



## BOARD OF COMMISSIONERS

### BOARD OF COUNTY COMMISSIONERS MEETING

1:00 PM, MONDAY, NOVEMBER 01, 2021

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St - Bend

(541) 388-6570 | [www.deschutes.org](http://www.deschutes.org)

## AGENDA

### 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. Effective June 30, 2021, COVID-based restrictions have been discontinued.

**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](http://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](mailto:citizeninput@deschutes.org) or by leaving a voice message at 541-385-1734. Citizen input received by 12:00 noon on Tuesday will be included in the meeting record for topics not on the Wednesday agenda.

**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>.

## PLEDGE OF ALLEGIANCE

## CALL TO ORDER

## ACTION ITEMS

1. **1:00 PM** Statewide Transportation Improvement Fund (STIF) Update
2. **1:30 PM** Discussion regarding converting 1.0 Administration (Internal Audit) Limited Duration FTE to Regular Duration FTE within Fiscal Year 2021-2022 Deschutes County Budget
3. **1:35 PM** Department Performance Measure Updates for Q1
4. **2:20 PM** American Rescue Plan Funding Update
5. **2:50 PM** Discussion of the 2021-23 Illegal Marijuana Market Enforcement Grant Program (IMMEGP), it's purposes and planned appropriations to be presented in the form of an upcoming resolution to the Board of County Commissioners.
6. **3:05 PM** Fee Waiver Request / Yreka Butte Enterprises
7. **3:20 PM** Wildlife Inventory Update – Continued Discussion of Options

## 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.*

8. Executive Session under ORS 192.660 (2) (f) Consideration of Documents Exempt from Disclosure

## 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.

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## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** November 1, 2021

**SUBJECT:** Statewide Transportation Improvement Fund (STIF) Update

**BACKGROUND AND POLICY IMPLICATIONS:**

*State legislation passed in 2017 created a funding mechanism called the Statewide Transportation Improvement Fund (STIF). STIF is designed to expand public transportation service in Oregon.*

*Because we do not have a mass transit district or transportation district, Deschutes County receives STIF revenue directly. STIF is funded through a state payroll tax equal to one-tenth of one percent. The tax is collected by the Oregon Department of Revenue and distributed back to the communities in which it was collected.*

*Following Board approval in January, staff submitted Deschutes County's proposed STIF projects for the 2021-23 biennium to ODOT. ODOT approved the County's FY 2021-23 STIF application and plan. On Nov. 1, staff from Central Oregon Intergovernmental Council will provide an update on 2021-23 STIF projects. Additional information on those projects is included in the attached staff report.*

**BUDGET IMPACTS:**

*STIF revenue estimates were included in the FY 2022 Budget. ODOT estimates that the County will receive \$3,580,322 in FY 2022 and \$ 3,772,946 in FY 2023.*

**ATTENDANCE:**

*Andrea Breault, Transportation Director, Cascades East Transit  
Ashley Mohni (Hooper), Strategic Programs and Partnerships Coordinator, Cascades East Transit  
Whitney Hale, Deputy County Administrator, Deschutes County*

# Memorandum

**To:** Deschutes County Board of County Commissioners  
**From:** Andrea Breault, Transportation Director of Cascades East Transit  
**Date:** November 1, 2021  
**Re:** 2021-2023 Statewide Transportation Improvement Fund (STIF) Update

## Background

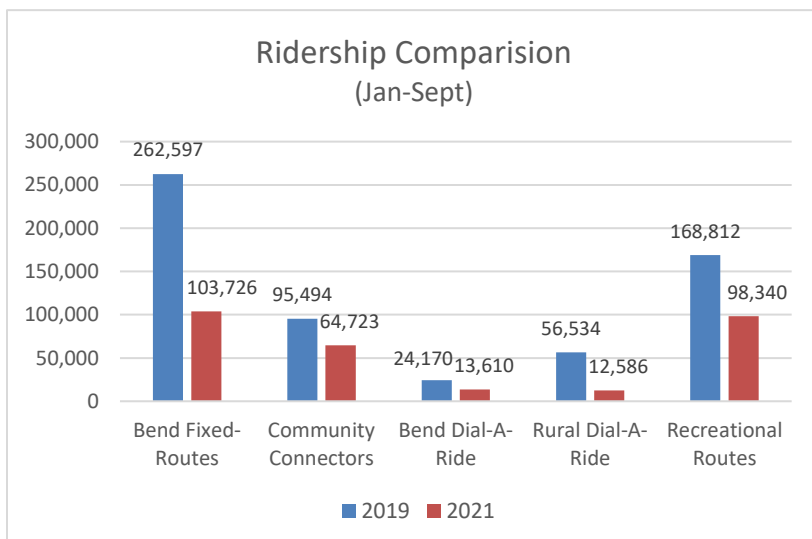
COIC administers the Deschutes County Statewide Transportation Improvement Fund (STIF) program that was created with the passage of House Bill 2017. The second STIF cycle allows COIC to: 1) transfer unused funds from the 2019-2021 biennium to the current biennium, 2) fund continued operations, as opposed to new service. CET will allocate a portion of the STIF funds to increase wages (drivers, dispatch, and Call Center staff) to address the labor shortage.

## STIF Project Updates

- ❖ Planning underway for increased frequency along 3rd Street and Greenwood in Bend (two vehicles procured)
- ❖ Completed the second summer season of Route 31 (La Pine to Sunriver)—doubled last year’s ridership
- ❖ Bus stop design and construction for new northeast and southeast Bend routes is 40% complete (two vehicles ordered and expected to be delivered soon)
- ❖ Additional security services at Hawthorne Station
- ❖ Launch of the Sisters Shopper Shuttle in January 2021
- ❖ Mobility Hubs: CET is working closely with the City of Bend’s Core Area Manager to engage with developers and landowners and identify property for the City’s first Mobility Hub. The Deschutes Library has expressed interest in potentially hosting the second mobility hub at the new location in northwest Bend.
- ❖ Bus stop design for the City of Redmond deviated service is 60% complete. Schedules are being drafted and service is anticipated to begin in the summer of 2022.

2021-2023 STIF Projects	Project Cost
Continued Service Operations - CET	\$4,000,000
Mobility Hub Purchase & Match Funds - CET	\$2,000,000
STIF Admin, Support, and Marketing - CET	\$1,500,000
CET Local Match Funds - CET	\$1,000,000
Fare Revenue Recovery Fund - CET	\$750,000
Communications and Outreach - CET	\$100,000
Bend-Klamath Falls Service - Pacific Crest	\$518,000
<b>2021-2023 Biennium Estimated Funds Available \$7,245,611</b>	<b>Total Cost \$9,868,000</b>

*Estimated remaining 2019-2021 biennium funds are included in the 2021-2023 total project costs*



## STF/STIF Consolidation

The Oregon Transportation Commission endorsed the Special Transportation Fund (STF)/STIF Consolidation Plan in November 2019 to reduce redundancy and increase administrative efficiency. Consolidation is expected to occur in summer 2022 and is not anticipated to impact available funding allocations for transit services in Central Oregon.

## GO Bond

CET is working with the City of Bend to ensure funds dedicated to transit are supporting mobility hub development and high capacity transit corridors.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: November 1, 2021

SUBJECT: Discussion regarding converting 1.0 Administration (Internal Audit) Limited Duration FTE to Regular Duration FTE within Fiscal Year 2021-2022 Deschutes County Budget

RECOMMENDED MOTION:

Future approval of forthcoming Resolution 2021-077 converting 1.0 Administration (Internal Audit) Limited Duration FTE to Regular Duration FTE in support of the County's Internal Audit Program.

BACKGROUND AND POLICY IMPLICATIONS:

During the 21/22 Budget process a 1.0 FTE Limited duration performance auditor position was added to provide additional capacity and assure future succession planning for internal audit services.

Conversion from 1 Limited duration FTE to 1 regular duration FTE Performance Auditor position

Currently, the Deschutes County Internal Audit Program has been approved for one limited duration full-time equivalent (FTE) Performance Auditor. The Performance Auditor would be a staff person to the County Internal Auditor position. This role will help assure that the knowledge and skills can be developed in a staff person and strengthen the ability to provide additional audits.

The Budget Committee made the position limited duration to assure there could be discussion as to continuance of funding in the next budget. Such review always exists in each budget cycle and does not require a limited duration flag which is impacting the recruitment in what is turning out to be a tough recruiting time.

The Performance auditor position was posted on August 18, 2021 and we have not received any applications meeting the criteria. Converting this 1.0 Limited duration FTE to a regular duration FTE (position #2924) will support getting this position recruited.

COST: The vacant 1.0 FTE Performance auditor is currently budgeted through internal service charges in Administration to other County functions. Currently there has been savings of about \$38 thousand from the position being open for the first 4 months of the year. Subsequent years will be covered through internal service charges at the continuing discretion of the Budget Committee.

**BUDGET IMPACTS:**

No increased appropriation required to Administration’s budget for FY22. Conversion of 1.0 limited duration FTE to 1.0 regular duration FTE. Resolution will be placed on next Board meeting’s consent agenda.

**ATTENDANCE:**

*David Givans, County Internal Auditor*



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** November 1, 2021

**SUBJECT:** Department Performance Measure Updates for Q1

**BACKGROUND AND POLICY IMPLICATIONS:**

At the Nov. 1 Board meeting, the departments will provide updates on progress made during Q1 on selected performance measures that fall under the County goal of **Safe Communities: Protect the community through planning, preparedness and delivery of coordinated services.**

Additional information is available in the attached staff report.

**BUDGET IMPACTS:**

*None*

**ATTENDANCE:**

*Whitney Hale, Deputy County Administrator*





## BOARD OF COMMISSIONERS

### FY 2022 Goals and Objectives

**Mission Statement:** Enhancing the lives of citizens by delivering quality services in a cost-effective manner.

#### **Safe Communities: Protect the community through planning, preparedness, and delivery of coordinated services.**

- Provide safe and secure communities through coordinated public safety and crisis management services.
- Reduce crime and recidivism through prevention, intervention, supervision and enforcement.
- Collaborate with partners to prepare for and respond to emergencies, natural hazards and disasters.

#### **Healthy People: Enhance and protect the health and well-being of communities and their residents.**

- Support and advance the health and safety of Deschutes County's residents.
- Promote well-being through behavioral health and community support programs.
- Help to sustain natural resources and air and water quality in balance with other community needs.
- Continue to support COVID-19 pandemic crisis response and community health recovery.

#### **Economic Vitality: Promote policies and actions that sustain and stimulate economic vitality.**

- Support affordable and transitional housing options for vulnerable populations through availability of lands, project planning, and appropriate regulation.
- Administer land use policies that promote livability and economic opportunity.
- Maintain a safe, efficient and economically sustainable transportation system.
- Partner with organizations and manage County assets to attract business development, tourism, and recreation.
- Support regional economic recovery from the COVID pandemic.

#### **Service Delivery: Provide solution-oriented service that is cost-effective and efficient.**

- Ensure quality service delivery through the use of innovative technology and systems.
- Support and promote Deschutes County Customer Service "Every Time" standards.
- Promote community participation and engagement with County government.

- Preserve, expand and enhance capital assets, to ensure sufficient space for operational needs.
- Maintain strong fiscal practices to support short and long term county needs.
- Provide collaborative internal support for County operations.



**Date:** November 1, 2021  
**To:** Board of County Commissioners  
**From:** Whitney Hale, Deputy County Administrator  
**Re:** Department Performance Measure Updates for Q1

Departments have completed their Q1 performance measure updates.

At the Nov. 1 Board meeting, the departments will provide updates on progress made during Q1 on selected performance measures that fall under the County goal of **Safe Communities: Protect the community through planning, preparedness and delivery of coordinated services.**

**Objective: Provide safe and secure communities through coordinated public safety and crisis management services.**

**Department:** District Attorney's Office

**Performance Measure:** Maintain over 90% of victims who report after case closure that they either agree or strongly agree that the victims' assistance program helped them make informed decisions about their situation.

**Target:** 90%

**Q1 Update:** 98%

**Department:** Facilities

**Performance Measure:** Partner with County department stakeholders to implement the three remaining near-term components of the Public Safety Campus Master Plan.

**Q1 Update:** Construction of the Community Service Shop is complete. Permit documents for the Adult Parole and Probation Expansion are slated to be submitted to the City of Bend in early November. Design is just getting underway for the final parking lot expansion--additional secure parking for the Sheriff's Office to address the spaces lost as part of the P & P expansion.

**Objective: Reduce crime and recidivism through prevention, intervention, supervision and enforcement.**

**Department:** Health Services

**Performance Measure:** Reduce recidivism by 60% amount individuals served by the forensic diversion Program

**Target:** 60%

**Q1 Update:** 61%

**Department:** Health Services and 9-1-1

**Performance Measure:** Behavioral Health and Law Enforcement will develop protocol for responding to select calls without law enforcement.

**Q1 Update:** In Q1, 9-1-1 provided training to behavioral staff on radio usage. Behavioral Health plans to begin piloting the program in November.

**Department:** Community Justice

**Performance Measure:** Percent of cognitive behavioral health group participants reporting skill acquisition.

**Target:** 75%

**Q1 Update:** 100%

**Objective: Collaborate with partners to prepare for and respond to emergencies, natural hazards and disasters.**

**Department:** 911 and Administration

**Performance Measure:** Coordinate with 9-1-1 and DCSSO to increase the number of web registered Deschutes Alerts subscribers

**Q1 Update:** 40% increase in subscribers since June



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** November 1, 2021

**SUBJECT:** American Rescue Plan Funding Update

**RECOMMENDED MOTION:**

A to-be-determined motion will be required if they Board chooses to fund additional projects from ARPA funds.

**BACKGROUND AND POLICY IMPLICATIONS:**

This is a recurring agenda item to provide the Board of County Commissioners updates on the status of ARPA funds and the opportunity to review eligible project requests for funding consideration.

Discussion items for today's update:

1. Presentation from Holly McLane with the 1017 Project.
2. Review ARPA funding requests.

**BUDGET IMPACTS:**

None. Budget appropriations for the entire \$38 million ARPA funding award are included in the FY 2021-22 Adopted Budget.

**ATTENDANCE:**

Greg Munn, Treasurer and Chief Financial Officer  
Dan Emerson, Budget Manager



To: Deschutes County Commissioners

From: The 1017 Project Board of Directors

Re: ARPA funding for beef to food banks in Deschutes County

Since 2014, The 1017 Project has donated over 500,000 protein servings of locally grown beef to food banks and community kitchens in Deschutes County. Below is a summary of the most recent 4 years of donations:

Summary of The 1017 Project beef donations into Deschutes County					
Year	2018	2019	2020	2021	PROTEIN SERVINGS
Pounds of beef donated	13,365	18,453	32,042	27,844	366,816
Monthly Average	1,113.75	1,537.75	2,670.17	2,784.40	32,424
% increase per year		38.07%	73.64%	4.28%	
Pre-Pandemic vs. During Pandemic					
Avg. monthly lbs. donated PRE-pandemic	1,325.75				
Avg. monthly lbs. donated DURING pandemic	2,722.09				
% increase in beef donations to Deschutes Co.	105.32%				
Lbs. increase in monthly beef donations	1,396.34				

Considering that central Oregon is currently experiencing peak COVID-19 infection rates and associated economic disruptions to the economy are predicted to last for several years, The 1017 Project proposes a partnership with Deschutes County to maintain (or increase) beef donations county-wide. The 1017 Project partners with over 40 entities throughout central Oregon, including Neighbor-Impact, to provide monthly protein assistance directly to households. However, most of our central Oregon beef donations are concentrated in Deschutes County (see attached list).

**FUNDING RECOMMENDATIONS:**

Investment of \$50,250 = maintain current pandemic-levels of beef to Deschutes County food banks in 2022.

Investment of \$100,500 = allows for increase of beef to county food banks in 2022 or continue current levels into 2023.

Deschutes County funds will be combined with revenue generated by the 1017 cattle herd as well as strategic partner funds and other grants.

**SUMMARY:**

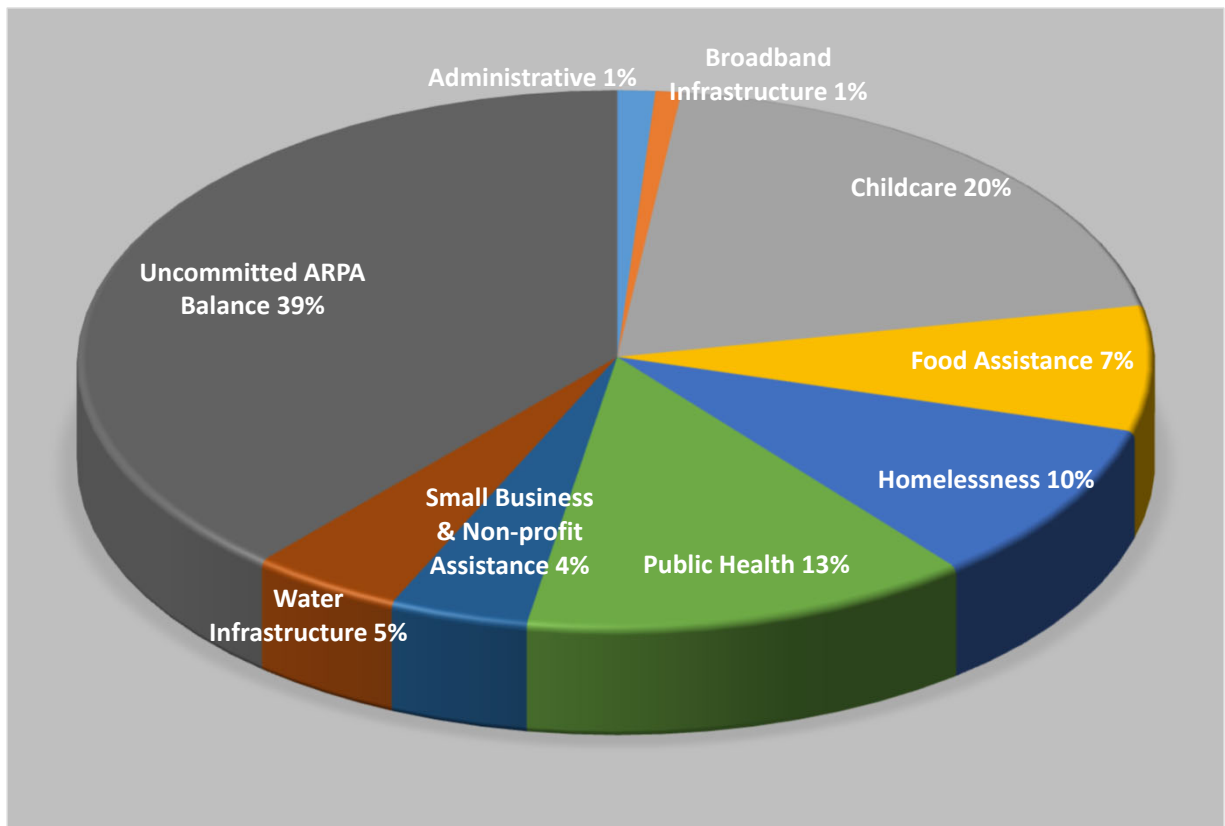
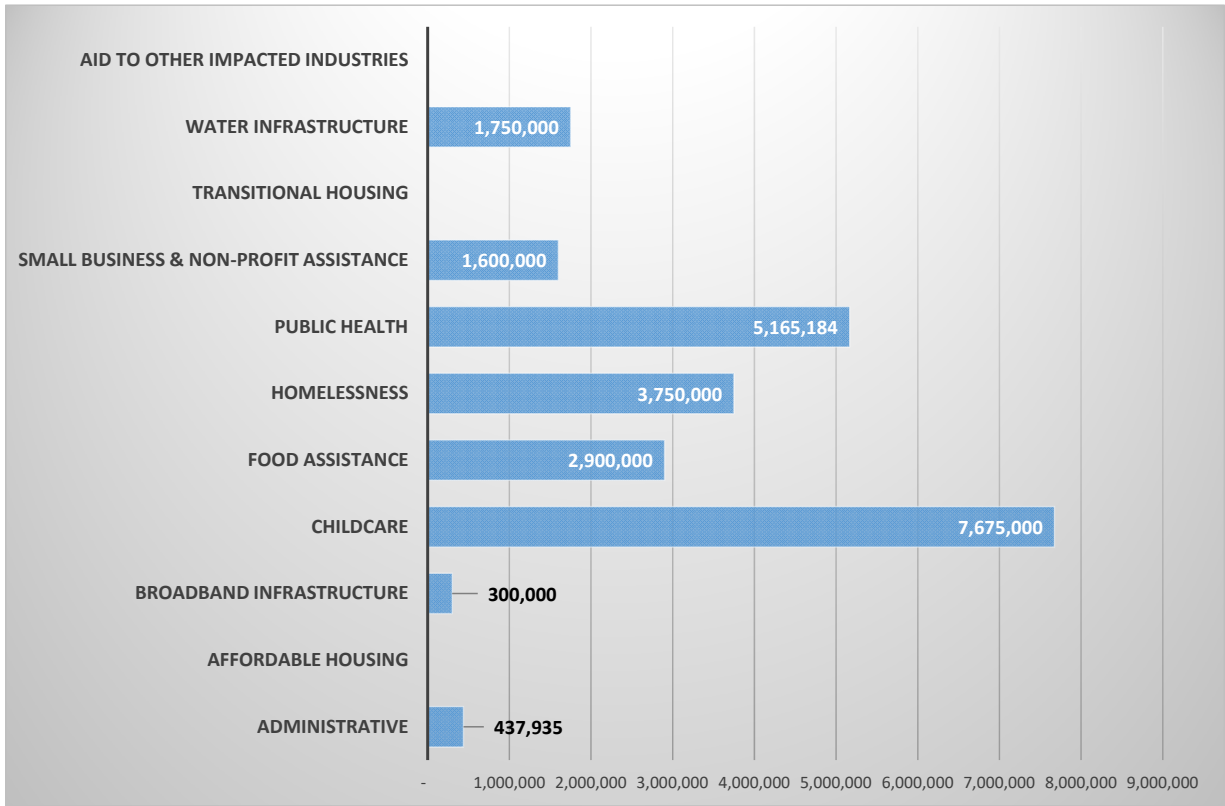
To our knowledge, there is no other non-profit entity donating fresh beef to fight hunger in the entire state of Oregon. In fact, much like the way HOFFA helps local farmers maximize distribution of produce, The 1017 Project supports local ranchers, hay suppliers, butchers, and feed stores. Longevity in the marketplace has allowed The 1017 Project to build consistent, supply-chain collaborations with USDA processing facilities, cold storage facilities, ranchers, trucking companies, hay suppliers, veterinarians, and municipalities, to deliver a steady supply of protein to food banks even during times of economic, or supply chain, fluctuations. In addition, every protein serving donated by The 1017 Project adds nutritional value to every other pantry item distributed by food banks.

**Deschutes County beef donation recipients – The 1017 Project**

Assembly of God Church food pantry – Redmond, OR  
Bethlehem Inn  
Beulah's Place  
Central Oregon Veteran's Outreach  
Council on Aging  
Family Kitchen  
La Pine Community Kitchen  
Nativity Lutheran Church food pantry  
Neighbor Impact  
Redmond Community Church food pantry  
Redmond Senior Center  
Salvation Army – Bend  
Shepherd's House  
Sisters Kiwanis Food Bank  
Sisters School District  
St. Vincent DePaul – Bend Food Bank  
St. Vincent DePaul – Redmond Food Bank  
St. Vincent DePaul – La Pine Food Bank  
Teen Challenge  
The Giving Plate  
Redmond VFW #4108

# Deschutes County ARPA Commitments

Revised 10.27.21





	A	B	C
1	<b>Deschutes County American Recovery Plan Act</b>		
2	<b>Eligible Project Requests - revised 10.27.21</b>		
3			
4			
5	<b>Category/Project Request</b>	<b>Outstanding Request</b>	<b>BOCC Approved</b>
6			
10	<b>Administrative</b>		<b>437,935</b>
11	ARPA Administration		392,000
12	COIC "CARES extreme risk" grant distribution contract		10,935
13	COIC Business/Non-profit assistance grant distribution contract		35,000
14	<b>Affordable Housing</b>	<b>5,800,000</b>	
15	Affordable Home Ownership	600,000	
16	Expand Affordable and Workforce Housing in Sisters - Reserve	500,000	
17	Habitat for Humanity La Pine Sunriver	200,000	
18	Habitat for Humanity-Bend 12 Townhomes	2,000,000	
19	Habitat for Humanity-Bend 8 Townhomes	1,500,000	
20	Habitat for Humanity-Sisters Woodland Project	1,000,000	
21	Workforce Housing Project		
22	<b>Aid to Other Impacted Industries</b>	<b>699,000</b>	
23	Bend Parks & Recreation District - Recruitment and Retention	699,000	
24	<b>Broadband Infrastructure</b>		<b>300,000</b>
25	Regional Broadband Needs Assessment and Action Plan		300,000
26	<b>Childcare</b>		<b>7,675,000</b>
27	Infrastructure - Little Kits (Bend East: Boys and Girls Clubs, St. Charles)		2,100,000
28	Infrastructure - Little Kits (Bend West)		1,000,000
29	Infrastructure - MaintainStar (La Pine, Redmond)		600,000
30	Infrastructure - Re-Village (Sisters, Bend, Redmond)		350,000
31	Infrastructure - Small Center Capacity Fund (Various, TBD)		500,000
32	Workforce Development - COCC Business Accelerator		125,000
33	Workforce Development - Contingency Reserve		906,000
34	Workforce Development - NI Childcare Sustainability Pathway Program		284,000
35	Workforce Development - NI FastTrack		1,060,000
36	Workforce Development - OSU Little Kits Internship Program		750,000
37	<b>Food Assistance</b>	<b>2,450,000</b>	<b>2,900,000</b>
38	1017 Project	50,000	
39	Food Insecurity for Older Adults -- Partnership with Council on Aging & Redmond Senior Center	800,000	
40	NeighborImpact warehouse expansion	1,400,000	2,400,000
41	Nutritional assistance		
42	The Giving Plate	200,000	500,000

	A	B	C
1	<b>Deschutes County American Recovery Plan Act</b>		
2	<b>Eligible Project Requests - revised 10.27.21</b>		
3			
4			
5	<b>Category/Project Request</b>	<b>Outstanding Request</b>	<b>BOCC Approved</b>
6			
43	<b>Homelessness</b>	<b>6,706,388</b>	<b>3,750,000</b>
44	Bend Heroes Vets Village construction support		100,000
45	Bethlehem Inn Redmond		900,000
46	Construction of Cleveland Avenue Project	2,200,000	2,000,000
47	Managed Camp - City of Bend	750,000	750,000
48	Managed Camp Support	964,771	
49	Navigation Center	774,117	
50	New facility in Redmond		
51	Operating Support for Existing Sisters Cold Weather Shelters	50,000	
52	Redmond Oasis Village Project	367,500	
53	Rural Houselessness Outreach and Case Management	300,000	
54	Saving Grace Infrastructure		
55	Shepherd's House Redmond Kitchen	300,000	
56	Sisters Cold Weather Shelter	1,000,000	
57	<b>Public Health</b>	<b>9,956,300</b>	<b>5,165,184</b>
58	Additional County cleaning supplies and labor (annual)	168,000	
59	Additional County cleaning supplies and labor FY21	49,000	
60	Covid Testing	250,000	
61	COVID testing - Dr. Young		15,000
62	Health Unintended Consequences		1,500,000
63	Higher rated HVAC filters for County facilities		
64	Isolation motel liability insurance		8,184
65	Mobile morgue expansion unit		82,000
66	Mobile technology upgrade for the Clerk	6,600	
67	North county health facility-acquisition and remodel	8,300,000	
68	North county health facility-furniture, fixtures and equipment	897,700	
69	Outreach Van	85,000	
70	Public Health Response Contingency		1,500,000
71	Technology enhancements for telemedicine and collaboration	200,000	
72	Temporary Staffing for COVID-19 Response and Outreach (Contact Tracers, Case Investigators, and Call Center staff)		1,275,000
73	Temporary Staffing for COVID-19 Response and Outreach (Contact Tracers, Case Investigators, and Call Center staff) - Contingency		725,000
74	The Shield free counseling to Veterans		20,000
75	UV sanitizer for jail		40,000

	A	B	C
1	<b>Deschutes County American Recovery Plan Act</b>		
2	<b>Eligible Project Requests - revised 10.27.21</b>		
3			
4			
5	<b>Category/Project Request</b>	<b>Outstanding Request</b>	<b>BOCC Approved</b>
6			
76	<b>Small Business &amp; Non-profit Assistance</b>	<b>2,246,820</b>	<b>1,600,000</b>
77	Boys and Girls Club Bend-economic impact	619,464	
78	Business Assistance Placeholder		1,500,000
79	La Pine Chamber of Commerce	25,900	
80	Redmond Chamber - lost revenue	84,069	
81	Redmond Chamber - Redmond Parklet	40,000	
82	Redmond Rotary	90,000	
83	Ronald McDonald House Charities		100,000
84	School of Enrichment - Economic Hardship	520,002	
85	Sisters Chamber of Commerce	49,060	
86	Sisters Rodeo Association	100,000	
87	Small business grants - Sisters COC	350,000	
88	Sunriver Area Chamber of Commerce pandemic economic impact	18,325	
89	Sunriver Area Small Business Assistance Grant Program and Hiring Campaign	350,000	
90	<b>Transitional Housing</b>	<b>359,951</b>	
91	Transitional Housing	359,951	
92	<b>Water Infrastructure</b>	<b>2,750,000</b>	<b>1,750,000</b>
93	Deschutes County On-Farm Efficiency Water Conservation Investment		1,450,000
94	NeighborImpact south county septic replacement program	1,000,000	
95	Terrebonne Wastewater System	1,750,000	300,000
96	Tumalo Sewer System		
97	Wastewater investments in South County		
98	<b>Grand Total</b>	<b>30,968,459</b>	<b>23,578,119</b>

	A	B	C	D
1	<b>Deschutes County American Recovery Plan Act</b>			
2	<b>All Project Requests - revised 10.27.21</b>			
3				
4				
5	<b>Project/Funding Request</b>	<b>Eligibility</b>		
6		<b>Yes</b>	<b>TBD</b>	<b>No</b>
11	<b>Administrative</b>	<b>437,935</b>		
12	ARPA Administration	392,000		
13	COIC "CARES extreme risk" grant distribution contract	10,935		
14	COIC Business/Non-profit assistance grant distribution contract	35,000		
15	<b>Affordable Housing</b>	<b>5,800,000</b>	<b>-</b>	<b>5,000,000</b>
16	Affordable housing project		-	
17	Habitat for Humanity-Bend 12 Townhomes	2,000,000		
18	Habitat for Humanity-Bend 8 Townhomes	1,500,000		
19	Habitat for Humanity-Land for Future Affordable Housing			5,000,000
20	Habitat for Humanity-Sisters Woodland Project	1,000,000		
21	NeighborImpact rental assistance float loan			-
22	Workforce Housing Project	-		
23	Habitat for Humanity La Pine Sunriver	200,000		
24	Affordable Home Ownership	600,000		
25	Expand Affordable and Workforce Housing in Sisters - Reserve	500,000		
26	<b>Broadband Infrastructure</b>	<b>300,000</b>	<b>200,000</b>	<b>-</b>
27	Broadband infrastructure in Sunriver area and greater Sisters area			-
28	Sunriver Broadband		200,000	
29	Regional Broadband Needs Assessment and Action Plan	300,000		
30	<b>Business Support</b>		-	
31	Community Organizations Active and Disaster		-	
32	<b>Childcare</b>	<b>7,675,000</b>		<b>1,200,000</b>
33	Boys and Girls Club Bend			1,200,000
34	Workforce Development - COCC Business Accelerator	125,000		
35	Workforce Development - NI Childcare Sustainability Pathway Program	284,000		
36	Workforce Development - NI FastTrack	1,060,000		
37	Workforce Development - OSU Little Kits Internship Program	750,000		
38	Workforce Development - Contingency Reserve	906,000		
39	Infrastructure - Little Kits (Bend West)	1,000,000		
40	Infrastructure - Little Kits (Bend East: Boys and Girls Clubs, St. Charles)	2,100,000		
41	Infrastructure - MaintainStar (La Pine, Redmond)	600,000		
42	Infrastructure - Re-Village (Sisters, Bend, Redmond)	350,000		
43	Infrastructure - Small Center Capacity Fund (Various, TBD)	500,000		
44	<b>Food Assistance</b>	<b>5,350,000</b>		
45	Food Insecurity for Older Adults -- Partnership with Council on Aging & Redmond Senior Center	800,000		
46	NeighborImpact warehouse expansion	3,800,000		

	A	B	C	D
1	<b>Deschutes County American Recovery Plan Act</b>			
2	<b>All Project Requests - revised 10.27.21</b>			
3				
4		<b>Eligibility</b>		
5	<b>Project/Funding Request</b>	<b>Yes</b>	<b>TBD</b>	<b>No</b>
6				
47	Nutritional assistance	-		
48	The Giving Plate	700,000		
49	1017 Project	50,000		
50	<b>Homelessness</b>	<b>10,456,388</b>		
51	Bend Heroes Vets Village construction support	100,000		
52	Bethlehem Inn Redmond	900,000		
53	Construction of Cleveland Avenue Project	4,200,000		
54	Managed Camp - City of Bend	1,500,000		
55	Navigation Center	774,117		
56	New facility in Redmond	-		
57	Redmond Oasis Village Project	367,500		
58	Saving Grace Infrastructure	-		
59	Sisters Cold Weather Shelter	1,000,000		
60	Managed Camp Support	964,771		
61	Shepherd's House Redmond Kitchen	300,000		
62	Operating Support for Existing Sisters Cold Weather Shelters	50,000		
63	Rural Houselessness Outreach and Case Management	300,000		
64	<b>Not Eligible</b>		<b>7,950,000</b>	<b>43,706,562</b>
65	Biomass project			1,000,000
66	Courthouse expansion			24,800,000
67	Deschutes County Wildfire Community Resilience Project			350,000
68	Fairgrounds capital improvements			-
69	Land for Future County Services			3,500,000
70	Mass Vaccination Center wrap up costs-volunteer appreciation			56,562
71	Negus Transfer Station			14,000,000
72	Public Safety Campus		7,500,000	
73	Smith Rock parking lot			-
74	Habitat for Humanity La Pine Sunriver		450,000	
75	<b>Public Health</b>	<b>15,121,484</b>	<b>7,420,860</b>	<b>15,691</b>
76	Additional County cleaning supplies and labor (annual)	168,000		
77	Additional County cleaning supplies and labor FY21	49,000		
78	Circuit court facility rental at F&E		60,860	
79	Circuit court facility set up costs		30,000	
80	Covid Testing	250,000		
81	COVID testing - Dr. Young	15,000		
82	Expansion of the Jail Booking and Visitation Areas		7,000,000	

	A	B	C	D
1	<b>Deschutes County American Recovery Plan Act</b>			
2	<b>All Project Requests - revised 10.27.21</b>			
3				
4				
5	<b>Project/Funding Request</b>	<b>Eligibility</b>		
6		<b>Yes</b>	<b>TBD</b>	<b>No</b>
83	Health Unintended Consequences	1,500,000		
84	Higher rated HVAC filters for County facilities	-		
85	Isolation motel liability insurance	8,184		
86	Outreach Van	85,000		
87	Public Health Response Contingency	1,500,000		
88	Regional Resilience Coordinator position		330,000	
89	Technology enhancements for telemedicine and collaboration	200,000		
90	UV sanitizer for jail	40,000		
91	Vaccine Center rent Jan 18-20			15,691
92	Temporary Staffing for COVID-19 Response and Outreach (Contact Tracers, Case Investigators, and Call Center staff)	1,275,000		
93	Mobile technology upgrade for the Clerk	6,600		
94	North county health facility-acquisition and remodel	8,300,000		
95	North county health facility-furniture, fixtures and equipment	897,700		
96	The Shield free counseling to Veterans	20,000		
97	Mobile morgue expansion unit	82,000		
98	Temporary Staffing for COVID-19 Response and Outreach (Contact Tracers, Case Investigators, and Call Center staff) - Contingency	725,000		
99	<b>Revenue Replacement</b>		<b>915,061</b>	
100	Clerk - Marriage licenses		-	
101	Clerk - Passport		-	
102	County Fair		150,000	
103	Fair and Expo		600,000	
104	Justice Court		165,061	
105	Room tax last three months of FY20		-	
106	RV Park		-	
107	Video lottery		-	
108	<b>Small Business &amp; Non-profit Assistance</b>	<b>3,846,820</b>	<b>164,000</b>	
109	Business Assistance Placeholder	1,500,000		
110	Deschutes Cultural Coalition support		35,000	
111	La Pine Chamber of Commerce	25,900		
112	La Pine Frontier Days		75,000	
113	Performing arts support		-	
114	Redmond Chamber - lost revenue	84,069		
115	Redmond Chamber - Redmond Parklet	40,000		
116	Redmond Chamber - Sam Johnson Park Upgrade		54,000	
117	Redmond Rotary	90,000		
118	Ronald McDonald House Charities	100,000		

	A	B	C	D
1	<b>Deschutes County American Recovery Plan Act</b>			
2	<b>All Project Requests - revised 10.27.21</b>			
3				
4				
5	<b>Project/Funding Request</b>	<b>Yes</b>	<b>TBD</b>	<b>No</b>
6				
119	Sisters Rodeo Association	100,000		
120	Small business grants - Sisters COC	350,000		
121	Sunriver Area Small Business Assistance Grant Program and Hiring Campaign	350,000		
122	Sisters Chamber of Commerce	49,060		
123	School of Enrichment - Economic Hardship	520,002		
124	Sunriver Area Chamber of Commerce pandemic economic impact	18,325		
125	Boys and Girls Club Bend-economic impact	619,464		
126	<b>To Be Determined</b>		<b>36,806,467</b>	
127	Deschutes SWCD irrigation modernization FTE		2,000,000	
128	Irrigation system modernization		10,000,000	
129	Regional Emergency Services Training and Coordination Center		24,706,467	
130	Habitat for Humanity La Pine Sunriver		100,000	
131	(blank)		-	
132	<b>Transitional Housing</b>	<b>359,951</b>		
133	Transitional Housing	359,951		
134	<b>Water Infrastructure</b>	<b>4,500,000</b>	<b>-</b>	
135	NeighborImpact south county septic replacement program	1,000,000		
136	Wastewater investments in South County	-		
137	Deschutes County On-Farm Efficiency Water Conservation Investment	1,450,000		
138	Angelina Swanson Farm irrigation		-	
139	Tumalo Sewer System	-		
140	Terrebonne Wastewater System	2,050,000		
141	<b>Irrigation</b>		<b>3,000</b>	
142	Dan Elingson farm		3,000	
143	<b>Aid to Other Impacted Industries</b>	<b>699,000</b>		
144	Bend Parks & Recreation District - Recruitment and Retention	699,000		
145	<b>Services to Foster Youth or Families Involved in Child Welfare System</b>		<b>285,000</b>	
146	CASA of Central Oregon - increase capacity		285,000	
147	<b>Grand Total</b>	<b>54,546,578</b>	<b>53,744,388</b>	<b>49,922,253</b>



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** November 1<sup>st</sup>, 2021

**SUBJECT:** Discussion of the 2021-23 Illegal Marijuana Market Enforcement Grant Program (IMMEGP), its purposes and planned appropriations to be presented in the form of an upcoming resolution to the Board of County Commissioners.

**RECOMMENDED MOTION:**

*Move Approval of the 2021-23 Illegal Marijuana Market Enforcement Grant Program (IMMEGP). At a later date consider a forthcoming Resolution with regards to Appropriation of the IMMEGP and increase of FTE related to management analyst activities within the District Attorney's office.*

**BACKGROUND AND POLICY IMPLICATIONS:**

*Grant continues the IMMEGP program, picking up from the end of the prior grant (FY19-FY22). Our effort to curtail the production and distribution of illegal marijuana has been recognized throughout the state.*

**BUDGET IMPACTS:**

*Increase to DA Personnel expense \$13,980 for FY 2022 (0.1 FTE). This will be a limited duration position that will last through December 2023. The DCSO will receive \$223,390 in revenue, but will offset this increase in budget by reducing transfers into DCSO from the Rural Law Enforcement District by \$233,390. This will increase contingency within the Rural Law Enforcement District by \$233,390.*

**ATTENDANCE:**

*Joe Brundage, Business Manager, Sheriff's Office, Kathleen Meehan Coop, Management Analyst, District Attorney, Daniel Emerson, Budget Manager, Finance.*



# Application: Deschutes County

Kathleen Meehan Coop - kathleen.meehancoop@dca.us  
Illegal Marijuana Market Enforcement Grant Program 21-23

### Summary

ID: 0000000005

## Cover Sheet 2021-2023

Completed - Aug 25 2021

## Cover Sheet

### Primary Grant Contact Information

## Grant Applicant(s)

### Instructions:

- Identify each jurisdiction or agency applying for the grant in this application. Multi-agency and multi-jurisdictional applicants are allowed and encouraged.
- For "Agency Name," please list the names of agencies from cities or counties who will be grant participants.

	Agency Name	Agency Contact	Phone Number	Email Address
1.	Deschutes County Sheriff's Office	L. Shane Nelson, Sheriff	541-388-6659	<a href="mailto:shane.nelson@deschutes.org">shane.nelson@deschutes.org</a>
2.	Bend Police Department	Paul Kansky, Captain	541-322-2960	<a href="mailto:pkansky@bendoregon.gov">pkansky@bendoregon.gov</a>
3.	Deschutes County District Attorney's Office	Mary Anderson, Chief Deputy District Attorney	541-385-3242	<a href="mailto:mary.anderson@dca.us">mary.anderson@dca.us</a>
4.				

## Grant Application Contact

Provide contact information for a single person who will be the primary contact for grant application purposes.

	Name	Phone	Email	Employing Agency
	Kathleen Meehan Coop	541-317-3175	<a href="mailto:kathleen.meehancoop@dcda.us">kathleen.meehancoop@dcda.us</a>	DCDA

## Existing Enforcement Team

Is the applicant (or are applicants) part of an enforcement team (such as CODE, MADGE, BINET, SCINT)? If yes, please identify the enforcement team's name.

CODE

## Grant Team Fiscal Agent

Identify which agency will serve as the grant's fiscal agent and funds recipient, and please identify the contact person there.

	Contact Name	Phone	Email	Employing Agency
	Joe Brundage	541-617-3390	<a href="mailto:joe.brundage@deschutes.org">joe.brundage@deschutes.org</a>	DCSO

## Direct Deposit

If awarded grant funds, does your team prefer ACH payment processing (direct deposit)?

Yes

## Program Application 2021-2023

## Program Application

# Illegal Marijuana Market Enforcement Grant

The Illegal Marijuana Market Enforcement Grant was established to assist local law enforcement agencies in addressing unlawful marijuana cultivation or distribution operations.

This grant opportunity prioritizes illegal marijuana market investigation and prosecution actions that target:

1. **rural areas** of Oregon;
2. **large-scale** cultivation or distribution operations;
3. **organized crime** in the illegal marijuana market; and
4. operations that **divert marijuana outside of Oregon**.

## Felony Enforcement Prioritization

This grant program prioritizes applications that support enforcement against illegal marijuana-related **felony criminal operations**. Descriptions of related non-criminal and non-felony illegal marijuana problems in your community are welcome in this application to provide an understanding of your local context and any ancillary impacts of the illegal marijuana market where you operate. However, funding decisions will prioritize applications that target illegal marijuana market-related felonies.

Please acknowledge that your team has taken notice of this agency priority.

Yes

## Community Impacts of Illegal Marijuana Markets

### Illegal Marijuana Market Community Problems Rating

Rate the following illegal marijuana market problems as they exist in your community.

Violent Crime	Moderate
Property Crime	Moderate
Civil/Code Violations	High
Environmental Degredation	Moderate
Explosions/Fires	Moderate
Trafficking/Diversion	Extreme
Misdemeanors	Moderate
Financial Crimes	High
Increased Calls for Service	High
Organized Crime	High
DUII	Moderate
Juvenile Use	High

Optional: briefly list any other illegal marijuana problems not named above and note the problem's intensity level (extreme, high, etc.).

Two challenges we believe are related to our illegal marijuana problem: 1) Quality of life -- smell and increased traffic, and 2) Unsafe housing - Growing number of temporary deplorable housing units for workers (documented and undocumented) working marijuana and hemp grows.

# Illegal Marijuana Market Community Problems Narrative

Describe your community's **primary illegal marijuana market problems**. Consider barriers to investigation, prosecution, or other interdiction efforts, local resource shortages, and circumstances unique to your jurisdiction (geographic, socioeconomic, etc.).

**(200 word limit)**

DCIMME investigations indicate that the primarily illegal market is associated with trafficking, distribution and financial crimes. The barriers that impede our ability to investigate and prosecute illegal marijuana include:

- 1) Geography - large rural square mileage allows for illegal activity to be easily missed and cross state lines with few officers patrolling;
- 2) Rural grows - large acreage with limited visibility and access from public roads;
- 3) Hidden in sight - legal marijuana (indoor) and hemp (outdoor) grows can hide illegal marijuana grow operations;
- 4) Enforcement resources - staffing shortages at OLCC, OMMP and ODA prevent full testing of THC levels and disposal of waste products, creating opportunity for illegal market activity;
- 5) Training needs - the complexity of legal issues requests continuous law enforcement training on the investigation of illegal marijuana, search & seizure law, and admissible methods for evidence collection;
- 6) Public education - citizens and businesses don't know the differences between legal and illegal activity, and how to identify or report an issue related to illegal marijuana; and
- 7) Case complexity - large scale investigations require prosecutors with specialized knowledge and involvement in the case from investigation stage to assisting law enforcement with legal and jurisdictional issues.

# Illegal Marijuana Existing Enforcement Operations and Priorities

Describe your community's existing illegal marijuana interdiction, investigation, and prosecution operations and priorities.

**(200 word limit)**

OPERATIONS: DCIMME investigators and a data analyst focus on financial analysis will be investigating illegal marijuana grows, sales, shipments out of state and organized crime. Investigations are based on referrals from other law enforcement personnel, government entities, citizens and informants. Investigative team prioritizes illegal marijuana cases that have the most actionable information. The Deschutes County District Attorney's Office (DCDA) has assigned one dedicated DDA to be the point of contact for the illegal marijuana team. The assigned DDA has drug prosecution experience as an Assistant United States Attorney and as a state level prosecutor.

PRIORITIES: 1) Cases that have the most impact on the quality of life for Deschutes County residents; however, cases in surrounding jurisdictions are also investigated to ensure cooperation and the overall reduction in illegal marijuana. 2) Large scale grows as they generate a lot of money, support criminal networks, and a few cases have been tied to cartels. 3) BHO labs due to the safety issues - ideally catching them before any explosions. 4) Cases that also have evidence of environmental degradation.

# Grant Program Proposal

Describe how the grant-funded program (your plan for grant funds) requested through this application will support your community in addressing illegal marijuana market problems locally. Include how grant funds will allow you **to increase capacity and/or efficacy** of existing illegal marijuana interdiction efforts.

**(200 word limit)**

FY21-23 grant funds will provide overtime for the 2.5 FTE DCIMME investigators, two part-time analysts, consultants (evaluator and financial forensic analyst), training, and new investigation equipment. Funding will support enhanced enforcement and prosecution with an emphasis on illegal financial and environmental activity. Investigator overtime will support sharing of expertise and man-power with neighboring counties. Internal analyst funding will support dedicated staff assessing initial financial and environmental activities, and assisting investigators in working with state agencies. PSU research efforts studying the effect of illegal marijuana will continue. In addition, the team will attend marijuana related trainings to stay current.

Rollover funds from the FY19-21 grant will be used to complete our community education program on the laws and regulations surrounding cannabis to increase leads on illegal marijuana submitted by community members. Rollover funds will support PSU researchers completing the FY19-21 impact evaluation; FY21 training and a pilot study to assess whether or not illegal marijuana sites are also engaging in illegal environmental activity (i.e. land, pesticide & water degradation). This research pilot will help us enhance prosecution efforts and the information will be shared with counties and state agencies.

## Four Grant Goals Questions

**(1) Rural Areas:**

You may answer yes to **both** "rural areas" questions if applicable.

Is a jurisdiction for which you are applying a county with fewer than 250,000 people.

Yes

Is a jurisdiction for which you are applying located at least 25 miles away from any city with a population of 30,000 persons or less?

Yes

## (2) Large-Scale Operations

Rate the following issues as they relate to a large-scale illegal marijuana problem in your community.

Number of illegal grows	High
Illegal grows over large geographic areas	High
Illegal activities involve significant monetary values	High
Not enough law enforcement to investigate	Extreme



**Describe any other circumstances that make the illegal marijuana market problem a large scale problem in your community.**

**(150 word limit)**

The estimated population in Deschutes County as of 2020 was 198,253 and covers 3,055 square miles. However, as with many large rural counties, patrol and enforcement are generally spent in areas with the highest population densities such as the cities/communities of Bend, Redmond, La Pine, Sisters, Sunriver, Black Butte. The rest of the county, which has a heavy agricultural focus is sparsely populated and patrolled. Illegal grows are easy to operate with little notice in these isolated areas. Many of these rural areas also have legal marijuana and hemp production sites which makes it harder for law enforcement and citizens to know what is illegal. In addition, most calls received regarding illegal operation locations don't provide an exact location making it difficult to investigate, and even when they do, the locations are remote and on large parcels.

### **(3) Organized Crime Operations**

#### **Organized Crime Problem Rating**

Rate the following issues with illegal marijuana-related organized crime problem in your community.

Criminal gang involvement	Moderate
Conspiracies to commit property felonies	Moderate
Conspiracies to commit person felonies	Low
Conspiracies to commit financial crimes/money laundering	High
Racketeering	High

**Describe any other circumstances that link the illegal marijuana market to organized crime in your community.**

**(150 word limit)**

Deschutes County does not have an organized street gang crime problem and very little crime from outlaw motorcycle gangs is present at this time. However, organized crime related to illegal marijuana is still present and appears to be focused on money laundering, racketeering and cartel affiliation. Although we know drug sales are often used to fund terrorism, illegal gun sales and human trafficking, we struggle to fully investigate these type of cases as they require a tremendous amount of time, effort and resources to investigate and dismantle. We have; however, had some success in connecting one case with a California company and hope to use what we learned from that case on future ones. We still have two larger ongoing cases underway with federal implications that could lead to much bigger crime organizations.

**(4) Diversion of Marijuana Outside of the State**

**Diversion Outside of the State Problem Rating**

Rate the following sources of illegal marijuana diversion in your community.

Unlicensed grows	Extreme
Licensed retail grows	Low
Licensed medical grows	High
Marijuana misconstrued as hemp	Extreme

### Diversion Outside of the State Problem Rating

Rate the following components of illegal marijuana diversion in your community.

Car/SUV/truck transport	High
Shipments via mail/couriers	High
Airports	Moderate
Boats/waterways	N/A
Proximity to highways/interstates	High
Proximity to other states/borders	High

**In your community, are there any unique circumstances that lead to the diversion of marijuana outside of the state?**

**(150 word limit)**

Deschutes County is seeing the highest marijuana profit margins connected with out of state shipments verses producing product to sell in state where businesses have to pay taxes and deal with a litany of regulations. These environment leads to an increased likelihood of illegal activity. In addition, Deschutes County is listed as a designated HIDTA due to our geographic location and low population, which supports increased traffic flows that aid in the transport of product moving more easily across state lines.

We have also seen the number of hemp licenses within Deschutes County increased significantly in the last two years, while the price for hemp has simultaneously declined. Three large illegal operations that the DCIMME team investigated in the last year that were licensed hemp locations. Although OLCC is testing more and working with ODA to address this issue, it still is a monumental issue and task.

# Grant Data Tracking

Describe how data will be tracked for the purposes of demonstrating how grant funds are adding capacity and/or increasing efficacy of existing interdiction, investigation, and prosecution efforts, such as illegal marijuana-related:

- Asset forfeitures;
- Felony arrests;
- Felony prosecutions; and
- Any other data your jurisdiction will track to demonstrate local impacts of grant funds.

## (200 word limit)

The data analyst tracks all cases in a database to include asset forfeiture, arrests, and prosecution information; helps the investigators gather leads and complete deeper analysis of evidence, particularly financial data (information on businesses, money transactions and potential conspirators); allowing the DCIMME team to pursue more charges and seizures. Funds allocated for a financial analyst will be used for cases that require an even deeper dive into financial records that go beyond the resources and software available to the internal data analyst.

The environmental experts, who will conduct tests of the soil, air and water at illegal sites, through the rollover funds pilot study, will help our enforcement and prosecution efforts by improving our ability to identify and hold suspects accountable for all their crimes. Using both internal and external expertise to collect evidence for prosecution cases enhances our ability to ensure suspects/arrestees are appropriately charged and sentenced and research results will be shared.

We will also track the impact of our education website (CannaFacts) through google analytics - numbers of visits, length of stay by page, how many online submissions are received and how many visits result in solid illegal marijuana leads.

# Budget Overview

## General Instructions

- Use **only text or numbers** in input fields -- no symbols or commas.
- Prioritize grant requests as High, Medium, or Low (selecting High for all items is not advised).

## Budget Priority Ranking

Please rate your budget priorities from highest to lowest by dragging and dropping the budget category right to the corresponding numeric figure.

Personnel	1st
Contractual Services	2nd
Rent/Utilities	6th
Travel/Training	4th
Equipment	3rd
Supplies	7th
Other	5th

# Personnel Detail Instructions

**Definition:** Personnel costs include salaries, wages and fringe for all personnel employed by grantees.

- Combine salary and fringe benefits in the Monthly Wages field.
- Months employed means during the 2021-2023 grant 24-month period. If hiring new personnel, only count months during which positions expected to be hired-on.
- In % Time Per Month, use whole numbers to show position's percentage of time dedicated to grant-related work. *Example: a half-time DDA = 50*
- If personnel cost was funded by this grant during 2019-2021 grant cycle, select YES in "IMMEGP funded 2019-21."

	Personnel Category	Position Type	Monthly Wages (Salary+Fringe)	Employed 2021-23 (Months)	% Time / Month	Employing Agency	IMMEGP funded 2019-21
Position One		Data Analyst	8136.67	24	100	DCSO	Yes

	Personnel Category	Position Type	Monthly Wages (Salary+Fringe)	Employed 2021-23 (Months)	% Time / Month	Employing Agency	IMMEGP funded 2018-19
Position Two		Data Analyst	11650.10	24	10	DCDA	Yes

	Personnel Category	Position Type	Monthly Wages (Salary+Fringe)	Employed 2021-23 (Months)	% Time / Month	Employing Agency	IMMEGP funded 2019-21
Position Three	Overtime	Deputy/Officer	1500	24	100	DCSO	No

	Personnel Category	Position Type	Monthly Wages (Salary+Fringe)	Employed 2021-23 (Months)	% Time / Month	Employing Agency	IMMEGP funded 2019-21
Position Four	Overtime	Deputy/Officer	1500	24	100	DCSO	No

	Personnel Category	Position Type	Monthly Wages (Salary+Fringe)	Employed 2021-23 (Months)	% Time / Month	Employing Agency	IMMEGP funded 2019-21
Position Five	Overtime	Deputy/Officer	1500	24	50	Bend PD	No

	Personnel Category	Position Type	Monthly Wages (Salary+Fringe)	Employed 2021-23 (Months)	% Time / Month	Employing Agency	IMMEGP funded 2019-21
Position Six		Data Analyst	8136.67	6	100	DCSO	No

	Personnel Category	Position Type	Monthly Wages (Salary+Fringe)	Employed 2021-23 (Months)	% Time / Month	Employing Agency	IMMEGP funded 2019-21
Position Seven		Data Analyst	11650.10	6	10	DCDA	No

	Personnel Category	Position Type	Monthly Wages (Salary+Fringe)	Employed 2021-23 (Months)	% Time / Month	Employing Agency	IMMEGP funded 2019-21
Position Eight	Overtime	Deputy/Officer	1500	6	100	DCSO	No

	Personnel Category	Position Type	Monthly Wages (Salary+Fringe)	Employed 2021-23 (Months)	% Time / Month	Employing Agency	IMMEGP funded 2019-21
Position Nine	Overtime	Deputy/Officer	1500	6	100	DCSO	No

	Personnel Category	Position Type	Monthly Wages (Salary+Fringe)	Employed 2021-23 (Months)	% Time / Month	Employing Agency	IMMEGP funded 2019-21
Position Ten	Overtime	Deputy/Officer	1500	6	50	BPD	No

**Personnel Total**

391550.40



## Brief Personnel Narrative

Please describe how funding personnel and/or paying for additional overtime will assist your jurisdiction's illegal marijuana interdiction efforts. **(150 word limit)**

DCSO has assigned one detective to DCIMME and is currently re-hiring for the second detective to work marijuana full-time. BPD is hiring a new detective to split time on the DCIMME team and the other drug enforcement CODE team. This shared workload between the two agencies and the CODE team has worked well over the last few years. Overtime hours will provide resources needed to respond to time sensitive and complex investigations and will allow the team the ability to easily assist neighboring communities.

The data analyst provides essential research and investigative support to the DCIMME detectives and assists the PSU research team. The other analyst oversees the community education program on improving the quality and quantity of illegal marijuana leads submitted by community members, and will work closely with the environmental consultants & PSU to track the impact and share critical information with other agencies.

## New-Hire Open Positions

If hiring new staff with grant funds, do you agree to notify CJC when grant-funded positions are posted?

Yes

## New-Hire Posting Timeline

If hiring new staff with grant funds, do you agree to post open positions within 45 days of notification of grant award?

Yes

## New-Hire Positions Filled

If hiring new staff with grant funds, do you agree to notify CJC staff when those positions have been filled?

Yes

## Financial Analysts / Forensic Accountants

If no grant funds are being requested to hire a financial analyst or forensic accountant, do you have **an existing financial analyst or forensic accountant** who will work on grant-funded illegal marijuana investigations and prosecutions?

- If YES, identify person and employing agency
- If NO, briefly describe why not

Danielle Martell, data analyst from DCSO and an external financial analyst as needed

## Contractual Services

**Definition:** An individual or organization providing a service or programmatic aspect of the work that is not provided by the grantee.

- Contract Purpose is a brief description of what the contract covers.
- #Units/Hours is the number of items or the number of hours of services.
- \$ Per Unit/Hour is the price per unit or hourly rate.
- Agency Served means the agency contracting for services

	Contract Category	Contract Purpose	# Units/Hours	\$ Per Unit/Hour	Agency Served
1.	Services	Research - Henning & Stewart (total hours)	160	100.00	DCDA & DCSO

	Contract Category	Contract Purpose	# Units/Hours	\$ Per Unit/Hour	Agency Served
2.	Services	Financial Forensic Analyst	100	150.00	DCDA & DCSO

	Contract Category	Contract Purpose	# Units/Hours	\$ Per Unit/Hour	Agency Served
3.	Services	Electrical	16	187	DCSO

**Contractual Services Total**

33992.00

## Equipment

**Definition:** Permanent equipment with a purchase price of \$5,000 or more and a useful life of two or more years. Required to be itemized and justified.

- Description means the type/name of equipment to be purchased.
- # of Units means how many individual items to be purchased.
- Agency Served means the agency to own and operate the equipment.

	Description	# of Units	\$ Per Unit	Agency Served
1.	Dump Trailer with hydraulic ramp	1	9200.00	DCSO

	Description	# of Units	\$ Per Unit	Agency Served
2.	Flight/Ground Communication Headsets	1	2500.00	DCSO

	Description	# of Units	\$ Per Unit	Agency Served
3.	Light Lab Cannabis Analyzers	2	16945.00	DCSO

	Description	# of Units	\$ Per Unit	Agency Served
4.	Electrical work equipment (fan, wiring, etc.)	1	2000.00	DCSO

	Description	# of Units	\$ Per Unit	Agency Served
5.				

**Equipment Total**

47590.00

# Supplies

**Definition:** Consumable materials and supplies including the cost of small items of equipment that do not meet the threshold for the "Equipment" category.

- Description means the type/name of supplies to be purchased.
- # of Units means how many individual items to be purchased.
- Agency Served means the agency to use the supplies.

	Description	# of Units	\$ Per Unit	Agency Served
1.	NIK tests	250	2.50	DCSO

	Description	# of Units	\$ Per Unit	Agency Served
2.				

	Description	# of Units	\$ Per Unit	Agency Served
3.				

	Description	# of Units	\$ Per Unit	Agency Served
4.				

	Description	# of Units	\$ Per Unit	Agency Served
5.				

## Supplies Total

\$ 625.00

# Travel & Training

**Definition:** Includes eligible expenses for transportation, lodging, per diem, and registrations for grant-related trainings.

Each row should be dedicated to a single training. Input the number of registrants and input the total registration costs in "Registration Fee (Total)" field.

*Example:* 1. [Money Laundering Workshop] (Training Title); [4] (# Registrations); [1000] (total fees for 4 registrations at \$250 per); [1000] (combined travel expenses); [Willamette County DA] (Agency Served)

- Trainings must be related to grant purposes.
- All travel expenses must follow state DAS and federal GSA regulations.
- Luxury travel expenses, such as first-class flights, are not allowed.

	Training Title	# Registrations	Registration Fee (Total)	Travel Expenses	Agency Served
1.	ONEA - FY22 & 23	8	3600		DCSO, BPD, DCDA

	Training Title	# Registrations	Registration Fee (Total)	Travel Expenses	Agency Served
2.	CNOA FY 22 & 23	4	2340	5600	DCSO, BPD

	Training Title	# Registrations	Registration Fee (Total)	Travel Expenses	Agency Served
3.	Environmental Prosecution Training & Marijuana Training for Officers	4	1800	5600	DCDA

**Travel/Training Total**

18940.00

## Rent & Utilities

**Definition:** Rent and utilities includes office space and related office-space expenses necessary to provide grant-funded program employees to perform grant program work.

	Description	Price Per Month	Months Needed	Agency Served
1.	Rent CODE Facility FY21, 22	1641.50	24	DCSO

	Description	Price Per Month	Months Needed	Agency Served
2.	Rent Code Facility FY23	1715.98	6	DCSO

	Description	Price Per Month	Months Needed	Agency Served
3.				

**Rent & Utilities Total**

49691.88

## Other

**Definition:** Other grant-related allowable expenses that do not fall into any other category.

	Description	# of Units	\$ Per Unit	Agency Served
1.	ArcGIS Software	3	400	DCSO

	Description	# of Units	\$ Per Unit	Agency Served
2.	Banksan Software	3	2500.00	DCSO

	Description	# of Units	\$ Per Unit	Agency Served
3.	Marijuana Lab Testing	20	250	DCSO

**Other Total**

13700

**Administrative Costs**

Do you request 10 percent of any direct award to fund indirect administrative needs associated with grant operations?

No

**Grant Operations**



# Collaboration With Other Law Enforcement

Describe how your jurisdiction collaborates with other law enforcement agencies locally, regionally, and/or on a statewide or interstate basis.

**(150 word limit)**

DCIMME has partnered with other local counties to assist with their illegal marijuana cases. We have helped with the initial investigations and with dismantling grows. We offer this assistance for areas that do not have the resources. We recently utilized one of OSP's officers who had access to the Lite Lab so we could test marijuana and/or hemp in the field. Their expertise was greatly beneficial to have during our search warrant. Other marijuana experts around the state that have also been instrumental in helping us with questions we may have on emerging trends. Southern Oregon agencies have provided us with ideas on dismantling grows using different methods. We also recently began attending the Cross Agency Cannabis Enforcement meetings and are looking forward to sharing the results of our pilot study on environmental impacts at illegal marijuana sites.

# Reporting Responsibilities

Grantees are required to report grant fund financial expenditures and grant-funded interdiction, investigation, and prosecution-related data to CJC.

Note which persons will perform reporting duties, including contact information.

	Reporting Type	Name	Phone Number	Email	Employing Agency
1.	Financial	Joe Brundage	541-617-3390	<a href="mailto:joe.brundage@deschutes.org">joe.brundage@deschutes.org</a>	DCSO
2.	Data	Danielle Martell	541-312-6411	<a href="mailto:danielle.martell@deschutes.org">danielle.martell@deschutes.org</a>	DCSO
3.					
4.					

## Complete Budget Summary

### Direct Costs Summary

Personnel	391550.40
Contractual Services	33992.00
Equipment	47590.00
Supplies	625.00
Travel/Training	18940.00
Rent	49691.88
Other	13700

# Total Direct Request

Total:	556089.28
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# Grant Award Request Total

TOTAL:	556089.28
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## July 2021 - June 2022 Grant Budget Projection

Completed - Aug 25 2021

## Form for "2021-2022 Budget Projection"

IMMEGP monthly projected budget

# First-Year Grant Award Budget Projection

Instructions:

- Input your **estimated monthly spending** plans for the first year of the grant period (**July 1, 2021 to June 30, 2022**).
- This budget estimate allows CJC to plan for first-year disbursements.
- Category requires selecting an expense type from the drop-down menu.
- Description means the name or type of expense.
  - Example: Sheriff's deputy OT (5 hours)
- Amount is how much the item described costs.
  - **Only use whole numbers;** forms do not recognize symbols, commas, or decimals

# Project Budget -- July 2021

	Category	Item Description	Amount
1.	Personnel	0.75 FTE Data/Financial Analyst	8136.67
2.	Personnel	0.1 FTE Management Analyst	1165.01
3.	Rent/Utilities	Pro-rate CODE building rent	1641.50
4.	Personnel	2.5 Detectives - Overtime	3750.00
5.			
6.			
7.			
8.			
9.			
10.			

## July 2021 Total

\$14693.18

# Project Budget -- August 2021

	Category	Item Description	Amount
1.	Personnel	0.75 FTE Data/Financial Analyst	8136.67
2.	Personnel	0.1 FTE Management Analyst	1165.01
3.	Rent/Utilities	Pro-rate CODE building rent	1641.50
4.	Personnel	2.5 Detectives Overtime	3750.00
5.			
6.			
7.			
8.			
9.			
10.			

## August 2021 Total

\$14693.18

# Project Budget -- September 2021

	Category	Item Description	Amount
1.	Personnel	0.75 FTE Data/Financial Analyst	8136.67
2.	Personnel	0.1 FTE Management Analyst	1165.01
3.	Rent/Utilities	Pro-rate CODE building rent	1641.50
4.	Personnel	2.5 Detectives Overtime	3750.00
5.			
6.			
7.			
8.			
9.			
10.			

## September 2021 Total

\$14693.18

# Project Budget -- October 2021

	Category	Item Description	Amount
1.	Personnel	0.75 FTE Data/Financial Analyst	8136.67
2.	Personnel	0.1 FTE Management Analyst	1165.01
3.	Rent/Utilities	Pro-rate CODE building rent	1641.50
4.	Other	ArcGIS Software	400.00
5.	Other	BankScan Software	2500.00
6.	Personnel	2.5 Detectives Overtime	3750.00
7.			
8.			
9.			
10.			

## October 2021 Total

\$17593.18

# Project Budget -- November 2021

	Category	Item Description	Amount
1.	Personnel	0.75 FTE Data/Financial Analyst	8136.67
2.	Personnel	0.1 FTE Management Analyst	1165.01
3.	Rent/Utilities	Pro-rate CODE building rent	1641.50
4.	Other	Private Lab Marijuana Testing	1000.00
5.	Personnel	2.5 Detectives Overtime	3750.00
6.	Equipment	Flight/Ground Communication Headsets	2500.00
7.	Equipment	Light Lab Cannabais Analyzers	33890.00
8.	Equipment	Dump Trailer	9200.00
9.			
10.			

## November 2021 Total

\$61283.18



# Project Budget -- December 2021

	Category	Item Description	Amount
1.	Personnel	0.75 FTE Data/Financial Analyst	8136.67
2.	Personnel	0.1 FTE Management Analyst	1165.01
3.	Rent/Utilities	Pro-rate CODE building rent	1641.50
4.	Personnel	2.5 Detectives Overtime	3750.00
5.			
6.			
7.			
8.			
9.			
10.			

## December 2021 Total

\$14693.18

# Project Budget -- January 2022

	Category	Item Description	Amount
1.	Personnel	0.75 FTE Data/Financial Analyst	8136.67
2.	Personnel	0.1 FTE Management Analyst	1165.01
3.	Rent/Utilities	Pro-rate CODE building rent	1641.50
4.	Personnel	2.5 Detectives Overtime	3750.00
5.	Contractual Services	Electrical Work Services	2992.00
6.	Equipment	Electrical Work Equipment (fans, wire, etc.)	2000.00
7.			
8.			
9.			
10.			

## January 2022 Total

\$19685.18

# Project Budget -- February 2022

	Category	Item Description	Amount
1.	Personnel	0.75 FTE Data/Financial Analyst	8136.67
2.	Personnel	0.1 FTE Management Analyst	1165.01
3.	Rent/Utilities	Pro-rate CODE building rent	1641.50
4.	Personnel	2.5 Detectives Overtime	3750.00
5.			
6.			
7.			
8.			
9.			
10.			

## February 2022 Total

\$14693.18

# Project Budget -- March 2022

	Category	Item Description	Amount
1.	Personnel	0.75 FTE Data/Financial Analyst	8136.67
2.	Personnel	0.1 FTE Management Analyst	1165.01
3.	Rent/Utilities	Pro-rate CODE building rent	1641.50
4.	Personnel	2.5 Detectives Overtime	3750.00
5.			
6.			
7.			
8.			
9.			
10.			

## March 2022 Total

\$14693.18

# Project Budget -- April 2022

	Category	Item Description	Amount
1.	Personnel	0.75 FTE Data/Financial Analyst	8136.67
2.	Personnel	0.1 FTE Management Analyst	1165.01
3.	Rent/Utilities	Pro-rate CODE building rent	1641.50
4.	Personnel	2.5 Detectives Overtime	3750.00
5.	Contractual Services	Kris Henning - Researcher	1300.00
6.	Contractual Services	Greg Stewart - Researcher	1300.00
7.			
8.			
9.			
10.			

## April 2022 Total

\$17293.18

# Project Budget -- May 2022

	Category	Item Description	Amount
1.	Personnel	0.75 FTE Data/Financial Analyst	8136.67
2.	Personnel	0.1 FTE Management Analyst	1165.01
3.	Rent/Utilities	Pro-rate CODE building rent	1641.50
4.	Personnel	2.5 Detectives Overtime	3750.00
5.	Other	Private Lab Marijuana Testing	1000.00
6.			
7.			
8.			
9.			
10.			

## May 2022 Total

\$15693.18

# Project Budget -- June 2022

11/01/2021 Item #5.

	Category	Item Description	Amount
1.	Personnel	0.75 FTE Data/Financial Analyst	8136.67
2.	Personnel	0.1 FTE Management Analyst	1165.01
3.	Rent/Utilities	Pro-rate CODE building rent	1641.50
4.	Personnel	2.5 Detectives	3750.00
5.	Travel/Training	ONEA 2022 - 4 attendees registration	1800.00
6.	Travel/Training	CNOA 2022 - 2 attendees registration	1170.00
7.			
8.			
9.			
10.			

## June 2022 Total

\$17663.18

## First-Year Budget Projection Total:

\$237370.16

## Memorandum of Understanding 2021-2023

**Completed** - Aug 23 2021

Prior to award acceptance, applications from multi-jurisdictional teams must submit a Memorandum of Understanding (MOU). The MOU must identify the parties involved, specify a fiscal agent, describe how funds will be distributed to each jurisdiction, and briefly identify the purposes for which the funds will be

used by each jurisdiction.

This requirement applies to any agencies applying together where grant funding will be required to flow through more than one fiscal agency (i.e., a city police department and a county district attorney's office).

This task is not required of applicants applying for a sole agency or agencies using the same fiscal agent (i.e. a county sheriff and district attorney's office).

### **[Executed MOU - DCIMME FY21-FY24](#)**

**Filename:** Executed\_MOU\_-\_DCIMME\_FY21-FY24.pdf **Size:** 378.3 kB

## **Optional Supporting Documentation 2021-2023**

**Completed** - Aug 25 2021

Applicants are encouraged (but not required) to include a letter of support from a local governing body (such as a county commission) or local public safety coordinating council. Joint letters of support are encouraged if the application is multi-jurisdictional (i.e., more than one county).

Applicants may also submit up to two documents, in addition to the optional letter of support, supporting their application. Examples may include reports, news articles, or other information related to local illegal marijuana issues.

### **[DCIMME additional materials](#)**

**Filename:** DCIMME\_additional\_materials.pdf **Size:** 2.2 MB



# MEMORANDUM OF UNDERSTANDING (MOU) FOR FY2021-2024:

Deschutes County Sheriff’s Office, Deschutes County District Attorney, and City of Bend Police Department

The Deschutes County Sheriff’s Office (DCSO) is the lead applicant for the Illegal Marijuana Market Enforcement grant program (IMME). The Deschutes County District Attorney’s Office (DCDA) and the City of Bend Police Department (BPD) are collaborating with DCSO on the IMME application. The application supports the Deschutes County Illegal Marijuana Market Enforcement (DCIMME) Project. The focus of the FY2021-2024 is:

1. Continue and enhance the investigative and enforcement work of the DCIMME Team;
2. Continue partnerships with researchers from Portland State University (PSU) and the Central Oregon Drug Enforcement (CODE) Team;
3. Continue to increase enforcement of illegal marijuana production and distribution crimes;
4. Continue to collect and evaluate local illegal marijuana enforcement data with the partnership with the researchers from PSU;
5. Provide investigative support to DCIMME Project by contracting with a financial analyst;
6. Provide investigative support and enhance the efficacy of the DCIMME Project by including an environmental investigation consultant component to our team.
7. Collaborate with researchers from Portland State University, the Deschutes County Illegal Marijuana Team and an analyst to develop a comprehensive community outreach initiative, to inform the public on the issue of illegal marijuana activity;
8. Educate local business stakeholders who are likely to be utilized by illegal marijuana operations to identify and report illegal marijuana activity;
9. Continue work to increase arrests, seizures, and prosecutions for illegal marijuana operations, exporting drugs to other states, and those with connections to other criminal activity; and
10. Complete an end-of-program evaluation by the researchers from Portland State University.

## I. Development of Application

The grant application was developed by members of the Deschutes County Illegal

Marijuana Project as a continuation of the successful work of team as documented in the *Illegal Marijuana Markets Enforcement Grant Program: Deschutes County*, submitted as a final report for the FY2018-2019 grant. The initial grant was developed after two new detective positions dedicated to illegal marijuana enforcement were funded by Deschutes County and the City of Bend in FY18-19 and assigned to work in partnership with the Central Oregon Drug Enforcement Team (CODE). In FY19-20, Deschutes County added a second detective position dedicated to illegal marijuana enforcement to expand the work of the program.

DCIMME detectives work in partnership with the existing CODE team, working marijuana cases full time. Overtime hours provide resources to respond to time sensitive and complex investigations. The data analyst provides essential research and investigative support to the DCIMME detectives and assists the research team from PSU. The community outreach manager was identified as a need, as documented in the FY 2018-2019 final report (p32), based on the review of community reporting data and identification of community businesses utilized by individuals involved in illegal marijuana activity. These part-time positions enable data collection and community engagement.

The previous grant activity and continued discussions between all the partner agencies led the team to submit a follow-up collaborative grant application and drafting a new MOU to memorialize the agreements entered into between the Deschutes County Sheriff's Office, the Deschutes County District Attorney's Office and the City of Bend Police Department.

As part of this MOU and to further the partnerships integral to the DCIMME team, the agency heads, or their appointed representative will meet with DCIMME team on a quarterly basis to further goal setting and collaboration.

## II. Roles and Responsibilities

### A. DCSO; BPD and DCDA

- a. Each agency will maintain ultimate authority and supervision over their personnel assigned to DCIMME; and
- b. DCIMME team members will work in partnership with CODE; and
- c. The Sheriff's designee and BPD Lieutenant (or the assigned CODE Lieutenant), will work closely together; daily the CODE Lieutenant coordinates with the DCIMME; and
- d. DCIMME agency heads will meet with DCIMME team on a quarterly basis to further goal setting and collaboration.

### B. Deschutes County Sheriff's Office

- a. Support for grant-related activities and management will be provided by the full organization of Deschutes County Sheriff's Office, including grant administration, administrative support, financial management, risk management for Sheriff's Office employees and technological system assistance.
- b. A Deschutes County Sheriff's Office Captain or other designee identified by the Deschutes County Sheriff will provide administrative oversight regarding the program budget, finances, and grant reporting. Day to day grant management questions should be directed toward the Deschutes County Sheriff's Office Business Manager.

- c. The Deschutes County Sheriff's Office will direct and provide operational oversight for the Deschutes County Sheriff's Office detectives and Data Analyst assigned to the marijuana team. The Sheriff's designee and BPD Lieutenant (or the assigned CODE Lieutenant) will work closely together; daily the CODE Lieutenant coordinates with the DCIMME team.
- d. The Deschutes County Sheriff's Office in partnership with the CODE Team will:
  - i. Review the work and provide work space at the CODE office for the analyst position;
  - ii. Review and, if appropriate, approve eligible overtime for the Sheriff's Office detectives assigned to illegal marijuana enforcement, coordinating with CODE Lieutenant;
  - iii. Pool resources and share data to complete grant program goals including technical assistance and IT support;
  - iv. Coordinate the selection and contract for the financial analyst and will include DCDA and the CODE Lieutenant in the process; and
  - v. Assist the DA's office with subject matter knowledge and expertise and attendance at meetings and training workshops related to the outreach component; and
  - vi. Agree to regularly communicate and coordinate with program partners.

**C. Deschutes County District Attorney's Office**

- a. Deschutes County District Attorney's Office will:
  - i. Assist in providing training and prosecution support to the partners related to grant activities;
  - ii. Provide support and training to the DCIMME team, including providing a Deputy District Attorney as a single point of contact to the detectives and analyst;
  - iii. Provide support and training, including technical assistance and IT support to the Community Education and Outreach Program;
  - iv. Work directly with and coordinate the work of the Portland State University Research team;
  - v. Pool resources and share data to complete grant program goals;
  - vi. Manage the contract for the environmental expertise and work with CODE to coordinate their assessments at search warrant sites.
  - vii. Manage the contract, provide space as needed for the PSU researchers to evaluate the program and complete an end of cycle report;
  - viii. Create and implement a community outreach component focused on illegal marijuana, which will include selecting and managing the contract for a web and graphic designer, overseeing engagement of local stakeholders and conducting training workshops,
  - ix. Determine the best solution for hosting the website and submission portal;
  - x. Participate in the selection of the financial analyst;
  - xi. Agree to regularly communicate and coordinate with program partners;

- xii. DCDA will act as project co-director; drafting the contract for the researcher and the web and marketing development consultants, and facilitate meetings as necessary to complete the program goals including the completion of the end-of-program evaluation.

#### **D. The City of Bend Police Department**

- a. The Central Oregon Drug Enforcement team is supervised by a Lieutenant from the Bend Police Department.
- b. The CODE lieutenant and DCSO Captain (or the Sheriff's designee) will work closely together; daily the CODE Lieutenant coordinates with the DCIMME;
- c. The City of Bend Police Department will:
  - i. Review and, if appropriate, approve eligible overtime for the Bend Police Department detective assigned to illegal marijuana enforcement, coordinating with the CODE Lieutenant;
  - ii. Provide support and training to the analyst and program evaluator;
  - iii. Pool resources and share data to complete grant program goals;
  - iv. Participate in the selection of the financial analyst;
  - v. Assist the DA's office with subject matter knowledge and expertise and attendance at meetings and training workshops related to the outreach component; and
  - vi. Agree to regularly communicate and coordinate with program partners.

**III. Timeline**

The roles and responsibilities described above are contingent on the County receiving the funds requested for this project. The beginning and end dates of this implementation effort would coincide with the grant period when funds are released through December 31, 2023.

Our detailed efforts that add to our baseline data, and the implementation of new tools and processes that refine our investigation strategies to combat the illegal market that are part of our rollover funds from the 2019-2021 IMME grant, which includes but is not limited to the work of the data analyst supporting the investigators, the completion of the CannaFacts website and the pilot study on environmental degradation at illegal sites and our final research project will continue.

Upon notification of the new grant award the next phase of our plan will be put into action, including the Deschutes County District Attorney's Office updating the contracts with Kris Henning and Gregory Stewart the program evaluators, purchasing of new equipment and registering for critical training opportunities.

Overall program results will be analyzed and evaluated for reporting to the CJC on an annual basis in June 2022, if requested and again at the end of 2023.

**IV. Commitment to Partnership**

The partners are committed to sustaining the work of the Deschutes County Illegal Marijuana Project, expanding the focus of DCIMME to investigate the environmental impact, provide meaningful education content on illegal marijuana activity to the community and

research analysis to support future enforcement and prosecution efforts in Deschutes County and the state of Oregon. Currently, both BPD and DCSO are facing staffing shortages that have impacted the DCIMME, but both agencies are committed to fully staffing when trained personnel are available and positions may be filled. These positions are already funded through their respective agencies. During this time, the Analyst position has proven to be an important part of the investigation, prosecution and data collection process. The Sheriff's Analyst, and the DCDA Community Outreach Manager are valued additions to DCIMME.

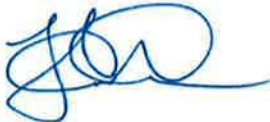
We, the undersigned have read and agree with this MOU. Further, we have reviewed the portion of the proposed project budget pertaining to the collaborative effort described herein, and approve it. We have reviewed the grant application. Any of the parties may request modification or terminate their participation in this MOU upon 30-days written notice to the other parties. Termination under this section shall not affect any obligations accrued prior to termination. This agreement will be effective until December 31, 2023.

**V. Signature Pages**

Each agency is provided the MOU with a separate signature page.



I have reviewed pages 1-8 of the Illegal Marijuana Market Enforcement Grant Program and agree to the MEMORANDUM OF UNDERSTANDING (MOU) FOR FY2021-2023: Deschutes County Sheriff's Office, Deschutes County District Attorney, and City of Bend Police Department



By \_\_\_\_\_  
L. Shane Nelson, Sheriff  
Deschutes County Sheriff's Office

Date 8/20/2021

Document No. 2021-710

I have reviewed pages 1-8 of the Illegal Marijuana Market Enforcement Grant Program and agree to the MEMORANDUM OF UNDERSTANDING (MOU) FOR FY2021-2024: Deschutes County Sheriff's Office, Deschutes County District Attorney, and City of Bend Police Department

By  \_\_\_\_\_ Date 8/23/21  
Mike Krantz, Chief  
City of Bend Police Department

Document No. 2021-710

I have reviewed pages 1-8 of the Illegal Marijuana Market Enforcement Grant Program and agree to the MEMORANDUM OF UNDERSTANDING (MOU) FOR FY2021-2024: Deschutes County Sheriff's Office, Deschutes County District Attorney, and City of Bend Police Department

By  Date 8/20/21  
John Hummel, District Attorney  
Deschutes County District Attorney's Office

# FY19-21 DCIMME Updates

DCIMME grant activities went beyond just enforcement and prosecution and included a research component and an education outreach initiative. Both of these elements are still ongoing and will be completed fall FY22 using the FY19-21 rollover funds. Below is a synopsis of what has been accomplished to date.

## Research

The Portland State University research team (Kris Henning, Ph.D. & Greg Stewart, MS) conducted a survey in 2020 to gain a better understanding of law enforcement’s experiences with the current marijuana laws. The research started in Deschutes County but expanded to agencies across the state to provide a more comprehensive analysis. The Dazed and Confused: Police Experiences Enforcing Oregon’s New Marijuana Laws report is attached - page 2.

## Community Outreach

In February 2020, DCIMME hosted three public focus group meetings – one for the marijuana and hemp industry, one for agencies and businesses that work with the industry (i.e. shipping, permitting), and one for the general public. During these meetings we talked about the illegal marijuana market enforcement program, Deschutes County’s program, asked the participants based on their area of expertise what concerned them most about illegal marijuana, what if anything had they noticed or experienced, and what might they need from our agencies to help with this issues. The meetings were well attended and the discussions during each one were thoughtful and productive.

During these meetings, we also addressed our initial concept for an informational website that would include a submission portal for leads on illegal marijuana activity. The concept for the website, including the decision tree to determine whether or not an activity was legal were well received and some great insights were gleaned during the prototype test runs and follow-up discussions. In addition, a lead on illegal activity resulted from these meetings.

Over the next 13 months, the content for the website was developed. The complexity of the marijuana laws and the fact that there can be differences by city, made crafting the text much slower than we had originally planned, especially related to the decision tree element. The decision tree required laying out all the questions and possible answers into Excel and then transposing that information into a linked PowerPoint that would “function” like a website. This mock website of over 400 interactive slides allowed us to fully review and test the concept with subject matter experts and the general public. Then the text was edited by a professional content editor before it was sent to the web development team.

We are now doing our first round of edits in the official web format and it is really beginning to take shape. Please see the attached images for a brief snapshot of what the future CannaFacts website will look like - page 9.

# Dazed and Confused: Police Experiences Enforcing Oregon's New Marijuana Laws

Kris Henning, Ph.D. & Greg Stewart, MS.

Research Brief (February 2021)



## Key Findings

- More than 90% of 301 officers/deputies surveyed for this research said that illegal shipping or transport of marijuana out of state has increased over the past three years.
- Nine out of ten officers/deputies report that driving under the influence of marijuana (DUI) has increased for adults and juveniles, and many requested additional resources to address this offense.
- 60-70% of officers/deputies report recent increases in people having a bad reaction to marijuana that results in a call to emergency responders.
- The majority (60%+) of people surveyed said that Oregon's cannabis laws make it difficult to determine when someone is breaking the law (e.g., growing, processing, distributing marijuana illegally; possessing an illegal quantity of marijuana).
- The majority (75%+) of officers/deputies surveyed believe the state's current marijuana legislation is poorly written and hard to interpret.
- Nine out of ten officers/deputies agreed that Oregon's marijuana laws need to be simplified.
- Many of the officers/deputies surveyed said it is difficult to collaborate with other agencies responsible for regulating cannabis in the state (e.g., OLCC, OHA, ODA).

## Introduction

This research brief reports findings from a survey completed by 301 Oregon police officers and sheriff deputies in the latter half of 2020. The survey asked about their experiences enforcing the state's current marijuana laws and their perception on trends in marijuana-related public safety issues.

The project was supported in part by an Illegal Marijuana Market Enforcement (IMME) grant from the Criminal Justice Commission to Deschutes County. This grant program was created in 2018 by SB 1544 and was designed to assist local law enforcement agencies and district attorneys' offices in their efforts to address the illegal marijuana market in Oregon. Additional support for the research was provided by the Department of Public Safety and Standards and Training (DPSST), the Oregon Association of Chiefs of Police, and the Oregon State Sheriffs' Association. Finally, several law enforcement agencies directly participated by sending the survey to their employees. This includes the Bend Police Department (BPD), Redmond Police Department (RPD), Deschutes County Sheriff's Office (DCSO), and the Klamath County Sheriff's Office (KCSO).

The survey was conducted in two waves; the first wave focused on officers and deputies in Deschutes County. We worked with the county's major law enforcement agencies to distribute an email invitation to all of their sworn employees. This invitation asked the officer/deputy to complete a brief online survey regarding Oregon's current marijuana laws. These efforts generated 114 completed surveys, accounting for 37.9% of our total sample.

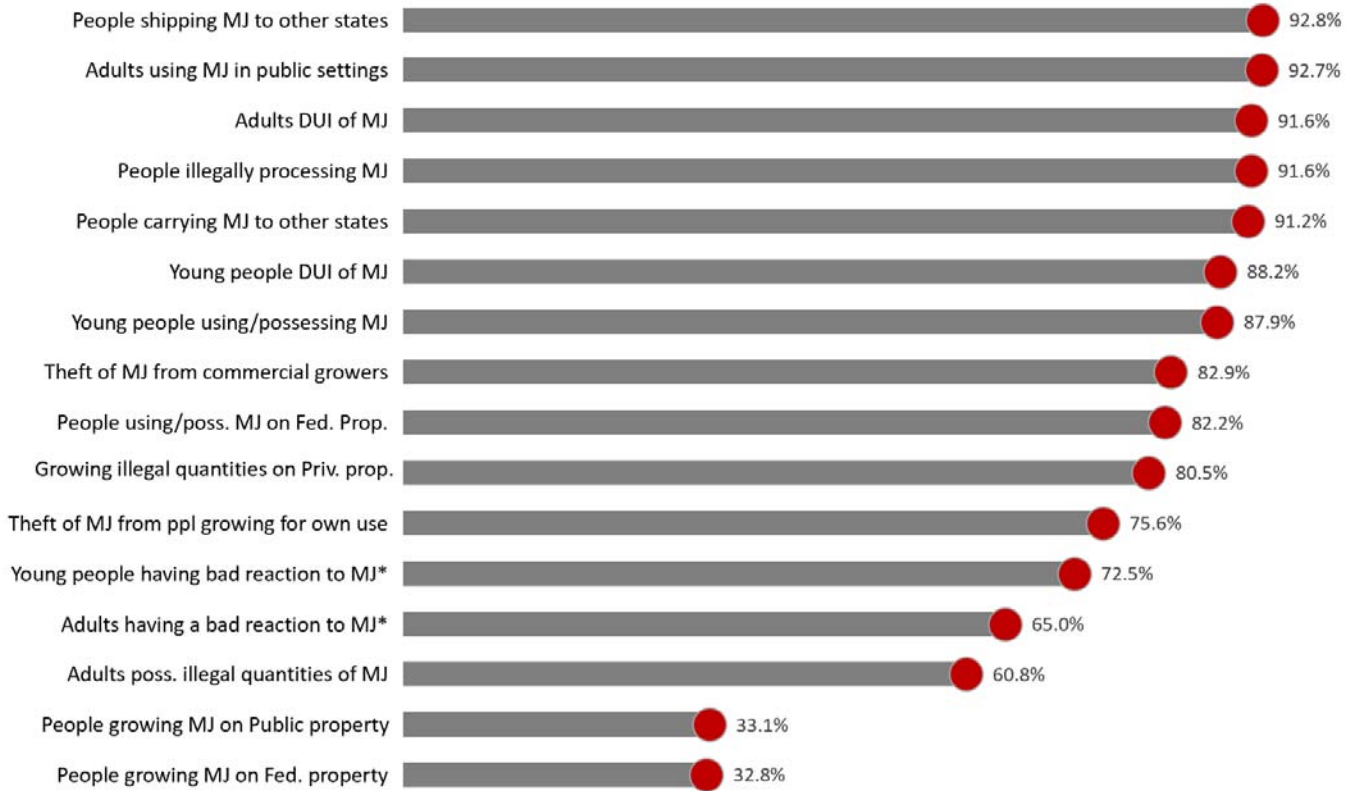
For the second wave we collaborated with DPSST, KCSO, and the state's two law enforcement associations to distribute a similar invitation to all of their members and advanced trainees. A total of 187 law enforcement employees participated in the second wave, comprising 62.1% of the sample.

The majority of respondents had worked in local law enforcement for 11+ years (63.1%), were either an officer/deputy (52.0%) or Sgt./Lt. (24.5%), and most worked in patrol (65.2%).

Given the different recruiting strategies employed and disproportionate sampling in Deschutes County, we recommend a degree of caution in generalizing our findings to officers/deputies in the state as a whole. What follows are the main findings from the study and several recommendations based on these results.

# Marijuana-Related Public Safety Trends

## Trends in Marijuana (MJ) Related Problems *% Officers/Deputies Answering "Increased a little" or "Increased a lot"*



\*Reaction that results in a response by police, fire, or EMT (e.g., overdose, panic attack).  
 Note: Perceived trend over past three years. Excludes cases where respondent answered "Don't Know".

The first section of the survey assessed officers’ perceptions about trends in marijuana-related activities that are of concern to law enforcement and the IMME grant program. The questions asked officers if these activities had, “Decreased a lot”, “Decreased a little”, “Stayed about the same”, “Increased a little”, or “Increased a lot” over the past three years. Respondents were also allowed to select, “Don’t know.” The latter responses were removed from the chart shown above.

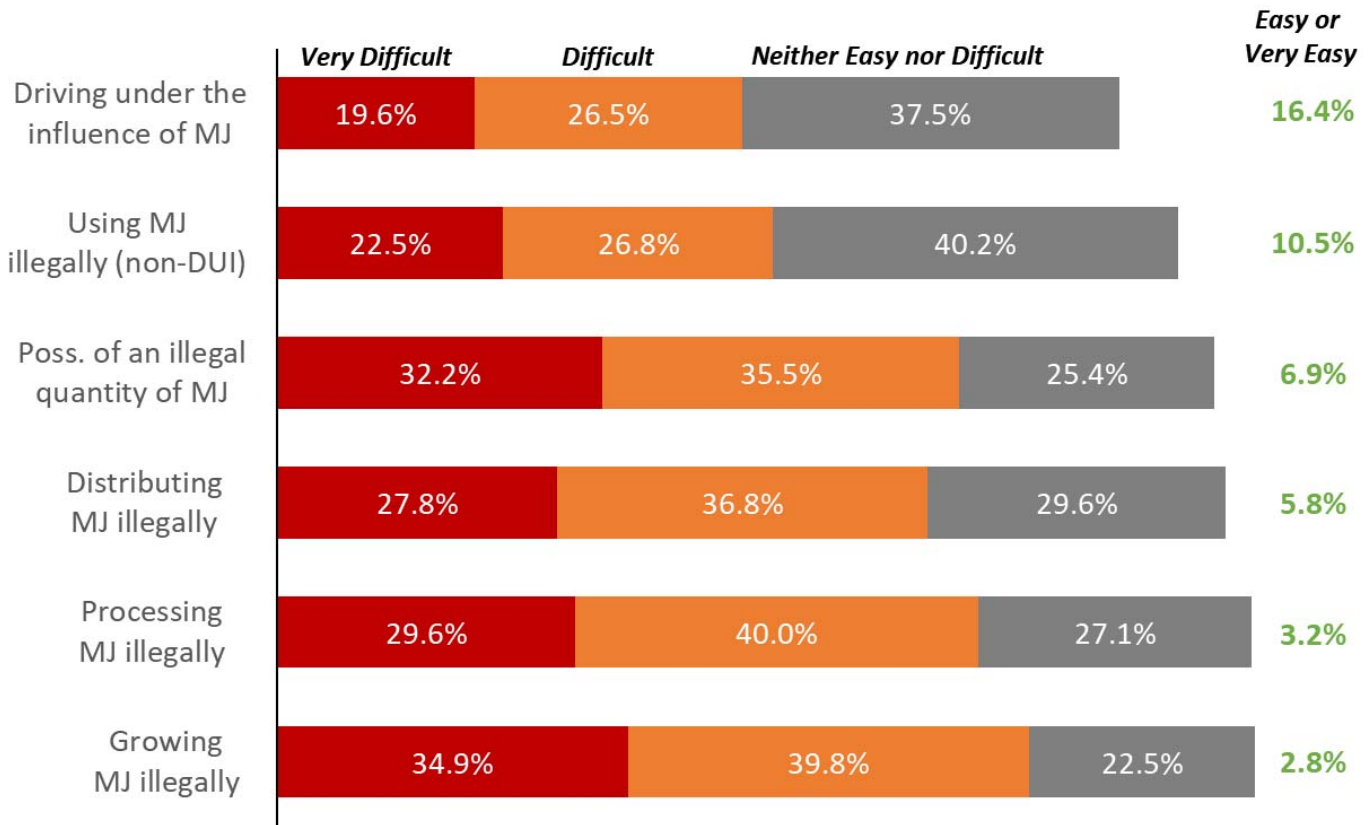
The vast majority of officers and deputies reported that people shipping or carrying marijuana to other states, both of which are targeted by the IMME grant program, had increased over time. Likewise, the majority of respondents said that use of marijuana in public by adults and driving under the influence of marijuana by adults and youth had all increased. Possession and use of marijuana by youth (under age 21) was also believed to have gone up. Finally, the vast majority of officers/deputies reported that illegal processing of marijuana for extracts, concentrates or liquids rose over the past three years.

A smaller majority of respondents reported increases in the following areas: theft of marijuana from commercial growers, using/possessing marijuana on Federal property, adults possessing illegal quantities of marijuana, people growing illegal quantities of marijuana on private property, and theft of marijuana from people growing for personal use. The officers/deputies surveyed also reported increases in youth and adults having a bad reaction to marijuana that resulted in a call to emergency responders (i.e., overdose, panic attack).

There were only two activities on our list that were rated by the majority of respondents as decreased or stayed about the same: growing marijuana on public property (e.g., city parks, schools, streets; state lands) and growing marijuana of federal land. Notably, 80.7% of all respondents answered “Don’t know” to the latter question.

# Difficulties Enforcing Oregon’s Marijuana Laws

## How Easy is it for Officers/Deputies in Oregon to Identify Marijuana Offenses



Our next set of questions were generated after hearing anecdotal reports from officers/deputies regarding the difficulties they experience while enforcing Oregon’s current cannabis laws (i.e., recreational marijuana, medical marijuana, hemp). For the survey we asked whether the current state laws make it, “Very easy”, “Easy”, “Neither easy nor difficult”, “Difficult”, or “Very difficult” to identify when people are engaged in six specific acts that remain illegal. The chart above documents the officers/deputies’ responses to these questions.

Starting at the bottom of the chart, 74.7% of the respondents said that Oregon’s laws make it difficult to very difficult (referred to henceforth as difficult) to identify when people are growing marijuana illegally. Next, 69.6% of respondents said it is difficult to determine when someone is illegally processing marijuana for extracts, concentrates, or liquids. Roughly two-thirds of the officers/deputies said that it was difficult to determine when someone was illegally distributing marijuana (64.6%; e.g., selling, trading, bartering) or when someone possessed an illegal quantity of marijuana (67.7%). Smaller proportions of respondents

found it difficult to determine when people were using marijuana illegally in non-driving situations (49.3%) and when people were driving under the influence of marijuana (46.1%).

We should also note that only a very small percentage of respondents (2.8% to 16.4%) said that Oregon’s current marijuana laws make it easy or very easy to determine when people have engaged in these six illegal activities.

After answering these questions officers/deputies were given the opportunity to explain in an open-ended format why Oregon’s marijuana laws were difficult to enforce and what might be changed to make this easier. The 157 responses submitted were reviewed yielding four non-mutually exclusive themes. The themes and sample quotes are documented on the next two pages.

## 1 - Oregon's Current Marijuana Laws are Confusing and Poorly Written

In examining the narrative responses, the overwhelming consensus is that the state's current cannabis laws are confusing and poorly written. Over 75% of the respondents addressed this theme (see quotes below).

- "Laws were written to be confusing and difficult to enforce. If lawmakers are trying to get cops to not enforce marijuana laws, they're on the right track."
- "The amount allowed to possess varies from substance to substance. I cannot determine what is a legal amount or not, or whether or not the substance came for a licensed retailer. Additionally, the age differences and whether or not the items sold is for consideration or not makes determining whether or not a crime, violation, or nothing has occurred extremely difficult."
- "It is a poorly written law in the first place and there are numerous caveats within it. I have just started treating weed as if it is legal regardless of the amount."
- "Laws are convoluted and not designed around enforcement but rather frustrating law enforcement to give up on enforcement or feel unsure the seizure and enforcement of marijuana related laws."
- "Because there are two different rules to apply recreational and medical and then rules vary among those. It's crazy if Marijuana is legal why have a medical program."
- "The laws are extensive and not well written with Medical Marijuana sprinkled in. It would be easier to state Marijuana is either legal or illegal, not have certain amounts treated at different levels, which is also dependent upon people's age and whether or not they have Medical Marijuana cards and/or a grower's card. Way too convoluted."
- "The laws are too convoluted to comprehend. If we as law enforcement can't easily decipher the laws, how can we expect the citizens to be able to understand them?"

## 2 - Oregon's Marijuana Laws are Difficult to Enforce and Violators are not Prosecuted

The majority of officers/deputies surveyed said that some of Oregon's marijuana laws were difficult to enforce. Many also expressed concern about a lack of prosecution by District Attorneys.

- "Oregon has made it difficult to identify the line dividing lawful cannabis vs illegal cannabis use/distro/sales/etc. because there are so many technically 'lawful' uses or exceptions to otherwise illegal cannabis. Other than age minimums, there are few interactions that can be taken at face value and enforcement decisions must be researched prior to being enacted."
- "In most cases, it is not hard to develop probable cause for illegal use of marijuana, however certain situations are merely violations so probable cause is insufficient to enforce the law due to the fact it must be observed by LE to be enforced. It's causing a lot of negative reaction by public when the behavior is directly observed by citizens and [law enforcement] cannot do anything about it."
- "During roadside contacts it's difficult to discern a fictitious document stating the person can possess, travel, or distribute marijuana legally. It's also difficult to discern whether or not a person is transporting marijuana across state lines while roadside."
- "Getting local district attorneys to issue warrants/subpoenas can often be difficult as they frequently refuse to prosecute any marijuana related laws. Offenders often claim the product is hemp rather than marijuana which also makes it difficult to determine what the product is."
- "How the laws are written are very grey. They are so confusing DA offices will not even look at MJ cases. All MJ cases save DUI are no actioned in the two counties I work."
- "DAs commonly drop charges, or plea it down to such a minimal punishment, that it is not worth the danger it costs police to enforce the laws."
- "I find deputy district attorney's [sic] are hesitant to take on marijuana cases as they too cannot decipher the law. I find they (DDAs) don't pursue charges as it is 'legal'."
- "It also seems pointless to care about it when, in \_\_\_ County, even if someone has several hundred pounds there will be no prosecution. I would just prefer that it is legalized and then it is not an issue."



### 3 - Driving Under the Influence of Marijuana is Difficult to Prove and Prosecute

Respondents reported several challenges regarding marijuana-related DUIs. First, they were unaware of any successful enforcement efforts in the state related to this offense. Second, they perceive that prosecutors are unwilling to pursue these cases. Finally, they pointed to the need for additional resources to address DUIs involving marijuana.

- “Oregon DUII laws make it very difficult to get people driving under the influence of any intoxicating substance off the road. If lawmakers were really concerned about getting these people from killing innocent citizens, they will revamp the current DUII laws, including cannabis intoxication, to make it easier to conduct DUII investigations.”
- “There has not been a successful prosecution of a DUI involving marijuana that I have heard of in Oregon based on my last DUI training.”
- “Marijuana DUII is the most dangerous and most difficult to investigate/enforce.”
- “Because the local DAs office does not prosecute marijuana DUIs. I have yet to have a single marijuana DUI actually prosecuted before being dismissed by the DA's office.”
- “DUIIs are difficult to prosecute without a Drug Recognition Expert (DRE). There are too few DREs.”
- “My understanding is that marijuana DUIIs do not get prosecuted... generally.”
- “The laws change frequently and updates are hard to keep up with. A cannabis test for DUII (Like BAC for alcohol) would be of great value to public safety!”
- “DUII laws for MJ are difficult to get convictions due to no standardized limits for impairment.”
- “The other issue involving DUIs is that DUIs are inherently complicated and primarily civil in a majority of the investigation. There has been no updated procedure on how to deal with the DUI marijuana stuff without calling for a Drug Recognition Expert. DUIs inherently take hours to complete and you add calling a DRE into the mix and it doubles because of the amount of work.”

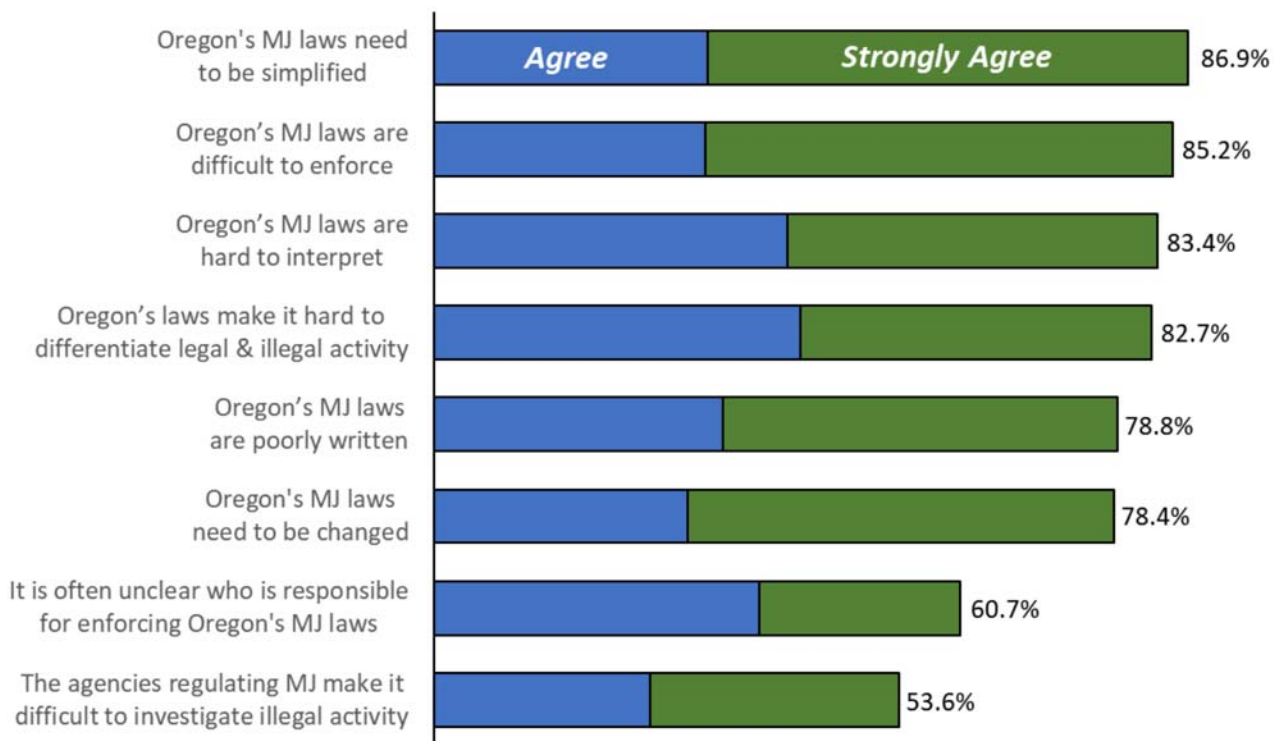
### 4 - Current Laws do not Prevent Illegal Activity or Protect Youth

Oregon voters approved Measure 91 in 2014, allowing recreational use of marijuana by adults over the age of 21. Officially known as the Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act, the stated purpose was to eliminate problems resulting from the illegal production and distribution of marijuana, including use by juveniles. Some of the officers/deputies surveyed believe that the current legislation fails to achieve these objectives.

- “Oregon's MJ laws are a joke. MJ is flowing out of the state to be sold in other states, just ask any officer or Trooper who works interdiction. The MJ processed now is not the same as years ago and is directly harming young children/teens/adults.”
- “As it pertains to DUII, it is difficult to explain to a jury why somebody is impaired by a substance they've been told doesn't produce impairment.”
- “The decriminalization of marijuana may be a contributing factor to other controlled substances being used whereby making it difficult to ascertain what substances are truly in play.”
- “People think because marijuana is technically legal, they have carte blanche to possess and smoke in public without reserve. It's a disaster.”
- “Teens really need education on the very real dangers of using it at their age. The dangers of addiction and potential mental health problems for teen users needs to be advertised a lot more.”
- “Laws are promoting a culture of telling people/youths its ok to use MJ and its even good/healthy for them.”

# Opinions Regarding Oregon's Marijuana Laws

## Opinions of Officers/Deputies Regarding Oregon's Current Marijuana Laws



Note: Remaining respondents answered "Neither agree nor disagree", "Disagree", or "Strongly disagree".

Eight additional survey items were added between the first and second sampling waves to explore opinions raised in the preliminary narrative comments. The items presented respondents with statements about Oregon's marijuana laws and asked if they, "Strongly disagree", "Disagree", "Neither agree nor disagree", "Agree", or "Strongly agree." A little more than one-half of the total sample (n = 169) answered these items.

Over 80% of the officers/deputies agreed or strongly agreed that Oregon's marijuana laws need to be simplified, that they are currently hard to interpret and difficult to enforce, and that differentiating legal from illegal marijuana activity is challenging. More than three-quarters (75%) agreed that the state's current marijuana laws are poorly written and need to be changed. Finally, a majority of officers agreed that it is often unclear who is responsible for enforcing marijuana laws and that the agencies regulating legal marijuana in Oregon make it difficult to investigate illegal activity. Regarding the latter, there are three primary agencies responsible for regulating cannabis: the Oregon Liquor Control Commission (recreational marijuana), the Oregon Health Authority (medical marijuana), and the

Oregon Department of Agriculture (hemp). Narrative comments highlighted confusion created by regulatory overlap and poor oversight by these agencies.

- "The incompetence of OLCC and getting consistent answers when you are able to get a hold of someone. They have failed miserably in their ability to regulate and work in good partnerships with local law enforcement."
- "Growers are licensed by the OLCC but grow outputs are not tracked and compared against sales to legal distributors. Intake by legal distributors is not tracked and compared against sales/destruction. This allows otherwise legal growers to overproduce. This overproduction is then sold to out of state, black market, distributors. When law enforcement approaches a grower there is no way to determine what portion of their output is legal and what is overproduction. Growers have many ways of concealing their production and sales of the overproduction."

## Summary & Recommendations

As suggested by our findings and the title for this report (*Dazed and Confused*), police officers and deputies in Oregon are struggling to understand and actively enforce the state's remaining prohibitions involving marijuana. Where once there was a clear distinction between legal and illegal activity, there is now complex, many would say poorly written, policy that is difficult to implement in the field.

The current authors' recent work with Deschutes County's IMME grant team provides confirmation of these difficulties. Efforts to develop simple flow charts, "cheat sheets" and other educational materials to help people determine what is illegal in the state have proven extremely difficult. Determining whether a given marijuana possession is illegal, for example, depends on a myriad of factors, including the amount of the substance, the form (e.g., dried leaf vs. edible vs. concentrate), the THC level, the source (private grow vs. licensed retailer), where the person is at the time (private vs. public vs. federal property), who the person is (juvenile vs. adult), and whether the substance is meant for recreational or medical use. Similar complexity exists for other marijuana-related activities (e.g., production, processing, transport, distribution, public use).

The state's decision to empower three separate agencies (OLCC, OHA, ODA) with regulating legal cannabis further complicates the job of local law enforcement. Some of the existing laws make it difficult to collaborate with these agencies when police/deputies investigate marijuana violations. Likewise, some of the people surveyed for this report were concerned about poor oversight of the legal cannabis market and a lack of clarity regarding enforcement responsibilities.

In summary, the current research highlights the need for Oregon's policy makers to clarify and simplify the role of law enforcement in the era of legalized cannabis. Efforts in this regard would clearly benefit police, but also responsible users, growers, and distributors of marijuana-related products who themselves navigate the state's existing legal complexities. Finally, clarifying and improving the state's cannabis policies may help Oregon live up to the stated objectives for Measure 91. This includes the elimination of the illegal marijuana market, stopping the diversion of marijuana to other states, reducing access to the substance among youth, preventing DUI, and the effective prioritization of law enforcement resources to enhance public safety.

## RECOMMENDATIONS

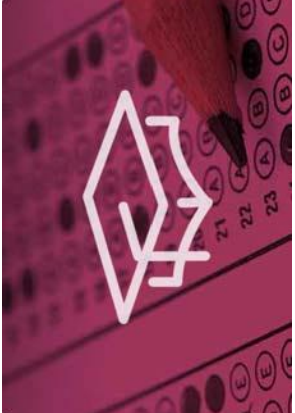
1. **Simplify Oregon's cannabis laws with regard to enforcement** - There was an overwhelming consensus among the responding law enforcement officers that the current laws are confusing and poorly written. As a result, these laws are very difficult to enforce. Fixing this issue should be a priority for state lawmakers. Confusing laws do not benefit law enforcement, the public, or public safety.
2. **Provide resources to address marijuana-related DUI** - Some of the problems surrounding DUI enforcement that are documented in this report are technical in nature (i.e., the need for a standardized impairment test); others appear to be related resources and training (i.e., shortage of drug recognition experts). The state can help address this by allocating additional resources to marijuana-related DUI, which most law enforcement officers believe is on the rise.
3. **Support collaboration between agencies** - Many of the officers/deputies surveyed perceived a lack of commitment to prosecuting marijuana-related cases. Others reported difficulties working with the state agencies responsible for regulating legal cannabis, particularly OLCC. Legislators should look for ways to enhance collaboration between agencies as a means of discouraging illegal activity that harms our community and law-abiding cannabis businesses.
4. **Expand research on the impact of marijuana legalization** - The state's move to legalize recreational marijuana may have benefits. There is also the potential for unintended consequences. The state should carefully study the impact of changes to substance-related policies by investing in more research on these issues.

## Acknowledgements


The authors would like to thank Kathleen Meehan Coop from the Deschutes County District Attorney's Office and Danielle Martell from the Deschutes County Sheriff's Office for their considerable assistance with this project.

For more information contact Dr. Kris Henning at Portland State University. 503-725-8520 khenning@pdx.edu

# CANNAFACTS Website

**Test Your Knowledge**



**Is it Legal?**



**Cannabis FAQ**



**Report a Lead**

# Get the facts about legal and illegal cannabis in our community.

## PROGRAM PARTNERS



## DESCHUTES COUNTY ILLEGAL MARIJUANA MARKET ENFORCEMENT

DCIMME is the collaborative between the Deschutes County Sheriff's Office, the Deschutes County District Attorney's Office and the Bend Police Department to address illegal cannabis in our community.

The agencies received grant funding from the Oregon Criminal Justice Commission (CJC) to support enhanced enforcement and prosecution efforts.

This grant also provided funding for research and an education/outreach component to do the following:

- Study the issue of illegal cannabis in more depth
- Educate Deschutes County residents on cannabis laws and regulations
- Increase leads on serious illegal cannabis activity

## Illegal Marijuana Market Enforcement Grant

In 2018, the Oregon Legislature passed Senate Bill (SB) 1544, which provides financial support to rural counties to assist them in addressing the illegal cannabis market in their communities.

[Oregon Criminal Justice Commission](#) administers these grant funds through the [Illegal Marijuana Market Enforcement grant](#).

## Supporting Individual Agencies

Thank you to the numerous supporting agencies and staff that provided their time and expertise to the development of this website:

- Oregon Criminal Justice Commission
- Oregon Liquor Control Commission
- Dr. Kris Henning & Sergeant Greg Stewart, Portland State University
- U.S. Forest Service
- Oregon Department of Agriculture
- Oregon Water Resources Department
- Oregon Department of Transportation
- Deschutes County
- City of Bend
- City of Redmond
- City of Sisters
- City of La Pine
- Deschutes County Resident Volunteers
- Tokyo Starfish
- LBHC Hemp Farm

- Homepage
- Test Your Knowledge
- Is it Legal?
- CannaFacts Purpose
- Cannabis FAQ
- Glossary
- Canna Resources
- Report a Lead
- Contact Us

## CannaFacts Quiz

### You answered 5 questions correctly.

Nice going! It looks as if you are fairly knowledgeable on Oregon's recreational cannabis laws but could use a quick refresher to ensure you get a 100% of the answers correct next time. Visit the "[Is it Legal?](#)" decision tree section of the website to learn more and come back to test your knowledge again.

START OVER 

#### Hemp is used to make all of the following except what?

Recreational Cannabis



 Your Answer is Correct



#### In which of the following scenarios is it legal to smoke recreational cannabis?

Only in the privacy of your own residence.



At your own residence or on a patio or outside area of a bar or restaurant that allows smoking.



 Your Answer is Incorrect



What is the maximum quantity of liquid recreational cannabis an adult can be in possession of within the state of Oregon?

12

✓ Your Answer is Correct



**If it is stipulated in the lease agreement, a landlord may prohibit an adult from using cannabis in their rental unit.**

True



✓ Your Answer is Correct



**Under which circumstances is it legal to mail recreational cannabis?**

It is never legal to mail recreational cannabis, regardless of the destination, age of the recipient, form, or amount.



✓ Your Answer is Correct



**Can a recreational cannabis business donate cannabis to a non-profit raffle or silent auction to help the organization raise money?**

It is illegal for a recreational cannabis business to donate cannabis for a non-profit raffle.



✓ Your Answer is Correct





## CannaFacts - Is It Legal? (Decision Tree)

# Cannabis in Deschutes County. Is it legal for...



### Jennifer to Possess?

Jennifer is in possession of cannabis. Help her determine whether or not her action is legal by answering a series of questions about her situation.

START NOW ▶



### Andre to Use?

Andre wants to use cannabis. Help him determine whether or not his actions are legal by answering a series of questions about his situation.

START NOW ▶



### Sam to Transfer/Deliver?

Sam wants to transfer/deliver (i.e. gift, sell, exchange) his cannabis. Help him determine whether or not his actions are legal by answering a series of questions about his situation.

START NOW ▶



### Robert to Transport?

Robert wants to transport his cannabis. Help him determine whether or not his actions are legal by answering a series of questions about his situation.

START NOW ▶



### Kailee to Process?

Kailee wants to process her cannabis into products (i.e. topical, edibles, concentrates or extracts). Help her determine whether or not her actions are legal by answering a series of questions about her situation.

START NOW ▶



### Jasmin to Grow?

Jasmin wants to grow cannabis. Help her determine whether or not her actions are legal by answering a series of questions about her situation.

START NOW ▶



## Jennifer is in possession of cannabis.

Help her determine whether or not her action is legal by answering a series of questions about her situation.

### How old is Jennifer?

Jennifer is under 21.

Jennifer is 21+.

**SUBMIT ANSWER** 

[Homepage](#)

[Test Your Knowledge](#)

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CITY OF BEND



Deschutes County  
District Attorney's Office



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## Jennifer is in possession of cannabis.

Help her determine whether or not her action is legal by answering a series of questions about her situation.

### How old is Jennifer?

Jennifer is 21+.



NEXT QUESTION



[Homepage](#)

[Test Your Knowledge](#)

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[Glossary](#)

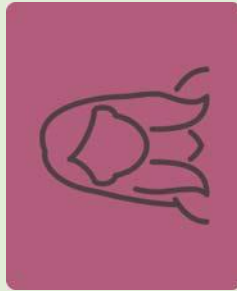
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## Jennifer is in possession of cannabis.

Help her determine whether or not her action is legal by answering a series of questions about her situation.

### Has Jennifer ever been sentenced for a crime?

- Yes, she has an prior felony conviction.
- Yes, she is currently on probation.
- Yes, she is on post prison release.
- No, she does not have any criminal history.

**SUBMIT ANSWER** 



## Jennifer is in possession of cannabis.

Help her determine whether or not her action is legal by answering a series of questions about her situation.

### Has Jennifer ever been sentenced for a crime?

Yes, she has an prior felony conviction.



Under most circumstances it is legal for Jennifer, even with a prior felony conviction, to possess recreational cannabis in Oregon.

**NEXT QUESTION**



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## Jennifer is in possession of cannabis.

Help her determine whether or not her action is legal by answering a series of questions about her situation.

### Is Jennifer in possession of cannabis in a public or private setting?

She is in a private location

She is in a public location

SUBMIT ANSWER 

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## Jennifer is in possession of cannabis.

Help her determine whether or not her action is legal by answering a series of questions about her situation.

### Is Jennifer in possession of cannabis in a public or private setting?

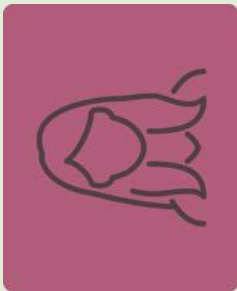
She is in a private location



#### Public vs. Private Definitions:

- **Private:** a home or apartment, a vehicle, land/property that belonging to or for the use of an individual
- **Public:** schools, parks, public transportation, restaurants, and sidewalk. ORS Code 475B.015 #34

**NEXT QUESTION** 



## Jennifer is in possession of cannabis.

Help her determine whether or not her action is legal by answering a series of questions about her situation.

**What form of cannabis is Jennifer in possession of at home?**

Dried flower or Leaf

Liquid

Edible

Concentrate

Extract

Seeds

Plants

SUBMIT ANSWER





## Jennifer is in possession of cannabis.

Help her determine whether or not her action is legal by answering a series of questions about her situation.

**What form of cannabis is Jennifer in possession of at home?**

Dried flower or Leaf



Jennifer is legally allowed to possess a maximum of 8 ounces of recreational dried leaf or flower cannabis in Oregon, since she is on private property and she is 21+.

8 ounces of dried cannabis is equal to what would fit within a plastic grocery bag.

### PRIVATE POSSESSION QUANTITY LIMITS

Units of weight change by cannabis form.

Dried Leaf or Flower	8 ounces
Liquid	72 fl. ounces
Edibles	16 ounces
Concentrates*	16 ounces
Extracts	1 ounce
Seeds	10 seeds
Mature or Immature Plants	4 plants

\* Unlike the other forms of cannabis, Jennifer may possess more concentrate in public than a cannabis retailer is lawfully allowed to sell to a single individual in a day.



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** November 1, 2021

**SUBJECT:** Fee Waiver Request / Yreka Butte Enterprises

**RECOMMENDED MOTION:**

Deny the fee waiver request.

**BACKGROUND AND POLICY IMPLICATIONS:**

The purpose of this work session is to consider a Fee Waiver Request from Yreka Butte Enterprises. The request, submitted by Edward Fitch, is to reduce the fees for a plan amendment and zone change to \$6,000 to establish a surface mine operation near Hampton. The subject property is approximately 5 acres and zoned Exclusive Farm Use (EFU) with Wildlife Area and Sage Grouse Combining Zones.

**BUDGET IMPACTS:**

Deschutes County's plan amendment and zone change fees for this property range from \$24,183 to \$27,408. Application fees represent a plan amendment (with or without a Goal exception) and two zone changes, one from Exclusive Farm Use to Surface Mine, and the other establishing a Surface Mining Impact Area Combining Zone. The fee range also includes a \$5,500 Hearings Officer and Administrative Deposit.

**ATTENDANCE:**

Peter Gutowsky, Community Development Director



MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Peter Gutowsky, AICP, Director
DATE: October 27, 2021
SUBJECT: Fee Waiver Request / Yreka Butte Enterprises

I. Summary

The purpose of this work session is to consider a Fee Waiver Request from Yreka Butte Enterprises (Attachment 1). The request, submitted by Edward Fitch, is to reduce the fees for a plan amendment and zone change to \$6,000 to establish a surface mine operation near Hampton. The subject property is approximately 5 acres and zoned Exclusive Farm Use (EFU) with Wildlife Area and Sage Grouse Combining Zones. Deschutes County’s plan amendment and zone change fees for this property range from \$24,183 to \$27,408.1 Establishing a surface mine requires changing the Comprehensive Plan, rezoning the property from EFU to Surface Mine (SM), creating a Surface Mining Impact Area Combining Zone (SMIA), and entitling a surface mine operation per Deschutes County Code (DCC) 18.52.050 and 18.124.030.2

The applicable Fee Waiver Policies are:

- 4. Fee waivers under this policy to provide a public benefit provided by a non-profit or public organization are subject to Board of County Commissioners approval.
8. The Board of County Commissioners may waive fees in any other case where the public benefit is served and other remedies have been exhausted.

The following summarizes Yreka Butte Enterprises’ request:

[the] property is just South of Highway 20. There is a need for some aggregate for the local farmers around this area for their roads and pivots, as well as a need by Deschutes County for some aggregate for Fredrick Butte Road. It is not economical to transport these small amounts of aggregate from sites near the City of Bend all the way to this area of the county.

1 Application fees represent a plan amendment (with or without a Goal exception) and two zone changes, one from EFU to SM, and the other establishing a SMIA. The fee range also includes a \$5,500 Hearings Officer and Administrative Deposit.

2 Conditional Use and Site Plan Review will be required upon a successful re-designation to SM and SMIA. The fees are \$2,984 and \$4,728, respectively.

*The main issue here is whether or not we can arrange for a small-scale mining operation that would fit the economic needs of the farmers in the area in question for some aggregate, as well as Deschutes County, vis-à-vis Fredrick Butte Road. To mine and crush the rock in this area, at approximately five thousand to ten thousand (5,000 – 10,000) yards every two to three (2-3) years, would only be available if the land use application fees for such project were on a scale that would make this operation feasible. Currently, the fees for the zone change and plan amendments for this small operation is approximately eighteen thousand dollars (\$18,000).*

*The purpose [of this letter] is to request that Deschutes County adjust that fee for this operation to be six thousand dollars (\$6,000) instead. This would enable this operation to become economically feasible, which in turn would benefit the eastern portion of Deschutes County and its local farmers in that area, as well as the Deschutes County Public Works Department.*

*The proposal for Yreka does provide a public benefit in that it will provide material for Fredrick Butte Road when Public Works Department needs material.*

*Further, my client is not asking for a Fee Waiver, it is asking for a discount on the Fees due to the economics of this whole application. This is a very isolated parcel out in the eastern reach of Deschutes County. The agricultural community out there has limited access to these aggregate resources due to the distance between the ranches and any area where the resources are available or reasonable economic basis. Given the very small scale of this operation and its distance from the main center of Deschutes County, the potential benefit of the Public Works Department on Fredrick Butte Road and the local agricultural community in this general area, I believe the fee discount makes sense. It will still ensure that the Planning Department receives sufficient funds to process this application. We have previously reviewed the application with the Oregon Department of Fish and Wildlife, who have opined that there should not be any negative impact on the Sage Grouse population.*

**II. Previous Fee Waiver Actions**

Randy Scheid, Acting Community Development Director, denied the fee waiver request on September 29, 2001 stating the Community Development Department does not have the authority to approve it per the Fee Waiver Policy.<sup>3</sup> Nick Lelack, County Administrator, denied the fee waiver request on appeal, on October 13, interpreting the Fee Waiver Policy “public benefit” to only apply to non-profit and public organizations and not to private applications (Attachment 2). His decision was subsequently appealed to the Board of County Commissioners on October 25.

**III. Recommendation**

Consistent with previous decisions, staff recommends the Board deny the fee waiver request.

---

<sup>3</sup> Attachment 1. Pages 5 and 6.

#### **IV. Board Options**

- (1) Approve the fee waiver adjustment in the amount of \$6,000 and find that the action is in the public benefit;  
or
- (2) Approve a partial fee waiver and find that the action is in the public benefit; or
- (3) Deny the fee waiver request.

#### Attachments

1. Fee Waiver Request to the Board
2. County Administrator Fee Waiver



Edward P. Fitch  
Attorney  
[ed@fitchandneary.com](mailto:ed@fitchandneary.com)

Randi N. Anderson  
Paralegal  
[randi@fitchandneary.com](mailto:randi@fitchandneary.com)

October 25, 2021

**VIA: FIRST CLASS MAIL**  
**Notification of Mailing Sent Via Email**

Deschutes County Services Building, Administration  
ATTN: Nick Lelack, Deschutes County Administrator  
P.O. Box 6005  
Bend, OR 97708  
E: [nick.lelack@deschutes.org](mailto:nick.lelack@deschutes.org)

**Re: David Barker - Zone Changes and Plan Amendment**

Dear Nick,

Enclosed please find the completed Appeal Application for my client concerning the partial fee waiver previously submitted to your department for the zone change and plan amendment. Please let me know what procedure will entail with this appeal at your earliest convenience.

I am assuming since this is a fee waiver issue that there is no fee for the submission of the Appeal Application, but let me know if this is not the case. Should you have any questions or concerns, please do not hesitate to reach out to me. Thank you for your prompt attention to this matter.

Very truly yours,

EDWARD P. FITCH  
Attorney for David Baker

EPF: RNA  
Encl: As Indicated Above  
CC: Client



APPEAL APPLICATION

FEE: \_\_\_\_\_

EVERY NOTICE OF APPEAL SHALL INCLUDE:

1. A statement describing the specific reasons for the appeal.
2. If the Board of County Commissioners is the Hearings Body, a request for review by the Board stating the reasons the Board should review the lower decision.
3. If the Board of County Commissioners is the Hearings Body and *de novo* review is desired, a request for *de novo* review by the Board, stating the reasons the Board should provide the *de novo* review as provided in Section 22.32.027 of Title 22.
4. If color exhibits are submitted, black and white copies with captions or shading delineating the color areas shall also be provided.

It is the responsibility of the appellant to complete a Notice of Appeal as set forth in Chapter 22.32 of the County Code. The Notice of Appeal on the reverse side of this form must include the items listed above. Failure to complete all of the above may render an appeal invalid. Any additional comments should be included on the Notice of Appeal.

Staff cannot advise a potential appellant as to whether the appellant is eligible to file an appeal (DCC Section 22.32.010) or whether an appeal is valid. Appellants should seek their own legal advice concerning those issues.

Appellant's Name (print): YALTA BOTE ENTERPRISES Phone: (541) 306-0319  
 Mailing Address: 4010 S Hwy 20 City/State/Zip: Brookings OR 97712  
 Land Use Application Being Appealed: FEE WAIVER (Partial)  
 Property Description: Township 22 Range 20 Section 00 Tax Lot 804  
 Appellant's Signature: [Handwritten Signature]

EXCEPT AS PROVIDED IN SECTION 22.32.024, APPELLANT SHALL PROVIDE A COMPLETE TRANSCRIPT OF ANY HEARING APPEALED, FROM RECORDED MAGNETIC TAPES PROVIDED BY THE PLANNING DIVISION UPON REQUEST (THERE IS A \$5.00 FEE FOR EACH MAGNETIC TAPE RECORD). APPELLANT SHALL SUBMIT THE TRANSCRIPT TO THE PLANNING DIVISION NO LATER THAN THE CLOSE OF THE DAY FIVE (5) DAYS PRIOR TO THE DATE SET FOR THE DE NOVO HEARING OR, FOR ON-THE-RECORD APPEALS, THE DATE SET FOR RECEIPT OF WRITTEN RECORDS.

(over)





Edward P. Fitch  
Attorney at Law  
[ed@fitchandneary.com](mailto:ed@fitchandneary.com)

Patricia Jane Roberts  
Paralegal  
[patricia@fitchandneary.com](mailto:patricia@fitchandneary.com)



September 30, 2021

***VIA FACSIMILE AND US FIRST CLASS MAIL***

Nick Lelack  
Deschutes County Administrator  
Deschutes Services Building  
PO Box 6005  
Attn: Administration  
Bend, OR 97708-6005  
Fax: 541-385-3202

***Re: Yreka Butte Enterprises, LLC - Fee Waiver (deduction) Request***

I am enclosing the email we received back from Randy Scheid at the Deschutes County Planning Department. I understand that they do not have the authority to reduce the fee. I am also enclosing our rationale for the deduction in the letters I originally sent to the county commissioners.

Please consider this letter an appeal of the Planning Department's decision to determine whether or not the commissioners would be interested in reducing the fee on this request given the economics of the use and the distance from any urban area, the potential benefit to the county and public works department to address Fredrick Butte Road from time to time.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Edward P. Fitch", written over a horizontal line.

EDWARD P. FITCH

EPF:pjr

Enclosures

cc: David Baker

G:\Clients\EPF\Baker, David\Baker, David LU\Lelack ltr 093021.wpd

**Ed Fitch**

---

**From:** Randy Scheid <Randy.Scheid@deschutes.org>  
**Sent:** Wednesday, September 29, 2021 3:23 PM  
**To:** Ed Fitch  
**Cc:** Randi Anderson  
**Subject:** RE: Discount on Fees for Zone Changes and Plan Amendment

Mr. Fitch,

A letter of appeal to the County Administrator will suffice.

Thanks,  
Randy.



**Randy Scheid | Building Official**  
DESCHUTES COUNTY COMMUNITY DEVELOPMENT  
117 NW Lafayette Avenue | Bend, Oregon 97703  
Tel: (541) 317-3137  
  

Let us know how we're doing: [Customer Feedback Survey](#)

*Enhancing the lives of citizens by delivering quality services in a cost-effective manner.*

*Every Time Standards*

- We respond in a timely and courteous manner, identifying customer needs and striving for solutions.*
- We set honest and realistic expectations to achieve optimum results.*
- We provide knowledgeable, timely, professional, respectful service.*
- We take ownership of customers' needs and follow through.*
- We value our customers and approach them with an open mind.*

**From:** Ed Fitch <ed@fitchandneary.com>  
**Sent:** Wednesday, September 29, 2021 1:03 PM  
**To:** Randy Scheid <Randy.Scheid@deschutes.org>  
**Cc:** Randi Anderson <randi@fitchandneary.com>  
**Subject:** RE: Discount on Fees for Zone Changes and Plan Amendment

[EXTERNAL EMAIL]

---

Thanks. Is this a formal appeal or is a letter appeal sufficient.

**From:** Randy Scheid <Randy.Scheid@deschutes.org>  
**Sent:** Wednesday, September 29, 2021 12:53 PM  
**To:** Ed Fitch <ed@fitchandneary.com>

Cc: Randi Anderson <randi@fitchandneary.com>  
Subject: RE: Discount on Fees for Zone Changes and Plan Amendment

Mr. Fitch,

Thank you for your email requesting a discount on fees for zone changes and plan amendment dated September 29<sup>th</sup>, 2021.

As the acting Deschutes County CDD Director, I have reviewed our fee waiver policy and your request.

I find that CDD does not have the authority to approve your fee waiver request as proposed per the Fee Waiver Policy.

You may appeal my decision to the Deschutes County Administrator, Nick Lelack.

Sincerely,  
Randy.



**Randy Scheid | Building Official**  
DESCHUTES COUNTY COMMUNITY DEVELOPMENT  
117 NW Lafayette Avenue | Bend, Oregon 97703  
Tel: (541) 317-3137  
f t i

Let us know how we're doing: [Customer Feedback Survey](#)

*Enhancing the lives of citizens by delivering quality services in a cost-effective manner.*

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- We set honest and realistic expectations to achieve optimum results.*
- We provide knowledgeable, timely, professional, respectful service.*
- We take ownership of customers' needs and follow through.*
- We value our customers and approach them with an open mind.*

**From:** Peter Gutowsky <Peter.Gutowsky@deschutes.org>  
**Sent:** Wednesday, September 29, 2021 10:57 AM  
**To:** Randy Scheid <Randy.Scheid@deschutes.org>  
**Subject:** FW: Discount on Fees for Zone Changes and Plan Amendment

FYI.



**Peter Gutowsky, AICP | Planning Manager**  
DESCHUTES COUNTY COMMUNITY DEVELOPMENT  
117 NW Lafayette Avenue | Bend, Oregon 97703  
Tel: (541) 385-1709  
f t i

*Enhancing the lives of citizens by delivering quality services in a cost-effective manner.*

**From:** Randi Anderson <randi@fitchandneary.com>  
**Sent:** Wednesday, September 29, 2021 10:55 AM

To: Peter Gutowsky <Peter.Gutowsky@deschutes.org>  
Cc: Ed Fitch <ed@fitchandneary.com>  
Subject: RE: Discount on Fees for Zone Changes and Plan Amendment

You don't often get email from [randi@fitchandneary.com](mailto:randi@fitchandneary.com). [Learn why this is important](#)  
[EXTERNAL EMAIL]

---

Good morning,

Attached please find a copy of correspondence from Mr. Ed Fitch as of today's date. Please note, I have also sent a copy via First Class Mail.

Should you have any questions or concerns, please do not hesitate to reach out to me. Thank you.

Randi N. Anderson  
Paralegal



Fitch & Neary, P.C.

210 SW 5th Street, Ste. 2  
Redmond, OR 97756  
(P) [541-316-1588](tel:541-316-1588)  
(F) [541-316-1943](tel:541-316-1943)  
(E) [randi@fitchandneary.com](mailto:randi@fitchandneary.com)

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Edward P. Fitch  
Attorney  
[ed@fitchandneary.com](mailto:ed@fitchandneary.com)

Kelly Barber  
Paralegal  
[randi@fitchandneary.com](mailto:randi@fitchandneary.com)

September 22, 2021

**VIA: FIRST CLASS MAIL**  
**Notification of Mailing Sent Via Email**

Deschutes County Commissioners Office  
*ATTN: Mr. Anthony DeBone, Commissioner*  
P.O. Box 6005  
*ATTN: BoCC*  
Bend, OR 97708-6005  
E: [Tony.DeBone@deschutes.org](mailto:Tony.DeBone@deschutes.org)

Deschutes County Commissioners Office  
*ATTN: Ms. Patti Adair, Commissioner*  
P.O. Box 6005  
*ATTN: BoCC*  
Bend, OR 97708-6005  
E: [Patti.Adair@deschutes.org](mailto:Patti.Adair@deschutes.org)

Deschutes County Commissioners Office  
*ATTN: Mr. Phil Chang, Commissioner*  
P.O. Box 6005  
*ATTN: BoCC*  
Bend, OR 97708-6005  
E: [Phil.Chang@deschutes.org](mailto:Phil.Chang@deschutes.org)

Deschutes County Planning Department  
*ATTN: Peter Gutowsky*  
117 NW Lafayette Avenue  
Bend, Oregon 97703  
E: [Peter.Gutowsky@deschutes.org](mailto:Peter.Gutowsky@deschutes.org)

**Re: Discount on Fees for Zone Changes and Plan Amendment**

Dear Commissioners and Peter,

Peter Gutowsky sent provided me with information regarding the Fee Waiver Policy. We did not complete those policy documents due to the fact that Yreka Butte Enterprises, LLC does not qualify as the policy is written. Yreka Butte Enterprises, LLC is not indigent. The proposal for Yreka does provide a public benefit in that it will provide material for Fredrick Butte Road when the Public Works Department needs material.

Further, my client is not asking for a Fee Waiver, it is asking for a discount on the Fees due to the economics of this whole applicate. This is a very isolated parcel out in the eastern reaches of Deschutes County. The agricultural community out there has limited access to these aggregate resources due to the distance between the ranches and any area where the resources are available or reasonable economic basis. Given the very small scale of this operation and its distance from the main center of Deschutes County, the potential benefit to the Public Works Department on Fredrick Butte Road and the local agricultural community in this general area, I believe the fee discount makes sense. It will still ensure that the Planning Department receives sufficient funds to process this application. I seriously there would be any opposition to this fee reduction. We have previously reviewed the application with the Oregon Department of Fish and Wildlife, who have




Edward P. Fitch  
Attorney  
[ed@fitchandneary.com](mailto:ed@fitchandneary.com)

Kelly Barber  
Paralegal  
[randi@fitchandneary.com](mailto:randi@fitchandneary.com)

opined that there should not be any negative impact on the Sage Grouse population. We do not foresee any adverse impact on any other resource or wildlife given the very limited nature of this application.

Very truly yours,



EDWARD P. FITCH  
Attorney for David Baker

EPF: KB  
Encl: N/A  
CC: Client

**TRUE COPY**

Edward P. Fitch  
Attorney  
[ed@fitchandneary.com](mailto:ed@fitchandneary.com)

Randi N. Anderson  
Paralegal  
[randi@fitchandneary.com](mailto:randi@fitchandneary.com)

August 31, 2021

**VIA: FIRST CLASS MAIL**  
**Notification of Mailing Sent Via Email**

Deschutes County Commissioners Office  
ATTN: Mr. Anthony DeBone, Commissioner  
P.O. Box 6005  
ATTN: BoCC  
Bend, OR 97708-6005  
E: Tony.DeBone@deschutes.org

Deschutes County Commissioners Office  
ATTN: Ms. Patti Adair, Commissioner  
P.O. Box 6005  
ATTN: BoCC  
Bend, OR 97708-6005  
E: Patti.Adair@deschutes.org

Deschutes County Commissioners Office  
ATTN: Mr. Phil Chang, Commissioner  
P.O. Box 6005  
ATTN: BoCC  
Bend, OR 97708-6005  
E: Phil.Chang@deschutes.org

**Re: Discount on Fees for Zone Changes and Plan Amendment**

Dear Commissioners,

This office represents Mr. David Baker, individually, and Yreka Butte Enterprises, LLC, as an entity, in regard to a proposed five (5) acre surface mine on the eastern edge of Deschutes County. My client's property is located at the Deschutes County line with Harney County. I am enclosing a map showing the general location of the property for your reference. As you can see, the property is just South of Highway 20. There is a need for some aggregate for the local farmers around this area for their roads and pivots, as well as a need by Deschutes County for some aggregate for Fredrick Butte Road.

It is not economical to transport these small amounts of aggregate from sites near the City of Bend all the way to this area of the county. My client, David Baker, on behalf of Yreka Butte Enterprises, LLC, has proposed a very small-scale mining operation on his property to remedy this issue. This project will be located on Tax Lot 804 and Tax Lot 500. The second map I am enclosing will show the location of that proposed surface mine. It is only five (5) acres in size. We have reviewed this application with the Department of Fish and Wildlife, and it does not appear that there is any need for mitigation, vis-à-vis the Sage Grouse population in that area. Also, the property subject to this proposed mine does not have any agricultural value.

The main issue here is whether or not we can arrange for a small-scale mining operation that would fit the economic needs of the farmers in the area in question for some aggregate, as well as Deschutes County, vis-à-vis Fredrick Butte Road. To mine and crush the rock in this area, at



Edward P. Fitch  
Attorney  
[ed@fitchandneary.com](mailto:ed@fitchandneary.com)

Randi N. Anderson  
Paralegal  
[randi@fitchandneary.com](mailto:randi@fitchandneary.com)

approximately five thousand to ten thousand (5,000 – 10,000) yards every two to three (2-3) years, would only be available if the land use application fees for such project were on a scale that would make this operation feasible. Currently, the fees for the zone change and plan amendments for this small operation is approximately eighteen thousand dollars (\$18,000).

The purpose of this letter is to request that Deschutes County adjust that fee for this operation to be six thousand dollars (\$6,000.00) instead. This would enable this operation to become economically feasible, which in turn would benefit the eastern portion of Deschutes County and its local farmers in that area, as well as the Deschutes County Public Works Department. We would be happy to review this proposal in person, or by phone, if so desired by the Commissioners. We have reviewed this request with representatives of the Community Development Department as well. They have suggested that we make this request to the Commission directly.

I am also enclosing the Partial Fee Waiver Application Form for your consideration. We are hopeful that we can come to an agreement, and will look forward to your response. Should you have any questions or concerns, please do not hesitate to reach out to me. Thank you for your attention to this matter.

Very truly yours,

EDWARD P. FITCH  
Attorney for David Baker

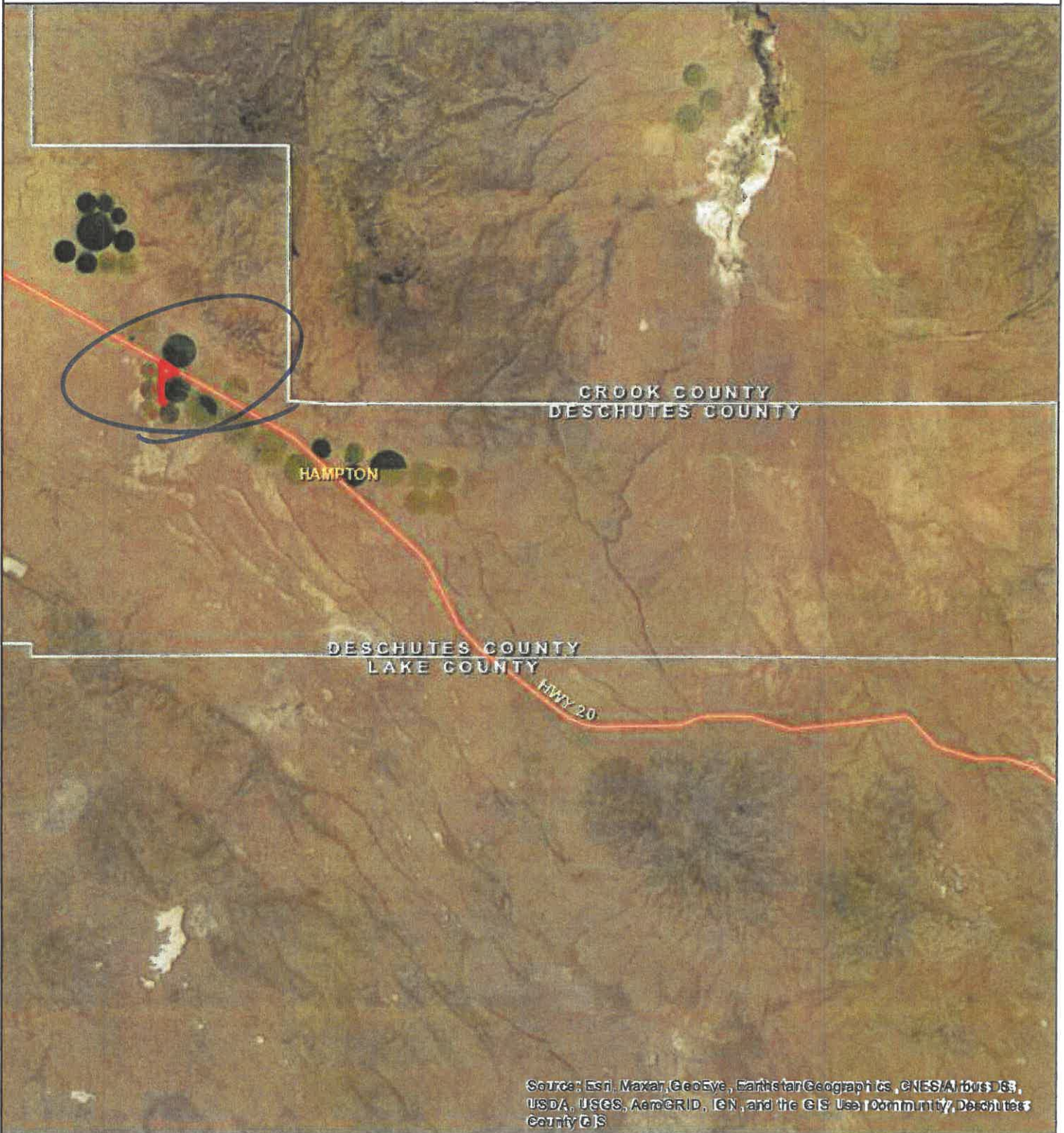
EPF: RNA  
Encl: N/A  
CC: Client

Mr. Nick Lelack, Community Development Director  
*via Email: [Nick.Lelack@deschutes.org](mailto:Nick.Lelack@deschutes.org)*

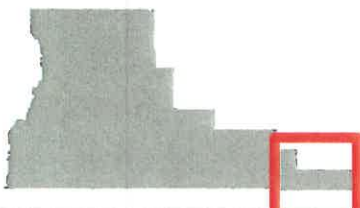


# Deschutes County Property Information - Dial

## Overview Map



Map and Taxlot: 2120000002300



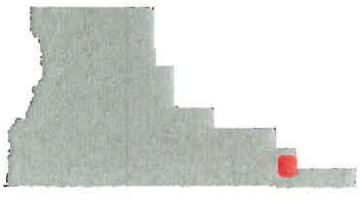
# Deschutes County Property Information - Dial

## Overview Map



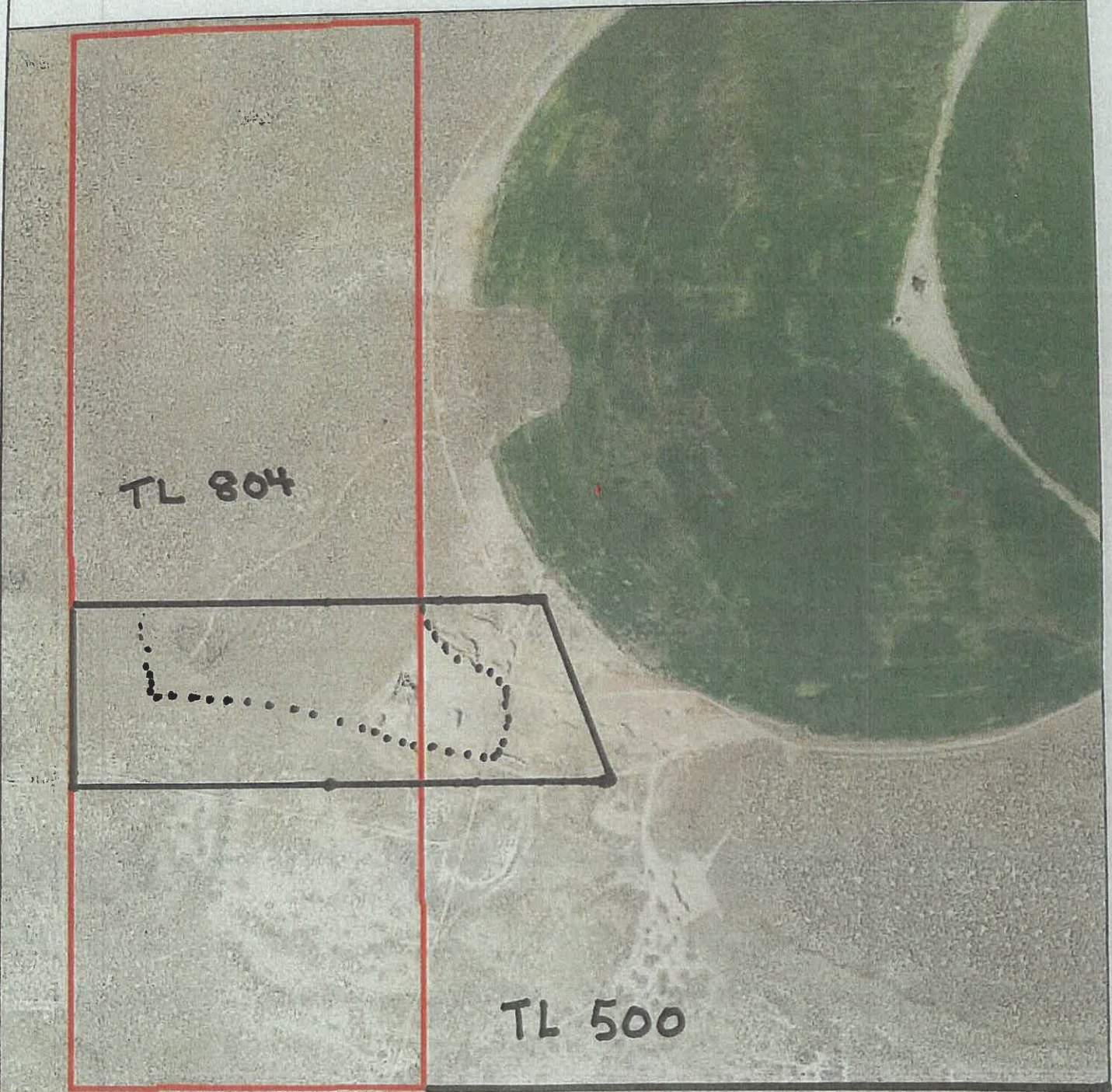
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Deschutes County GIS

Map and Taxlot: 2120000002300



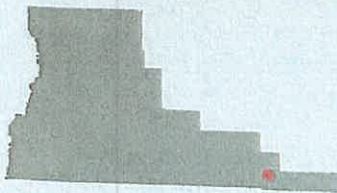
# Deschutes County Property Information - Dial

## Overview Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Deschutes County GIS

Map and Taxlot: 2220000000804



—  
..... IMPACT AREA  
proposed





COUNTY ADMINISTRATOR NICK LELACK

Edward P. Fitch  
210 SW 5<sup>th</sup> Street, Suite 2  
Redmond, OR 97756

October 13, 2021

RE: Yreka Butte Enterprises, LLC – Fee Waiver (Reduction) Request

Dear Mr. Fitch:

Thank you for your Facsimile and letter regarding a fee waiver (reduction) request on behalf of your client, Yreka Butte Enterprises, LLC.

I am denying the request for the following reasons:

1. In coordination with former Community Development Department (CDD) Director and County Administrator Tom Anderson, who authored the Fee Waiver Policy (adopted in 2006), the County has interpreted “public benefit” to only apply to non-profit and public organizations and not to private applications. This interpretation matches my implementation of the Policy while serving as CDD Director.
2. CDD’s fees are based on the average costs to process land use applications rather than the actual cost of service for a specific application.

This decision may be appealed to the Board. If appealed, please submit the appeal to me for processing.

Sincerely,

Nick Lelack, County Administrator



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** 11/1/2021

**SUBJECT:** Wildlife Inventory Update – Continued Discussion of Options

**BACKGROUND AND POLICY IMPLICATIONS:**

On September 29, staff provided the Board of County Commissioners with a “roadmap” of potential options pertaining to a wildlife inventory update. This included a discussion of choosing how many inventories to update and when to do so, as well as a discussion of conflicting uses for consideration. Staff is now returning to the Board for further discussion of the update options, and is offering revised timelines for the inventory update process.

**BUDGET IMPACTS:**

*None*

**ATTENDANCE:**

*Tanya Saltzman, Senior Planner*



**MEMORANDUM**

**TO:** Deschutes County Board of Commissioners

**FROM:** Tanya Saltzman, AICP, Senior Planner

**DATE:** October 28, 2021

**SUBJECT:** Wildlife Inventory Update – Continued Discussion of Options

---

On September 29, staff provided the Board of County Commissioners (Board) with a “roadmap” of potential options pertaining to a wildlife inventory update.<sup>1</sup> This included a discussion of choosing how many inventories to update and when to do so, as well as a discussion of conflicting uses for consideration. Staff is now returning to the Board for further discussion of the update options, and is offering revised timelines for the inventory update process.

**I. Wildlife Inventory Roadmap - Options**

As stated previously, the process for updating a Goal 5 wildlife inventory is prescribed by Oregon Administrative Rules (OARs). In addition, Oregon counties rarely, if ever, undergo the process to update existing wildlife inventories because, unlike cities, they are not required to comply with periodic review.<sup>2</sup> By choosing to undertake a Goal 5 wildlife inventory update, Deschutes County will be moving forward with a rarely-utilized and complex process that, while a significant effort, can hopefully provide an example of best practices for other jurisdictions as well as the County for future efforts.

Below, staff briefly restates each option:

**Option 1**

Select one of the three inventories to update the Comprehensive Plan and Zoning Code as a pilot project now, as a model for future inventory updates following the completion of the Comprehensive Plan Update. As noted previously, if this option is selected, staff suggests updating the mule deer inventory due to the species’ visibility in the county, the noted decline in population, and the most robust new data.

<sup>1</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-16>

<sup>2</sup> Periodic Review is a term used in Oregon law to describe the periodic evaluation and revision of a local comprehensive plan. Prior to 2003, state law (ORS 197.628 – 636) called for counties to review their comprehensive plans according to a periodic schedule established by the Land Conservation and Development Commission (LCDC). The Oregon Legislature eliminated periodic review requirements for counties in 2003 (SB 920).

**Option 2**

Select two of the three inventories to update as a pilot project. As noted previously, if this option is selected, staff recommends updating the mule deer and elk winter range inventories owing to the similarity of the data types and therefore the methodology for the legal findings and justification.

**Option 3**

Initiate the wildlife inventory updates following the completion of the Comprehensive Plan Update which is expected in FY 2023-2024.

**II. Revised Timelines**

Based on additional coordination with partner agencies as well as internal research, staff recommends extending the original timeline presented for inventory updates.

As noted previously, each inventory update will include a series of virtual open houses hosted by the Planning Commission (2-3 for a single inventory; 4-6 for two inventories). In addition, due to the significant nature of the undertaking, updating each inventory will require extensive justification in robust, structured findings that will be resource- and time-intensive for both Planning and Legal staff. Therefore, staff now anticipates that initiating a legislative amendment and updating one inventory (Option 1) would require conservatively, 9 to 12 months, and updating two inventories (Option 2) would require 12 to 15 months.

**III. Next Steps**

Staff seeks Board direction concerning its preferred option concerning a wildlife inventory update, or can return at a later date for additional discussion.