sessions under ORS 192.660 (2) (d) Labor Negotiations and ORS 192.660 (2) (h) Litigation

ADJOURN

Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.
MEETING DATE:  9/8/2021

SUBJECT:  Consideration of Resolution No. 2021-62 Accepting Grant Funds and Increasing Appropriations within the 2021-2022 Deschutes County Budget.

RECOMMENDED MOTION:
Move approval of Resolution 2021-062 Accepting Grant Funds and Increasing Appropriations within the Veterans’ Services Department.

BACKGROUND AND POLICY IMPLICATIONS:
The Deschutes County Veterans’ Services Department receives funding from the Oregon Department of Veterans’ Affairs (ODVA). This resolution would accept additional ODVA revenue of $8,939 while recognizing $77,089 in carryover ODVA funds. Approval of this resolution would increase Veterans’ Services budgetary appropriation by a total amount of $86,028.

BUDGET IMPACTS: This resolution increases appropriations by $86,028 in the Veterans’ Services Department.

ATTENDANCE:
Dan Emerson, Budget Manager.
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution Accepting Grant Funds and Increasing Appropriations within the 2021-2022 Deschutes County Budget

* RESOLUTION NO. 2021-062

WHEREAS, the Deschutes County Veterans’ Services Department has been awarded $8,939 more than previously budgeted in Oregon Department of Veterans’ Affairs (ODVA) funding and furthermore is recognizing additional $77,089 in ODVA carryover, and

WHEREAS, it is necessary for the Board of Commissioners of Deschutes County to approve the ODVA funding, and

WHEREAS, ORS 294.471 allows a supplemental budget adjustment when authorized by resolution of the governing body, and

WHEREAS, it is necessary to increase appropriations by $86,028 in Veterans’ Services to accommodate this request, and

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. That the following revenue be budgeted in the 2021-22 County Budget:

<table>
<thead>
<tr>
<th>Veterans’ Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Government Grants</td>
</tr>
<tr>
<td><strong>Total Veterans’ Services</strong></td>
</tr>
</tbody>
</table>

Section 2. That the following amounts be appropriated in the 2021-22 County Budget:

<table>
<thead>
<tr>
<th>Veterans’ Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Expense</td>
</tr>
<tr>
<td><strong>Total Veterans’ Services</strong></td>
</tr>
</tbody>
</table>
Section 3. That the Chief Financial Officer make the appropriate entries in the Deschutes County Financial System to show the above appropriations:

DATED this __________ day of September, 2021.

BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

____________________________________
ANTHONY DEBONE, Chair

ATTEST:

____________________________________
PHIL CHANG, Vice-Chair

Recording Secretary

____________________________________
PATTI ADAIR, Commissioner
**REVENUE**

<table>
<thead>
<tr>
<th>Line Number</th>
<th>Item</th>
<th>Project Code</th>
<th>Segment 2</th>
<th>Org</th>
<th>Object</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>0012350</td>
<td></td>
<td>334032</td>
<td></td>
<td></td>
<td></td>
<td>State Grant</td>
</tr>
</tbody>
</table>

**APPROPRIATION**

<table>
<thead>
<tr>
<th>Line Number</th>
<th>Item</th>
<th>Project Code</th>
<th>Segment 2</th>
<th>Org</th>
<th>Object</th>
<th>Category</th>
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<tbody>
<tr>
<td>0012350</td>
<td></td>
<td>450410</td>
<td></td>
<td></td>
<td></td>
<td>Materials and Services</td>
</tr>
</tbody>
</table>

Increasing ODVA Grant and carryforward for Veterans' Services

<table>
<thead>
<tr>
<th>Fund:</th>
<th>001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dept:</td>
<td>Veterans' Services</td>
</tr>
<tr>
<td>Requested by:</td>
<td>Dan Emerson</td>
</tr>
<tr>
<td>Date:</td>
<td>8/31/2022</td>
</tr>
<tr>
<td>Description</td>
<td>Current Budgeted Amount</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>ODVA Grant</td>
<td>173,079</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>173,079</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Current Budgeted Amount</th>
<th>To (From)</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Element-Object, e.g. Time Mgmt, Temp Help, Computer Hardware)</td>
<td>20,000</td>
<td>86,028</td>
<td>106,028</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>20,000</strong></td>
<td><strong>86,028</strong></td>
<td><strong>106,028</strong></td>
</tr>
</tbody>
</table>
MEETING DATE:  9/8/2021

SUBJECT: Consideration of Resolution No. 2021-63 Increasing Appropriations within the 2021-2022 Deschutes County Budget.

RECOMMENDED MOTION:
Move approval of Resolution 2021-063 Increasing Appropriations and Transferring funds within the Deschutes County Extension and 4-H Service District.

BACKGROUND AND POLICY IMPLICATIONS:
In anticipation of the dissolution of the Deschutes County Extension and 4-H Service District Reserve Fund (721) no revenues or expenditures were budgeted in FY22. However, at FY21 year-end close it was determined that fund 721 has $28,213 in FY22 actual revenues. This resolution recognizes those funds, and transfers and appropriates them to the Deschutes County Extension and 4-H Service District Operating Fund (720), effectively dissolving fund 721.

BUDGET IMPACTS: This resolution transfers resources from fund 721 to fund 720 and increases appropriations by $56,246 within the Deschutes County Extension and 4-H Service District.

ATTENDANCE:
Dan Emerson, Budget Manager.
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON
ACTING AS THE GOVERNING BODY OF THE DESCHUTES COUNTY EXTENSION AND 4-H SERVICE DISTRICT

A Resolution Increasing Appropriations within the 2021-2022 Deschutes County Budget

WHEREAS, the Deschutes County Extension and 4-H Service District Reserve Fund has actual Beginning Working Capital and Interest of $28,213 that is unrecognized in the 2021-2022 Deschutes County Budget, and

WHEREAS, the Deschutes County Extension and 4-H Service District Reserve Fund is being dissolved and the remaining funds transferred to the Deschutes County Extension and 4-H Service District Operating Fund, and

WHEREAS, ORS 294.471 allows a supplemental budget adjustment when authorized by resolution of the governing body, and

WHEREAS, it is necessary to increase appropriations by $28,213 in the Deschutes County Extension and 4-H Service District Reserve Fund to accommodate this request, and

WHEREAS, it is necessary to transfer appropriations in the amount of $28,213 in the Deschutes County Extension and 4-H Service District Reserve Fund (721) to the Deschutes County Extension and 4-H Service District Operating Fund (720) in order to dissolve Fund 721 and support operating expense, and

WHEREAS, it is necessary to increase appropriations by $28,213 in the Deschutes County Extension and 4-H Service District Operating Fund to accommodate this request, and

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ACTING AS THE GOVERNING BODY OF THE DESCHUTES COUNTY EXTENSION AND 4-H SERVICE DISTRICT, as follows:

Section 1. That the following revenue be budgeted in the 2021-22 County Budget:
Extension and 4-H Service District Reserve Fund
Beginning Working Capital $ 28,196
Interest $ 17
Total Extension and 4-H Service District Reserve Fund $ 28,213

Extension and 4-H Service District Operating Fund
Transfers In $ 28,213
Total Extension and 4-H Service District Operating Fund $ 28,213

Section 2. That the following amounts be appropriated in the 2021-22 County Budget:

Extension and 4-H Service District Reserve Fund
Transfers Out $ 28,213
Total Extension and 4-H Service District Reserve Fund $ 28,213

Extension and 4-H Service District Operating Fund
Program Expense $ 28,213
Total Extension and 4-H Service District Operating Fund $ 28,213

Section 3. That the Chief Financial Officer make the appropriate entries in the Deschutes County Financial System to show the above appropriations:

DATED this __________ day of September, 2021.

BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ACTING AS THE GOVERNING BODY OF THE DESCHUTES COUNTY EXTENSION AND 4-H SERVICE DISTRICT

____________________________________
ANTHONY DEBONE, Chair

ATTEST:
____________________________________
PHIL CHANG, Vice-Chair

____________________________________
Recording Secretary PATTI ADAIR, Commissioner
**REVENUE**

<table>
<thead>
<tr>
<th>Line Number</th>
<th>Item</th>
<th>Project Code</th>
<th>Segment 2</th>
<th>Org</th>
<th>Object</th>
<th>Category</th>
<th>Description</th>
<th>Current Budgeted Amount</th>
<th>To (From)</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>7217450</td>
<td>301000</td>
<td>BNC</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Beginning Working Capital</td>
<td>-</td>
<td>28,196</td>
<td>28,196</td>
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<tr>
<td>7217450</td>
<td>361011</td>
<td>Interest</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Interest-Pooled Investments</td>
<td>-</td>
<td>17</td>
<td>17</td>
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<tr>
<td>7207450</td>
<td>391720</td>
<td>Transfers In</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Transfers In</td>
<td>28,213</td>
<td>28,213</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL**  
- 56,426  
56,426

**APPROPRIATION**

<table>
<thead>
<tr>
<th>Line Number</th>
<th>Item</th>
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<th>Segment 2</th>
<th>Org</th>
<th>Object</th>
<th>Category</th>
<th>Description</th>
<th>Current Budgeted Amount</th>
<th>To (From)</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>7217450</td>
<td>491999</td>
<td>Transfer Out</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Transfers Out Miscellaneous</td>
<td>-</td>
<td>28,213</td>
<td>28,213</td>
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<tr>
<td>7207450</td>
<td>450094</td>
<td>Materials and Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Program Expense</td>
<td>-</td>
<td>28,213</td>
<td>28,213</td>
</tr>
</tbody>
</table>

**TOTAL**  
- 56,426  
56,426

Recognizing revenue and transferring out funds in 721 to 720 in preparation of the dissolution of fund 721.

Fund: 720/721  
Dept: Extension 4-H Reserve  
Requested by: Dan Emerson  
Date: 8/31/2022
MEETING DATE:  Wednesday, September 8, 2021

SUBJECT:  Consideration of Board Signature of Document No. 2021-728, an Intergovernmental Agreement with Central Oregon Intergovernmental Council, Jefferson and Crook Counties regarding Emergency Transportation Services

BACKGROUND AND POLICY IMPLICATIONS:
The agreement provides that COIC will provide emergency transportation services in the event of a declared emergency in Deschutes County.

BUDGET IMPACTS:
Deschutes County could be liable for reimbursement to COIC if funds are not made available through Federal Transit Administration (FTA) emergency response funds, or Federal Emergency Management Agency (FEMA) funds.

ATTENDANCE:
Sgt. Nathan Garibay, Deschutes County Sheriff’s Office Emergency Manager
Memorandum

To: Deschutes County Board of County Commissioners
From: Andrea Breault, COIC’s Transportation Director
Date: 7/1/21
Re: Draft Tri-County Emergency Response Agreement

COIC partnered with the Oregon Department of Transportation and Emergency Managers in Deschutes, Crook, and Jefferson counties to create a draft Tri-County Emergency Response Agreement. This agreement provides the legal framework and established procedures for COIC’s fleet and drivers to support the emergency response efforts of the county (or counties) in the event of a declared emergency or disaster. If approved, this agreement will serve as a statewide example of regional collaboration between a public transportation service provider and county governments for effective emergency response planning.

Thank you to our community partners!
THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered effective July 1st 2021, by and between Central Oregon Intergovernmental Council (COIC) existing under ORS 190, and the political subdivisions of the State of Oregon: Crook, Deschutes, and Jefferson counties, hereinafter referred to as the “Counties”.

RECITALS

A. COIC operates Cascades East Transit, Central Oregon’s public transit service provider in Crook, Deschutes, and Jefferson counties, and The Confederated Tribes of Warm Springs.

B. Each County oversees its own Emergency Management division.
   a. Deschutes County Sheriff’s Office oversees Emergency Management, a function included within the Special Services Division. The function is managed by a sworn sergeant (Emergency Services Manager).
   b. Crook County’s Emergency Management is a division of the Crook County Sheriff’s Office with one full-time Emergency Manager.
   c. Jefferson County’s Emergency Management is a division of the Jefferson County Sheriff’s Office with one full-time Emergency Management Coordinator.

C. The Parties have the authority to enter into this Agreement pursuant to ORS 402.010 and 402.015.

D. The purpose of this Agreement is to provide the legal framework and establish procedures and conditions for making COIC-owned vehicles and COIC operators available to the County Emergency Management divisions for deployment during declared emergencies and disasters.

TERMS OF AGREEMENT

County Responsibilities

The Counties are responsible for preparing and implementing an emergency response plan in the event of a disaster or emergency. The Counties, in coordination with COIC, should strive for an annual tabletop exercise to refresh all parties on emergency management coordination processes.

COIC’s Responsibilities

COIC is responsible for deploying its active vehicles and its drivers to the Counties for use and deployment in an emergency or disaster as determined by Counties. COIC shall rely on emergency responders from County/Counties for direction and instructions. Other than the safe operation of COIC equipment and personnel, COIC shall not be responsible for strategic decisions related to the emergent situation or the consequences of those deployment decisions. COIC is also responsible for participating in annual tabletop exercises hosted by the Counties.

Assumptions

PURPOSE: It is understood that the Counties will not call for the use of COIC vehicles unless an emergent need or disaster arises requiring the use of those vehicles.
DURATION: Pursuant of Charter Rule at 49 CFR Part 601, Subpart D, COIC is not permitted to furnish emergency transportation services or allow its transit vehicles to be used for emergency transportation purposes for more than 45 days per declared emergency or disaster. Consequently, COIC shall not be obligated or required to provide to the Counties for more than 45 days per declared emergency or disaster or to allow its transit vehicles to be used for emergency or disaster.

REIMBURSEMENTS:

When an emergency is declared, it is understood that CET will seek reimbursement funds in the following priority order:

1) Direct Federal Transit Administration (FTA) emergency response funds;
2) Federal Emergency Management Agency (FEMA) funds; or,
3) Counties will reimburse CET for remaining, unpaid costs according to standard rates shown in Exhibit A that are not covered by direct funds through the FTA or FEMA.
   a. The Parties agree that Exhibit A may need to be adjusted to reflect COIC’s annual labor costs for drivers, dispatchers, or other personnel, as well as the most recent FEMA-issued Schedule of Equipment Rates.

To ensure eligibility for reimbursement, CET will track and report the following information:

- Type of any emergency transportation services being provided, including the number and type of vehicles, the number of trips provided, the number of passengers transported, the dates and hours of service, and any fares collected for emergency transportation services;
- Emergency protective measures put in place to protect transit assets and/or personnel;
- Damages to vehicles, facilities, or equipment; and,
- Any temporary or permanent repairs made to damaged vehicles, facilities, or equipment.

INDEMNIFICATION: In a declared emergency or disaster, COIC vehicles and operators requested by a County and employed for the emergency or disaster pursuant to the provisions of this Agreement may be entitled to certain privileges, benefits, and immunities and subject to certain liability waivers under applicable federal and state emergency management regulations for registered emergency workers and services. COIC drivers shall be required to document the condition of the exterior portions of the available COIC vehicles both immediately before and immediately after the same are used in any emergency or disaster or for emergency training purposes. The County shall be entitled to review such documentation concerning the condition of the exterior portions of the available COIC vehicles.

COIC shall be and operate as an independent contractor of County in the performance of any Emergency Assistance. Employees of COIC shall at all times while performing Emergency Assistance continue to be employees of COIC and shall not be deemed employees of County for any purpose. Wages, hours, and other terms and conditions of employment of COIC shall remain applicable to all of its employees who perform Emergency Assistance. COIC shall be solely responsible for payment of its employees’ wages, any required payroll taxes and any benefits or other compensation. County shall not be responsible for paying any wages, benefits, taxes, or other compensation directly to the Lender’s employees. The costs associated with borrowed personnel are subject to reimbursement process outlined in Exhibit A, attached. In no event shall COIC or its officers, employees, agents, or representatives be authorized (or represent that they are authorized) to make any representation, enter into any agreement, waive any right or incur any obligation in the name of, on behalf of or as agent for County under or by virtue of this Agreement.

Claims - Notwithstanding the foregoing, COIC and the requesting County shall fully and absolutely defend, indemnify and hold harmless each other from and against any action, case of action, claim, and/or litigation arising out of or from the employment, operation, or use of any available COIC vehicles(s) in a declared emergency or disaster under this Agreement or for emergency training purposes, including, but not limited to, any claim, action, cause of action, claim, and/or litigation arising from the act(s) or omission(s) of any COIC operator(s) and/or any County employee(s), officer(s), or agent(s) subject to, and to the extent permitted by, Article XI, Section 10, of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, all according to the extent of liability that each party bears in the matter.
The Parties shall actively collaborate in the defense and settlement of any claim that is subject to the Indemnification section of this Agreement; however, neither COIC nor any attorney engaged by COIC shall defend the claim in the name of County or any department or agency thereof, nor purport to act as legal representative of the County or any of its departments or agencies without first receiving from the County’s Legal Counsel, in a form and manner determined appropriate by the County’s Legal Counsel, authority to act as legal counsel for the County, nor shall COIC settle any claim on behalf of the County without the approval of the County’s Legal Counsel.

**Vehicle and Equipment** - In the event that any COIC-owned vehicle or equipment is damaged while being used or operated in a declared emergency or disaster under this Agreement or for emergency training purposes, the requesting County shall hold harmless and indemnify COIC from and against and shall fully pay all expenses and costs necessary to fix and repair the damaged COIC-owned vehicle or equipment and restore said vehicle to its prior condition, provided, however, the requesting County shall not be responsible for fixing, repairing, or replacing any part of component of a COIC-owned vehicle or equipment used or operated in a declared emergency or disaster or for emergency training purposes under this Agreement which merely fails or malfunctions during said use or operation.

**TERM OF AGREEMENT:** Unless this Agreement is terminated as provided below, this Agreement shall continue in perpetuity. Any Party can terminate this Agreement with 120-days written notice to each other Party, unless all Parties agree to an earlier date.

**DISPUTE RESOLUTION:** Any dispute that arises under this Agreement shall first be submitted to the applicable County Administrator and the COIC Executive Director, who shall meet and attempt to resolve the dispute. Should any dispute arise between the parties concerning this contract which is not resolved by mutual agreement, it is agreed the dispute will be mediated. In such an event, the parties in dispute agree to participate in good faith in a non-binding mediation process. The mediator shall be selected by mutual agreement of the parties, but in the absence of such agreement each party shall select a temporary mediator and those mediators shall jointly select the permanent mediator. All costs of mediation shall be borne equally by the parties. Should mediation efforts fail, the disputing parties agree to binding arbitration. The arbiter shall be selected by mutual agreement of the disputing parties, but in the absence of such agreement each side shall select a temporary arbiter and those shall jointly select the permanent arbiter. All costs of arbitration shall be borne equally by the disputing parties.

**TRAINING:** COIC and each County’s Emergency Services Manager will hold a tabletop exercise or commensurate training once a calendar year to remind and refresh COIC staff of its duties and obligations in the case of a declared emergency or disaster.

**NOTICE:** Any notice required or permitted to be given by either party to another shall be deposited in the United States mail, postage prepaid, addressed to:

**If Counties:**
- Deschutes Counties Sheriff’s Office
  63333 W Hwy 20
  Bend, OR 97703
- Crook County Sheriff’s Office
  308 NE 2nd St
  Prineville, OR 97754
- Jefferson County Sheriff’s Office
  675 NW Cherry Ln
  Madras, OR 97741

**If COIC:**
- Central Oregon Intergovernmental Council Admin Office
RELATIONSHIP OF THE PARTIES: No agent, official, employee, servant, or representative of COIC shall be deemed an officer, employee, agent, servant or representative of the Counties for any purpose. No agent, official, employee, servant or representative of the Counties shall be deemed an officer, employee, agent, servant, or representative of COIC for any purpose.

ENTIRE AGREEMENT: This Agreement constitutes the entire agreement between COIC and the Counties with respect to the subject matter hereof and supersedes all prior agreements and understandings, oral or written, with respect to such subject matter. Any alteration or amendment or modification of this Agreement shall be valid only if set forth in writing and signed by all parties hereto.

APPLICABLE LAW: This Agreement shall be governed by and construed in accordance with the laws of the state of Oregon.

SEVERABILITY: In the event any portion of this Agreement is determined to be void or unenforceable, such provision shall be severable and will not affect the validity of the remaining portion of this Agreement.

WHEREFORE, each party, by and through its undersigned representative acting with authority, has signed this Agreement to be effective on the first day and year written above.

COIC Date and Signature

________________________________________

____________________________ DATE ____________________________

COIC EXECUTIVE DIRECTOR
DATE
DESCHUTES COUNTY COMMISSIONER

DATE
DESCHUTES COUNTY COMMISSIONER

DATE
DESCHUTES COUNTY COMMISSIONER
EXHIBIT A
COST REIMBURSEMENT FORM
(IF COIC IS NOT REIMBURSED DIRECTLY FROM FTA AND/OR FEMA)

<table>
<thead>
<tr>
<th>Service/Personnel/Labor Costs</th>
<th>Personnel Costs (Hourly Rates)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driver Services</td>
<td>$39.47 per driver per vehicle</td>
</tr>
<tr>
<td>Dispatch and Management Services</td>
<td>$4.13 (1 Dispatcher + Operations Manager)</td>
</tr>
</tbody>
</table>

Provided: In the event a driver is required to work more than 40 hours in a week as a result of furnishing emergency services, Counties shall reimburse COIC associated overtime costs in excess of any regular hourly rates.

<table>
<thead>
<tr>
<th>Equipment Specification and Code</th>
<th>Equipment Costs (Hourly Rates)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus; Cost Code 8180; Up to 150 HP</td>
<td>$21.60</td>
</tr>
<tr>
<td>Bus; Cost Code 8181; Up to 210 HP</td>
<td>$25.82</td>
</tr>
<tr>
<td>Bus; Cost Code 8182; Up to 300 HP</td>
<td>$39.65</td>
</tr>
</tbody>
</table>

Equipment Specifications, Codes and Hourly Rates are based upon FEMA’s Schedule of Equipment Rates. Each rate covers all costs eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121, et seq., for ownership and operation of equipment, including depreciation, overhead, all maintenance, field repairs, fuel, lubricants, tires, OSHA equipment and other costs incidental to operation. Rates above are applicable to major disasters and emergencies declared by the President of the United States on or after August 15, 2019.

**Total Personnel and Equipment Cost Example:** Driver operating a 300 horsepower vehicle for one hour amounts to $79.12 ($39.47 driver cost + $39.65 equipment cost).
EXHIBIT B
COIC EMERGENCY CONTACT LIST

1st Andrea Breault - 617 599 7396 - abreault@coic.org - Transportation Director

2nd Marty Hopper - 541 815 7527 - mhopper@coic.org - Operations Supervisor

3rd Mike Murphy - 541 699 2386 - mmurphy@coic.org - Rural Supervisor
MEETING DATE: September 8, 2021

SUBJECT: Consideration of Chair Signature of Document No. 2021-689, Amendment to IGA with the Oregon Health Authority

RECOMMENDED MOTION:
Move approval and Board signature of Oregon Health Authority agreement #169509-1.

BACKGROUND AND POLICY IMPLICATIONS:
Oregon Health Authority (OHA) Agreement #169509-1 provides additional funding for the following Program Elements (PE):

- PE01-10 OIP–CARES - $294,554
- PE13-01 Tobacco Prevention and Education Program - $25,340
- PE40-05 Farmer’s Market - $7,760
- PE43-01 Public Health Practice (PHP)–Immunization Services – $3,142
- PE44-02 SBHC—Mental Health Expansion - $57,500

The individual public health programs represented in this Intergovernmental Agreement, range from disease prevention and maternal child health to school based health centers, women, infants and children (WIC), bioterrorism preparedness, Safe Drinking Water Program and family planning. Each grant will have an associated set of program assurances that are the service and quality performance expectations connected with the delivery of the various components of the program itself. The funding attached to this two-year agreement is for year 2021-2022. Next spring, funding for Fiscal Year (FY) 2023 will be provided by an amendment to this agreement.

EXTENSION OF 6.0 and ADDITION of 1.0 NEW FTE LIMITED DURATION POSITIONS:

As part of this Intergovernmental Agreement, additional funding in the amount of $294,000 is provided for vaccine planning and delivery through PE01-10. By undertaking an analysis of the activities currently undertaken by each position and forecasting the likely needs in community support in the future, the department re-aligned positions to the most appropriate funding sources and timelines. See Appendix A for an overview of all COVID-related positions and expenditures by funding source through FY 2024.
Funds from the Department of Administrative Services (referred to as “Equity funds”) may be used through December 2021, funding through PE01-09 may be used through FY 2023, PE01-10 through FY 2024, and American Rescue Plan Act (ARPA) through December 2024 (but currently approved by the Board through December 2021). The Central Oregon Health Council (COHC) COVID funds are not time-limited. Each source has its allowed activities and unallowable expenditures.

Health Services requests the following current limited duration positions be extended and the addition of one limited duration position. These positions will ensure continuity of services in logistics and administration, fiscal, testing, contact tracing, investigation, wraparound services, community education and campaigns, and vaccine planning and distribution.

<table>
<thead>
<tr>
<th>REQUEST</th>
<th>POSITION NUMBER</th>
<th>DESCRIPTION</th>
<th>FTE</th>
<th>ORIGINAL END DATE</th>
<th>REQUESTED END DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extend</td>
<td>2835</td>
<td>SUPERVISOR HLTH SERV</td>
<td>1.0</td>
<td>6/30/2022</td>
<td>6/30/2023</td>
</tr>
<tr>
<td>Extend</td>
<td>2841</td>
<td>ADMIN SUPPORT TECH</td>
<td>1.0</td>
<td>12/31/2021</td>
<td>12 months hire</td>
</tr>
<tr>
<td>Extend</td>
<td>2936</td>
<td>SUPERVISOR HLTH SERV</td>
<td>1.0</td>
<td>12/31/2021</td>
<td>12 months hire</td>
</tr>
<tr>
<td>Extend</td>
<td>2843</td>
<td>PUBLIC HLTH ED II</td>
<td>1.0</td>
<td>12/31/2021</td>
<td>12 months hire</td>
</tr>
<tr>
<td>Extend</td>
<td>2838</td>
<td>PUBLIC HTH NURSE II</td>
<td>1.0</td>
<td>12/31/2021</td>
<td>12 months hire</td>
</tr>
<tr>
<td>Extend</td>
<td>2844</td>
<td>PUBLIC HTH NURSE II</td>
<td>1.0</td>
<td>12/31/2021</td>
<td>12 months hire</td>
</tr>
<tr>
<td>ADD</td>
<td>TBD</td>
<td>ADMIN SUPPORT SPECIALIST</td>
<td>1.0</td>
<td>-</td>
<td>24 months hire</td>
</tr>
</tbody>
</table>

Funding is specific to COVID-19 activities. The Local Public Health Authority must collaborate with local and regional partners to assure adequate culturally- and linguistically-responsive COVID-19 testing; case investigation and contact tracing; isolation, quarantine and wraparound services; infection prevention and control for high-risk populations; community education; and COVID-19 Vaccine Planning and Distribution.

The proposed allocation of funds is intended to address the acute needs of the community; strengthen trust and confidence in messaging, services and vaccines; and build stability and redundancy in our response to an unpredictable, protracted pandemic while also maintaining our normal responsibilities. The current pandemic will not only require ongoing emergency response for some months but also involve recovery efforts that extend beyond the direct health impacts of COVID-19.

**BUDGET IMPACTS:**
OHA Agreement #169509-1 adds $382,012. If supported, a resolution and budget adjustment for extension will be placed on a future consent agenda. Additionally, the resolution and budget adjustment will increase appropriation in the Health Services Fund for all expenditures proposed in Appendix A; namely, American Rescue Plan funds, Equity funds, Central Oregon Health Council funds, and OHA Agreement #169509-1.

**ATTENDANCE:**
Nahad Sadr-Azodi, Public Health Director
Lana Lane, Health Services Accountant
DECHUTES COUNTY DOCUMENT SUMMARY

(NOTE: This form is required to be submitted with ALL contracts and other agreements, regardless of whether the document is to be on a Board agenda or can be signed by the County Administrator or Department Director. If the document is to be on a Board agenda, the Agenda Request Form is also required. If this form is not included with the document, the document will be returned to the Department. Please submit documents to the Board Secretary for tracking purposes, and not directly to Legal Counsel, the County Administrator or the Commissioners. In addition to submitting this form with your documents, please submit this form electronically to the Board Secretary.)

Please complete all sections above the Official Review line.

Date: August 11, 2021

Department: Health Services, Public Health Division

Contractor/Supplier/Consultant Name: Oregon Health Authority

Contractor Contact: Tammy Hurst, Office of Contracts & Procurements

Contractor Phone #: 503-947-5298

Type of Document: Amendment #1 to Intergovernmental Agreement #169509

Goods and/or Services: The IGA between the Oregon Health Authority and Deschutes County outlines the program descriptions and funding for Deschutes County’s Public Health Division for fiscal years 2021-2023.

This amendment modifies funding for the following Program Elements:

PE01-10 OIP – CARES - $294,554
PE13-01 Tobacco Prevention and Education Program - $25,340
PE40-05 Farmer’s Market - $7,760
PE43-01 Public Health Practice (PHP) – Immunization Services – ($3,142)
PE44-02 SBHC – Mental Health Expansion - $57,500

Background & History: The Oregon Health Authority (OHA) was created by the 2009 Oregon legislature to bring most health-related programs in the state into a single agency to maximize its purchasing power.

OHA is at the forefront of lowering and containing costs, improving quality and increasing access to health care in order to improve the lifelong health of Oregonians. In the public sector, OHA will consolidate most of the state's health care programs, including Public Health, the Oregon Health Plan (OHP), employee benefits and public-private partnerships. This will give the state greater purchasing and market power to begin tackling issues with costs, quality, lack of preventive care and health care access. In both the public and the private sector, OHA will be working to fundamentally improve how health care is delivered and paid for, but because poor health is only partially due to lack of medical care, OHA will also be working to reduce health disparities and to broaden the state's public health focus. Ultimately, OHA is charged with delivering a plan to the Legislature to ensure that all Oregonians have access to affordable health care.

The individual public health programs represented in this Intergovernmental Agreement, range from disease prevention and maternal child health to school based health centers, women, infants and children (WIC), bioterrorism preparedness, Safe Drinking Water Program and family planning. Each grant will have an associated set of program assurances that are the service and quality performance expectations connected with the delivery of the various components of the program itself. The funding attached to this two-year agreement is for year 2021-2022. Next spring, funding for year 2022-2023 will be provided by an amendment to this agreement.

Agreement Starting Date: July 1, 2021
Ending Date: June 30, 2023

Annual Value or Total Payment: $382,012. FY21-22.
Insurance Certificate Received (check box)
Insurance Expiration Date: County is Contractor

Check all that apply:
☐ RFP, Solicitation or Bid Process
☐ Informal quotes (<$150K)
☒ Exempt from RFP, Solicitation or Bid Process (specify – see DCC §2.37)

Funding Source: (Included in current budget? ☒ Yes ☐ No
If No, has budget amendment been submitted? ☐ Yes ☐ No

Is this a Grant Agreement providing revenue to the County?  ☐ Yes ☒ No

Special conditions attached to this grant: 

Deadlines for reporting to the grantor: 

If a new FTE will be hired with grant funds, confirm that Personnel has been notified that it is a grant-funded position so that this will be noted in the offer letter:  ☐ Yes ☐ No

Contact information for the person responsible for grant compliance: Name: 
Phone #: 

Departmental Contact and Title: Nahad Sadr-Azodi, Deputy Director and Cheryl Smallman, Business Officer

Deputy Director Approval: [Signature]

Email: nahad.sadr-azodi@deschutes.org
Title: Director of PH
Company: DCHS

Department Director Approval: [Signature]

Email: george.conway@deschutes.org
Title: Director
Company: DCHS

Distribution of Document: Grace Justice Evans, Deschutes County Health Services.

Official Review:
County Signature Required (check one): ☑ BOCC ☐ Department Director (if <$50K)
☐ Administrator (if >$50K but <$150K; if >$150K, BOCC Order No. ____________)

Legal Review ___________________________ Date ______________________

Document Number 2021-689________________
FIRST AMENDMENT TO OREGON HEALTH AUTHORITY
2021-2023 INTERGOVERNMENTAL AGREEMENT FOR THE
FINANCING OF PUBLIC HEALTH SERVICES

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications and other electronic formats. To request an alternate format, please send an e-mail to dhs-oha.publicationrequest@state.or.us or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

This First Amendment to Oregon Health Authority 2021-2023 Intergovernmental Agreement for the Financing of Public Health Services, effective July 1, 2021, (as amended the “Agreement”), is between the State of Oregon acting by and through its Oregon Health Authority (“OHA”) and Deschutes County, (“LPHA”), the entity designated, pursuant to ORS 431.003, as the Local Public Health Authority for Deschutes County. OHA and LPHA are each a “Party” and together the “Parties” to the Agreement.

RECITALS

WHEREAS, OHA and LPHA wish to e.g. modify the Fiscal Year 2022 (FY22) Financial Assistance Award set forth in Exhibit C of the Agreement.

WHEREAS, OHA and LPHA wish to e.g. modify the Exhibit J information required by 2 CFR Subtitle B with guidance at 2 CFR Part 200;

NOW, THEREFORE, in consideration of the premises, covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. This Amendment is effective on July 1, 2021, regardless of the date this amendment has been fully executed with signatures by every Party and when required, approved by the Department of Justice. However, payments may not be disbursed until the Amendment is fully executed.

2. The Agreement is hereby amended as follows:

a. Exhibit A “Definitions”, Section 18 “Program Element” is amended to add Program Element titles and funding source identifiers as follows:

<table>
<thead>
<tr>
<th>PE NUMBER AND TITLE</th>
<th>SUB-ELEMENT(S)</th>
<th>FUND TYPE</th>
<th>FEDERAL AGENCY/ GRANT TITLE</th>
<th>CFDA#</th>
<th>HIPAA RELATED (Y/N)</th>
<th>SUB-RECIPIENT (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PE 36 Alcohol and Drug Prevention Education Program</td>
<td>FF</td>
<td>SAMHSA/ Substance Abuse Prevention &amp; Treatment Block Grant</td>
<td>93.959</td>
<td>N</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td></td>
<td>OF</td>
<td>N/A</td>
<td>N/A</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td></td>
<td>GF</td>
<td>N/A</td>
<td>N/A</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
</tbody>
</table>
b. Section 1 of Exhibit C of the Amended and Restated Agreement, entitled “Financial Assistance Award” for FY22 is hereby superseded and replaced in its entirety by Attachment A, entitled “Financial Assistance Award (FY22)”, attached hereto and incorporated herein by this reference. Attachment A must be read in conjunction with Section 3 of Exhibit C.

c. Exhibit J of the Amended and Restated Agreement entitled “Information required by 2 CFR Subtitle B with guidance at 2 CFR Part 200” is amended to add to the federal award information datasheet as set forth in Attachment B, attached hereto and incorporated herein by this reference.

3. LPHA represents and warrants to OHA that the representations and warranties of LPHA set forth in Section 4 of Exhibit F of the Agreement are true and correct on the date hereof with the same effect as if made on the date hereof.

4. Capitalized words and phrases used but not defined herein shall have the meanings ascribed thereto in the Agreement.

5. Except as amended hereby, all terms and conditions of the Agreement remain in full force and effect.

6. This Amendment may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.
IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below their respective signatures.

7. **Signatures.**

Signature: 

Name: /for/ Carole L. Yann 

Title: Director of Fiscal and Business Operations 

Date: 

**DESCHUTES COUNTY LOCAL PUBLIC HEALTH AUTHORITY**

Signature: 

Printed Name: 

Title: 

Date: 

**DEPARTMENT OF JUSTICE – APPROVED FOR LEGAL SUFFICIENCY**

Approved by Wendy Johnson, Senior Assistant Attorney General on July 27, 2021. Copy of emailed approval on file at OHA, OC&P.

**REVIEWED BY OHA PUBLIC HEALTH ADMINISTRATION**

Signature: 

Name: Derrick Clark (or designee) 

Title: Program Support Manager 

Date: 
## Attachment A

### Financial Assistance Award (FY22)

<table>
<thead>
<tr>
<th>Number</th>
<th>Program</th>
<th>Previous Award Balance</th>
<th>Increase / Decrease</th>
<th>Current Award Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PE01-01</td>
<td>State Support for Public Health</td>
<td>$57,060.00</td>
<td>$0.00</td>
<td>$57,060.00</td>
</tr>
<tr>
<td>PE01-10</td>
<td>OIP - CARES</td>
<td>$0.00</td>
<td>$294,554.00</td>
<td>$294,554.00</td>
</tr>
<tr>
<td>PE07</td>
<td>HIV Prevention Services</td>
<td>$40,158.00</td>
<td>$0.00</td>
<td>$40,158.00</td>
</tr>
<tr>
<td>PE08-01</td>
<td>Ryan White B HIV/AIDS: Case Management</td>
<td>$176,691.00</td>
<td>$0.00</td>
<td>$176,691.00</td>
</tr>
<tr>
<td>PE08-02</td>
<td>Ryan White B HIV/AIDS: Support Services</td>
<td>$42,455.00</td>
<td>$0.00</td>
<td>$42,455.00</td>
</tr>
<tr>
<td>PE08-03</td>
<td>Ryan White B HIV/AIDS: Oral Health</td>
<td>$27,187.00</td>
<td>$0.00</td>
<td>$27,187.00</td>
</tr>
<tr>
<td>PE12-01</td>
<td>Public Health Emergency Preparedness and Response (PHEP)</td>
<td>$109,613.00</td>
<td>$0.00</td>
<td>$109,613.00</td>
</tr>
<tr>
<td>PE13-01</td>
<td>Tobacco Prevention and Education Program (TPEP)</td>
<td>$263,159.00</td>
<td>$25,340.00</td>
<td>$288,499.00</td>
</tr>
<tr>
<td>PE36</td>
<td>Alcohol &amp; Drug Prevention Education Program (ADPEP)</td>
<td>$100,626.00</td>
<td>$0.00</td>
<td>$100,626.00</td>
</tr>
<tr>
<td>PE40-01</td>
<td>WIC NSA: July - September</td>
<td>$184,646.00</td>
<td>$0.00</td>
<td>$184,646.00</td>
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<tr>
<td>PE40-02</td>
<td>WIC NSA: October - June</td>
<td>$535,938.00</td>
<td>$0.00</td>
<td>$535,938.00</td>
</tr>
<tr>
<td>PE40-05</td>
<td>Farmer’s Market</td>
<td>$0.00</td>
<td>$7,760.00</td>
<td>$7,760.00</td>
</tr>
<tr>
<td>PE42-03</td>
<td>MCAH Perinatal General Funds &amp; Title XIX</td>
<td>$6,279.00</td>
<td>$0.00</td>
<td>$6,279.00</td>
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<tr>
<td>PE42-04</td>
<td>MCAH Babies First! General Funds</td>
<td>$20,064.00</td>
<td>$0.00</td>
<td>$20,064.00</td>
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</table>
## 4) OHA Public Health Funds Approved

<table>
<thead>
<tr>
<th>Number</th>
<th>Program</th>
<th>Previous Award Balance</th>
<th>Increase / Decrease</th>
<th>Current Award Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>PE42-06</td>
<td>MCAH General Funds &amp; Title XIX</td>
<td>$11,779.00</td>
<td>$0.00</td>
<td>$11,779.00</td>
</tr>
<tr>
<td>PE42-11</td>
<td>MCAH Title V</td>
<td>$66,429.00</td>
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<tr>
<td>PE42-12</td>
<td>MCAH Oregon Mothers Care Title V</td>
<td>$58,730.00</td>
<td>$0.00</td>
<td>$58,730.00</td>
</tr>
<tr>
<td>PE42-14</td>
<td>Home Visiting</td>
<td>$86,112.00</td>
<td>$0.00</td>
<td>$86,112.00</td>
</tr>
<tr>
<td>PE43-01</td>
<td>Public Health Practice (PHP) - Immunization Services</td>
<td>$49,756.00</td>
<td>($3,142.00)</td>
<td>$46,614.00</td>
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<tr>
<td>PE44-01</td>
<td>SBHC Base</td>
<td>$360,000.00</td>
<td>$0.00</td>
<td>$360,000.00</td>
</tr>
<tr>
<td>PE44-02</td>
<td>SBHC - Mental Health Expansion</td>
<td>$351,428.00</td>
<td>$57,500.00</td>
<td>$408,928.00</td>
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<tr>
<td>PE46-05</td>
<td>RH Community Participation &amp; Assurance of Access</td>
<td>$29,982.00</td>
<td>$0.00</td>
<td>$29,982.00</td>
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<tr>
<td>PE50</td>
<td>Safe Drinking Water (SDW) Program (Vendors)</td>
<td>$112,636.00</td>
<td>$0.00</td>
<td>$112,636.00</td>
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<tr>
<td>PE51-01</td>
<td>LPHA Leadership, Governance and Program Implementation</td>
<td>$42,571.00</td>
<td>$0.00</td>
<td>$42,571.00</td>
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<tr>
<td>PE51-02</td>
<td>Regional Partnership Implementation</td>
<td>$73,267.00</td>
<td>$0.00</td>
<td>$73,267.00</td>
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<tr>
<td>PE60</td>
<td>Suicide Prevention, Intervention and Postvention</td>
<td>$29,251.00</td>
<td>$0.00</td>
<td>$29,251.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$2,835,817.00</td>
<td>$382,012.00</td>
<td>$3,217,829.00</td>
</tr>
</tbody>
</table>

## 5) Foot Notes:

**PE01-01**
5/1/21: Bridge funding for July-Sept 2021. Additional funds to be awarded once budgets are final.

**PE01-10**
Awarded funds can be spent on allowable costs for the period of 7/1/2021 - 6/30/2024. Any unspent funds as of 6/30/22 will be rolled over into the FY23 award. Please see provided budget guidance for more details on roll over information.

**PE40-01**
5/2021: All SFY2022 Q1 funding award needs to be spent down by 9/30/2021. No unspent funds carryover to Q2-4 period is allowed.

**PE40-02**
5/2021: SFY2022 Q2-4 funds need to be spent by 6/30/2022.

**PE40-05**
7/2021: Funds will be paid in two installments in August and October of 2021.

**PE51-01**
5/1/21: Bridge funding for July-Sept 2021. Additional funds to be awarded once budgets are final.

**PE51-02**
5/1/21: Bridge funding for July-Sept 2021. Additional funds to be awarded once budgets are final.
6) Comments:

<table>
<thead>
<tr>
<th>Program</th>
<th>Item Description</th>
<th>Cost</th>
<th>PROG APPROV</th>
</tr>
</thead>
<tbody>
<tr>
<td>PE13-01</td>
<td>07/2021: increase award from 263,159 by 25,340 to 288,499</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PE40-01</td>
<td>5/2021: SFY22 Q1 funding: Spend $36,92 on Nutrition Ed, $5,768 on BF Promotion</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PE40-02</td>
<td>5/2021: SFY2022 Q2-4 funding: spend $ on Nutrition Ed, $17,304 on BF Promotion</td>
<td></td>
<td></td>
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<tr>
<td>PE42-14</td>
<td>SFY22 Initial: Award is for the period of 7/1/2021 to 12/31/2021</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PE44-02</td>
<td>7/2021: Funding for 21-23 Youth-Led Grants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>PE60</td>
<td>5/2021: This award is for July 1-September 30, 2021 only.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

7) Capital outlay Requested in this action:

Prior approval is required for Capital Outlay. Capital Outlay is defined as an expenditure for equipment with a purchase price in excess of $5,000 and a life expectancy greater than one year.
### PE01-10 OIP - CARES

<table>
<thead>
<tr>
<th>Federal Award Identification Number:</th>
<th>NH23IP922626</th>
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<tbody>
<tr>
<td>Federal Award Date:</td>
<td>3/31/21</td>
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<tr>
<td>Budget Performance Period:</td>
<td>7/1/2019-6/30/2024</td>
</tr>
<tr>
<td>Awarding Agency:</td>
<td>CDC</td>
</tr>
<tr>
<td>CDFA Number:</td>
<td>93.268</td>
</tr>
<tr>
<td>CFDA Name:</td>
<td>Immunization Cooperative Agreements</td>
</tr>
<tr>
<td>Total Federal Award:</td>
<td>$38,627,576</td>
</tr>
<tr>
<td>Project Description:</td>
<td>Immunization and Vaccines for Children</td>
</tr>
<tr>
<td>Awarding Official:</td>
<td>Divya Cassity</td>
</tr>
<tr>
<td>Indirect Cost Rate:</td>
<td>17.64</td>
</tr>
<tr>
<td>Research and Development (T/F):</td>
<td>FALSE</td>
</tr>
<tr>
<td>PCA:</td>
<td>53895</td>
</tr>
<tr>
<td>Index:</td>
<td>50404</td>
</tr>
</tbody>
</table>

### PE12-01 Public Health Emergency Preparedness and Response (PHEP)

<table>
<thead>
<tr>
<th>Federal Award Identification Number:</th>
<th>NU90TP922036</th>
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</thead>
<tbody>
<tr>
<td>Federal Award Date:</td>
<td>04/26/2021</td>
</tr>
<tr>
<td>Budget Performance Period:</td>
<td>07/01/2021-06/30/2022</td>
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<tr>
<td>Awarding Agency:</td>
<td>CDC</td>
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<tr>
<td>CDFA Number:</td>
<td>93.069</td>
</tr>
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### Fiscal Year 2023

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<th>PESO-10 (NEW) (DAS)</th>
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### Fiscal Year 2024

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### Test Events

- $50,000

### Incentives, Contracts, etc.

- $300,000

### Premium Pay and Overtime

- $25,000

### Temporary Staff

- $200,000

- $180,000

### Testing Events

- $50,000

### Communications/Infection Control & Focal Groups

- $80,000

### Laptops for New Employees

- $2,000

### Miscellaneous, Materials and Supplies

- $2,000

- $2,000

### Wraparound

- $2,000

### Remaining

- $261,781
MEETING DATE: September 8, 2021

SUBJECT: Community Development – Planning Division Staffing Request

RECOMMENDED MOTION:
Move approval to create a Current Planning Principal Planner Classification and reclassify a lead senior planner through an open internal recruitment and the addition of one (1) Long Range Senior Planner.

BACKGROUND AND POLICY IMPLICATIONS:
The Planning Division consists of two operational areas: Current Planning and Long Range Planning. The purpose of this request is to create a principal planner classification in Current Planning and the addition of one (1) Long Range Senior Planner to expand capacity within the division. During the August 11th presentation of the Planning Division Work Plan update to the Board of County Commissioners (Board) there was discussion and interest in creating additional capacity to ensure long-range staff implements Board priorities.

BUDGET IMPACTS:
The increased cost of reclassifying a lead senior planner to a principal planner has yet to be determined but is anticipated to be nominal. The total cost of the long range senior planner is estimated at $117,000 to cover the fully loaded rate ($112,000) and computer, equipment and training ($5,000).

ATTENDANCE:
Peter Gutowsky – Interim Planning Director
Sherri Pinner – Senior Management Analyst
MEMORANDUM

TO: Deschutes County Board of Commissioners
    Tom Anderson, County Administrator
    Nick Lelack, AICP, County Administrator

FROM: Peter Gutowsky, AICP, Planning Manager
      Sherri Pinner, Sr. Management Analyst

DATE: September 8, 2021

SUBJECT: Community Development Planning Division Staffing Discussion

I. SUMMARY

The Planning Division consists of two operational areas: Current Planning and Long Range Planning. The purpose of this memorandum is to request the creation of a principal planner classification in Current Planning and the addition of one (1) FTE in Long Range Planning to expand capacity within the division. During the August 11th presentation of the Planning Division Work Plan update to the Board of County Commissioners (Board) there was discussion and interest in creating additional capacity to ensure long-range staff implements their priorities.

Specifically, the Division proposes to:

- Create a principal planner classification in Current Planning to assume duties currently performed by a lead senior planner and planning manager, including staff supervision and evaluation. The position will be filled through a reclassification of a current lead senior planner by means of an internal open recruitment.

- Add one (1) full time regular long range senior planner to expand staffing capacity to ensure the Board’s land use policy priorities are initiated.

II. Current Planning Section / Principal Planner Classification

Current Planning is responsible for reviewing land use applications for compliance with Deschutes County Code (DCC) and state law, including zoning, subdivision and development regulations. It continues to grow in both number of staff (11 FTE) and application volume and complexity. Creating a principal planner classification will allow the Planning Manager time to focus more time with Long Range Planning. If approved, the Community Development Department (CDD) will work closely with Human Resources to create the principal planner classification. Once created, one (1) existing lead
senior planner position will be reclassified as the principal planner through an open internal recruitment.

CDD Requests:

Approval to create a principal planner classification and reclassify a lead senior planner through an open internal recruitment in current planning.

III. Long Range Planning Work Plan Projects

Long Range Planning develops and implements land use policy with the Board, Planning Commission, community and partner organizations. It is in charge of updating the Comprehensive Plan and zoning regulations and coordinating with cities and agencies on various projects throughout the region. CDD's Long Range Planning FY 2021-22 Work Plan's purpose is to ensure that long-range staff implements the Board's land use policy priorities within its available capacity and resources. The following summarizes projects that are highest priority, ongoing, and to be initiated for Board consideration.

Highest Priority Projects:

- SB 391 – Rural ADU's – Begin regularly coordinating with the Board to clarify elements of the bill.
- SB 762 – Wildfire Mitigation - Provide regular updates relating to statewide wildfire risk mapping, defensible state standards and building code guidelines.
- Cannabis Advisory Panel – Participate on the advisory panel, as needed.
- Comprehensive Plan Update - Develop scope, schedule and budget for a consultant to initiate a multi-year process to update the plan.
- Housekeeping and Legislative Amendments – Ensure DCC complies with state law.
- Transportation Growth Management (TGM) Grant – Updates the Tumalo Community Plan and implement the rural trails portion of the Sisters Country Vision Action Plan.
- Wildlife Inventory Update – Present Goal 5 Wildlife Inventory Update and determine options for including the inventories into the Comprehensive Plan Update.

Ongoing Projects:

- Applicant Initiated Nonresource Land Amendments - Timely process applicant-initiated plan amendment, zone changes, and/or text amendments.
- Campgrounds, RV's, Manufactured Home Parks – Discuss options for next steps.
- City of Bend – Coordinate with the city to amend the City of Bend UGB to implement HB 4079.
- City of La Pine Coordination – State will notify the County in September of the City's grant application. Staff will update the Board in October.
- City of Redmond Coordination – Coordinate with the city to continue participating in the implementation of their Comprehensive Plan Update.
- City of Sisters Coordination – Continue participating in the implementation of Sisters Country Vision Plan and Comprehensive Plan update.
- Growth Management Committees – Attend monthly and annual committee meetings.
- Historic Preservation – Administer Certified Local Government Grant.
Marijuana Retail Hours & Annual Inspection Amendments - The Board directed staff to initiate legislative amendments to 1) extend the permitted hours for marijuana retail businesses and 2) modify marijuana annual reporting requirements.

Ongoing Coordination Projects – Portland State University Annual Population Estimate, Marijuana Annual Reporting and Inspections, and Destination Resort Overnight Lodging Unit Annual Reporting.

Rural Economic Development - The Board asked staff to prepare a white paper on rural economic development opportunities in Deschutes County.

Transportation System Plan (TSP) Update - Coordinate the County TSP update with the Road Department and ODOT.

Projects Not Yet Initiated:

- Bend Airport - Update and adopt the Bend Airport Master Plan and amend the Comprehensive Plan and Development Code to incorporate implementation measures to allow new airport-related businesses.
- Community Plans - Engage Terrebonne, and Newberry Country residents to determine if community plans should be updated.
- Comprehensive Plan Update - The FY 2021-22 County Budget appropriated $150,000 for consultant services to assist with the Comprehensive Plan Update. Staff intends to initiate a Request for Proposal (RFP) in winter or spring 2022 to hire a consultant and initiate the Update.
- Legislative Session - Participate in legislative or rulemaking work groups to shape state laws to benefit Deschutes County.
- Zoning Text Amendments – DCC to allow or address various land use topics.

CDD Requests:

The addition of one (1) full time regular senior planner in the long range planning division to create capacity to implement Board priorities.

IV. FINANCIAL IMPACT

The increased cost of reclassifying a lead senior planner to a principal planner has yet to be determined but is anticipated to be nominal. The total cost of the long range senior planner is estimated at $117,000 to cover the fully loaded rate ($112,000) and computer, equipment and training ($5,000). Based on the most recent fee increase(s), CDD proposes it likely can absorb the financial impact in the current fiscal year. Funding for next fiscal year and beyond will require additional discussion and strategy.

Options to cover deficit in future years:

- Fee increase(s).
- General Fund – amount to be determined at the end of fiscal year based on division deficit or actual cost of position, whichever is less.
- Department reserve funds – amount to be determined at the end of fiscal year based on division deficit or actual cost of position, whichever is less.
- Any combination of the above.
V. BOARD DIRECTION

1. Approve/deny the creation of a principal planner classification and reclassification of a lead senior planner through an open internal recruitment.

2. Approve/deny the addition of one (1) long range senior planner.
MEETING DATE: September 8, 2021

SUBJECT: Second Reading: Marijuana Retail Hours Text Amendments (Ord. No. 2021-011)

BACKGROUND AND POLICY IMPLICATIONS:
The Board of County Commissioners will conduct a second reading of Ordinance No. 2021-011 on September 8, 2021. The Board held a public hearing on August 25 concerning Ordinance No. 2021-011, legislative amendments to 1) extend the permitted hours for marijuana retail businesses and 2) modify marijuana annual reporting requirements. During deliberations, the Board chose to decouple the two components of Ordinance 2021-011. The amendments addressing the extension of marijuana retail hours were maintained in Ordinance No. 2021-011 and the requisite exhibits; the Board voted to approve the modified ordinance at that time and conducted first reading.

BUDGET IMPACTS:
None.

ATTENDANCE:
Tanya Saltzman, Senior Planner
MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, AICP, Senior Planner

DATE: September 2, 2021

SUBJECT: Second Reading: Marijuana Retail Hours Text Amendments (Ordinance No. 2021-011)

The Board of County Commissioners (Board) will conduct a second reading of Ordinance No. 2021-011 on September 8, 2021. The Board held a public hearing on August 25 concerning Ordinance No. 2021-011, legislative amendments to 1) extend the permitted hours for marijuana retail businesses and 2) modify marijuana annual reporting requirements.¹ During deliberations, the Board chose to decouple the two parts of Ordinance 2021-011. The amendments addressing the extension of marijuana retail hours were maintained in Ordinance No. 2021-011 and the requisite exhibits; the Board voted to approve the modified ordinance at that time and conducted first reading. The other half of the original text amendment package concerning marijuana annual reporting shall be repackaged into a new ordinance for the Board’s separate consideration.

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on June 9, 2021. Staff initially brought these issues to the Planning Commission for a preliminary discussion on May 13,² and had a subsequent discussion with the Board of County Commissioners on May 24,³ at which time the Board directed staff to initiate the text amendment process. Staff held a public hearing before the Planning Commission on July 22, 2021, at which time the Planning Commission recommended approval of the amendments addressing the change in retail hours. A summary of the proposed amendments and background information was provided to the Board in the packet submitted for its August 18, 2021 work session.⁴

I. PROPOSAL

The proposed text amendments are as follows:

¹ https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-4
⁴ https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-40
- DCC 18.116.330(C)(1): Changes hours of operation for marijuana retailing from 9:00 a.m. – 7:00 p.m. to 7:00 a.m. – 10:00 p.m., in line with OLCC hours.

The applicant, in this case Deschutes County Community Development, has submitted findings summarizing the amendments and stating that the text amendments are in compliance with the Statewide Planning Goals, and applicable policies of the Deschutes County Comprehensive Plan.

**Attachments:**
1. Ordinance No. 2021-011
2. Corresponding Exhibits to Ordinance No. 2021-011:
   - Exhibit A – DCC Chapter 18.116, Supplementary Provisions
   - Exhibit B – Findings
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code Title 18, Deschutes County Zoning, to Extend Recreational Marijuana Retail Hours of Operation. ORDINANCE NO. 2021-011

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-21-000579-TA) to the Deschutes County Code (DCC) Title 18, Chapter 18.116, Supplementary Provisions, to extend the permitted hours of operation of marijuana retail businesses; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on July 22, 2021 and forwarded to the Deschutes County Board of County Commissioners (“Board”) a unanimous recommendation of approval pending minor clarifications to the proposed language; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on August 25, 2021 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Title 18; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 18.116. Supplementary Provisions, is amended to read as described in Exhibit “A”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in strikethrough.
Section 2. FINDINGS. The Board adopts as its findings, Exhibit “B” attached and incorporated by reference herein.

Dated this _______ of ___________, 2021

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

____________________________________
ANTHONY DEBONE, Chair

____________________________________
PHILIP CHANG, Vice Chair

ATTEST:

____________________________________
Recording Secretary

PATTI ADAIR

Date of 1st Reading: _____ day of ____________, 2021.

Date of 2nd Reading: _____ day of ____________, 2021.

Record of Adoption Vote:

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<td>Anthony DeBone</td>
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<td>Philip Chang</td>
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Effective date: _____ day of ____________, 2021.
Chapter 18.116. SUPPLEMENTARY PROVISIONS

18.116.330 Marijuana Production, Processing, Retailing, and Wholesaling

* * *

C. Marijuana Retailing. Marijuana retailing, including recreational and medical marijuana sales, shall be subject to the following standards and criteria:

1. Hours. Hours of operation shall be no earlier than 9:00 a.m. and no later than 7:00 p.m. on the same day.
2. Odor. The building, or portion thereof, used for marijuana retailing shall be designed or equipped to prevent detection of marijuana plant odor off premise by a person of normal sensitivity.
3. Window Service. The use shall not have a walk-up or drive-thru window service.
4. Secure Waste Disposal. Marijuana waste shall be stored in a secured waste receptacle in the possession of and under the control of the OLCC licensee or OHA registrant.
5. Minors. No person under the age of 21 shall be permitted to be present in the building, or portion thereof, occupied by the marijuana retailer, except as allowed by state law.
6. Co-Location of Related Activities and Uses. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the marijuana retailer. In addition, marijuana retailing shall not be co-located on the same lot or parcel or within the same building with any marijuana social club or marijuana smoking club.
7. Separation Distances. Minimum separation distances shall apply as follows:
   a. The use shall be located a minimum of 1,000 feet from:
      i. A public elementary or secondary school for which attendance is compulsory under Oregon Revised Statutes 339.010, et seq., including any parking lot appurtenant thereto and any property used by the school;
      ii. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a), including any parking lot appurtenant thereto and any property used by the school;
      iii. A licensed child care center or licensed preschool, including any parking lot appurtenant thereto and any property used by the child care center or preschool. This does not include licensed or unlicensed family child care which occurs at or in residential structures;
      iv. National monuments and state parks; and
      v. Any other marijuana retail facility licensed by the OLCC or marijuana dispensary registered with the OHA.
   b. For purposes of DCC 18.116.330(B)(7), distance shall be measured from the lot line of the affected property to the closest point of the building space occupied by the marijuana retailer. For purposes of DCC 18.116.330(B)(7)(a)(vi), distance shall be measured from the closest point of the building space occupied by one marijuana retailer to the closest point of the building space occupied by the other marijuana retailer.
   c. A change in use to another property to a use identified in DCC 18.116.330(B)(7), after a marijuana retailer has been licensed by or registered with the State of Oregon shall not result in the marijuana retailer being in violation of DCC 18.116.330(B)(7).

FINDINGS

I. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning. The changes are as follows:

- DCC 18.116.330(C)(1): Changes hours of operation for marijuana retailing from 9:00 a.m. – 7:00 p.m. to 7:00 a.m. – 10:00 p.m., in line with OLCC hours.

II. REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan amendment. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and its existing Comprehensive Plan.

A. Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement: The amendments do not propose to change the structure of the County’s citizen involvement program. Notice of the proposed amendments were provided to the Bulletin for the Board public hearing.

Goal 2: Land Use Planning: This goal is met because ORS 197.610 allows local governments to initiate post acknowledgments plan amendments (PAPA). An Oregon Land Conservation and Development Department 35-day notice was initiated on June 9, 2021. The Planning Commission held a public hearing on July 22, 2021 and the Board of County Commissioners held a public hearing on August 25, 2021. The Findings document provides the adequate factual basis for the amendments.

Goal 3: Agricultural Lands: The proposed amendments do not make changes regarding marijuana’s status as a farm crop, or the appropriate location of commercial grow sites and processing operations, and therefore continue to support Statewide Goal 3, to preserve and maintain agricultural lands. The proposed amendments to the County Code are consistent with these provisions of state law and are therefore consistent with Goal 3.

Goal 4: Forest Lands: The proposed text amendments do not propose to change the County’s Plan policies or implementing regulations for compliance with Goal 4, and therefore are in compliance.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: Complies because the text amendment does not propose to change the County’s Plan policies or implementing regulations for Goal 5 open spaces, scenic and historic areas, and natural resources.

Goal 6: Air, Water and Land Resources Quality: The proposed text amendments do not propose to change the County’s Plan policies or implementing regulations for compliance with Goal 6, and therefore are in compliance.

Goal 7: Areas Subject to Natural Disasters and Hazards: The proposed text amendments do not propose to change the County’s Plan or implementing regulations regarding natural disasters and hazards; therefore, they are in compliance.
Goal 8: Recreational Needs: Complies because the text amendment does not propose to change the County’s Plan or implementing regulations regarding recreational needs.

Goal 9: Economy of the State: Goal 9 and its implementing regulations focus on economic analysis and economic development planning required in urban Comprehensive Plans. The proposed amendments apply to rural lands but do not propose to amend the Comprehensive Plan. Nevertheless, there are currently two retail marijuana businesses in unincorporated Deschutes County. DCC 18.116.330(C)(1) permits hours of operation from 9am to 7pm for marijuana retail; however, the OLCC permits hours of operation from 7am to 10pm. Increasing the allowable hours has the potential to increase those retail businesses’ economic opportunities with respect to sales as well as employment.

Goal 10: Housing: This goal is not applicable because, unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.

Goal 11: Public Facilities and Services: Complies because the text amendments do not propose to change the County’s Plan or implementing regulations regarding public facilities and services.

Goal 12: Transportation: The proposed text amendments do not propose to change the County’s Plan or implementing regulations regarding the Transportation System Plan; therefore, they are in compliance.

Goal 13: Energy Conservation: Complies because the text amendments do not propose to change the County’s Plan or implementing regulations regarding energy conservation.

Goal 14: Urbanization: Complies because the text amendments do not propose to change the County’s Plan or implementing regulations regarding urbanization.

Goals 15 through 19 are not applicable to the proposed text amendments because the County does not contain these types of lands.

D. Deschutes County Comprehensive Plan

Chapter 1, Comprehensive Planning: This chapter sets the Goals and Policies of how the County will involve the community and conduct land use planning. As described above, the proposed regulations will be discussed at work sessions with the Board of County Commissioners, as well as to the Planning Commission, which is the County’s official committee for public involvement. Both will conduct separate public hearings.

These actions also satisfy the Goals and relevant Policies of Section 1.3, Land Use Planning Policies. Goal 1 of this section is to “maintain an open and public land use process in which decisions are based on the objective evaluation of facts.” Staff, the Planning Commission, and the Board reviewed the text amendments.

Chapter 2, Resource Management: This chapter sets the Goals and Policies of how the County will protect resource lands, including but not limited to, Agriculture and Forest as well as Water Resources and Environmental Quality.

Section 2.2, Agricultural Lands Policies, states that Goal 1 is to “preserve and maintain agricultural lands and the agricultural industry.” Retail businesses are not permitted on agricultural lands.

Goal 2 promotes a diversified, sustainable, revenue-generating agricultural sector. Policy 2.2.10 calls for the promotion of economically viable opportunities and practices while Policy 2.2.11 encourages small farming
enterprises including but not limited to, niche markets and organic farming and valued-added projects. The proposed text amendments do not change existing marijuana businesses’ ability to operate as a revenue generating agricultural businesses.

Goal 3 specifies the Exclusive Farm Use (EFU) policies, classifications, and codes are consistent with local and emerging agricultural conditions and markets. As noted above, retail businesses are not permitted on agricultural lands so this Goal does not apply.
MEETING DATE: September 8, 2021

SUBJECT: Deliberations: Marijuana Annual Reporting Text Amendments (Ord. No. 2021-012)

BACKGROUND AND POLICY IMPLICATIONS:
The Board of County Commissioners will continue deliberations on proposed text amendments to modify marijuana annual reporting requirements. The Board held a public hearing on August 25 concerning Ordinance No. 2021-011, legislative amendments to 1) extend the permitted hours for marijuana retail businesses and 2) modify marijuana annual reporting requirements. During deliberations, the Board chose to decouple the two components of Ordinance No. 2021-011. The portion of the original text amendment package concerning marijuana annual reporting has been repackaged into a new ordinance (Ordinance No. 2021-012) for the Board’s separate consideration here.

BUDGET IMPACTS:
None.

ATTENDANCE:
Tanya Saltzman, Senior Planner
MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, AICP, Senior Planner

DATE: September 2, 2021

SUBJECT: Deliberations: Marijuana Annual Reporting Text Amendments

The Board of County Commissioners (Board) will continue deliberations on proposed text amendments to modify marijuana annual reporting requirements. The Board held a public hearing on August 25 concerning Ordinance No. 2021-011, legislative amendments to 1) extend the permitted hours for marijuana retail businesses and 2) modify marijuana annual reporting requirements.1

During deliberations, the Board chose to decouple the two components of Ordinance No. 2021-011. The amendments addressing the extension of marijuana retail hours were maintained in Ordinance No. 2021-011 (provided to the Board as a separate agenda item). The other half of the original text amendment package concerning marijuana annual reporting has been repackaged into a new ordinance (Ordinance No. 2021-012) for the Board's separate consideration here.

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on June 9, 2021. Staff initially brought these issues to the Planning Commission for a preliminary discussion on May 13,2 and had a subsequent discussion with the Board of County Commissioners on May 24,3 at which time the Board directed staff to initiate the text amendment process. Staff held a public hearing before the Planning Commission on July 22, 2021, at which time the Planning Commission recommended approval with minor clarifications to the annual reporting language that were noted in the public hearing memorandum. A summary of the proposed amendments and background information was provided to the Board in the packet submitted for its August 18, 2021 work session.4

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1 https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-4
4 https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-40
I. PROPOSAL

The proposed text amendments, which have been modified per the Board's request during deliberations, now read as follows:

- DCC 18.116.330(D)(1): Adds text to state “An annual report is required unless the approved applicant has (a) secured a license from OLCC; (b) operated through at least one growing season, and (c) obtained a passing inspection from the Community Development Department. Thereafter, mandated annual reporting is not applicable unless the license is modified, in which case annual reporting is required until (a), (b), and (c) are once again satisfied. An annual report shall be submitted to the Community Development Department…” (new text indicated in bold type).

- For reference, the language originally presented for the public hearing read “If directed by the Board of County Commissioners, an annual report shall be submitted…” Reasons for the proposed language change are provided below.

II. BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING – PUBLIC TESTIMONY

Three individuals provided written testimony concerning annual reporting:

- Bracelin
- Hayes
- Pate

Their testimony is part of the record that has been provided to the Board and available to the public. All testimony was in favor of changing annual reporting requirements—and in some cases, removing the requirement entirely—and providing more specificity, largely for the following reasons:

- Need for predictability – “Either you should have to file an annual report or you shouldn't.” (Bracelin)

- Redundancy with OLCC inspections – “I think the big takeaway is that those of us that are OLCC licensed are following the rules, and OLCC is holding us accountable. It seems redundant to put additional requirements on the County and business owners for annual inspections.” (Pate)

- Record of 100 percent compliance – “Like all other license holders, I have met and exceeded the expectations of the county.” (Hayes)

- Existing complain-driven model applies to other land uses in the County.
III. BOARD OF COUNTY COMMISSIONERS DELIBERATIONS

After receiving public testimony, the Board began deliberations. During this process, the Board discussed the option of removing annual reporting requirements entirely; the Board also considered requiring annual reports/site visits just once following initial licensure. Staff, in coordination with legal counsel, has provided the new language summarized above and included as Exhibit A for the Board's consideration during continued deliberations.

Attachments:
1. Draft Ordinance No. 2021-012
2. Corresponding Exhibits to Ordinance No. 2021-012:
   - Exhibit A – DCC Chapter 18.116, Supplementary Provisions
   - Exhibit B – Findings
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code Title 18, Deschutes County Zoning, to Modify Marijuana Annual Reporting Requirements. 

ORDINANCE NO. 2021-012

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-21-000579-TA) to the Deschutes County Code (DCC) Title 18, Chapter 18.116, Supplementary Provision; to modify marijuana annual reporting requirements; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on July 22, 2021 and forwarded to the Deschutes County Board of County Commissioners (“Board”) a unanimous recommendation of approval pending minor clarifications to the proposed language; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on August 25, 2021 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Title 18; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. DCC 18.116. Supplementary Provisions, is amended to read as described in Exhibit “A”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in strikethrough.

///
Section 2. FINDINGS. The Board adopts as its findings, Exhibit “B” attached and incorporated by reference herein.

Dated this _______ of ___________, 2021

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

____________________________________
ANTHONY DEBONE, Chair

____________________________________
PHILIP CHANG, Vice Chair

ATTEST:

____________________________________
Recording Secretary

PATTI ADAIR

Date of 1st Reading: _____ day of ____________, 2021.

Date of 2nd Reading: _____ day of ____________, 2021.

Record of Adoption Vote:

Commissioner        Yes  No  Abstained  Excused
Anthony DeBone      ___  ___  ___  ___  ___
Philip Chang        ___  ___  ___  ___  ___
Patti Adair         ___  ___  ___  ___  ___

Effective date: _____ day of ____________, 2021.
Chapter 18.116. SUPPLEMENTARY PROVISIONS

18.116.330 Marijuana Production, Processing, Retailing, and Wholesaling

* * *

D. Annual Reporting

1. An annual report is required unless the approved applicant has (a) secured a license from the OLCC; (b) operated through at least one growing season, and (c) obtained a passing inspection from the Community Development Department. Thereafter, mandated annual reporting is not applicable unless the license is modified, in which case annual reporting is required until (a), (b), and (c) are once again satisfied. An annual report shall be submitted to the Community Development Department by the real property owner or licensee, if different, each February 1, documenting all of the following as of December 31 of the previous year, including the applicable fee as adopted in the current County Fee Schedule and a fully executed Consent to Inspect Premises form:

   a. Documentation demonstrating compliance with the:
      i. Land use decision and permits.
      ii. Fire, health, safety, waste water, and building codes and laws.
      iii. State of Oregon licensing requirements.
   b. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance with DCC 18.116.330(C)(1)(a) shall serve as acknowledgement by the real property owner and licensee that the otherwise allowed use is not in compliance with Deschutes County Code; authorizes permit revocation under DCC Title 22, and may be relied upon by the State of Oregon to deny new or license renewal(s) for the subject use.
   c. Other information as may be reasonably required by the Planning Director to ensure compliance with Deschutes County Code, applicable State regulations, and to protect the public health, safety, and welfare.
   d. Marijuana Control Plan to be established and maintained by the Community Development Department.
   e. Conditions of Approval Agreement to be established and maintained by the Community Development Department.
   f. This information shall be public record subject to ORS 192.502(17).

FINDINGS

I. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning. The changes are as follows:

- DCC 18.116.330(D)(1): Adds text to state “An annual report is required unless the approved applicant has (a) secured a license from the OLCC; (b) operated through at least one growing season, and (c) obtained a passing inspection from the Community Development Department. Thereafter, mandated annual reporting is not applicable unless the license is modified, in which case annual reporting is required until (a), (b), and (c) are once again satisfied. An annual report shall be submitted to the Community Development Department…” (new text indicated in bold type).

II. REVIEW CRITERIA

Deschutes County lacks specific criteria in DCC Titles 18, 22, or 23 for reviewing a legislative plan amendment. Nonetheless, since Deschutes County is initiating one, the County bears the responsibility for justifying that the amendments are consistent with Statewide Planning Goals and its existing Comprehensive Plan.

A. Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement: The amendments do not propose to change the structure of the County’s citizen involvement program. Notice of the proposed amendments were provided to the Bulletin for the Board public hearing.

Goal 2: Land Use Planning: This goal is met because ORS 197.610 allows local governments to initiate post acknowledgments plan amendments (PAPA). An Oregon Land Conservation and Development Department 35-day notice was initiated on June 9, 2021. The Planning Commission held a public hearing on July 22, 2021 and the Board of County Commissioners will hold a public hearing on August 25, 2021. The Findings document provides the adequate factual basis for the amendments.

Goal 3: Agricultural Lands: The proposed amendments do not make changes regarding marijuana’s status as a farm crop, or the appropriate location of commercial grow sites and processing operations, and therefore continue to support Statewide Goal 3, to preserve and maintain agricultural lands. The proposed amendments to the County Code are consistent with these provisions of state law and are therefore consistent with Goal 3.

Goal 4: Forest Lands: The proposed text amendments do not propose to change the County’s Plan policies or implementing regulations for compliance with Goal 4, and therefore are in compliance.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: Complies because the text amendment does not propose to change the County’s Plan policies or implementing regulations for Goal 5 open spaces, scenic and historic areas, and natural resources.

Goal 6: Air, Water and Land Resources Quality: The proposed text amendments do not propose to change the County’s Plan policies or implementing regulations for compliance with Goal 6, and therefore are in compliance.
Goal 7: Areas Subject to Natural Disasters and Hazards: The proposed text amendments do not propose to change the County’s Plan or implementing regulations regarding natural disasters and hazards; therefore, they are in compliance.

Goal 8: Recreational Needs: Complies because the text amendment does not propose to change the County’s Plan or implementing regulations regarding recreational needs.

Goal 9: Economy of the State: Goal 9 and its implementing regulations focus on economic analysis and economic development planning required in urban Comprehensive Plans. The proposed amendments apply to rural lands but do not propose to amend the Comprehensive Plan. Nevertheless, changing the reporting requirements will not have a direct effect on the economy of the state.

Goal 10: Housing: This goal is not applicable because, unlike municipalities, unincorporated areas are not obligated to fulfill certain housing requirements.

Goal 11: Public Facilities and Services: Complies because the text amendments do not propose to change the County’s Plan or implementing regulations regarding public facilities and services.

Goal 12: Transportation: The proposed text amendments do not propose to change the County’s Plan or implementing regulations regarding the Transportation System Plan; therefore, they are in compliance.

Goal 13: Energy Conservation: Complies because the text amendments do not propose to change the County’s Plan or implementing regulations regarding energy conservation.

Goal 14: Urbanization: Complies because the text amendments do not propose to change the County’s Plan or implementing regulations regarding urbanization.

Goals 15 through 19 are not applicable to the proposed text amendments because the County does not contain these types of lands.

D. Deschutes County Comprehensive Plan

Chapter 1, Comprehensive Planning: This chapter sets the Goals and Policies of how the County will involve the community and conduct land use planning. As described above, the proposed regulations will be discussed at work sessions with the Board of County Commissioners, as well as to the Planning Commission, which is the County’s official committee for public involvement. Both will conduct separate public hearings.

These actions also satisfy the Goals and relevant Policies of Section 1.3, Land Use Planning Policies. Goal 1 of this section is to “maintain an open and public land use process in which decisions are based on the objective evaluation of facts.” Staff, the Planning Commission, and the Board reviewed the text amendments.

Chapter 2, Resource Management: This chapter sets the Goals and Policies of how the County will protect resource lands, including but not limited to, Agriculture and Forest as well as Water Resources and Environmental Quality.

Section 2.2, Agricultural Lands Policies, states that Goal 1 is to “preserve and maintain agricultural lands and the agricultural industry.” Changing annual reporting requirements for existing marijuana production and processing businesses will not have a direct effect on the agricultural lands they may operate on.
Goal 2 promotes a diversified, sustainable, revenue-generating agricultural sector. Policy 2.2.10 calls for the promotion of economically viable opportunities and practices while Policy 2.2.11 encourages small farming enterprises including but not limited to, niche markets and organic farming and valued-added projects. The proposed text amendments do not change existing marijuana businesses’ ability to operate as a revenue generating agricultural businesses.

Goal 3 specifies the Exclusive Farm Use (EFU) policies, classifications, and codes are consistent with local and emerging agricultural conditions and markets. As noted above, the proposed amendments only impact reporting aspects of marijuana recreational production and processing businesses, not agricultural conditions and markets.