



## BOARD OF COMMISSIONERS

### BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, SEPTEMBER 29, 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, or through in-person attendance at the meeting. Email and Voice Mail citizen input received by 8:00 a.m. before the start of the meeting will be included in the meeting record.

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

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

## CALL TO ORDER

## PLEDGE OF ALLEGIANCE

### CITIZEN INPUT: *For items not on this Agenda*

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

## CONSENT AGENDA

- [1.](#) Consideration of Board Signature of Resolution No. 2021-048, a Resolution Regarding Right of Way Acquisition for Construction of Road Improvements at Hunnell Road between Loco Road to Tumalo Road
- [2.](#) Consideration of Board Signature of Resolution No. 2021-065, Increasing Appropriations within the Health Services Fund and Extending 6.0 Limited Duration FTE and Adding 1.0 Limited Duration FTE within the Health Services Fund and 2021-2022 Deschutes County Budget.
- [3.](#) Consideration of Board Signature of Resolution No. 2021-066 Increasing Appropriations and Adding 7.5 FTE within the Health Services Fund and 2021-2022 Deschutes County Budget.
- [4.](#) Consideration of Resolution No. 2021-067 Transferring Appropriations and Adding 1.0 FTE within the Community Development Department and 2021-2022 Deschutes County Budget.
- [5.](#) Consideration of Resolution No. 2021-070, Setting a Public Hearing for the Surrender of Jurisdiction of Portions of Knott Rd, Tekampe Rd, and Stevens Rd to the City of Bend
- [6.](#) Consideration of Board Signature of Order 2021-038 Appointing County Residents to Two Pools from which the County Clerk Will Select Members of the Board of Property Tax Appeals.
- [7.](#) Consideration of Board Signature of Order No. 2021-047, Appointing Health Services Director's Designees
- [8.](#) Consideration of Board Signature of Document No. 2021-746, Amended Bylaws of Deschutes County Public Safety Coordinating Council
9. Approval of Minutes of the September 8, 2021 BOCC Meeting
10. Approval of Minutes of the September 15, 2021 BOCC Meeting

## CONVENE AS THE GOVERNING BODY OF THE SUNRIVER SERVICE DISTRICT

11. Consideration of Board Signature of Letter Thanking Jackie Schmid for Service on the Sunriver Service District Managing Board
12. Consideration of Board Signature of Letter Appointing Tony De Alicante to the Sunriver Service District Managing Board

## RECONVENE AS THE GOVERNING BODY OF DESCHUTES COUNTY

### ACTION ITEMS

- [13.](#) **9:15 AM** Request BOCC Approval to Apply for ODVA Suicide Prevention Grant
- [14.](#) **9:30 AM** Grant Application Request, Oregon DEQ Community Response Plan for Smoke Implementation
- [15.](#) **9:45 AM** American Rescue Plan Funding Update
16. **10:15 AM** COVID19 Update
- [17.](#) **11:00 AM** Discussion and Consideration of Draft Vaccine Requirement for County Employees in Health Services and the Community Justice - Juvenile Division

### LUNCH RECESS

- [18.](#) **1:00PM** Consideration of Second Reading: Ordinance No. 2021-012 – Marijuana Annual Reporting
- [19.](#) **1:10 PM** Senate Bill 391 / Rural Accessory Dwelling Units
- [20.](#) **1:30 PM** Wildlife Inventory Update – 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.*

21. Executive Sessions under ORS 192.660 (2) (e) Real Property Negotiations

## 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:** Wednesday, September 29, 2021

**SUBJECT:** Consideration of Resolution No. 2021-048, a Resolution Regarding Right of Way Acquisition for Construction of Road Improvements on Hunnell Road

**RECOMMENDED MOTION:**

*Move approval of Resolution No. 2021-048.*

**BACKGROUND AND POLICY IMPLICATIONS:**

Deschutes County Road Department is preparing plans and specifications for the Hunnell Road: Loco Road to Tumalo Road Improvement project. The project construction plans are 60 percent complete, and additional project right of way needs have been identified. General information notices regarding right of way acquisitions have been mailed to affected adjacent property owners.

Adoption of Resolution No. 2021-048 will memorialize the public necessity for the project and proposed right of way acquisitions and will authorize Road Department and Legal Department to negotiate with the owners of adjoining properties for the property interests required for the project. All resulting purchase agreements and conveyance instruments will be presented to the Board of County Commissioners for acceptance upon completing negotiations.

**BUDGET IMPACTS:**

Road Department will present purchase agreements and conveyance instruments to Board of County Commissioners upon completing negotiations with property owners.

**ATTENDANCE:**

Cody Smith, County Engineer (REQUEST CONSENT AGENDA)

REVIEWED

LEGAL COUNSEL

09/29/2021 Item #1.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution to Acquire Right of Way on  
Hunnell Road for Construction of Road  
Improvements

\*  
\*  
\*

RESOLUTION NO. 2021-048

WHEREAS, by virtue of the laws of the State of Oregon as set forth and defined in Oregon Revised Statutes, Deschutes County is authorized and empowered to acquire by purchase, agreement, donation or by the exercise of the power of eminent domain, real property, or any right or interest therein, including any easement or right-of-way, for the construction, extension, alteration, widening, straightening or otherwise changing of any roads, highways, bridges or approaches within Deschutes County; and

WHEREAS, for the purpose of constructing improvements to Hunnell Road, it is necessary to acquire additional right-of-way as shown in Exhibit "A" attached hereto and incorporated herein by reference; now, therefore,

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

Section 1. The Board hereby finds and declares that certain interests in, or fee simple title to, certain parcels of real property, as shown in Exhibit "A", is needed and required for the construction, improvement and betterment of the Deschutes County road system, particularly constructing improvements to Hunnell Road.

Section 2. That the specified section of highway and the highway facilities for which said parcels of real property are proposed to be acquired will be planned, designed, located and constructed in a manner which will be most compatible with the greatest public good and the least private injury.

Section 3. That Deschutes County Road Department and the Deschutes County Legal Department are hereby authorized to negotiate with the owners of the subject parcels for the acquisition by County of all right, title and interest in and to said parcels, free and clear from any liens or encumbrances and subject to final approval by the Board of County Commissioners of any proposed acquisition.

Section 4. This resolution shall take effect immediately upon passage.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

ATTEST:

\_\_\_\_\_  
PHIL CHANG, Vice Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PATTI ADAIR, Commissioner

**EXHIBIT A**  
Deschutes County Road Department  
Hunnell Road Improvement Project: Loco Road to Tumalo Road  
File Number 001  
Tax Lot 1712040000200

**RIGHT OF WAY DEDICATION**

A parcel of land lying in Parcel 1 Partition Plat No. 2005-59 in the Northwest one-quarter of Section 4, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Statutory Warranty Deed to Russell L. Cooper and Lori C. Cooper, as tenants by the entirety, recorded September 7, 2017 as Instrument No. 2017-035707, Deschutes County Official Records, said parcel described as follows:

BEGINNING at a point on the easterly right of way line of Hunnell Road, said point being South 45°48'02" West, 390.28 feet of the West One-sixteenth corner common to Section 4, Township 17 South, Range 12 East, and Section 33, Township 16 South, Range 12 East, Willamette Meridian, said point also being 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 95+43.57 per Deschutes County Survey No. 20520;

Thence along said easterly right of way line North 13°41'20" West, 158.45 feet to a non-tangent point of curvature at a point 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 97+02.02 per Deschutes County Survey No. 20520;

Thence continuing along said easterly right of way line on a non-tangent 265.23 foot radius curve to the right, the radius point of which bears North 76°20'22" East, through a central angle of 25°56'42" (the long chord of which bears North 00°41'18" West 119.08 feet) an arc distance of 120.10 feet to a non-tangent point of curvature at a point 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 98+35.70 per Deschutes County Survey No. 20520;

Thence continuing along said easterly right of way line on a non-tangent 273.95 foot radius curve to the right, the radius point of which bears South 77°45'38" East, through a central angle of 59°18'34" (the long chord of which bears North 41°53'39" East, 271.09 feet) an arc distance of 283.58 feet to a point 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 101+50.34 per Deschutes County Survey No. 20520;

Thence leaving said easterly right of way line South 45°22'48" East, 25.00 feet to a non-tangent point of curvature;

Thence on a non-tangent 575.00 foot radius curve to the right, the radius point of which bears North 45°22'48" West, through a central angle of 01°08'52" (the long chord of which bears South 45°11'38" West, 11.52 feet) an arc distance of 11.52 feet to a point of reverse curvature;

Thence on a 465.00 foot radius curve to the left through a central angle of  $43^{\circ}46'50''$  (the long chord of which bears South  $23^{\circ}52'39''$  West, 346.73 feet) an arc distance of 355.31 feet to a point;

Thence North  $88^{\circ}00'46''$  West, 25.00 feet to a non-tangent point of curvature;

Thence on a non-tangent 490.00 foot radius curve to the left, the radius point of which bears South  $88^{\circ}00'46''$  East, through a central angle of  $15^{\circ}40'34''$  (the long chord of which bears South  $05^{\circ}51'03''$  East, 133.65 feet) an arc distance of 134.06 feet to the POINT OF BEGINNING herein described.

Containing 9,628 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.



RENEWS: 12-31-2021

SIGNED: 08-08-2021

**EXHIBIT "B"**

LOCATED IN PARCEL 1 PARTITION PLAT 2005-59 IN THE NORTHWEST  
ONE QUARTER OF SECTION 4, TOWNSHIP 17 SOUTH, RANGE 12 EAST,  
WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON

TAX LOT 1612330000907  
PARCEL 2 2002-15

TAX LOT 1612330000907  
PARCEL 2 PP 2005-59

TAX LOT 1712040000200  
PARCEL 1 PP 2005-59  
RUSSELL & LORI COOPER  
INSTR. NO. 2017-035707

± 9,628 SQ.FT.

POINT OF  
BEGINNING  
STA: 95+43.57  
OFF: 30.00' R

STA: 101+50.34  
OFF: 30.00' R

WEST ONE-SIXTEENTH CORNER  
PER OCRR 1371

SCALE  
1" = 100'

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N13°41'20"W	158.45'
L2	S45°22'48"E	25.00'
L3	N88°00'46"W	25.00'

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	LONG CHORD
C1	265.23'	26°56'42"	120.10'	N00°41'18"W, 119.08'
C2	273.95'	59°18'34"	283.58'	N41°53'39"E, 271.09'
C3	575.00'	01°08'52"	11.52'	S45°11'38"W, 11.52'
C4	465.00'	43°46'50"	355.31'	S23°52'39"W, 346.73'
C5	490.00'	15°40'34"	134.06'	S05°51'03"E, 133.65'
C6	294.87'	24°43'17"	127.23'	N01°19'01"W, 126.24'
C7	303.95'	65°27'46"	347.27'	N43°45'16"E, 328.69'

**LEGEND**

RIGHT OF WAY DEDICATION  
± 9,628 SQ.FT.

● - FOUND MONUMENT PER CS20520

SEE ATTACHED LEGAL  
DESCRIPTION



**Harper  
Houf Peterson  
Righellis Inc.**

ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS

250 NW Franklin Avenue, Suite 404, Bend, OR 97703  
phone: 541.318.1161 www.hhpr.com fax: 541.318.1141

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**EXHIBIT A**

Deschutes County Road Department  
Hunnell Road Improvement Project: Loco Road to Tumalo Road  
File Number 002  
Tax Lot 1612330000907

**PARCEL 1 - RIGHT OF WAY DEDICATION**

A parcel of land lying in Parcel 2 Partition Plat No. 2002-15 in the Southwest one-quarter of Section 33, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Statutory Warranty Deed to Gregory P Sullivan and Alisa D Sullivan, as Tenants by the Entirety, recorded December 20, 2016 as Instrument No. 2016-052727, Deschutes County Official Records, said parcel described as follows:

BEGINNING at a point on the easterly right of way line of Hunnell Road, said point being South 45°48'02" West, 390.28 feet of the West One-sixteenth corner common to Section 4, Township 17 South, Range 12 East, and Section 33, Township 16 South, Range 12 East, Willamette Meridian, said point also being 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 95+43.57 per Deschutes County Survey No. 20520;

Thence along said easterly right of way line North 13°41'20" West, 158.45 feet to a non-tangent point of curvature at a point 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 97+02.02 per Deschutes County Survey No. 20520;

Thence continuing along said easterly right of way line on a non-tangent 265.23 foot radius curve to the right, the radius point of which bears North 76°20'22" East, through a central angle of 25°56'42" (the long chord of which bears North 00°41'18" West 119.08 feet) an arc distance of 120.10 feet to a non-tangent point of curvature at a point 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 98+35.70 per Deschutes County Survey No. 20520;

Thence continuing along said easterly right of way line on a non-tangent 273.95 foot radius curve to the right, the radius point of which bears South 77°45'38" East, through a central angle of 59°18'34" (the long chord of which bears North 41°53'39" East, 271.09 feet) an arc distance of 283.58 feet to a point 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 101+50.34 per Deschutes County Survey No. 20520;

Thence leaving said easterly right of way line South 45°22'48" East, 25.00 feet to a non-tangent point of curvature;

Thence on a non-tangent 575.00 foot radius curve to the right, the radius point of which bears North 45°22'48" West, through a central angle of 01°08'52" (the long chord of which bears South 45°11'38" West, 11.52 feet) an arc distance of 11.52 feet to a point of reverse curvature;

Thence on a 465.00 foot radius curve to the left through a central angle of 43°46'50" (the long chord of which bears South 23°52'39" West, 346.73 feet) an arc distance of 355.31 feet to a point;

Thence North 88°00'46" West, 25.00 feet to a non-tangent point of curvature;

Thence on a non-tangent 490.00 foot radius curve to the left, the radius point of which bears South 88°00'46" East, through a central angle of 15°40'34" (the long chord of which bears South 05°51'03" East, 133.65 feet) an arc distance of 134.06 feet to the POINT OF BEGINNING herein described.

Containing 15,161 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

## **PARCEL 2 - RIGHT OF WAY DEDICATION**

A parcel of land lying in Parcel 2 Partition Plat No. 2002-15 in the Southwest one-quarter of Section 33, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Statutory Warranty Deed recorded December 20, 2016 as Instrument No. 2016-052727, Deschutes County Official Records, said parcel described as follows:

BEGINNING at a point on the westerly right of way line of Hunnell Road, said point being North 33°56'49" West, 306.68 feet of the West One-sixteenth corner common to Section 4, Township 17 South, Range 12 East, and Section 33, Township 16 South, Range 12 East, Willamette Meridian, said point also being 30.00 feet westerly when measured at right angles to Hunnell Road Centerline Station 101+36.26 per Deschutes County Survey No. 20520;

Thence leaving said westerly right of way line on a non-tangent 490.00 foot radius curve to the left, the radius point of which bears North 46°55'35" West, through a central angle of 39°30'21" (the long chord of which bears North 23°19'15" East, 331.20 feet) an arc distance of 337.86 feet to a point on said westerly right of way line, said point being 30.00 feet westerly when measured at right angles to Hunnell Road Centerline Station 105+42.34 per Deschutes County Survey No. 20520,

Thence along said westerly right of way line South 03°34'05" West, 200.37 feet to a point of curvature at a point 30.00 feet westerly when measured at right angles to Hunnell Road Centerline Station 103+41.97 per Deschutes County Survey No. 20520;

Thence continuing along said westerly right of way line on a 100.00 foot radius curve to the right, through a central angle of 72°55'04" (the long chord of which bears South 40°01'37" West 118.85 feet) an arc distance of 127.27 feet to a point of reverse curvature at a point 30.00 feet



northerly when measured at right angles to Hunnell Road Centerline Station 101+76.53 per Deschutes County Survey No. 20520;

Thence continuing along said westerly right of way line on a 333.95 foot radius curve to the left, the radius point of which bears South 13°30'51" East, through a central angle of 07°35'28" (the long chord of which bears South 72°41'25" West, 44.21 feet) an arc distance of 44.24 feet to the POINT OF BEGINNING herein described.

Containing 4,877 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.

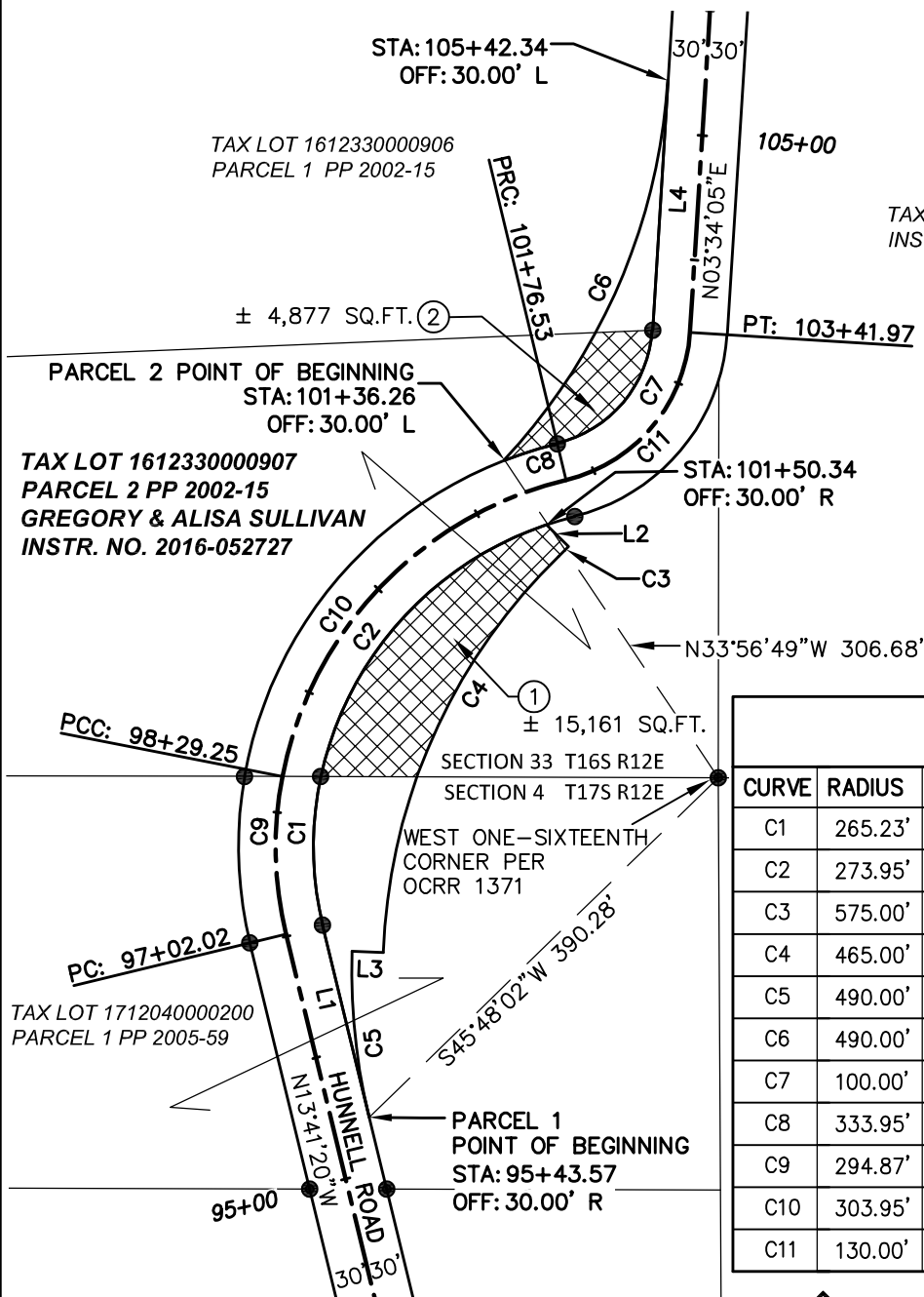


**EXHIBIT "B"**

LOCATED IN PARCEL 2 PARTITION PLAT 2002-15 IN THE SOUTHWEST  
ONE QUARTER OF SECTION 33, TOWNSHIP 16 SOUTH, RANGE 12 EAST,  
WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON



SCALE  
1" = 150'



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N13°41'20"W	158.45'
L2	S45°22'48"E	25.00'
L3	N88°00'46"W	25.00'
L4	S03°34'05"W	200.37'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	LONG CHORD
C1	265.23'	26°56'42"	120.10'	N00°41'18"W, 119.08'
C2	273.95'	59°18'34"	283.58'	N41°53'39"E, 271.09'
C3	575.00'	01°08'52"	11.52'	S45°11'38"W, 11.52'
C4	465.00'	43°46'50"	355.31'	S23°52'39"W, 346.73'
C5	490.00'	15°40'34"	134.06'	S05°51'03"E, 133.65'
C6	490.00'	39°30'21"	337.86'	N23°19'15"E, 331.20'
C7	100.00'	72°55'04"	127.27'	S40°01'37"W, 118.85'
C8	333.95'	07°35'28"	44.24'	S72°41'25"W, 44.21'
C9	294.87'	24°43'17"	127.23'	N01°19'01"W, 126.24'
C10	303.95'	65°27'46"	347.27'	N43°45'16"E, 328.69'
C11	130.00'	72°55'04"	165.45'	N40°01'37"E, 154.50'

**LEGEND**

- ① RIGHT OF WAY DEDICATION  
± 15,161 SQ.FT.
- ② RIGHT OF WAY DEDICATION  
± 4,877 SQ.FT.

● - FOUND MONUMENT PER CS20520

SEE ATTACHED LEGAL  
DESCRIPTION



**Harper  
Houf Peterson  
Righellis Inc.**

ENGINEERS • PLANNERS  
LANDSCAPE ARCHITECTS • SURVEYORS

250 NW Franklin Avenue, Suite 404, Bend, OR 97703  
phone: 541.318.1161 www.hhpr.com fax: 541.318.1141  
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**EXHIBIT A**

Deschutes County Road Department  
Hunnell Road Improvement Project: Loco Road to Tumalo Road  
File Number 003  
Tax Lot 1612330000906

**RIGHT OF WAY DEDICATION**

A parcel of land lying in Parcel 1 Partition Plat No. 2002-15 in the Southwest one-quarter of Section 33, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Statutory Warranty Deed to Karen Ann Cameron, recorded September 10, 2002 as Instrument No. 2002-49582, Deschutes County Official Records, said parcel described as follows:

BEGINNING at a point on the westerly right of way line of Hunnell Road, said point being North 33°56'49" West, 306.68 feet of the West One-sixteenth corner common to Section 4, Township 17 South, Range 12 East, and Section 33, Township 16 South, Range 12 East, Willamette Meridian, said point also being 30.00 feet westerly when measured at right angles to Hunnell Road Centerline Station 101+36.26 per Deschutes County Survey No. 20520;

Thence leaving said westerly right of way line on a non-tangent 490.00 foot radius curve to the left, the radius point of which bears North 46°55'35" West, through a central angle of 39°30'21" (the long chord of which bears North 23°19'15" East, 331.20 feet) an arc distance of 337.86 feet to a point on said westerly right of way line, said point being 30.00 feet westerly when measured at right angles to Hunnell Road Centerline Station 105+42.34 per Deschutes County Survey No. 20520,

Thence along said westerly right of way line South 03°34'05" West, 200.37 feet to a point of curvature at a point 30.00 feet westerly when measured at right angles to Hunnell Road Centerline Station 103+41.97 per Deschutes County Survey No. 20520;

Thence continuing along said westerly right of way line on a 100.00 foot radius curve to the right, through a central angle of 72°55'04" (the long chord of which bears South 40°01'37" West 118.85 feet) an arc distance of 127.27 feet to a point of reverse curvature at a point 30.00 feet northerly when measured at right angles to Hunnell Road Centerline Station 101+76.53 per Deschutes County Survey No. 20520;

Thence continuing along said westerly right of way line on a 333.95 foot radius curve to the left, the radius point of which bears South 13°30'51" East, through a central angle of 07°35'28" (the long chord of which bears South 72°41'25" West, 44.21 feet) an arc distance of 44.24 feet to the POINT OF BEGINNING herein described.

Containing 2,913 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.



**EXHIBIT "B"**

LOCATED IN PARCEL 1 PARTITION PLAT 2002-15 IN THE SOUTHWEST  
ONE QUARTER OF SECTION 33, TOWNSHIP 16 SOUTH, RANGE 12 EAST,  
WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	LONG CHORD
C1	490.00'	39°30'21"	337.86'	N23°19'15"E, 331.20'
C2	100.00'	72°55'04"	127.27'	S40°01'37"W, 118.85'
C3	333.95'	07°35'28"	44.24'	S72°41'25"W, 44.21'
C4	303.95'	65°27'46"	347.27'	N43°45'16"E, 328.69'
C5	130.00'	72°55'04"	165.45'	N40°01'37"E, 154.50'

**TAX LOT 1612330000906**  
**PARCEL 1 PP 2002-15**  
**KAREN ANN CAMERON**  
**INSTR. NO. 2002-49582**

**TAX LOT 1612330000907**  
**PARCEL 2 PP 2002-15**

**TAX LOT 1612330000800**  
**INSTR. NO. 2020-20840**

POINT OF BEGINNING  
STA: 101+36.26  
OFF: 30.00' L

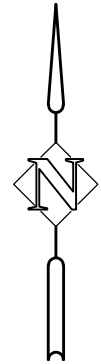
STA: 105+42.34  
OFF: 30.00' L

105+00

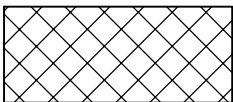
PT: 103+41.97

N33°56'49"W 306.68'

WEST ONE-SIXTEENTH CORNER  
COMMON TO SECTION 33, T16S, R12E,  
AND SECTION 4, T12S, R12E, W.M.,  
PER OCRR 1371



SCALE  
1" = 80'

**LEGEND**

RIGHT OF WAY DEDICATION  
± 2,913 SQ.FT.

● - FOUND MONUMENT PER CS20520

SEE ATTACHED LEGAL  
DESCRIPTION



**Harper**  
**Houf Peterson**  
**Righellis Inc.**

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DCO-01 RCB 08/16/2021 PAGE 1 OF 1

**EXHIBIT A**

Deschutes County Road Department  
Hunnell Road Improvement Project: Loco Road to Tumalo Road  
File Number 004  
Tax Lot 161233B001100

**RIGHT OF WAY DEDICATION**

A parcel of land lying in LOT 6, BLOCK 1, "POHAKU RANCH" in the Northwest one-quarter of Section 33, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Warranty Deed to Larry R. Green and Nancy L. Green as Trustees or the Successor Trustee of The Larry R. and Nancy L. Green Revocable Trust UTD 9/12/06, recorded October 21, 2010 as Instrument No. 2010-41920, Deschutes County Official Records, the said parcel being that portion of said property lying southeasterly of the following described line:

BEGINNING at a point that bears South 45°31'01" West, 1800.38 feet from the North one-quarter corner of Section 33, Township 16 South, Range 12 East, Willamette Meridian, said point being 32.30 feet northwesterly when measured at right angles to Hunnell Road Centerline Station 140+35.00 per Deschutes County Survey No. 20520;

Thence on a 370.00 foot radius curve to the right, the radius point of which bears South 32°01'23" East, through a central angle of 25°38'31" (the long chord of which bears North 45°09'21" East, 164.21 feet) an arc distance of 165.59 feet to a point of reverse curvature at a point 31.40 feet northwesterly when measured at right angles to Hunnell Road Centerline Station 141+89.45 per Deschutes County Survey No. 20520;

Thence on a 490.00 foot radius curve to the left, through a central angle of 29°02'38" (the long chord of which bears North 43°27'18" East, 245.74 feet) an arc distance of 248.39 feet to a point of reverse curvature at a point 36.98 feet northwesterly when measured at right angles to Hunnell Road Centerline Station 144+56.30 per Deschutes County Survey No. 20520;

Thence on an 800.00 foot radius curve to the right, through a central angle of 11°59'46" (the long chord of which bears North 34°55'52" East, 167.19 feet) an arc distance of 167.50 feet to a point of tangency at a point 52.26 feet northwesterly when measured at right angles to Hunnell Road Centerline Station 146+10.71 per Deschutes County Survey No. 20520;

Thence North 40°55'45" East, 147.70 feet to the terminus of said described line, said point being 22.03 feet northwesterly when measured at right angles to Hunnell Road Centerline Station 147+75.00 per Deschutes County Survey No. 20520.

Containing 6,315 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

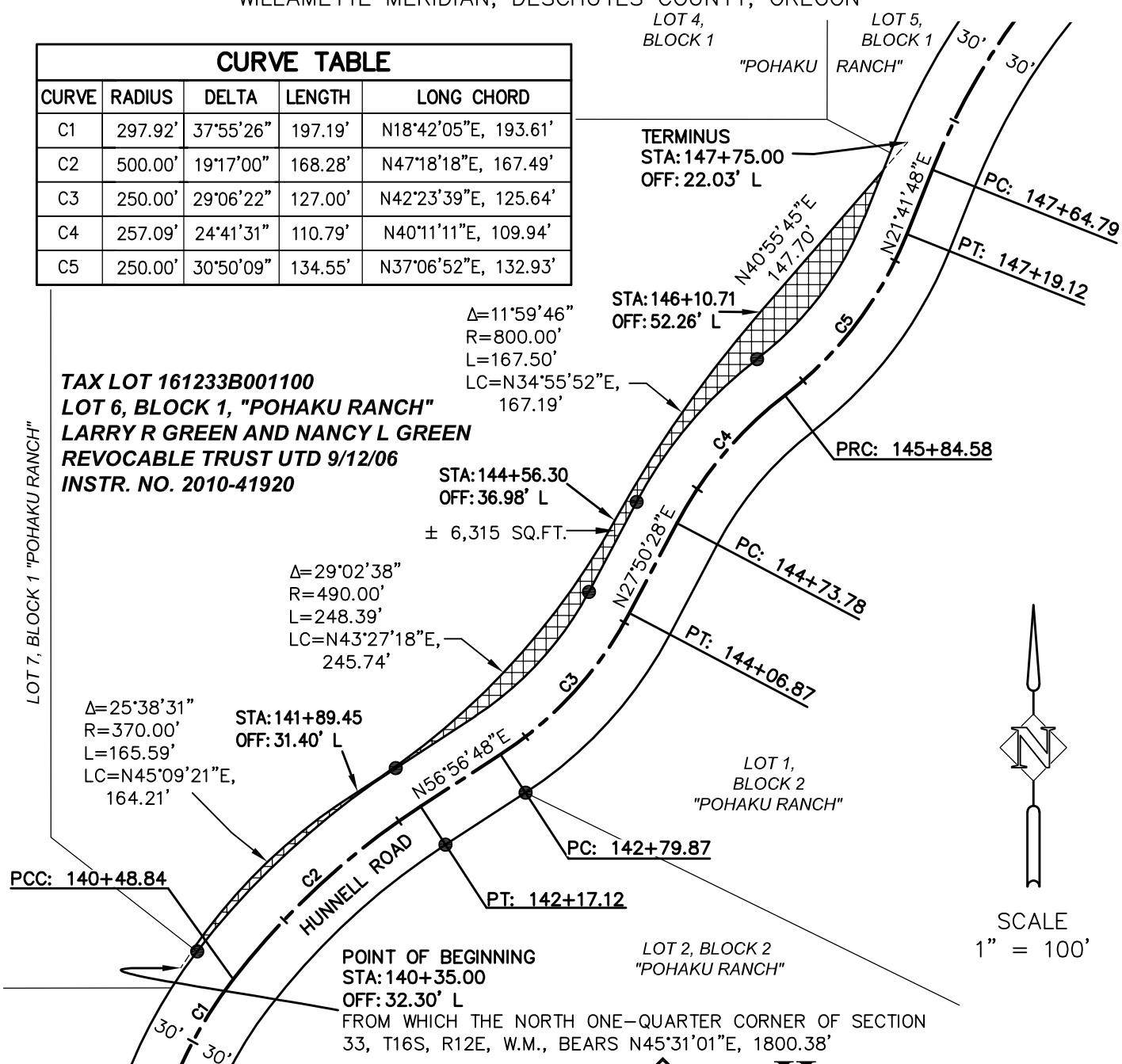
Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.



**EXHIBIT "B"**

LOCATED IN LOT 6, BLOCK 1, "POHAKU RANCH" IN THE NORTHWEST  
ONE QUARTER OF SECTION 33, TOWNSHIP 16 SOUTH, RANGE 12 EAST,  
WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	LONG CHORD
C1	297.92'	37°55'26"	197.19'	N18°42'05"E, 193.61'
C2	500.00'	19°17'00"	168.28'	N47°18'18"E, 167.49'
C3	250.00'	29°06'22"	127.00'	N42°23'39"E, 125.64'
C4	257.09'	24°41'31"	110.79'	N40°11'11"E, 109.94'
C5	250.00'	30°50'09"	134.55'	N37°06'52"E, 132.93'

**LEGEND**

RIGHT OF WAY DEDICATION  
± 6,315 SQ.FT.

● - FOUND MONUMENT PER CS20520

SEE ATTACHED LEGAL  
DESCRIPTION



**Harper**  
**Houf Peterson**  
**Righellis Inc.**

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DCO-01 TMW 08/16/2021 PAGE 1 OF 1



**EXHIBIT A**

Deschutes County Road Department  
 Hunnell Road Improvement Project: Loco Road to Tumalo Road  
 File Number 005A  
 Tax Lot 161233B00100

**PARCEL 1 – RIGHT OF WAY DEDICATION**

A parcel of land lying in LOT 1, BLOCK 2, "POHAKU RANCH" in the Northwest one-quarter of Section 33, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Statutory Warranty Deed to Jeffery L. Mishier and Elizabeth M. Mishier, as tenants by the entirety, recorded August 7, 2020 as Instrument No. 2020-39381, Deschutes County Official Records, said parcel lying westerly of the following described line:

BEGINNING at a point on the easterly right of way line of Hunnell Road, said point being South 45°04'00" West, 1088.59 feet of the North one-quarter corner of Section 33, Township 16 South, Range 12 East, Willamette Meridian, said point also being 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 147+42.15 per Deschutes County Survey No. 20520;

Thence leaving said easterly right of way line North 40°55'45" East, 342.40 feet to a point on the easterly line of said LOT 1;

Thence North 09°18'29" West, 66.98 feet along said easterly line of LOT 1 to an angle point;

Thence continuing along said easterly line of said LOT 1 North 23°45'00" East, 407.37 feet to a point on the southerly right of way line of Hunnell Road;

Thence South 89°49'38" West, 8.76 feet along said southerly right of way line to a point on the easterly right of way line of Hunnell Road, said point also being 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 155+36.77 per Deschutes County Survey No. 20520.

Containing 14,812 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JANUARY 8, 2019  
**REED CARLSON BEAUDUY**  
93377

RENEWALS: 12-31-2021  
SIGNED: 09-14-2021

# EXHIBIT "B"

LOCATED IN LOT 1, BLOCK 2, "POHAKU RANCH" IN THE NORTHWEST  
ONE QUARTER OF SECTION 33, TOWNSHIP 16 SOUTH, RANGE 12 EAST,  
WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON

## CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	LONG CHORD
C1	450.00'	21°30'40"	168.95'	N32°27'08"E, 167.96'
C2	510.38'	19°05'00"	169.99'	N33°39'58"E, 169.21'



SCALE  
1" = 100'

LOT 4,  
BLOCK 1  
"POHAKU RANCH"

LOT 5,  
BLOCK 1  
"POHAKU RANCH"

POINT OF BEGINNING  
PARCEL 1  
STA: 147+42.15  
OFF: 30.00' R  
FROM WHICH THE NORTH  
ONE-QUARTER CORNER  
OF SECTION 33, T16S,  
R12E, W.M., BEARS  
N45°04'00"E, 1088.59'

## LEGEND



① RIGHT OF WAY DEDICATION  
± 14,812 SQ.FT.

● - FOUND MONUMENT PER CS20520

SEE ATTACHED LEGAL  
DESCRIPTION

STA: 155+36.77  
OFF: 30.00' R  
S89°49'38"W  
8.76'

HUNNELL ROAD  
N24°07'28"E  
N23°45'00"E, 407.37'

PUBLIC LOCAL ACCESS ROAD

± 14,812 SQ.FT. ①

N09°18'29"W  
66.98'

TAX LOT 161233B000100  
LOT 1, BLOCK 2,  
"POHAKU RANCH"  
MISHLER, JEFFERY L &  
ELIZABETH M  
INSTR. NO. 2020-39381



**Harper  
Houf Peterson  
Righellis Inc.**

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DCO-01 TMW 09/03/2021 PAGE 1 OF 1

**EXHIBIT A**

Deschutes County Road Department  
 Hunnell Road Improvement Project: Loco Road to Tumalo Road  
 File Number 005B  
 Tax Lot 161233B00100

**PARCEL 1 – TEMPORARY CONSTRUCTION EASEMENT**

A parcel of land lying in LOT 1, BLOCK 2, "POHAKU RANCH" in the Northwest one-quarter of Section 33, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Statutory Warranty Deed to Jeffery L. Mishier and Elizabeth M. Mishier, as tenants by the entirety, recorded August 7, 2020 as Instrument No. 2020-39381, Deschutes County Official Records, said parcel described as follows:

COMMENCING at a point on the easterly right of way line of Hunnell Road, said point being South 45°04'00" West, 1088.59 feet of the North one-quarter corner of Section 33, Township 16 South, Range 12 East, Willamette Meridian, said point also being 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 147+42.15 per Deschutes County Survey No. 20520;

Thence leaving said easterly right of way line North 40°55'45" East, 77.69 feet to the BEGINNING of this description;

Thence continuing North 40°55'45" East a distance of 150.00 feet to a point;

Thence South 49°04'15" East, 15.00 feet to a point;

Thence South 40°55'45" West, 150.00 feet to a point;

Thence North 49°04'15" West, 15.00 feet to the BEGINNING of this description.

Containing 2,250 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JANUARY 8, 2019  
REED CARLSON BEAUDUY  
93377

RENEWS: 12-31-2021

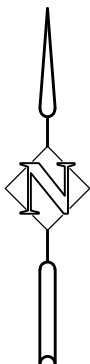
Signed: 09-14-2021

**EXHIBIT "B"**

LOCATED IN LOT 1, BLOCK 2, "POHAKU RANCH" IN THE NORTHWEST  
ONE QUARTER OF SECTION 33, TOWNSHIP 16 SOUTH, RANGE 12 EAST,  
WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	LONG CHORD
C1	450.00'	21°30'40"	168.95'	N32°27'08"E, 167.96'
C2	510.38'	19°05'00"	169.99'	N33°39'58"E, 169.21'



SCALE  
1" = 100'

LOT 4,  
BLOCK 1  
"POHAKU RANCH"

LOT 5,  
BLOCK 1  
"POHAKU RANCH"

RIGHT OF WAY DEDICATION  
± 14,812 SQ.FT.

POINT OF BEGINNING  
PARCEL 1

STA: 147+42.15  
OFF: 30.00' R

FROM WHICH THE NORTH  
ONE-QUARTER CORNER  
OF SECTION 33, T16S,  
R12E, W.M., BEARS  
N45°04'00"E, 1088.59'

**LEGEND**

① TEMPORARY  
CONSTRUCTION EASEMENT  
± 2,250 SQ.FT.



RIGHT OF WAY DEDICATION  
± 14,812 SQ.FT.

● - FOUND MONUMENT PER CS20520

SEE ATTACHED LEGAL  
DESCRIPTION



**Harper  
Houf Peterson  
Righellis Inc.**

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DCO-01 TMW 09/03/2021 PAGE 1 OF 1

**EXHIBIT A**

Deschutes County Road Department  
Hunnell Road Improvement Project: Loco Road to Tumalo Road  
File Number 006  
Tax Lot 1612330000204

**RIGHT OF WAY DEDICATION**

A parcel of land lying in PARCEL 1, PARTITION PLAT No. 2019-23 in the Northwest one-quarter of Section 33, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Statutory Warranty Deed to Eric D. Cole and Kathryn Cole, also known as Kiki Cole, as Tenants by the Entirety, recorded February 7, 2020 as Instrument No. 2020-05672, Deschutes County Official Records, the said parcel being that portion of said property lying northwesterly of the following described line:

BEGINNING at a point that bears South 47°29'26" West, 687.38 feet from the North one-quarter corner of Section 33, Township 16 South, Range 12 East, Willamette Meridian, said point being 95.03 feet southeasterly when measured at right angles to Hunnell Road Centerline Station 151+35.00 per Deschutes County Survey No. 20520;

Thence North 40°55'45" East, 303.45 feet to a point of curvature at a point 182.77 feet southeasterly when measured at right angles to Hunnell Road Centerline Station 154+25.49 per Deschutes County Survey No. 20520;

Thence on a 740.00 foot radius curve to the right, through a central angle of 2°50'30" (the long chord of which bears North 42°21'00" East, 36.70 feet) an arc distance of 36.70 feet, to a point of tangency at a point 177.23 feet southerly when measured at right angles to Hunnell Road Centerline Station 157+00.22 per Deschutes County Survey No. 20520;

Thence North 43°46'15" East, 215.84 feet to the terminus of said described line, said point being 21.82 feet southerly when measured at right angles to Hunnell Road Centerline Station 158+50.00 per Deschutes County Survey No. 20520.

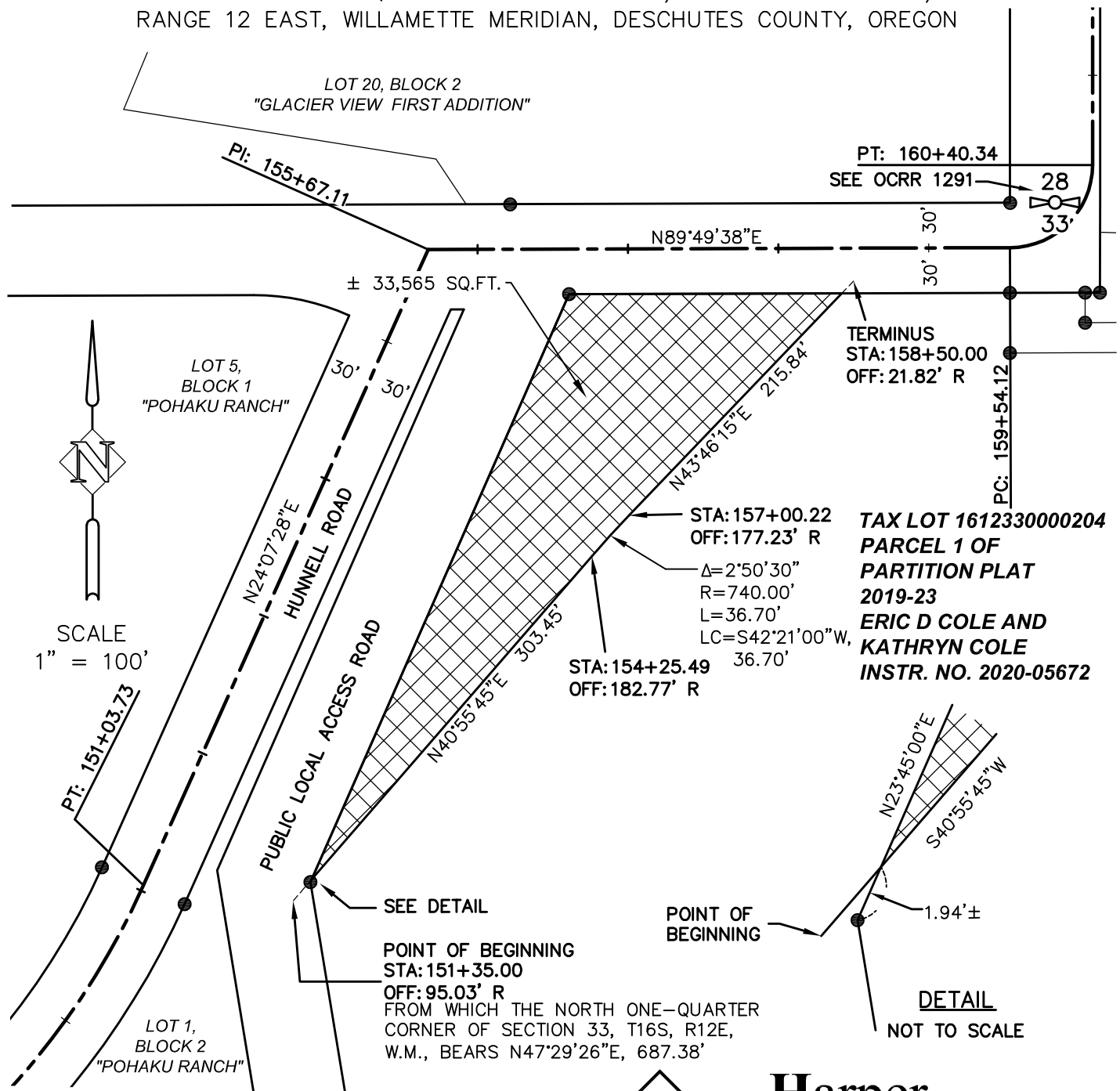
Containing 33,565 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof, Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.



**EXHIBIT "B"**

LOCATED IN PARCEL 1 OF PARTITION PLAT NO. 2019-23 IN THE  
NORTHWEST ONE QUARTER OF SECTION 33, TOWNSHIP 16 SOUTH,  
RANGE 12 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON

**LEGEND**

RIGHT OF WAY DEDICATION  
± 33,565 SQ.FT.

● - FOUND MONUMENT PER CS20520

SEE ATTACHED LEGAL  
DESCRIPTION



**Harper  
Houf Peterson  
Righellis Inc.**

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DCO-01 TMW 06/24/2021 PAGE 1 OF 1

**EXHIBIT A**

Deschutes County Road Department  
Hunnell Road Improvement Project: Loco Road to Tumalo Road  
File Number 007  
Tax Lot 161228C001600

**RIGHT OF WAY DEDICATION**

A parcel of land lying in LOT 20, BLOCK 2, "GLACIER VIEW FIRST ADDITION" in the Southwest one-quarter of Section 28, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Warranty Deed to Michael V. Ferns and Dorothy A. Ferns, as Co-Trustees of the Ferns Revocable Trust U/T/A dated April 18, 2019, recorded April 23, 2019 as Instrument No. 2019-12762, Deschutes County Official Records, the said parcel being that portion of said property lying southeasterly of the following described line:

BEGINNING at a point that bears South 87°34'10" West, 174.17 feet from the North one-quarter corner of Section 33, Township 16 South, Range 12 East, Willamette Meridian, said point being 23.14 feet northerly when measured at right angles to Hunnell Road Centerline Station 158+10.00 per Deschutes County Survey No. 20520; Thence North 43°46'15" East, 47.60 feet to a point of curvature at a point 57.41 feet northerly when measured at right angles to Hunnell Road Centerline Station 158+43.03 per Deschutes County Survey No. 20520;

Thence on a 490.00 foot radius curve to the left, through a central angle of 27°00'03" (the long chord of which bears North 30°16'13" East, 228.78 feet) an arc distance of 230.91 feet to the terminus of said described line, said point being 50.81 feet westerly when measured at right angles to Hunnell Road Centerline Station 162+40.00 per Deschutes County Survey No. 20520.

Containing 11,906 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.



RENEWS: 12-31-2021

SIGNED: 08-08-2021



**EXHIBIT "B"**

LOCATED IN LOT 20, BLOCK 2 "GLACIER VIEW FIRST ADDITION" IN THE  
SOUTHWEST ONE QUARTER OF SECTION 28, TOWNSHIP 16 SOUTH,  
RANGE 12 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON

LOT 19, BLOCK 2  
"GLACIER VIEW FIRST ADDITION"

**TAX LOT 161228C001600**  
**LOT 20, BLOCK 2**  
**"GLACIER VIEW FIRST ADDITION"**  
**FERNS REVOCABLE TRUST U/T/A**  
**DATED APRIL 18, 2019**  
**INSTR. NO. 2019-12762**

TERMINUS  
STA: 162+40.00  
OFF: 50.81' L

$\Delta = 27^{\circ}00'03''$   
 $R = 490.00'$   
 $L = 230.91'$   
 $LC = N30^{\circ}16'13''E,$   
 $228.78'$

$\pm 11,906$  SQ.FT.

PC:  
STA: 158+43.03  
OFF: 57.41' L

POB  
STA: 158+10.00  
OFF: 23.14' L

$N43^{\circ}46'15''E$   
 $47.60'$

$N00^{\circ}00'42''E$

PT: 160+40.34

SEE OCRR 1291

PI: 155+67.11

$N89^{\circ}49'38''E$

$S87^{\circ}34'10''W$   
 $174.17'$

HUNNELL ROAD

PARCEL 1 OF  
PARTITION PLAT  
2019-23

PC: 159+54.12

PUBLIC LOCAL  
ACCESS ROAD

**LEGEND**

RIGHT OF WAY DEDICATION  
 $\pm 11,906$  SQ.FT.

● - FOUND MONUMENT PER CS20520

SEE ATTACHED LEGAL  
DESCRIPTION



**Harper**  
**Houf Peterson**  
**Righellis Inc.**

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DCO-01 KMB 07/27/2021 PAGE 1 OF 1

**EXHIBIT A**  
Deschutes County Road Department  
Hunnell Road Improvement Project: Loco Road to Tumalo Road  
File Number 008  
Tax Lot 1612330000903

## **SLOPE EASEMENT**

A parcel of land lying in the Southwest one-quarter of Section 33, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Statutory Special Warranty Deed to Norbert J. Volny and Joan Volny, Trustees of the Norbert and Joan Volny Trust dated March 31, 1998, recorded November 12, 2009 as Instrument No. 2009-47903, Deschutes County Official Records, said parcel being that portion of said property lying between lines at right angles to Hunnell Road Centerline Stations 118+82.29 and 119+52.29 and included in a strip of land 40.00 feet in width, lying on the westerly side of said center line, which center line is described as follows:

BEGINNING at Hunnell Road Centerline Station PI 113+14.31, said point being South 85°36'41" East, 15.04 feet from a 5/8 inch iron rod marking the SW 1/16 corner of Section 33, Township 16 South, Range 12 East, Willamette Meridian and the initial point of "SUN CLOUD ESTATES" a duly recorded subdivision in the Deschutes County Official Records; thence North 00°07'56" East, 1329.92 feet to Hunnell Road Centerline Station PI 126+44.23, said point being North 89°58'50 East, 15.00 feet from a 5/8 inch iron rod with a yellow plastic cap (illegible) marking the CW 1/16 corner of said Section 33.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Westerly Side of Center Line
118+82.29		119+52.29	40.00 in a straight line to 40.00

Containing 700 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

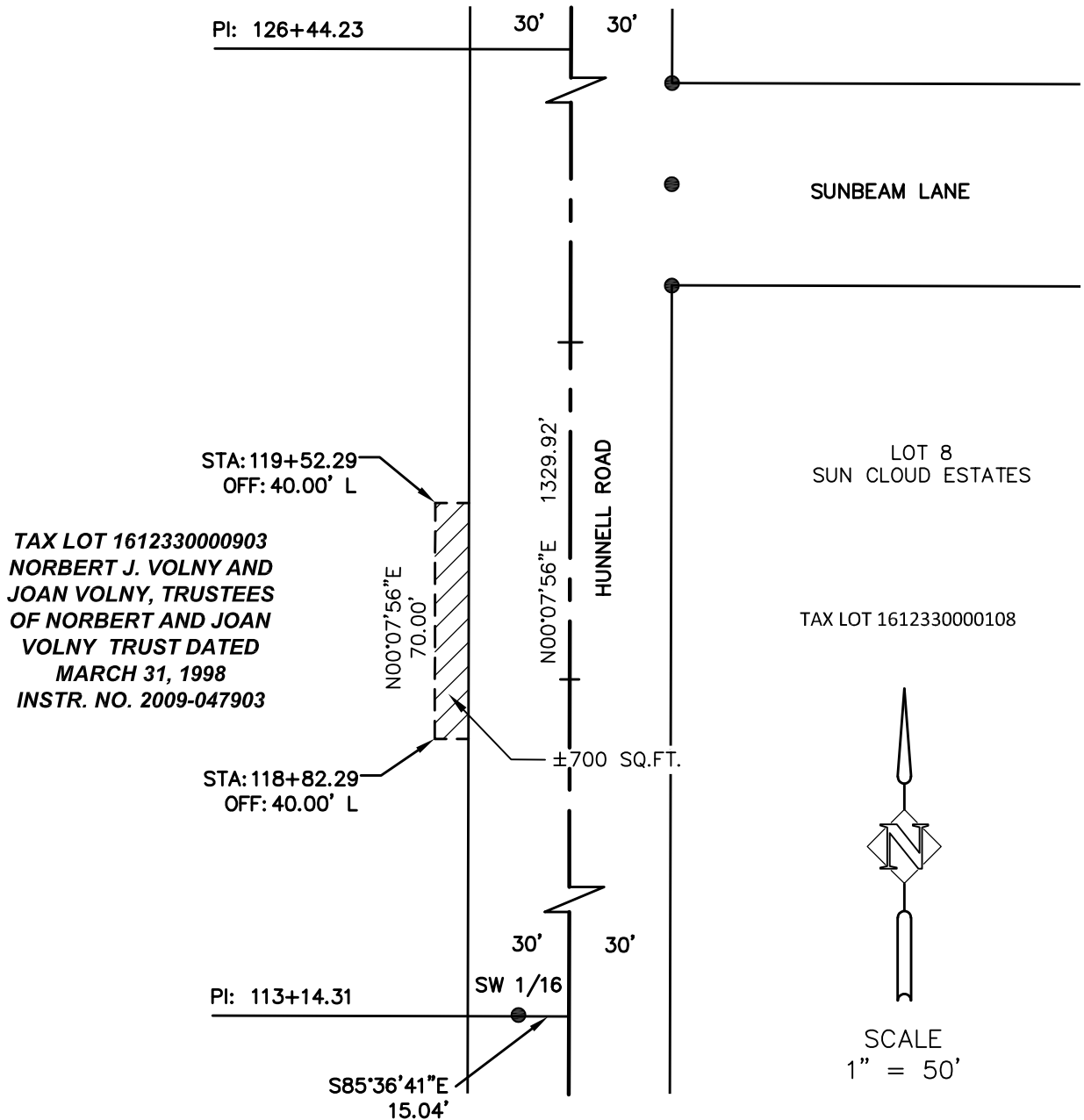
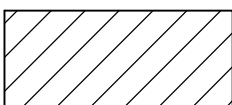
Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.



RENEWALS: 12-31-2021  
SIGNED 09-01-2021

**EXHIBIT "B"**

LOCATED IN THE SOUTHWEST ONE QUARTER OF SECTION 33,  
TOWNSHIP 16 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,  
DESCHUTES COUNTY, OREGON

**LEGEND**

SLOPE EASEMENT  
± 700 SQ.FT.

● - FOUND MONUMENT PER CS20520

SEE ATTACHED LEGAL  
DESCRIPTION



**Harper  
Houf Peterson  
Righellis Inc.**

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DCO-01 RCB 08/16/2021 PAGE 1 OF 1

**EXHIBIT A**  
Deschutes County Road Department  
Hunnell Road Improvement Project: Loco Road to Tumalo Road  
File Number 009  
Tax Lot 161228DB001000

**TEMPORARY CONSTRUCTION EASEMENT**

A parcel of land lying in the Southeast one-quarter of Section 28, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Statutory Warranty Deed to Hank Elliott Investment Company, LLC, an Oregon Limited Liability Company, recorded June 2, 2005 as Instrument No. 2005-34497, Deschutes County Official Records, said parcel being that portion of said property lying between lines at right angles to Hunnell Road Centerline Stations 174+49.10 and 174+81.10 and included in a strip of land 98.00 feet in width, lying on the easterly side of said center line, which center line is described as follows:

BEGINNING at Hunnell Road Centerline Station PC 172+86.93, said point being North 0°00'42" East, 1266.67 feet from a 3 inch brass cap marking the South 1/4 corner of Section 28, Township 16 South, Range 12 East, Willamette Meridian; thence along the centerline of said Section 28, North 00°00'42" East, 1374.79 feet to Hunnell Road Centerline Station EP 186+61.72, said point being a mag nail with a 1-1/4 inch washer stamped "DCRD" marking the Center 1/4 corner of said Section 28.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Easterly Side of Center Line
174+49.10		174+81.10	98.00 in a straight line to 98.00

Containing 2,176 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.



**EXHIBIT "B"**

LOCATED IN THE SOUTHEAST ONE QUARTER OF SECTION 28,  
TOWNSHIP 16 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,  
DESCHUTES COUNTY, OREGON

EP: 186+61.72

LOT 13,  
BLOCK 2  
"GLACIER VIEW FIRST  
ADDITION"

LOT 14,  
BLOCK 2  
"GLACIER VIEW FIRST  
ADDITION"

30' 30'

1374.79  
N00°00'42"E  
HUNNELL ROAD

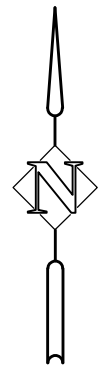
**TAX LOT 161228DB01000**  
**HANK ELLIOT INVESTMENT**  
**COMPANY, LLC**  
**DATED JUNE 2, 2005**  
**INSTR. NO. 2005-34497**

STA: 174+81.10  
OFF: 98.00' R

N00°00'42"E  
32.00'

STA: 174+49.10  
OFF: 98.00' R

± 2,176 SQ.FT.



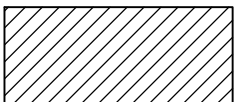
SCALE  
1" = 50'

PC: 172+86.93

30' 30'

N00°00'42"E 1266.67'

28

**LEGEND**

TEMPORARY CONSTRUCTION EASEMENT  
± 2,176 SQ.FT.

● - FOUND MONUMENT PER CS20520

SEE ATTACHED LEGAL DESCRIPTION



**Harper**  
**Houf Peterson**  
**Righellis Inc.**

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DCO-01 TMW 08/16/2021 PAGE 1 OF 1

**EXHIBIT A**

Deschutes County Road Department  
 Hunnell Road Improvement Project: Loco Road to Tumalo Road  
 File Number 010  
 Tax Lot 1712040000224

**RIGHT OF WAY DEDICATION**

That portion of Parcel 2, Partition Plat 1998-43 lying in the Northwest one-quarter of Section 4, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Bargain and Sale Deed to Douglas Goph Albitz and Lorry Benjamin, Trustees, or the Successor Trustee of the Albitz and Benjamin Trust UTA dated August 4, 2014, recorded August 4, 2014 as Instrument No. 2014-25281, Deschutes County Official Records, the said parcel being a portion of said property included in a strip of land 30.00 feet in width, lying on the Easterly side of the center line of Hunnell Road, which center line is described as follows:

BEGINNING at Hunnell Road Centerline Station PC 76+49.84 as described in Deschutes County Survey No. 20520, said point being South 21°56'01" West, 135.97 feet from a 5/8 inch iron rod with yellow plastic cap (illegible) marking the C-S NW 1/64 corner of said Section 4;

Thence on a 1000.00 foot radius curve to the right, through a central angle of 24°09'15" (the long chord of which bears North 0°10'09" East, 418.46 feet) an arc distance of 421.57 feet to Hunnell Road Centerline Station PRC 80+71.41;

Thence on a 770.00 foot radius curve to the left, through a central angle of 1°40'38" (the long chord of which bears North 11°24'28" East, 22.54 feet) an arc distance of 22.54 feet to Hunnell Road Centerline Station 80+93.95 and the TERMINUS of this centerline description; the C-S NW 1/64 corner of said Section 4 bears South 8°09'42" East, 317.64 feet from said terminus.

EXCEPT that portion of said strip lying south of the south line of Partition Plat 1998-43.

Containing 4,555 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



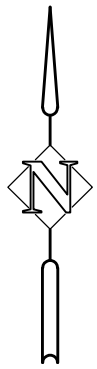
OREGON  
JANUARY 8, 2019  
REED CARLSON BEAUDUY  
93377

RENEWALS: 12-31-2021

Signed: 9-12-2021

**EXHIBIT "B"**

LOCATED IN PARCEL 2 PARTITION PLAT 1998-43 IN THE NORTHWEST  
ONE QUARTER OF SECTION 4, TOWNSHIP 17 SOUTH, RANGE 12 EAST,  
WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON



SCALE  
1" = 60'

EXISTING  
RIGHT OF WAY  
DEDICATED PER  
PP 1998-43

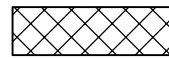
TAX LOT 1712040000224  
PARCEL 2 PP 1998-43  
ALBITZ AND BENJAMIN TRUST  
INSTR. NO. 2014-25281

TAX LOT 1712040000215  
PARCEL 1 PP 1998-43

TERMINUS:  
80+93.95

PRC: 80+71.41

TAX LOT 1712040000215  
PART OF PARCEL 1 PP 1998-43

**LEGEND**

RIGHT OF WAY DEDICATION  
±4,555 SQ.FT.

● - FOUND MONUMENT PER CS20520

TAX LOT 1712040000206

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	LONG CHORD
C1	1000.00	24°09'15"	421.57'	N00°10'09"E, 418.46'
C2	770.00	01°40'38"	22.54'	N11°24'28"E, 22.54'

SOUTH LINE OF  
PP 1998-43

C-S NW 1/64

PC: 76+49.84

S21°56'01"W  
135.97'

SEE ATTACHED LEGAL DESCRIPTION



**Harper  
Houf Peterson  
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DCO-01 RCB 09/03/2021 PAGE 1 OF 1

**EXHIBIT A**

Deschutes County Road Department  
 Hunnell Road Improvement Project: Loco Road to Tumalo Road  
 File Number 011  
 Tax Lot 161228DC00100

**RIGHT OF WAY DEDICATION**

A parcel of land lying in the Southeast one-quarter of Section 28, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Warranty Deed – Statutory Form to Edward J. Giroux, recorded July 28, 2006 as Instrument No. 2006-51701, Deschutes County Official Records, said parcel lying westerly of the following described line:

BEGINNING at a point on the easterly right of way line of Hunnell Road, said point being North 8°27'46" West, 204.13 feet from the South one-quarter corner of Section 28, Township 16 South, Range 12 East, Willamette Meridian, said point also being 5.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 162+17.35 per Deschutes County Survey No. 20520;

Thence leaving said easterly right of way line on a non-tangent 550.00 foot radius curve to the left, the radius point of which bears North 72°38'48" West, through a central angle of 17°20'29" (the long chord of which bears North 08°40'57" East, 165.83 feet) an arc distance of 166.47 feet to a point of tangency being 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 163+81.28 per Deschutes County Survey No. 20520,

Thence North 00°00'42" East, 653.62 feet to a point of curvature being 17.16 feet easterly when measured at right angles to Hunnell Road Centerline Station 170+36.55 per Deschutes County Survey No. 20520,

Thence on an 800.00 foot radius curve to the left, through a central angle of 10°20'17" (the long chord of which bears North 05°09'26" West, 144.15 feet) an arc distance of 144.35 feet to a point of reverse curvature at a point 29.06 feet easterly when measured at right angles to Hunnell Road Centerline Station 171+74.99 per Deschutes County Survey No. 20520;

Thence on a 740.00 foot radius curve to the right, through a central angle of 10°20'17" (the long chord of which bears North 05°09'26" West, 133.34 feet) an arc distance of 133.52 feet to the terminus of said described line, said point being 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 173+16.09 per Deschutes County Survey No. 20520.

Containing 17,009 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



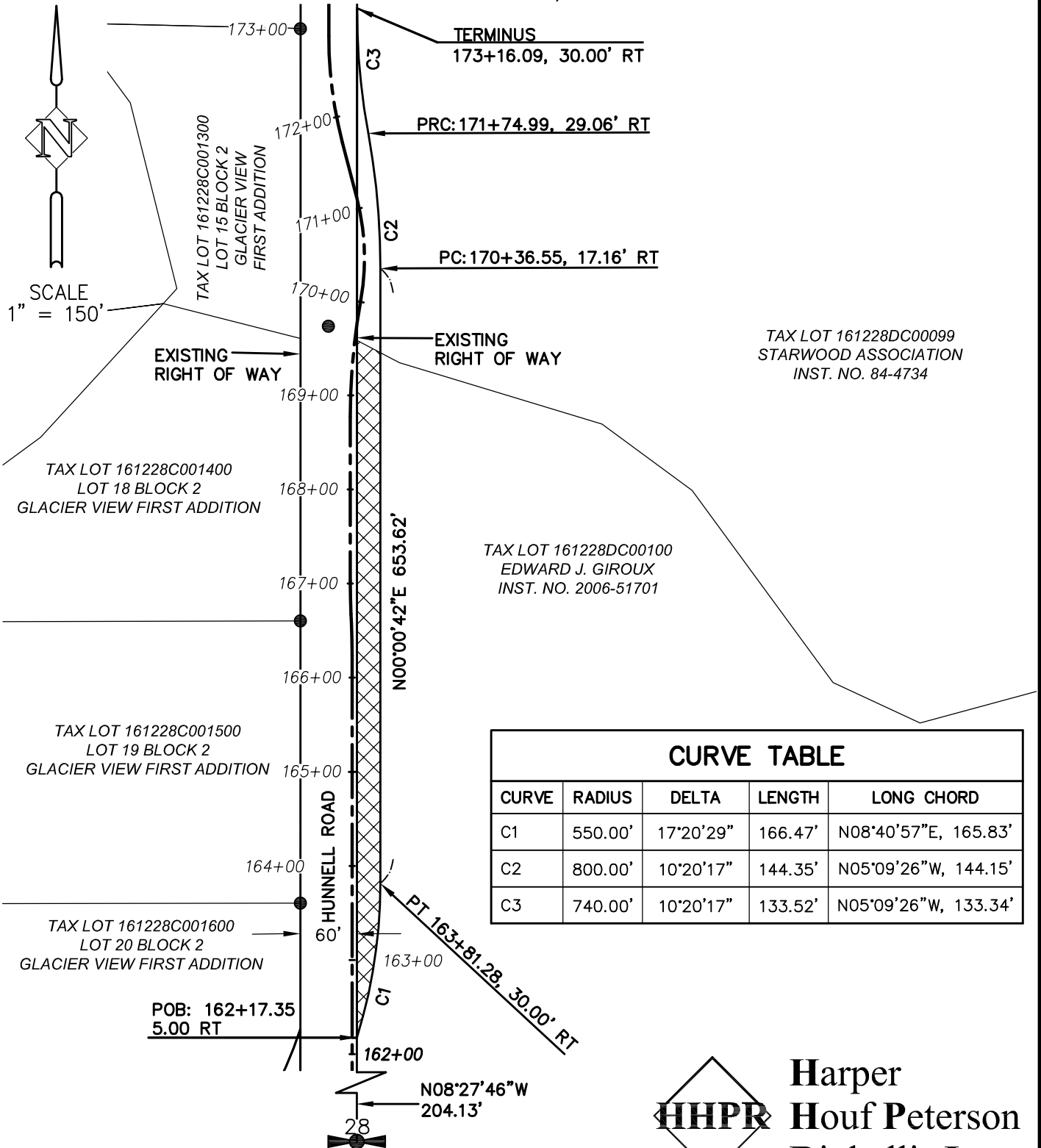
OREGON  
JANUARY 8, 2019  
REED CARLSON BEAUDUY  
93377

RENEWS: 12-31-2021  
SIGNED: 9-12-2021



**EXHIBIT "B"**

LOCATED IN THE SOUTH ONE HALF OF SECTION 28,  
TOWNSHIP 16 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,  
DESCHUTES COUNTY, OREGON

**LEGEND**

RIGHT OF WAY DEDICATION  
±17,009 SQ.FT.

● - FOUND MONUMENT PER CS20520

SEE ATTACHED LEGAL DESCRIPTION



**Harper  
Houf Peterson  
Righellis Inc.**

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DCO-01 RCB 09/14/2021 PAGE 1 OF 1

**EXHIBIT A**

Deschutes County Road Department  
 Hunnell Road Improvement Project: Loco Road to Tumalo Road  
 File Number 012  
 Tax Lot 161228DC00099

**RIGHT OF WAY DEDICATION**

A parcel of land lying in the Southeast one-quarter of Section 28, Township 16 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Warranty Deed to Starwood Association, an Oregon Corporation, recorded March 22, 1984 as Instrument No. 84-4734, Deschutes County Official Records, said parcel lying westerly of the following described line:

BEGINNING at a point on the easterly right of way line of Hunnell Road, said point being North 8°27'46" West, 204.13 feet from the South one-quarter corner of Section 28, Township 16 South, Range 12 East, Willamette Meridian, said point also being 5.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 162+17.35 per Deschutes County Survey No. 20520;

Thence leaving said easterly right of way line on a non-tangent 550.00 foot radius curve to the left, the radius point of which bears North 72°38'48" West, through a central angle of 17°20'29" (the long chord of which bears North 08°40'57" East, 165.83 feet) an arc distance of 166.47 feet to a point of tangency being 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 163+81.28 per Deschutes County Survey No. 20520,

Thence North 00°00'42" East, 653.62 feet to a point of curvature being 17.16 feet easterly when measured at right angles to Hunnell Road Centerline Station 170+36.55 per Deschutes County Survey No. 20520,

Thence on an 800.00 foot radius curve to the left, through a central angle of 10°20'17" (the long chord of which bears North 05°09'26" West, 144.15 feet) an arc distance of 144.35 feet to a point of reverse curvature at a point 29.06 feet easterly when measured at right angles to Hunnell Road Centerline Station 171+74.99 per Deschutes County Survey No. 20520;

Thence on a 740.00 foot radius curve to the right, through a central angle of 10°20'17" (the long chord of which bears North 05°09'26" West, 133.34 feet) an arc distance of 133.52 feet to the terminus of said described line, said point being 30.00 feet easterly when measured at right angles to Hunnell Road Centerline Station 173+16.09 per Deschutes County Survey No. 20520.

Containing 5,576 square feet, more or less.

See map attached as Exhibit "B", which is made a part hereof.

Bearings, Right of Way, Stationing and Monumentation are based on "Control, Recovery, and Retracement Map" filed in the office of the Deschutes County Surveyor's Office May 25, 2021 as County Survey No. 20520.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



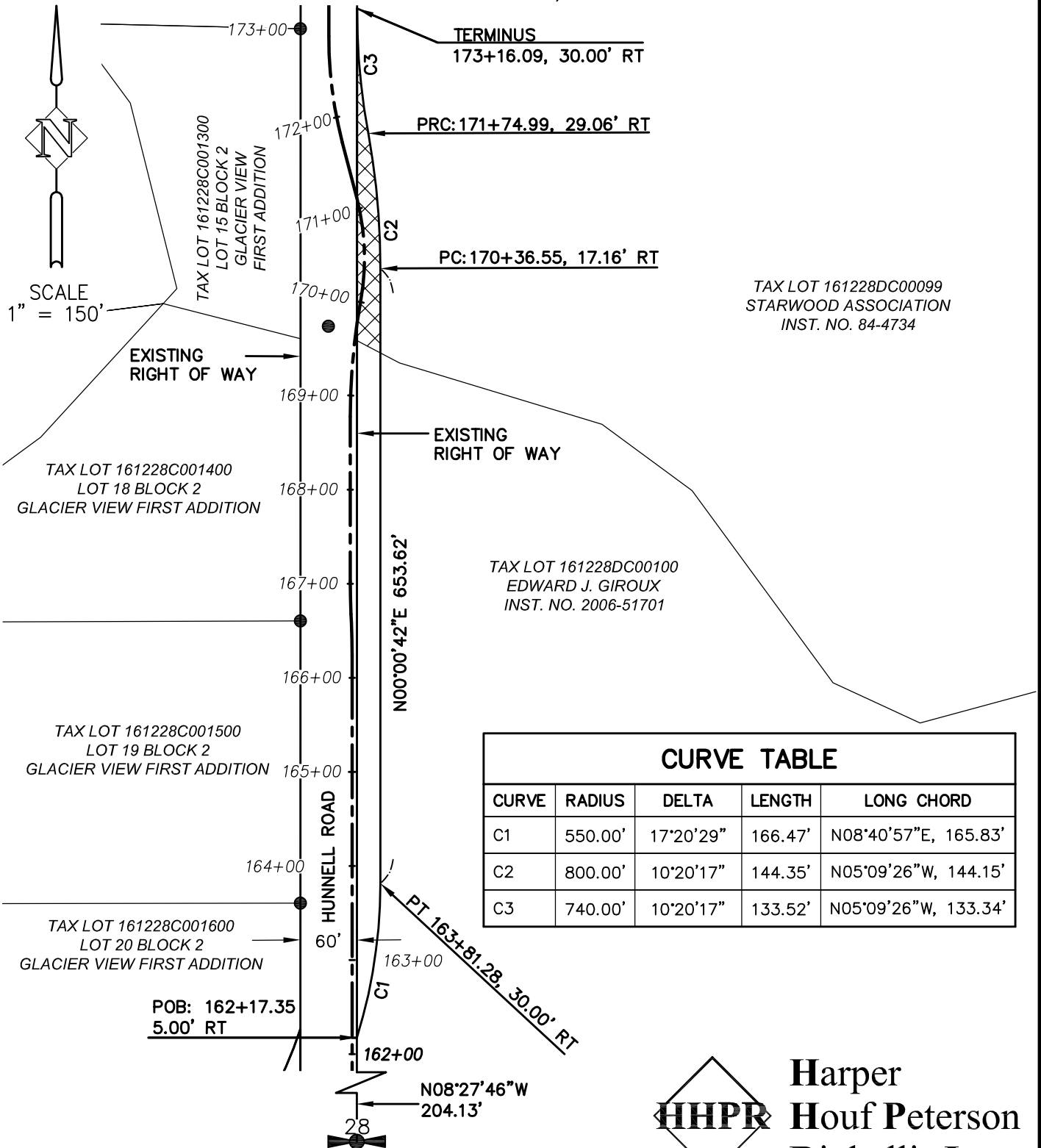
OREGON  
JANUARY 8, 2019  
REED CARLSON BEAUDUY  
93377

RENEWALS: 12-31-2021

SIGNED: 9-12-2021

**EXHIBIT "B"**

LOCATED IN THE SOUTH ONE HALF OF SECTION 28,  
TOWNSHIP 16 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,  
DESCHUTES COUNTY, OREGON



SEE ATTACHED LEGAL DESCRIPTION



**Harper  
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DCO-01 RCB 09/14/2021 PAGE 1 OF 1



## AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** 9/29/2021

**SUBJECT:** Consideration of Resolution No. 2021-065 Increasing Appropriations within the Health Services Fund and Extending 6.0 Limited Duration FTE and Adding 1.0 Limited Duration FTE within the Health Services Fund and 2021-2022 Deschutes County Budget.

**RECOMMENDED MOTION:**

*Move Approval of Resolution No. 2021-065 Increasing Appropriations within the Health Services Fund and Extending 6.0 Limited Duration FTE and Adding 1.0 Limited Duration FTE within the Health Services Fund and 2021-2022 Deschutes County Budget.*

**BACKGROUND AND POLICY IMPLICATIONS:**

On 9/8/2021 the Deschutes County Health Services Department presented to the Board of County Commissioners regarding the acceptance of funds from the Oregon Health Authority (OHA) Agreement #169509-1 and extension of 6.0 limited duration FTE and addition of 1.0 limited duration FTE in support of Health Services. This resolution recognizes the revenue from OHA Agreement #169509-1 and recognizes revenue from the Public Health Equity Grant which was signed 6/16/2021 and due to timing was not included in the 2021-2022 Deschutes County Budget. This Resolution appropriates the funds towards program expense and contingency and extends 6.0 limited duration FTE and adds 1.0 limited duration FTE.

**BUDGET IMPACTS:**

This Resolution appropriates \$1,017,734 in Program Expense and an additional \$51,401 in Contingency within the Health Services Fund.

**ATTENDANCE:**

*Cheryl Smallman, Business Officer, Health Services, Dan Emerson, Budget Manager.*

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

A Resolution Increasing Appropriations \*  
And FTE within the 2021-2022 \* RESOLUTION NO. 2021-065  
Deschutes County Budget \*

WHEREAS, the Deschutes County Health Services Department presented to the Board of County Commissioners on 9/8/2021, with regards to accepting increased funding from Oregon Health Authority (OHA) Agreement #169509-1 and extending 6.0 limited duration FTE and adding 1.0 limited duration Admin Support Specialist FTE in support of Health Services operations, and

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

WHEREAS, it is necessary to increase appropriations by \$1,069,135 in Health Services to accommodate this request, and

WHEREAS, Deschutes County Policy HR-1 requires that a creation of or increase in FTE outside the adopted budget be approved by the Board of County Commissioners; now therefore,

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

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

## Health Services

State Miscellaneous	\$ 1,035,125
State Grant	\$ 127,317
Beginning Net Working Capital	(\$ 93,308)
<b>Total Health Services</b>	<b>\$ 1,069,135</b>

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

Health Services

Program Expense	\$ 1,017,734
Contingency	\$ 51,401
<b>Total Health Services</b>	<b><u>\$ 1,069,135</u></b>

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

Section 4. That the following FTE be added:

Job Class	Type	Duration if Limited Duration	FTE
Supervisor Health Services #2835	Limited Duration	6/30/2022-6/30/2023	1.00
Admin Support Tech #2841	Limited Duration	12/31/2021-12/31/2022	1.00
Supervisor Health Services #2836	Limited Duration	12/31/2021-12/31/2022	1.00
Public Health Educator II #2843	Limited Duration	12/31/2021-12/31/2022	1.00
Public Health Nures II #2939	Limited Duration	12/31/2021-12/31/2022	1.00
Public Health Nures II #2844	Limited Duration	12/31/2021-12/31/2022	1.00
Admin Support Specialist (New)	Limited Duration	10/1//2021-12/31/23	1.00
Total FTE			7.00

Section 5. That the Human Resources Director make the appropriate entries in the Deschutes County FTE Authorized Positions Roster to reflect the above FTE changes.

DATED this \_\_\_\_\_ day of September, 2021.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

ATTEST:

\_\_\_\_\_  
PHIL CHANG, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PATTI ADAIR, Commissioner



Deschutes County  
Appropriation of New Grant

## REVENUE

Line Number								
Item	Project Code	Segment 2	Org	Object	Description	Current Budgeted Amount	To (From)	Revised Budget
	HSCOMMDIS	HS3EQUITY	2743153	335011	State Miscellaneous	-	1,035,126	1,035,126
	HSCOMMDIS	HS30110G	2743153	334012	State Grant		375,466	375,466
	HSCOMMDIS	HS30109G	2743153	334012	State Grant		(248,149)	(248,149)
	HSPHGEN	HS3COHCQ	2743153	301000	Beg Net Working Capital		(93,308)	(93,308)
<b>TOTAL</b>						-	<b>1,069,135</b>	<b>1,069,135</b>

## APPROPRIATION

Line Number					Category	Description	Current Budgeted Amount	To (From)	Revised Budget
Item	Project Code	Segment 2	Org	Object	(Pers, M&S, Cap Out, Contingency)	(Element-Object, e.g. Time Mgmt, Temp Help, Computer Hardware)			
	HSCOMMDIS	HS3EQUITY	2743153	410101	Personnel	Salary	-	133,036	133,036
	HSCOMMDIS	HS3EQUITY	2743153	420101	Personnel	Health Insurance	-	28,515	28,515
	HSCOMMDIS	HS3EQUITY	2743153	420201	Personnel	PERS Employee-Employer	-	25,501	25,501
	HSCOMMDIS	HS3EQUITY	2743153	420301	Personnel	FICA	-	9,975	9,975
	HSCOMMDIS	HS3EQUITY	2743153	420401	Personnel	Workers' Comp Insurance	-	69	69
	HSCOMMDIS	HS3EQUITY	2743153	420501	Personnel	Unemployment Insurance	-	1,489	1,489
	HSCOMMDIS	HS3EQUITY	2743153	420601	Personnel	Life-Long Term Disability	-	488	488
	HSCOMMDIS	HS3EQUITY	2743153	430312	M&S	Contracted Services	-	67,000	67,000
	HSCOMMDIS	HS3EQUITY	2743153	430378	M&S	Temp Help-Admin	-	280,000	280,000
	HSCOMMDIS	HS3EQUITY	2743153	450094	M&S	Program Expense	-	274,126	274,126
	HSCOMMDIS	HS3EQUITY	2743153	460148	M&S	Program Supplies	-	214,927	214,927
	HSCOMMDIS	HS30110G	2743153	410101	Personnel	Salary	-	167,970	167,970
	HSCOMMDIS	HS30110G	2743153	420101	Personnel	Health Insurance	-	35,997	35,997
	HSCOMMDIS	HS30110G	2743153	420201	Personnel	PERS Employee-Employer	-	32,191	32,191
	HSCOMMDIS	HS30110G	2743153	420301	Personnel	FICA	-	12,592	12,592
	HSCOMMDIS	HS30110G	2743153	420401	Personnel	Workers' Comp Insurance	-	87	87
	HSCOMMDIS	HS30110G	2743153	420501	Personnel	Unemployment Insurance	-	1,880	1,880
	HSCOMMDIS	HS30110G	2743153	420601	Personnel	Life-Long Term Disability	-	616	616
	HSCOMMDIS	HS30110G	2743153	430312	M&S	Contracted Services	-	88,000	88,000
	HSCOMMDIS	HS30110G	2743153	460610	M&S	Computers & Peripherals		2,000	2,000
	HSCOMMDIS	HS30110G	2743153	490501	Overhead	Admin Allocation		34,133	34,133
	HSCOMMDIS	HS30109G	2743153	410101	Personnel	Salary	823,936	(293,592)	530,344
	HSCOMMDIS	HS30109G	2743153	410301	Personnel	Overtime	-	25,000	25,000
	HSCOMMDIS	HS30109G	2743153	440430	M&S	Client Stabilization	-	38,000	38,000
	HSCOMMDIS	HS30109G	2743153	460148	M&S	Program Supplies		5,000	5,000
	HSCOMMDIS	HS30109G	2743153	490501	Overhead	Admin Allocation	82,393	(22,557)	59,836
	HSPHGEN	HS3COHCQ	2743153	410101	Personnel	Salary	(187,887)	292,091	104,204
	HSPHGEN	HS3COHCQ	2743153	410201	Personnel	Extra Help (Temp Employee)	56,609	(56,609)	-
	HSPHGEN	HS3COHCQ	2743153	410301	Personnel	Overtime		50,000	50,000
	HSPHGEN	HS3COHCQ	2743153	420101	Personnel	Health Insurance	99,549	(77,217)	22,332
	HSPHGEN	HS3COHCQ	2743153	420201	Personnel	PERS Employee-Employer	94,546	(74,575)	19,971
	HSPHGEN	HS3COHCQ	2743153	420301	Personnel	FICA	30,659	(22,847)	7,812
	HSPHGEN	HS3COHCQ	2743153	420401	Personnel	Workers' Comp Insurance		54	54
	HSPHGEN	HS3COHCQ	2743153	420501	Personnel	Unemployment Insurance	1,967	(801)	1,166
	HSPHGEN	HS3COHCQ	2743153	420601	Personnel	Life-Long Term Disability	1,788	(1,406)	382
	HSPHGEN	HS3COHCQ	2743153	420701	Personnel	Admin Fees - Section 125	320	(320)	-
	HSPHGEN	HS3COHCQ	2743153	430312	M&S	Contracted Services	250,000	(178,000)	72,000
	HSPHGEN	HS3COHCQ	2743153	430550	M&S	Interfund Payment	45,785	(15,079)	30,706
	HSPHGEN	HS3COHCQ	2743153	440430	M&S	Client Stabilization	100,000	(58,000)	42,000



Deschutes County  
Appropriation of New Grant

09/29/2021 Item #2.

HSPHGEN	HS3COHCQ	2743153	460610	M&S	Computers & Peripherals	20,000	(2,000)	18,000
HSPHGEN	HS3COHCQ	2743153	501971	Contingency	Contingency	795,664	51,401	847,065
HSALL	HS1OTHER	2743151	450094	M&S	Program Expense	-	11,576	11,576
HSALL	HS1OTHER	2743151	490501	Overhead	Admin Allocation	-	(11,576)	(11,576)
<b>TOTAL</b>						<b>2,215,329</b>	<b>1,069,135</b>	<b>3,284,464</b>

Deschutes County  
Appropriation of New Grant

0

This Budget Adjustment recognizes increased revenue from both the OHA Agreement #169509-1 and the Public Health Equity Grant while adjusting Beginning Working Capital and State Grant funds. The adjustment also appropriates those funds towards program expense and contingency. The vast majority of the funds are being use to extend 6.0 limited duration FTE and adding 1.0 Administrative Support Specialist FTE to support Health Services operations.

Fund:  
Dept:  
Requested by:  
Date:

274
Health Services
Lana Lane
9/9/2021



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** 9/29/2021

**SUBJECT:** Consideration of Resolution No. 2021-066 Increasing Appropriations and Adding 7.5 FTE within the Health Services Fund and 2021-2022 Deschutes County Budget.

**RECOMMENDED MOTION:**

*Move Approval of Resolution No. 2021-066 Increasing Appropriations and Adding 7.5 FTE within the Health Services Fund and 2021-2022 Deschutes County Budget.*

**BACKGROUND AND POLICY IMPLICATIONS:**

On 9/15/2021 the Deschutes County Health Services Department presented to the Board of County Commissioners regarding the adding 7.5 FTE to the Intellectual and Developmental Disabilities (IDD) Program. These FTE would support the IDD regional program and increase capacity meet projected demand. These positions are funded through the Oregon Department of Human Services IDD budget

**BUDGET IMPACTS:**

This Resolution appropriates \$505,740 in Program Expense within the Health Services Fund.

**ATTENDANCE:**

*Cheryl Smallman, Business Officer, Health Services, Dan Emerson, Budget Manager.*

REVIEWED  
  
\_\_\_\_\_  
LEGAL COUNSEL

\_\_\_\_\_  
For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

A Resolution Increasing Appropriations                   \*  
And FTE within the 2021-2022                               \*     RESOLUTION NO. 2021-066  
Deschutes County Budget                                    \*

WHEREAS, the Deschutes County Health Services Department presented to the Board of County Commissioners on 9/15/2021, with regards to increasing appropriations and adding 7.5 FTE in support of Health Services Intellectual Development and Disabilities Program, and

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

WHEREAS, it is necessary to increase appropriations by \$505,740 in Health Services to accommodate this request, and

WHEREAS, Deschutes County Policy HR-1 requires that a creation of or increase in FTE outside the adopted budget be approved by the Board of County Commissioners; now therefore,

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

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

<u>Health Services</u>	
State Grant	\$     992,775
State Miscellaneous	(\$     395,299)
Beginning Net Working Capital	(\$     91,736)
<b>Total Health Services</b>	<b><u>\$    505,740</u></b>

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

Health Services

Program Expense	\$ 505,740
<b>Total Health Services</b>	<b><u>\$ 505,740</u></b>

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

Section 4. That the following FTE be added:

Job Class	Type	Duration if Limited Duration	FTE
Admin Support Tech (New)	Regular Duration		1.00
Admin Support Tech (New)	Regular Duration		0.50
IDD Specialist I (New)	Regular Duration		1.00
IDD Specialist I (New)	Regular Duration		1.00
IDD Specialist I (New)	Regular Duration		1.00
IDD Specialist II (New)	Regular Duration		1.00
IDD Specialist II (New)	Regular Duration		1.00
Health Services Supervisor (New)	Regular Duration		1.00
Total FTE			7.50

Section 5. That the Human Resources Director make the appropriate entries in the Deschutes County FTE Authorized Positions Roster to reflect the above FTE changes.

DATED this \_\_\_\_\_ day of September, 2021.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

ATTEST:

\_\_\_\_\_  
PHIL CHANG, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PATTI ADAIR, Commissioner



Deschutes County  
Appropriation of New Grant

## REVENUE

Line Number									
Item	Project Code	Segment 2	Org	Object	Description	Current Budgeted Amount	To (From)	Revised Budget	
	HSIDD	HS20201G	2743152	334012	State Grant	296,136	75,696	371,832	
	HSIDD	HS24801G	2743152	334012	State Grant	2,901,968	533,753	3,435,721	
	HSIDD	HS25501G	2743152	334012	State Grant	110,899	383,326	494,225	
	HSIDD	HS24801G	2743152	335011	State Miscellaneous	1,026,764	(381,560)	645,204	
	HSIDD	HS20201G	2743152	335011	State Miscellaneous	13,739	(13,739)	-	
	HSIDD	HS24801G	2743152	301000	BEG NET WORKING CAPITAL	342,000	(91,736)	250,264	
<b>TOTAL</b>						<b>4,691,506</b>	<b>505,740</b>	<b>5,197,246</b>	

## APPROPRIATION

Line Number					Category	Description	Current Budgeted Amount	To (From)	Revised Budget
Item	Project Code	Segment 2	Org	Object	(Pers, M&S, Cap Out, Contingency)	(Element-Object, e.g. Time Mgmt, Temp Help, Computer Hardware)			
	HSIDD	HS20201G	2743152	410101	Personnel	Regular Employees	224,049	(18,954)	205,095
	HSIDD	HS20201G	2743152	420101	Personnel	Health-Dental Ins (ISF)	54,507	(4,611)	49,896
	HSIDD	HS20201G	2743152	420201	Personnel	PERS Employee-Employer	48,414	(4,096)	44,318
	HSIDD	HS20201G	2743152	420202	Personnel	PERS - Fund 575 for D-S	3,354	(284)	3,070
	HSIDD	HS20201G	2743152	420301	Personnel	FICA	16,787	(1,420)	15,367
	HSIDD	HS20201G	2743152	420501	Personnel	Unemployment Insurance	1,077	(91)	986
	HSIDD	HS20201G	2743152	420601	Personnel	Life-Long Term Disability	979	(83)	896
	HSIDD	HS20201G	2743152	420701	Personnel	Admin Fees - Section 125	175	(15)	160
	HSIDD	HS24801G	2743152	410101	Personnel	Regular Employees	1,986,837	338,271	2,325,108
	HSIDD	HS24801G	2743152	420101	Personnel	Health-Dental Ins (ISF)	483,362	82,294	565,656
	HSIDD	HS24801G	2743152	420201	Personnel	PERS Employee-Employer	429,325	73,100	502,425
	HSIDD	HS24801G	2743152	420202	Personnel	PERS - Fund 575 for D-S	29,743	5,064	34,807
	HSIDD	HS24801G	2743152	420301	Personnel	FICA	148,864	25,346	174,210
	HSIDD	HS24801G	2743152	420501	Personnel	Unemployment Insurance	9,551	1,626	11,177
	HSIDD	HS24801G	2743152	420601	Personnel	Life-Long Term Disability	8,680	1,480	10,160
	HSIDD	HS24801G	2743152	420701	Personnel	Admin Fees - Section 125	1,555	261	1,816
	HSIDD	HS25501G	2743152	410101	Personnel	Regular Employees	81,416	258,355	339,771
	HSIDD	HS25501G	2743152	420101	Personnel	Health-Dental Ins (ISF)	19,807	62,853	82,660
	HSIDD	HS25501G	2743152	420201	Personnel	PERS Employee-Employer	17,593	55,827	73,420
	HSIDD	HS25501G	2743152	420202	Personnel	PERS - Fund 575 for D-S	1,219	3,868	5,087
	HSIDD	HS25501G	2743152	420301	Personnel	FICA	6,100	19,357	25,457
	HSIDD	HS25501G	2743152	420501	Personnel	Unemployment Insurance	391	1,242	1,633
	HSIDD	HS25501G	2743152	420601	Personnel	Life-Long Term Disability	356	1,129	1,485
	HSIDD	HS25501G	2743152	420701	Personnel	Admin Fees - Section 125	64	202	266
	HSIDD	HS20201G	2743152	450985	M&S	Grants - Local Match	6,870	(6,870)	-
	HSIDD	HS24801G	2743152	450985	M&S	Grants - Local Match	333,698	(124,007)	209,691
	HSIDD	HS24801G	2743152	430346	M&S	Mailing Service	-	3,288	3,288
	HSIDD	HS24801G	2743152	440440	M&S	Copier-Printer Rental-Leases	-	6,363	6,363
	HSIDD	HS24801G	2743152	450310	M&S	Communication-Phone/Pager	-	14,396	14,396
	HSIDD	HS24801G	2743152	460140	M&S	Office Supplies	388	1,000	1,388
	HSIDD	HS24801G	2743152	460145	M&S	Postage	164	4,505	4,669
	HSIDD	HS24801G	2743152	491680	Capital Out	Vehicle Replacement	-	10,961	10,961
	HSIDD	HS20201G	2743152	490501	Overhead	Allocation Administration	63,008	(25,388)	37,620
	HSIDD	HS20201G	2743152	490502	Overhead	Allocation SAM	16,081	(16,081)	-
	HSIDD	HS20201G	2743152	490503	Overhead	Allocation OPS/SPP/Director	40,915	(7,732)	33,183
	HSIDD	HS24801G	2743152	490501	Overhead	Allocation Administration	509,780	(155,747)	354,033
	HSIDD	HS24801G	2743152	490502	Overhead	Allocation SAM	130,110	(130,110)	-

52



Deschutes County  
Appropriation of New Grant

09/29/2021 Item #3.

Recognizing increased funding for IDD and appropriating funds to Program Expense.

Fund:  
Dept:  
Requested by:  
Date:

274
Health Services
Lana Lane
9/22/2021



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** 9/29/2021

**SUBJECT:** Consideration of Resolution No. 2021-067 Transferring Appropriations and Adding 1.0 FTE within the Community Development Department and 2021-2022 Deschutes County Budget.

**RECOMMENDED MOTION:**

*Move Approval of Resolution No. 2021-067 Transferring Appropriations and Adding 1.0 Senior Planner FTE within the Community Development Department and 2021-2022 Deschutes County Budget.*

**BACKGROUND AND POLICY IMPLICATIONS:**

On 9/8/2021 the Deschutes County Community Development Department (CDD) presented to the Board of County Commissioners regarding the addition of 1.0 senior planner FTE to the long range planning program. This FTE would expand the capacity within the long range planning division and would work on high priority projects such as SB 391 Rural ADU's, SB 762 Wildfire Mitigation, the Cannabis Advisory Panel and the Comprehensive Plan Update. This position can likely be funded in FY22 due to fee increases, funding for the position beyond FY22 will require additional discussion and strategy.

**BUDGET IMPACTS:**

This Resolution transfers \$117,000 in Contingency within the CDD to Program Expense to cover the additional personnel cost.

**ATTENDANCE:**

*Sherri Pinner, Sr. Management Analyst, CDD, Dan Emerson, Budget Manager.*

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

A Resolution Transferring Appropriations      \*  
And Increasing FTE within the 2021-2022      \*      RESOLUTION NO. 2021-067  
Deschutes County Budget      \*

WHEREAS, the Deschutes County Community Development Department presented to the Board of County Commissioners on 9/9/2021, with regards to adding 1.0 senior planner FTE in support of Community Development and Long Range Planning, and

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

WHEREAS, it is necessary to transfer \$117,000 in Contingency within Community Development to accommodate this request, and

WHEREAS, Deschutes County Policy HR-1 requires that a creation of or increase in FTE outside the adopted budget be approved by the Board of County Commissioners; now therefore,

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

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

Community Development

Program Expense	\$ 117,000
Contingency	(\$ 117,000)

Section 2.      That the Chief Financial Officer make the appropriate entries in the Deschutes County Financial System to show the above appropriations:

Section 3.      That the following FTE be added:

Job Class	Type	Duration if Limited Duration	FTE
Senior Planner (New)	Regular Duration		1.00
Total FTE			1.00

Section 4. That the Human Resources Director make the appropriate entries in the Deschutes County FTE Authorized Positions Roster to reflect the above FTE changes.

DATED this\_\_\_\_\_ day of September, 2021.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

ATTEST:

\_\_\_\_\_  
PHIL CHANG, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PATTI ADAIR, Commissioner

	Line Number				
Item	Project Code	Segment 2	Org	Object	

## APPROPRIATION

	Line Number				Category
Item	Project Code	Segment 2	Org	Object	(Pers, M&S, Cap Out, Contingency)
			2952650	410101-420701	Personnel
			2950150	501971	Contingency

Increasing 1.0 FTE to support capacity needs with regards to long range planning.

Fund:

Dept:

Requested by:

Date:

295

295

Dan Emerson

9/21/2021

Description	Current Budgeted Amount	To (From)	Revised Budget
TOTAL	-	-	-

Description			
(Element-Object, e.g. Time Mgmt, Temp Help, Computer Hardware)	Current Budgeted Amount	To (From)	Revised Budget
Various Personnel Objects	544,829	117,000	661,829
Contingency	880,172	(117,000)	763,172
TOTAL	1,425,001	-	1,425,001

--



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** Wednesday, September 29, 2021

**SUBJECT:** Consideration of Resolution No. 2021-070, Setting a Public Hearing for the Surrender of Jurisdiction of Portions of Knott Rd, Tekampe Rd, and Stevens Rd to the City of Bend

**RECOMMENDED MOTION:**

*Move approval of Resolution No. 2021-070.*

**BACKGROUND AND POLICY IMPLICATIONS:**

With Bend Ordinances No. NS-2416 and NS-2421, the City of Bend has annexed and requested jurisdiction of portions of Knott Road, Tekampe Road, and Stevens Road. Resolution No. 2021-070 will set a public hearing for the matter to occur during the Wednesday, October 20, 2021 Board of County Commissioners meeting.

**BUDGET IMPACTS:**

Jurisdictional transfer of the subject road segments will remove approximately 0.74 mile of road from the County road inventory. This will result in a very minimal reduction to the Department's operation and maintenance expenditures.

**ATTENDANCE:**

Cody Smith, County Engineer (REQUEST CONSENT AGENDA)

REVIEWED

LEGAL COUNSEL

09/29/2021 Item #5.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution Setting a Public Hearing for the  
Proposed Jurisdictional Surrender of Portions  
of Knott Road, Tekampe Road, and Stevens  
Road to the City of Bend, Oregon Pursuant to  
ORS 373.270.

\*  
\*  
\*  
\*  
\*

RESOLUTION NO. 2021-070

WHEREAS, the portions of Knott Road, Tekampe Road, and Stevens Road shown in the attached Exhibit "A", incorporated herein by this reference, are county roads under the jurisdiction of Deschutes County, Oregon ("County"); and

WHEREAS, by Bend Ordinance No. NS-2416, attached hereto as Exhibit "B" and by this reference incorporated herein, the City of Bend, Oregon ("City") has requested transfer of jurisdiction from County to City of the portions of Knott Road and Tekampe Road shown in Exhibit "A", as said road portions are located within the area identified in Exhibit "B" that was annexed by City; and

WHEREAS, by Bend Ordinance No. NS-2421, attached hereto as Exhibit "C" and by this reference incorporated herein, the City of Bend, Oregon ("City") has requested transfer of jurisdiction from County to City of the portion of Stevens Road shown in Exhibit "A", as said road portion is located within the area identified in Exhibit "C" that was annexed by City; and

WHEREAS, it is necessary to give notice and hold a hearing in accordance with ORS 373.270 in order to consider the transfer of jurisdiction of such County roads to City; now, therefore,

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

Section 1. That on Wednesday, October 20, 2021, at 9:00 A.M. in the Barnes and Sawyer Rooms of the Deschutes Services Center, 1300 NW Wall Street, Bend, Oregon, the Board of County Commissioners will hold a hearing to determine whether jurisdiction over the County roads shown in Exhibit "A" will be surrendered to the City of Bend.

Section 2. That notice of said hearing, in substantially the form marked Exhibit "D", attached hereto and by this reference incorporated herein, shall be posted in no less than three (3) public places, including one public place within the city limits of Bend, for no less than 20 calendar days before the hearing.



Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

\_\_\_\_\_  
PHIL CHANG, Vice Chair

ATTEST:

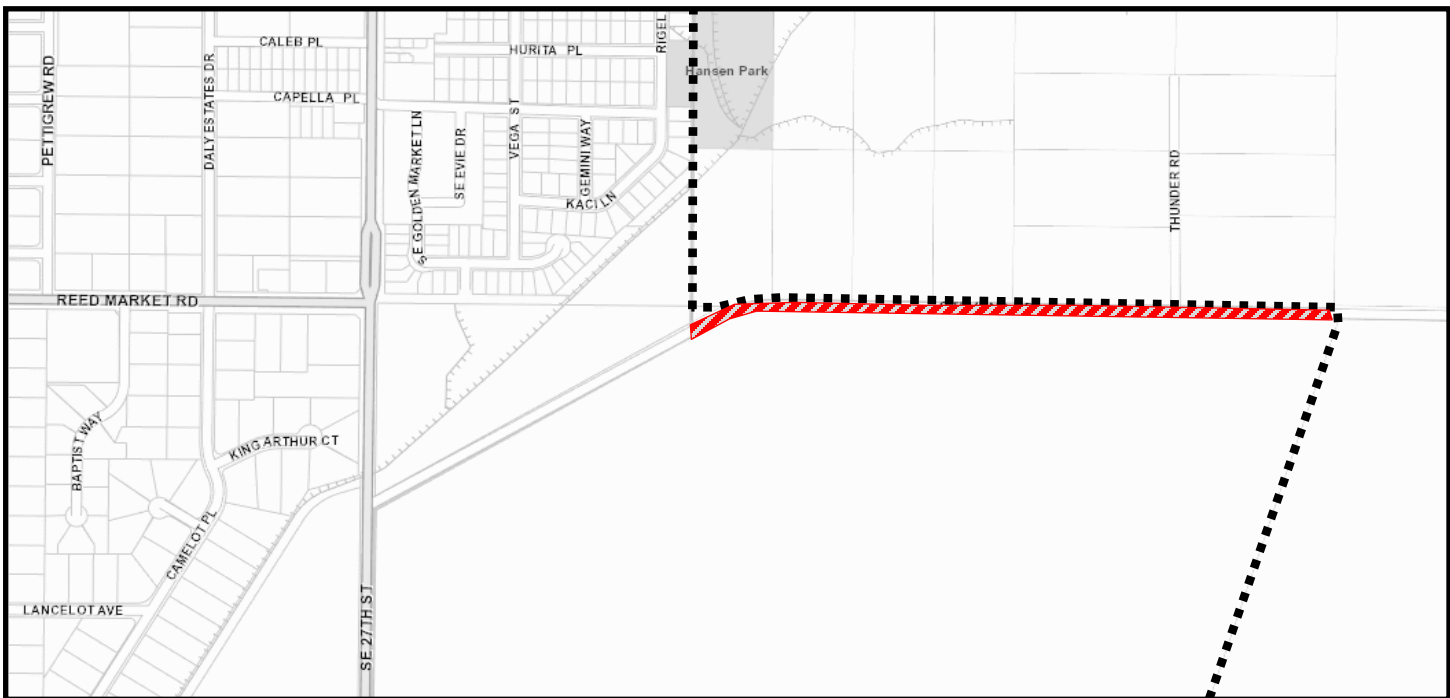
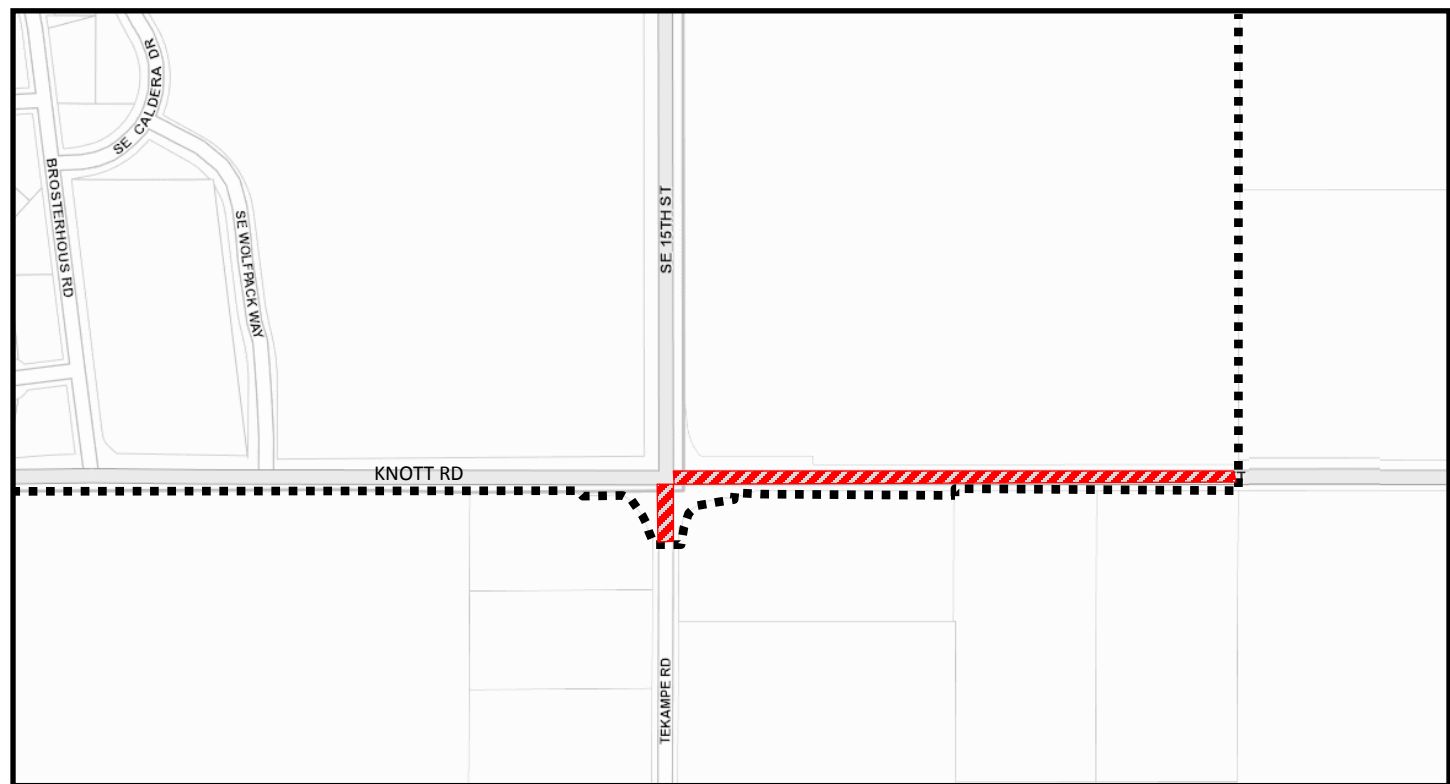
\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PATTI ADAIR, Commissioner

**ROAD JURISDICTIONAL TRANSFER - EASTON AND STEVENS RANCH ANNEXATIONS**

<b>ROAD NAME</b>	<b>SEGMENT TO BE TRANSFERRED</b>	<b>MAP SEGMENT NUMBER</b>	<b>APPROXIMATE SEGMENT LENGTH (FT.)</b>	<b>NOTES</b>
Knott Road	SE 15th Street to the East Line of the SW1/4 of the SW1/4 of Sec. 15, T18S, R12E, W.M.	1	1271	Requested by City (Ordinance NS-2416)
Tekampe Road	Knott Road to 149.93 ft. south of the South Line of Sec. 15, T18S, R12E, W.M.	2	120	Requested by City (Ordinance NS-2416)
Stevens Road	West Line of the NE1/4 of the NW1/4 of Sec. 11, T18S, R12E, W.M. to westerly right of way of PG&E Transmission Gas Line	3	2513	Requested by City (Ordinance NS-2421)

ROAD JURISDICTIONAL TRANSFER - EASTON AND STEVENS RANCH ANNEXATIONS



LEGEND

- Bend City Limits
- ▨ Road to be Transferred



ROAD  
DEPARTMENT

## ORDINANCE NO. NS - 2416

**AN ORDINANCE ANNEXING APPROXIMATELY 50 ACRES OF LAND IN A PORTION OF THE SOUTHEAST "ELBOW" UGB EXPANSION MASTER PLAN AREA, FOR EXPANSION OF THE EASTON MASTER PLANNED DEVELOPMENT AND REQUESTING JURISDICTIONAL TRANSFER OF THE RIGHT OF WAY PER ORS 373.270.**

### Findings:

- A. Bend Development Code Section 4.9.400A.3 provides for annexation of real property to the City when 100 percent of the property owners that represent more than half the assessed value of all real property in the contiguous territory proposed to be annexed consent to the annexation.
- B. The City received an application for annexation of the territory shown on Exhibit B and described in Exhibit C (the "Area").
- C. One hundred percent of property owners within the Area have filed statements of consent to this annexation.
- D. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.9.300.A.3, and BDC 4.1.423-4.1.425. On June 30, 2021, notice was mailed by the Planning Division to surrounding owners of record of property within 500 feet of the subject properties, and to the Old Farm and Southeast Bend Neighborhood Association representatives. Notice was also posted in four public places on July 6, 2021, and posted in The Bulletin on July 11, 2021 and July 18, 2021. On July 2, 2021, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at four locations, no more than 10 feet from adjacent rights of way.
- E. The City Council held a public hearing on July 21, 2021 to receive evidence and comments on the question of annexation.
- F. The Area is contiguous to the City limits of the City of Bend along the west and north boundaries of the properties within the Area.
- G. The applicant and the City have reached agreement on a proposed Annexation Agreement that sets forth the obligations of the applicant for the provision of urban infrastructure needed to serve the newly annexed area and other areas.

### **Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:**

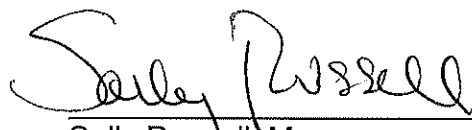
- Section 1. The territory containing approximately 50 acres of land as described in Exhibit A and depicted in Exhibit B, is annexed to the City of Bend upon the Annexation Agreement (Exhibit C) taking effect.

- Section 2. The City Manager is authorized to execute the Annexation Agreement (Exhibit C) in the substantially the form presented to Council.
- Section 3. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit D.
- Section 4. On the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated in accordance with the Modification to the Easton Master Planned Development zoning scheme (PLMOD20210482).

First Reading: July 21, 2021

Second reading and adoption by roll call vote: August 4, 2021

YES: Mayor Sally Russell NO: none ABSTAIN: Schenkelberg  
 Councilor Barb Campbell  
 Councilor Melanie Kebler  
 Councilor Anthony Broadman  
 Councilor Megan Perkins

  
 Sally Russell, Mayor

Attest:

  
 Robyn Christie, City Recorder

Approved as to form:

  
 Mary A. Winters, City Attorney



AKS ENGINEERING & FORESTRY, LLC  
2777 NW Lolo Drive, Suite 150, Bend, OR 97703  
P: (541) 317-8429 | www.aks-eng.com

AKS Job #7326-01

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT A

(Annexation Tax Lot 1400, Tax Map 18 12 15CD)

A tract of land located in the Southwest One-Quarter of Section 15, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

All of the Northwest One-Quarter of the Southeast One-Quarter of the Southwest One-Quarter of Section 15, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon.

The above described tract of land contains 10.00 acres, more or less.

03/04/2021

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

A handwritten signature in cursive script, reading 'Jacob D. Powell'.

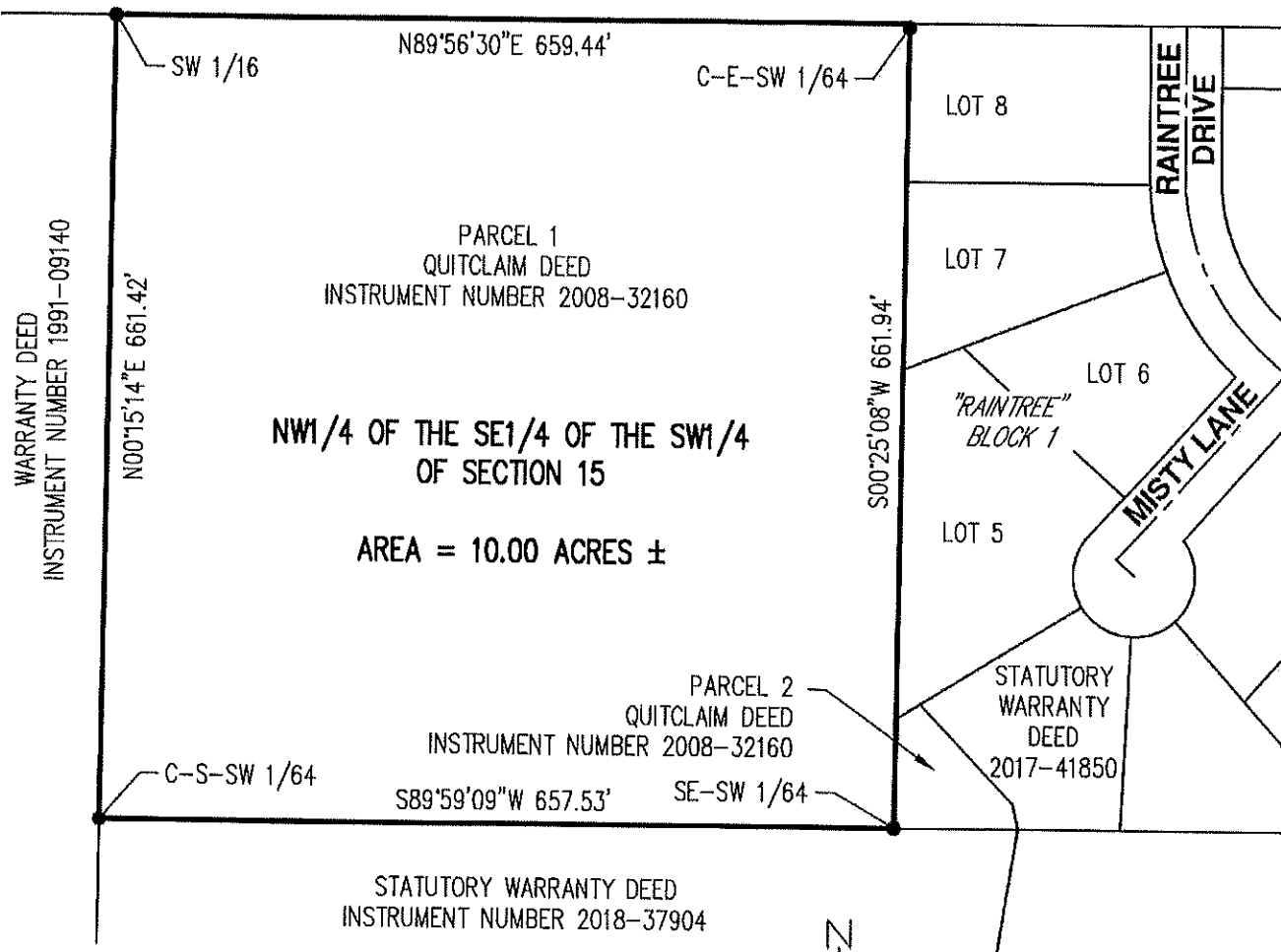
OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS

RENEWS: 12/31/2022

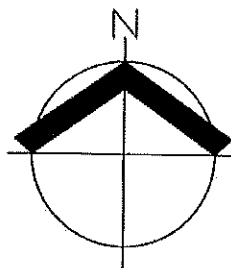
**EXHIBIT B**

A TRACT OF LAND LOCATED IN THE NW 1/4 OF THE  
SE 1/4 OF THE SW 1/4 OF SEC. 15, T18S, R12E, W.M.,  
DESCHUTES COUNTY, OREGON

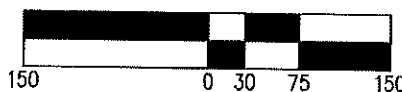
BARGAIN AND SALE DEED  
INSTRUMENT NUMBER 2020-25816

**BASIS OF BEARINGS**

BEARINGS FOR THIS MAP ARE BASED ON THE CENTRAL OREGON  
COORDINATE SYSTEM (COCS), DESCHUTES 13 TRANSFORMATION,  
DERIVED FROM THE OREGON REAL-TIME GNSS NETWORK (ORGN).



SCALE: 1" = 150 FEET



PREPARED FOR  
CITY OF BEND  
709 NW WALL ST., SUITE 100  
BEND, OR 97703

03/04/2021  
**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Jacob D. Powell*

OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS

RENEWS: 12/31/2022

**MAP OF ANNEXATION**

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM

**AKS**

**EXHIBIT  
B**

DRWN: JDP  
CHKD: JAC  
AKS JOB:  
7326-0



AKS ENGINEERING & FORESTRY, LLC  
2777 NW Lolo Drive, Suite 150, Bend, OR 97703  
P: (541) 317-8429 | www.aks-eng.com

AKS Job #7326-01

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT A

(Annexation Tax Lot 1500, Tax Map 18 12 15, and portion of Knott Road)

A tract of land located in the Southwest One-Quarter of Section 15, the Northwest One-Quarter of Section 22, and the Northeast One-Quarter of Section 21, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Beginning at the northeast corner of the Southwest One-Quarter of the Southwest One-Quarter of Section 15, thence along the east line of said section subdivision South  $00^{\circ}15'14''$  West 1323.42 feet to the southeast corner of said section subdivision and also being on the centerline of Knott Road; thence along the east line of the Northwest One-Quarter of the Northwest One-Quarter of Section 22, South  $00^{\circ}21'29''$  West 30.00 feet to the south right-of-way line of said road (30.00 feet from centerline); thence along said south right-of-way line for the following courses, North  $89^{\circ}59'31''$  West 651.16 feet; thence South  $00^{\circ}16'58''$  West 10.00 feet (to a point 40.00 feet from centerline); thence North  $89^{\circ}59'31''$  West 485.32 feet to a point of non-tangent curvature; thence on a 30.00 foot radius curve to the right (radius point bears North  $31^{\circ}06'05''$  West), an arc distance of 14.26 feet, through a central angle of  $27^{\circ}13'54''$ , and a chord of South  $72^{\circ}30'52''$  West 14.12 feet; thence on a 756.00 foot radius curve to the left, an arc distance of 41.99 feet, through a central angle of  $3^{\circ}10'57''$ , and a chord of South  $84^{\circ}32'21''$  West 41.99 feet; thence on a 131.00 foot radius curve to the left, an arc distance of 77.07 feet, through a central angle of  $33^{\circ}42'29''$ , and a chord of South  $66^{\circ}05'37''$  West 75.96 feet; thence along a 36.00 foot radius curve to the left, an arc distance of 18.08 feet, through a central angle of  $28^{\circ}46'08''$ , and a chord of South  $34^{\circ}51'19''$  West 17.89 feet to the east right-of-way line of Tekampe Road (40.00 feet from centerline); thence along said east right-of-way line, South  $00^{\circ}16'58''$  West 56.32 feet; thence perpendicular to said east right-of-way line, North  $89^{\circ}43'02''$  West 70.00 feet to the west right-of-way line of said road (30.00 feet from centerline); thence along said west right-of-way line for the following courses, North  $00^{\circ}16'58''$  East 27.75 feet; thence North  $89^{\circ}39'10''$  West 9.77 feet to a point of non-tangent curvature; thence on a 156.01 foot radius curve to the left (radius point bears South  $74^{\circ}15'45''$  West), an arc distance of 86.80 feet, through a central angle of  $31^{\circ}52'46''$ , and a chord of North  $31^{\circ}40'38''$  West 85.69 feet; thence on a 35.95 foot radius curve to the left, an arc distance of 27.33 feet, through a central angle of  $43^{\circ}33'11''$ , and a chord of North  $69^{\circ}23'36''$  West 26.67 feet to the south right-of-way line of Knott Road; thence along said south right-of-way line (variable width from centerline), South  $88^{\circ}49'48''$  West 75.54 feet; thence on a 30.00 foot radius curve to the right, an arc distance of 15.63 feet, through a central angle of  $29^{\circ}50'46''$ , and a chord of North  $76^{\circ}14'49''$  West 15.45 feet; thence North  $61^{\circ}19'26''$  West 12.59 feet to a point 30.00 feet from centerline; thence leaving said south right-of-way line parallel with and 30.00 feet southerly of, when measured at right angles to said Knott Road centerline, North  $89^{\circ}37'11''$  East 212.02 feet; thence continuing parallel with and 30.00 feet southerly of said centerline, South  $89^{\circ}59'31''$  East 39.75 feet; thence parallel with and 40.00 feet easterly of, when measured at right angles to said centerline of Tekampe Road, North  $00^{\circ}16'58''$  East 29.93 feet; thence parallel with and 40.00 feet easterly of, when measured at right angles to the centerline of SE 15th Street and easterly right-of-way thereof, North  $00^{\circ}03'38''$  West 1321.33 feet to the north line of said Southwest One-quarter



of the Southwest One-quarter of Section 15; thence along said north section subdivision line, North 89°54'42" East 1278.46 feet to the Point of Beginning.

Bearings for this description are based on the Central Oregon Coordinate System (COCS), Deschutes 13 Transformation, Derived from the Oregon Real-Time GNSS Network (ORGN).

The above described tract of land contains 40.05 acres, more or less.

03/04/2021

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jacob D. Powell*

OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS

RENEWS: 12/31/2022

# EXHIBIT B

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 15, THE NW 1/4 OF SEC. 22,  
AND THE SE 1/4 OF SEC. 21, T18S, R12E, W.M., DESCHUTES COUNTY, OREGON

BARGAIN AND SALE DEED  
INSTRUMENT NUMBER 2020-25816

N89°54'42"E 1278.46'

POINT OF BEGINNING

NE COR OF THE SW1/4 OF  
THE SW1/4 OF SECTION 15

WARRANTY DEED  
INSTRUMENT NUMBER 1991-09140

AREA = 40.05 ACRES ±

QUITCLAIM DEED  
INSTRUMENT NUMBER 2008-32160

STATUTORY WARRANTY DEED  
INSTRUMENT NUMBER 2018-37904

CURVE TABLE

CURVE	RADIUS	CENTRAL ANGLE	LENGTH	CHORD
C1	30.00'	27°13'54"	14.26'	S72°30'52"W 14.12'
C2	756.00'	3°10'57"	41.99'	S84°32'21"W 41.99'
C3	131.00'	33°42'29"	77.07'	S66°05'37"W 75.96'
C4	36.00'	28°46'08"	18.08'	S34°51'19"W 17.89'
C5	156.01'	31°52'46"	86.80'	N31°40'38"W 85.69'
C6	35.95'	43°33'11"	27.33'	N69°23'36"W 26.67'
C7	30.00'	29°50'46"	15.63'	N76°14'49"W 15.45'

PREPARED FOR  
CITY OF BEND  
709 NW WALL ST., SUITE 100  
BEND, OR 97703

BASIS OF BEARINGS  
BEARINGS FOR THIS MAP ARE  
BASED ON THE CENTRAL  
OREGON COORDINATE SYSTEM  
(COCS), DESCHUTES 13  
TRANSFORMATION, DERIVED  
FROM THE OREGON  
REAL-TIME GNSS NETWORK  
(ORGN).

N00°16'58"E 29.93'  
SW COR SECTION 15  
S89°59'31"E 39.75'  
N89°37'11"E 212.02'  
N61°19'26"W 12.59'  
C7 L=15.63'  
S88°49'48"W 75.54'  
C6 L=27.33'  
C5 L=86.80'  
RADIAL S74°15'45"W  
N89°39'10"W 9.77'  
N00°16'58"E 27.75'

SE 15TH STREET

TEKAMPE  
ROAD

RADIAL N31°06'05"W

N89°59'31"W 485.32'  
C1 L=14.26'  
C2 L=41.99'  
C3 L=77.07'  
C4 L=18.08'  
S00°16'58"W 56.32'  
N89°43'02"W 70.00'

KNOTT ROAD

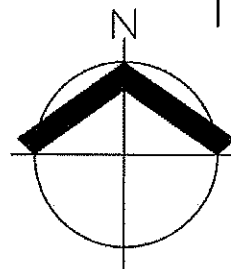
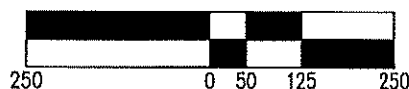
SE COR OF THE SW1/4 OF  
THE SW1/4 OF SECTION 15

N89°59'31"W 651.16'

S00°16'58"W 10.00'

S00°21'29"W 30.00'

SCALE: 1" = 250 FEET



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS

RENEW: 12/31/2022

MAP OF ANNEXATION

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM

**AKS**

EXHIBIT  
**B**

DRWN: JDP  
CHKD: JAC  
AKS JOB:  
7326-01



**After recording, return to:**

City of Bend  
 Attn: Colin Stephens  
 Community Development Department  
 710 NW Wall St.  
 Bend, OR 97703

**EASTON SOUTH ANNEXATION AGREEMENT**

This Annexation Agreement ("Agreement") is made this 20 day of JULY, 2021 between the City of Bend ("City") and Pahlisch Homes, Inc ("Pahlisch") and the real property owners set forth on Exhibit A (together, Pahlisch and additional property owners set forth on Exhibit A are collectively referred to as the "Owner"), who are the owner(s) of record of the property described in Exhibit B and depicted on Exhibit C ("Property").

The purposes of this Agreement are:

1. to memorialize the agreement between the parties to annex the Property into the City;
2. to assign responsibilities among the parties for performance of certain requirements to develop the Property;
3. to memorialize the Agreement among the parties on the allocation of financial responsibility for the public facilities and services that are necessary to serve the Property; and
4. to guarantee the City's requirements for the provision of urban services to the Property.

**RECITALS**

A. Pahlisch intends to develop the Property pursuant to the Bend Comprehensive Plan (the "BCP"), the Bend Development Code (the "BDC") and a City-approved Major Community Master Plan. The Property is within the City's Urban Growth Boundary (UGB) and is contiguous to the City limits at SE 15<sup>th</sup> Street and south of SE Caldera Drive. Therefore the Property is eligible for annexation subject to BDC Chapter 4.9.

B. Pahlisch intends to develop the Property with a mix of single family, duplex/triplex, multi-family housing and commercial development as required by BCP Policies 11-93 to 11-102.

C. The Property consists of approximately 48 acres located in the Elbow Expansion Area that is subject to the requirements and limitations of the BCP Specific Expansion Area Policies 11-93 through 11-102, including the requirement that development is subject to a major community master plan approval under BDC Chapter 4.5.

D. The Property is currently zoned Urbanizable Area ("UA") and is designated Residential Standard ("RS"), Residential Medium Density ("RM") and General Commercial ("GC") on the BCP Map pursuant to Policies 11-93 and 11-102 of the Bend Comprehensive Plan.

E. On October 21, 2020 the City adopted Ordinance No. NS-2391, An Ordinance Amending the Bend Development Code to Adopt the Easton Major Community Master Plan (the "Easton Master Plan").

F. Pahlisch has submitted a request to the City for amend the Easton Master Plan to include the Property within the Easton Master Plan pursuant to City File No. PLMOD20210109 (the "Easton Amendment"). Together, the Easton Master Plan and the Easton Amendment are sometimes referred to herein as the "Easton Project."

G. On May 7, 2021, the Owner submitted a request to the City to annex the Property to the City (City File No. PLANX20210483).

H. Annexation of the Property requires the Owner to prove that all criteria under BDC 4.9.600 are met.

I. In order to meet the BDC 4.9.600 criteria and to satisfy the City's conditions for an affirmative decision to annex the Property, and in exchange for the obligations of the City set forth in Section 7 of this Agreement, the Owner agrees to comply with all requirements imposed in this Agreement and all other City codes, regulations, and standards applicable to the Property, including the Easton Master Plan. This Agreement is consistent with and intended to implement the BCP Specific Expansion Area Policies 11-93 through 11-102 as these policies specifically relate to the Property and other applicable policies of the BCP.

## AGREEMENT

Based upon the Recitals, which are incorporated as part of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

1. **Obligations of the Owner.** Consistent with the above Recitals, Owner agrees to perform the obligations of this Agreement and comply with and meet all City codes, standards, and regulations, including the Easton Master Plan. All exhibits attached are conceptual and nothing in this Agreement prohibits refinements to meet City standards as part of the required development applications.

2. **Master Plan Approval.** Pahlisch will seek approval of a Major Community Master Plan under BDC Chapter 4.5 for the Easton Master Plan concurrent with approval of this Annexation Agreement. This Agreement will become effective upon authorized signatures of all parties, approval of the Easton Master Plan, as modified by the Easton Amendment by the City Council, and expiration of all applicable appeal periods or when the City's approval of the Master Plan is otherwise final.

3. **Water.** In order to serve the Property consistent with BCP Specific Expansion Area Policies 11-93 through 11-102 and other applicable policies of the BCP and the BDC, the Owner shall construct the water system improvements pursuant to the phasing and development schedule set forth in the Easton Amendment (Sheets P12 and P6 of PLMOD20210482). Nothing in this Section 3 precludes the Owner from seeking SDC credits for the water system improvements required under this Section 3, but the parties acknowledge that such improvements are currently not identified on any SDC Project List or Capital Improvement Plan.

4. **Sewer.** In order to serve the Property consistent with BCP Specific Expansion Area Policies 11-93 through 11-102 and other applicable policies of the BCP and the BDC, the Owner shall construct the wastewater collection system improvements pursuant to the phasing and development schedule set forth in the Easton Amendment (Sheets P11 and P6 of PLMOD20210482). Nothing in this Section 4 precludes the Owner from seeking SDC credits for the wastewater collection system improvements required under this Section 4, but the parties acknowledge that such improvements are currently not identified on any SDC Project List or Capital Improvement Plan.

5. **Transportation.** In order to serve the Property consistent with BCP Specific Expansion Area Policies 11-93 through 11-102 and other applicable policies of the BCP and the BDC, together with the Transportation Planning Rule (OAR 660-012-0060) the Owner shall construct the transportation system improvements identified on Exhibits D1 A-G pursuant to the phasing and development schedule set forth in the Easton Amendment (the "Transportation Projects").

5.1 **Transportation System SDC Credits.** Pursuant to Bend Municipal Code (BMC) 12.10.130, transportation improvements identified on Exhibit D-2 will be eligible for TSDC Credits if that improvement is included in the most current approved and adopted TSDC Project List. If, because of a future update to the TSDC methodology, additional improvements as identified on Exhibit D-2 are added to the TSDC Project List before commencement of construction by the Owner for the improvement, the Owner may apply for TSDC credits based on the City's TSDC methodology and code in effect at that time.

5.2 **Transportation Planning Rule Compliance.** The Parties acknowledge that (i) the construction of Transportation Projects will benefit multiple transportation modes and provide improvements to locations other than the affected facilities; and (ii) the system-wide benefits are sufficient to balance the significant effects identified in the Easton Amendment Transportation Impact Analysis (TIA), even though the improvements will not result in consistency for all performance standards. Attached as Exhibit E are written statements of approval from the Oregon Department of Transportation and Deschutes County pursuant to OAR 660-012-0060(2)(e) acknowledging compliance with the Transportation Planning Rule, OAR 660-012-0060.

5.5 **Dedication of Right of Way.** The Owner agrees to dedicate sufficient right of way under Owner's control to the City to accommodate the Transportation

Projects described in Section 5 above, and to meet the minimum right of way widths required by BDC Chapter 3.4 and the Easton Amendment. To the extent there is a conflict between the street standards set forth in BDC Chapter 3.4 and those set forth in the Easton Amendment, the standards in the Easton Amendment shall control.

6. **Stormwater.** The Owner will contain all stormwater consistent with the Easton Amendment and all applicable City requirements. The Owner will complete all on-site stormwater requirements as required by the Easton Master Plan and Easton Amendment and all subsequent development applications (e.g., site plan review, subdivision).

7. **Obligations of the City.** Consistent with the above recitals, the City agrees to:

7.1 Process the application for annexing the Property into the City Limits.

7.2 Conduct a timely review of and issue a decision on the Easton Amendment applications.

7.4 Owner acknowledges that the City cannot prospectively agree to any specific outcomes.

9. **Covenants Running with the Land.** It is the intention of the parties that the terms and obligations of this Agreement are necessary for the annexation and development of the Property and as such will run with the Property and will be binding upon the heirs, executors, assigns, administrators, and successors of the parties and are construed to be a benefit and burden upon the Property. This Agreement must be recorded with the Deschutes County Recorder upon execution. Execution and recording of this Agreement are preconditions to the annexation of the Property into the City. These covenants will expire for each portion of the Property upon recording of a final plat for that portion of the Property under the Easton Amendment. The parties will execute and record any document necessary to release such covenants at the time of recording of the final plat.

10. **Limitations on Development.** Upon annexation the Owner agrees that no portion of the Property may be developed prior to the City's final approval of the Easton Amendment. Development of the Property under the Easton Amendment will be subject to additional land use and permit approval as provided in the BDC.

11. **Mutual Cooperation.** The City and Owner will endeavor to cooperate with each other in implementing the terms of this Agreement.

12. **Modification of Agreement.** This Agreement may be modified only in writing upon mutual agreement of all parties. This Agreement may not be modified such that urban facilities and services are not provided in a timely manner to the Property.

13. **Land Use Approval.** Except as set forth in Section 14 below, nothing in this Agreement is to be construed as waiving any requirements of the Bend Municipal Code, Bend Development Code or Bend Comprehensive Plan provisions which may be

applicable to the use and development of the Property. Nothing in this Agreement is to be construed as the City providing or agreeing to provide approval of any building, land use, or other development application or grading permit application.

14. **Exactions.** The Owner knows and understands its rights under *Dolan v. City of Tigard* and its progeny. By entering into this Agreement Owner waives any requirement that the City demonstrate that the public improvements and other obligations imposed on the Owner in this Agreement or the Easton Amendment are roughly proportional to the burden and demands placed upon the urban facilities and services by the development of the Property. The Owner acknowledges that the requirements and obligations of the Owner, including but not limited to the required public improvements, are roughly proportional to the burden and demands on urban facilities and services that will result from development of the Property.

15. **Invalidity.** If any provision of this Agreement is deemed unenforceable or invalid, such enforceability or invalidity will not affect the enforceability or validity of any other provision of this Agreement.


16. **State Law.** The validity, meaning, enforceability and effect of this Agreement and the rights and liabilities of the parties shall be determined in accordance with the laws of the State of Oregon.

17. **Effective Date.** This Agreement will become effective upon authorized signatures by all parties, approval of the Easton Amendment by the City Council, and expiration of all applicable appeal periods or when the City's approval of the Easton Amendment is otherwise final.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date first written above.

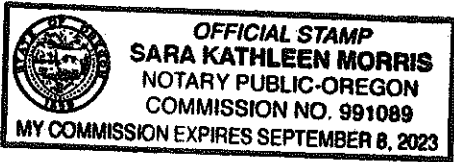


**OWNER:**

  
Daniel Pahlisch, President  
Pahlisch Homes, Inc., an Oregon corporation

State of Oregon                    )  
  )  
County of Deschutes            )

This instrument was acknowledged before me on July 26, 2021, by Daniel Pahlisch, President of Pahlisch Homes, Inc., an Oregon corporation, on behalf of the corporation.



  
Notary Public for Oregon

**CITY OF BEND**

  
Eric King, City Manager

STATE OF OREGON                )  
  )  
County of Deschutes            )

This instrument was acknowledged before me on <sup>to</sup> July 29, 2021, by Eric King as City Manager of the City of Bend.



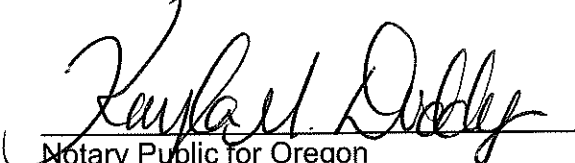
  
Notary Public for Oregon

EXHIBIT A

List of Additional Property Owners, Signatures and Notary Blocks



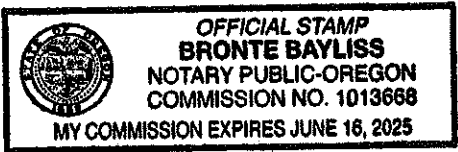
Josele F. Ward, President  
J. L. Ward, Co.

State of Oregon )

County of Deschutes )

This instrument was acknowledged before me on August 4th, 2021, by Josele F. Ward, as President of the J.L. Ward Co., an Oregon corporation, on behalf of the corporation.

  
Notary Public for Oregon



**EXHIBIT B**  
Legal Description of Property



AKS ENGINEERING & FORESTRY, LLC  
2777 NW Lolo Drive, Suite 150, Bend, OR 97703  
P: (541) 317-8429 | www.aks-eng.com

AKS Job #7326-01

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT B

(Annexation Tax Lot 1400, Tax Map 18 12 15CD)

A tract of land located in the Southwest One-Quarter of Section 15, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

All of the Northwest One-Quarter of the Southeast One-Quarter of the Southwest One-Quarter of Section 15, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon.

The above described tract of land contains 10.00 acres, more or less.

07/14/2021

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

A handwritten signature in black ink, appearing to read 'Jacob D. Powell', written over a horizontal line.

OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS

RENEWS: 12/31/2022



AKS ENGINEERING & FORESTRY, LLC  
2777 NW Lolo Drive, Suite 150, Bend, OR 97703  
P: (541) 317-8429 | www.aks-eng.com

AKS Job #7326-01

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT B

(Annexation Tax Lot 1500, Tax Map 18 12 15, and portion of Knott Road)

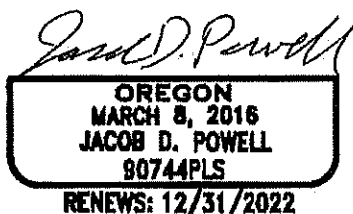
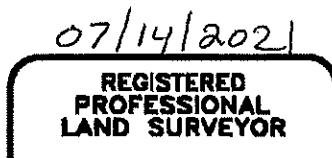
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Beginning at the northeast corner of the Southwest One-Quarter of the Southwest One-Quarter of Section 15, thence along the east line of said section subdivision South  $00^{\circ}15'14''$  West 1323.42 feet to the southeast corner of said section subdivision and also being on the centerline of Knott Road; thence along the east line of the Northwest One-Quarter of the Northwest One-Quarter of Section 22, South  $00^{\circ}21'29''$  West 30.00 feet to the south right-of-way line of said road (30.00 feet from centerline); thence along said south right-of-way line for the following courses, North  $89^{\circ}59'31''$  West 651.16 feet; thence South  $00^{\circ}16'58''$  West 10.00 feet (to a point 40.00 feet from centerline); thence North  $89^{\circ}59'31''$  West 485.32 feet to a point of non-tangent curvature; thence on a 30.00 foot radius curve to the right (radius point bears North  $31^{\circ}06'05''$  West), an arc distance of 14.26 feet, through a central angle of  $27^{\circ}13'54''$ , and a chord of South  $72^{\circ}30'52''$  West 14.12 feet; thence on a 756.00 foot radius curve to the left, an arc distance of 41.99 feet, through a central angle of  $3^{\circ}10'57''$ , and a chord of South  $84^{\circ}32'21''$  West 41.99 feet; thence on a 131.00 foot radius curve to the left, an arc distance of 77.07 feet, through a central angle of  $33^{\circ}42'29''$ , and a chord of South  $66^{\circ}05'37''$  West 75.96 feet; thence along a 36.00 foot radius curve to the left, an arc distance of 18.08 feet, through a central angle of  $28^{\circ}46'08''$ , and a chord of South  $34^{\circ}51'19''$  West 17.89 feet to the east right-of-way line of Tekampe Road (40.00 feet from centerline); thence along said east right-of-way line, South  $00^{\circ}16'58''$  West 56.32 feet; thence perpendicular to said east right-of-way line, North  $89^{\circ}43'02''$  West 70.00 feet to the west right-of-way line of said road (30.00 feet from centerline); thence along said west right-of-way line for the following courses, North  $00^{\circ}16'58''$  East 27.75 feet; thence North  $89^{\circ}39'10''$  West 9.77 feet to a point of non-tangent curvature; thence on a 156.01 foot radius curve to the left (radius point bears South  $74^{\circ}15'45''$  West), an arc distance of 86.80 feet, through a central angle of  $31^{\circ}52'46''$ , and a chord of North  $31^{\circ}40'38''$  West 85.69 feet; thence on a 35.95 foot radius curve to the left, an arc distance of 27.33 feet, through a central angle of  $43^{\circ}33'11''$ , and a chord of North  $69^{\circ}23'36''$  West 26.67 feet to the south right-of-way line of Knott Road; thence along said south right-of-way line (variable width from centerline), South  $88^{\circ}49'48''$  West 75.54 feet; thence on a 30.00 foot radius curve to the right, an arc distance of 15.63 feet, through a central angle of  $29^{\circ}50'46''$ , and a chord of North  $76^{\circ}14'49''$  West 15.45 feet; thence North  $61^{\circ}19'26''$  West 12.59 feet to a point 30.00 feet from centerline; thence leaving said south right-of-way line parallel with and 30.00 feet southerly of, when measured at right angles to said Knott Road centerline, North  $89^{\circ}37'11''$  East 212.02 feet; thence continuing parallel with and 30.00 feet southerly of said centerline, South  $89^{\circ}59'31''$  East 39.75 feet; thence parallel with and 40.00 feet easterly of, when measured at right angles to said centerline of Tekampe Road, North  $00^{\circ}16'58''$  East 29.93 feet; thence parallel with and 40.00 feet easterly of, when measured at right angles to the centerline of SE 15th Street and easterly right-of-way thereof, North  $00^{\circ}03'38''$  West 1321.33 feet to the north line of said Southwest One-quarter

of the Southwest One-quarter of Section 15; thence along said north section subdivision line, North 89°54'42" East 1278.46 feet to the Point of Beginning.

Bearings for this description are based on the Central Oregon Coordinate System (COCS), Deschutes 13 Transformation, Derived from the Oregon Real-Time GNSS Network (ORGN).

The above described tract of land contains 40.05 acres, more or less.

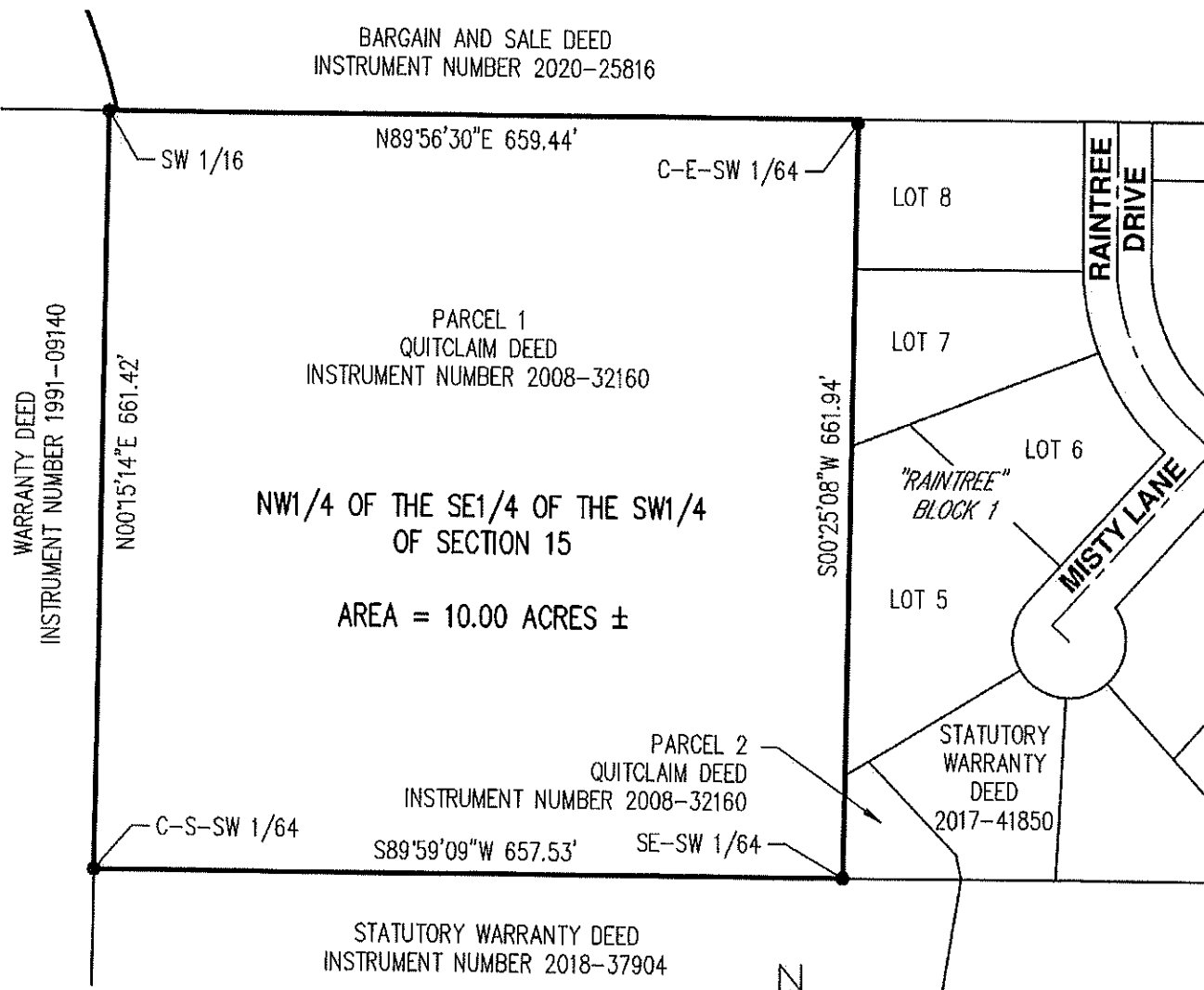


**EXHIBIT C**  
**Map of Property**

{01081860;3}  
(PLMOD20210109)

# EXHIBIT C

A TRACT OF LAND LOCATED IN THE NW 1/4 OF THE  
SE 1/4 OF THE SW 1/4 OF SEC. 15, T18S, R12E, W.M.,  
DESCHUTES COUNTY, OREGON



## BASIS OF BEARINGS

BEARINGS FOR THIS MAP ARE BASED ON THE CENTRAL OREGON  
COORDINATE SYSTEM (COCs), DESCHUTES 13 TRANSFORMATION,  
DERIVED FROM THE OREGON REAL-TIME GNSS NETWORK (ORGN).

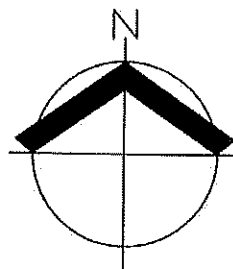
07/14/2021

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

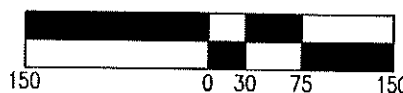
*Jacob D. Powell*

OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS

RENEWS: 12/31/2022



SCALE: 1" = 150 FEET



PREPARED FOR  
CITY OF BEND  
709 NW WALL ST., SUITE 100  
BEND, OR 97703

## MAP OF ANNEXATION

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM

**AKS**

EXHIBIT  
**C**

DRWN: JDP  
CHKD: JAC  
AKS JOB:  
7326-0



# EXHIBIT C

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 15, THE NW 1/4 OF SEC. 22,  
AND THE SE 1/4 OF SEC. 21, T18S, R12E, W.M., DESCHUTES COUNTY, OREGON

BARGAIN AND SALE DEED  
INSTRUMENT NUMBER 2020-25816

POINT OF BEGINNING

NE COR OF THE SW1/4 OF  
THE SW1/4 OF SECTION 15

WARRANTY DEED  
INSTRUMENT NUMBER 1991-09140

AREA = 40.05 ACRES ±

QUITCLAIM DEED  
INSTRUMENT NUMBER 2008-32160

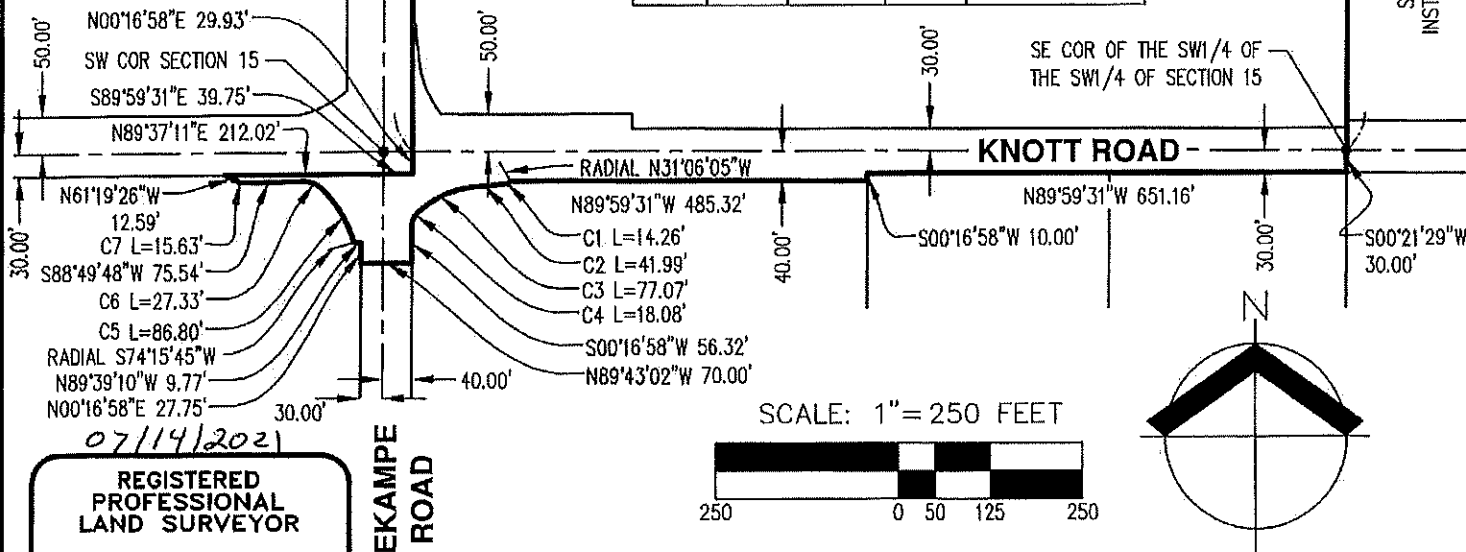
STATUTORY WARRANTY DEED  
INSTRUMENT NUMBER 2018-37904

PREPARED FOR  
CITY OF BEND  
709 NW WALL ST., SUITE 100  
BEND, OR 97703

BASIS OF BEARINGS  
BEARINGS FOR THIS MAP ARE  
BASED ON THE CENTRAL  
OREGON COORDINATE SYSTEM  
(COCS), DESCHUTES 13  
TRANSFORMATION, DERIVED  
FROM THE OREGON  
REAL-TIME GNSS NETWORK  
(ORGN).

CURVE TABLE

CURVE	RADIUS	CENTRAL ANGLE	LENGTH	CHORD
C1	30.00'	27°13'54"	14.26'	S72°30'52"W 14.12'
C2	756.00'	3°10'57"	41.99'	S84°32'21"W 41.99'
C3	131.00'	33°42'29"	77.07'	S66°05'37"W 75.96'
C4	36.00'	28°46'08"	18.08'	S34°51'19"W 17.89'
C5	156.01'	31°52'46"	86.80'	N31°40'38"W 85.69'
C6	35.95'	43°33'11"	27.33'	N69°23'36"W 26.67'
C7	30.00'	29°50'46"	15.63'	N76°14'49"W 15.45'

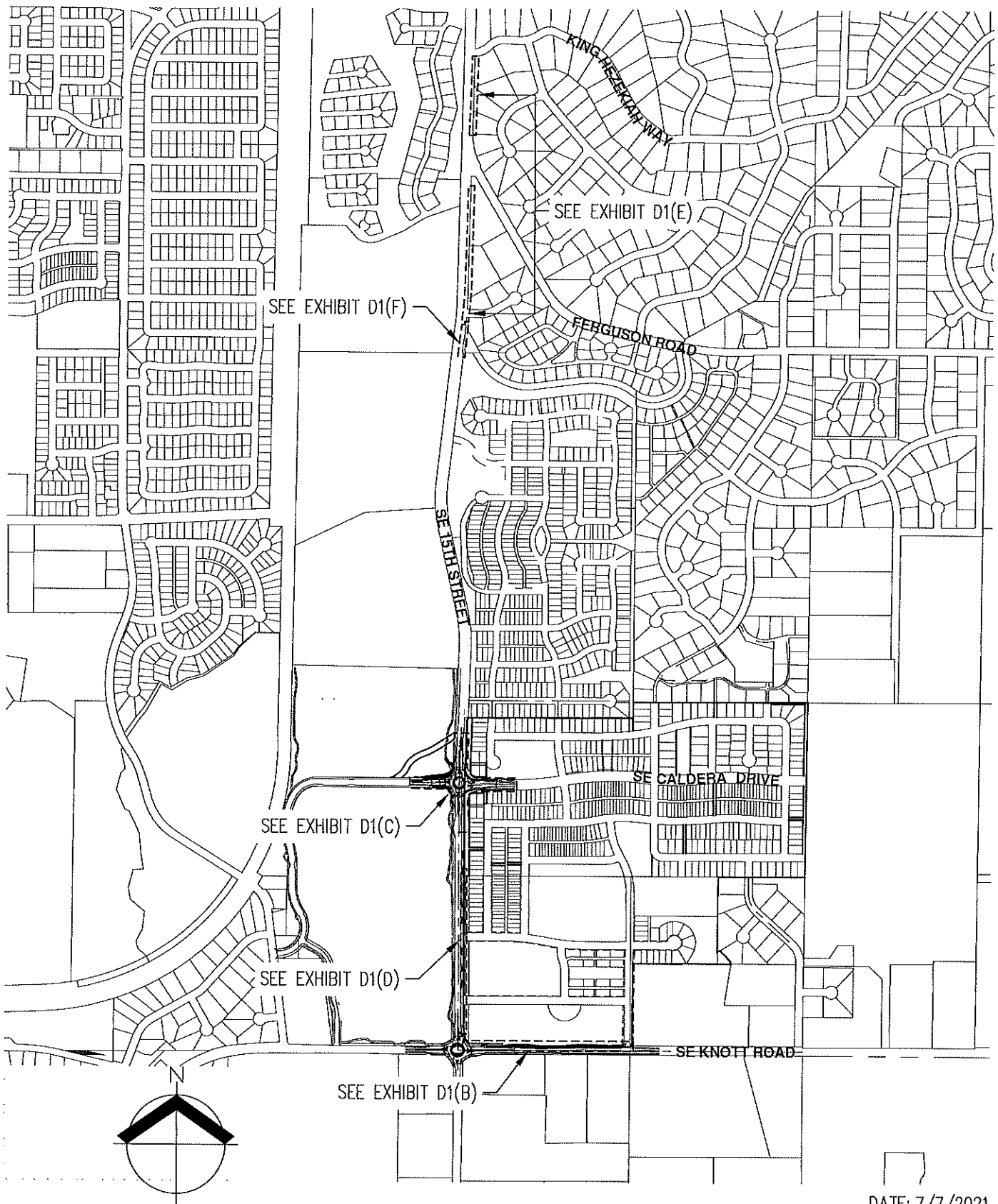


## MAP OF ANNEXATION

EXHIBIT  
C

DRWN: JDP  
CHKD: JAC  
AKS JOB:  
7326-04

**EXHIBIT D-1 (A thru G)**  
Transportation System Improvements



SCALE: 1"=1000 FEET



DATE: 7/7/2021

**EASTON MASTER PLAN & ANNEXATION  
OFFSITE IMPROVEMENTS KEY PLAN**

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM



EXHIBIT  
**D1(A)**  
DRWN: MM  
CHKD:  
AKS JOB:  
7326-0

DATE: 7/7/2021

EXHIBIT

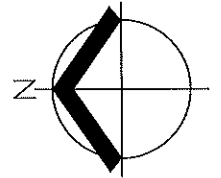
D1

DRWN: AKS JC  
CHKD: AKS JC  
7328

**EASTON MASTER PLAN & ANNEXATION  
SE KNOTT ROAD FRONTAGE IMPROVEMENTS**



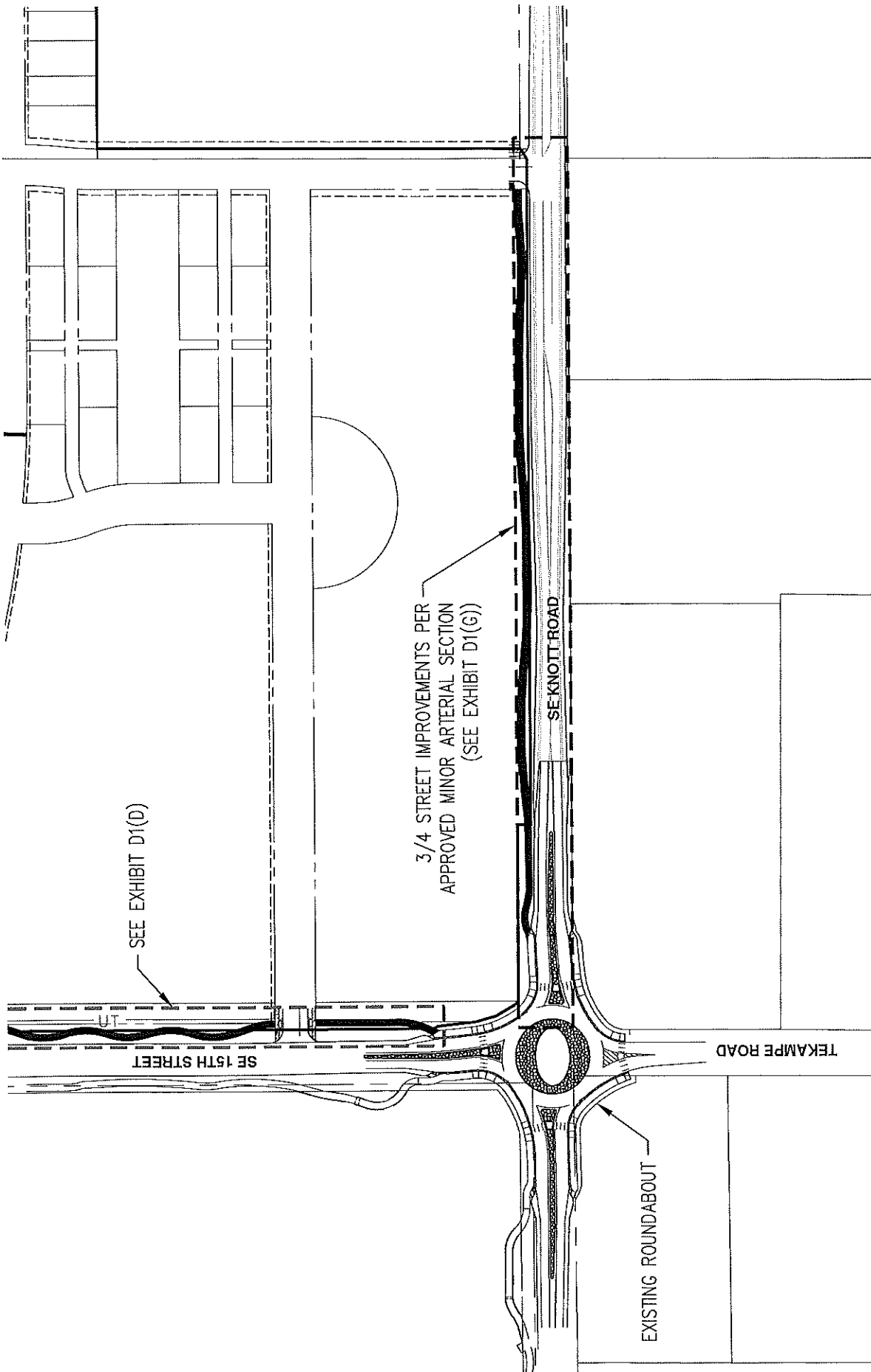
AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM

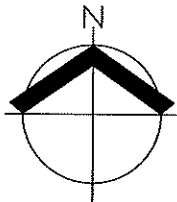
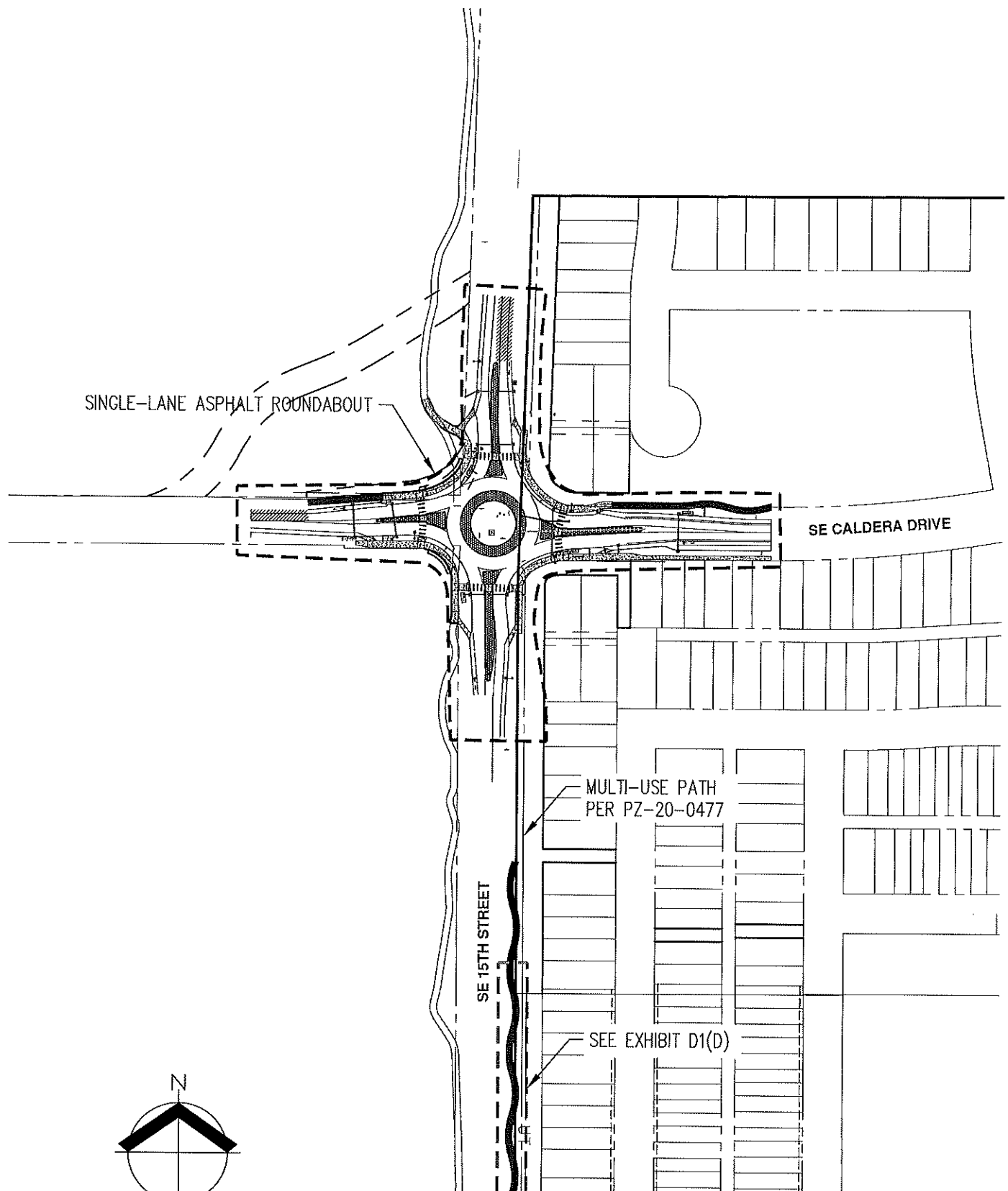


SCALE: 1" = 200 FEET

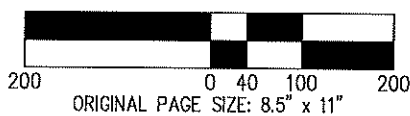


DWG: 7326-01 20201207 ANNEXATION EXHIBITS | D1(B)





SCALE: 1" = 200 FEET



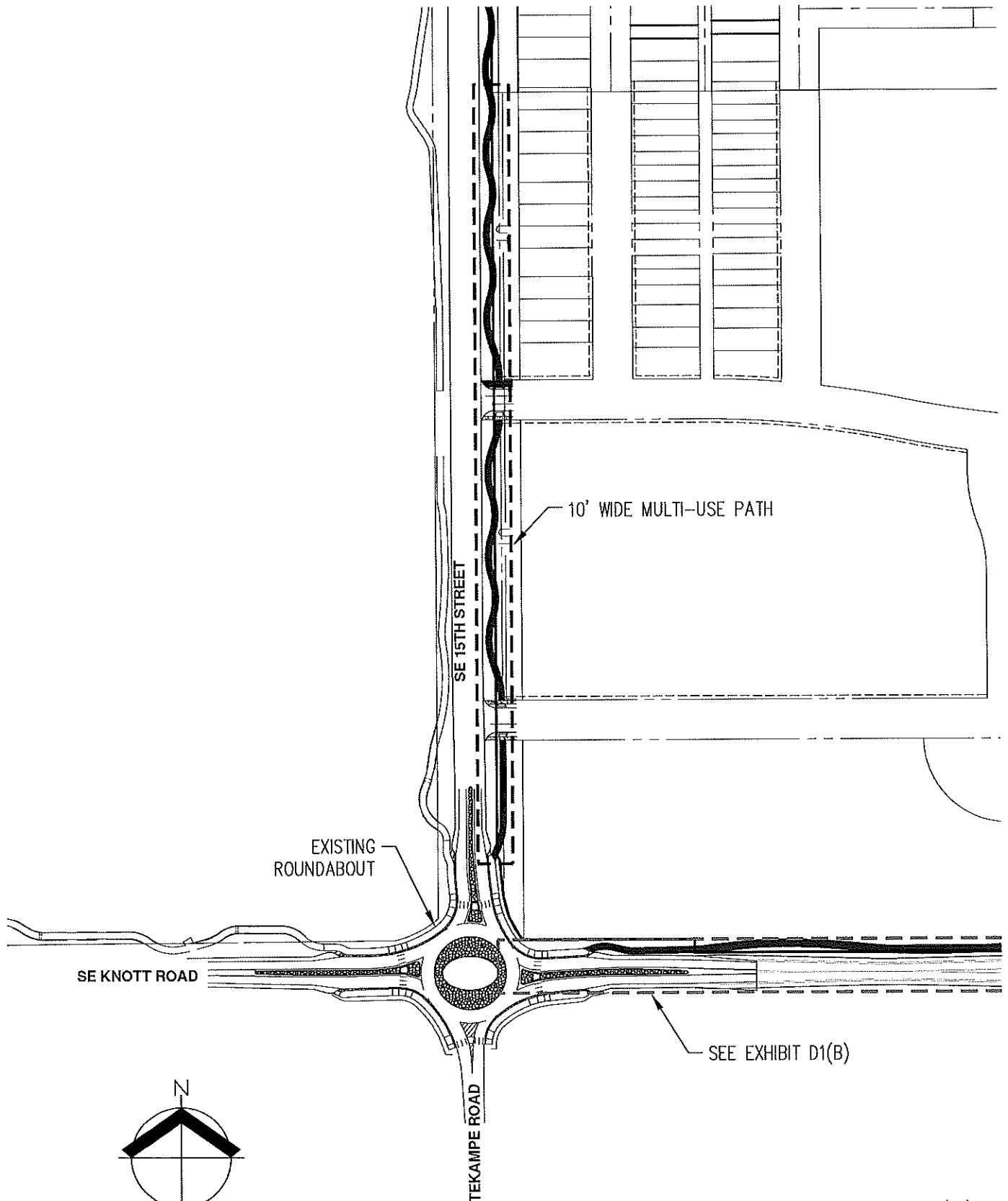
DATE: 7/7/2021

**EASTON MASTER PLAN & ANNEXATION**  
**SE CALDERA ROAD/SE 15TH STREET ROUNDABOUT**

AKS ENGINEERING & FORESTRY, LLC  
 2777 NW LOLO DR, STE 150  
 BEND, OR 97703  
 541.317.8429 WWW.AKS-ENG.COM



EXHIBIT  
**D1(C)**  
 DRWN: MM  
 CHKD:  
 AKS JOB:  
 7326-0



DATE: 7/7/2021

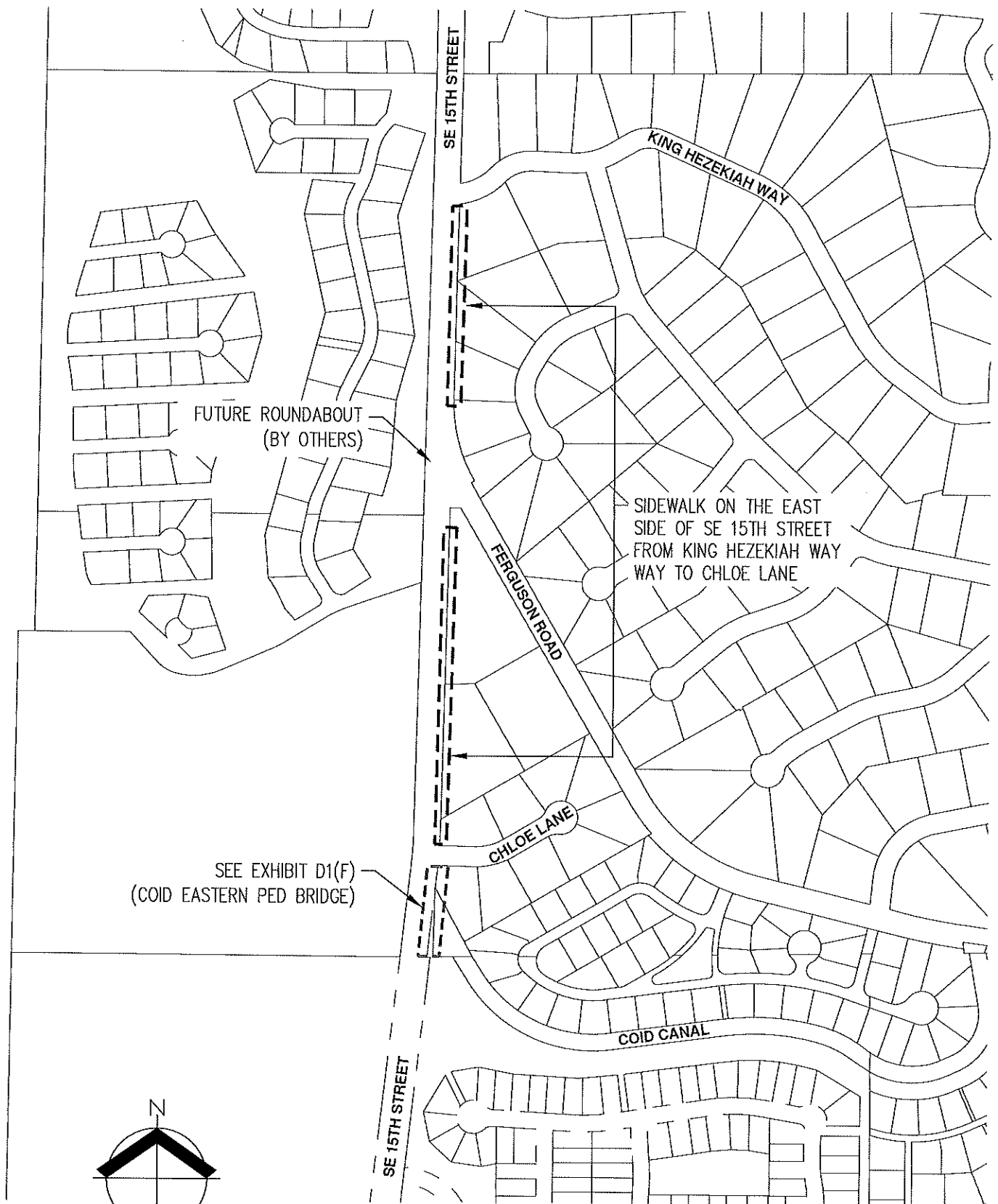
**EASTON MASTER PLAN & ANNEXATION  
MULTI-USE PATH ON EAST SIDE OF SE 15TH STREET**

EXHIBIT  
**D1(D)**

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM

**AKS**

DRWN: MM  
CHKD:  
AKS JOB:  
7326-01



DATE: 7/7/2021

SCALE: 1" = 400 FEET



ORIGINAL PAGE SIZE: 8.5" x 11"

**EASTON MASTER PLAN & ANNEXATION  
SE 15TH STREET SIDEWALK**

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM



EXHIBIT  
**D1(E)**

DRWN: MM

CHKD:

AKS JOB:

7326-0

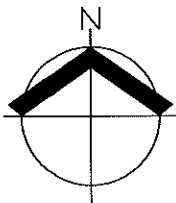
SEE EXHIBIT D1(E)

COID EASTERN  
PEDESTRIAN BRIDGE  
(DESIGN TBD)

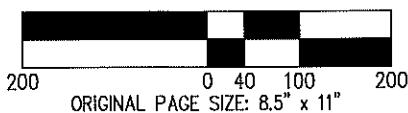
CHLOE LANE

COID CANAL

SE 15TH STREET



SCALE: 1" = 200 FEET



ORIGINAL PAGE SIZE: 8.5" x 11"

DATE: 7/7/2021

**EASTON MASTER PLAN & ANNEXATION  
COID PED BRIDGE**

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM



**EXHIBIT  
D1(F)**

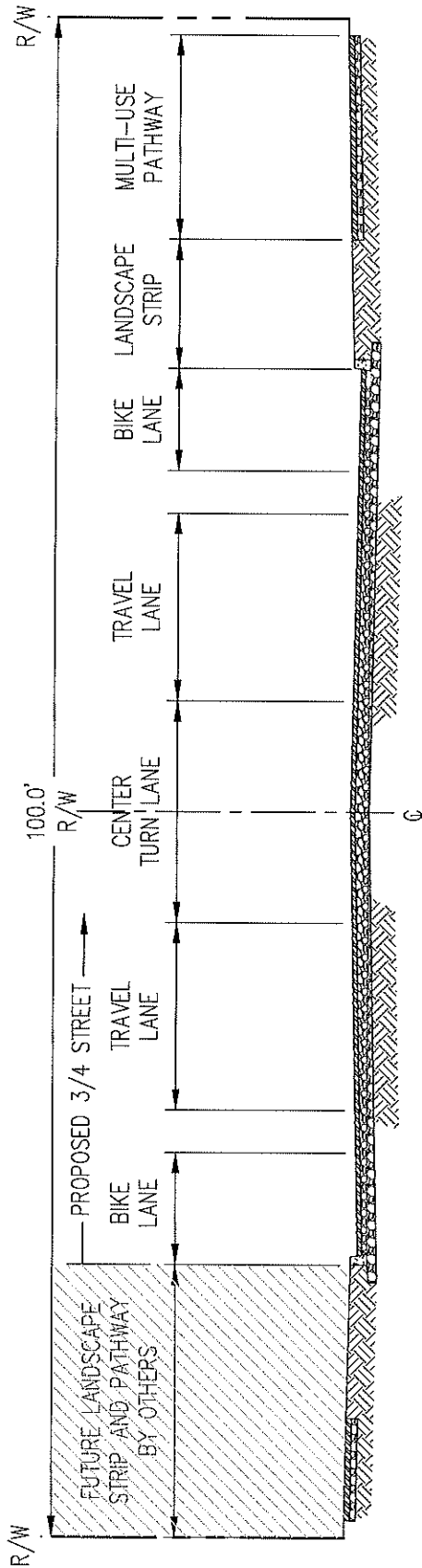
DRWN: MM

CHKD:

AKS JOB:

7326-01





MINOR ARTERIAL - KNOTT ROAD (WESTERLY VIEW)

SCALE: 1" = 10 FEET



DATE: 7/7/2021

EASTON MASTER PLAN & ANNEXATION  
SE KNOTT ROAD PLANNED SECTION

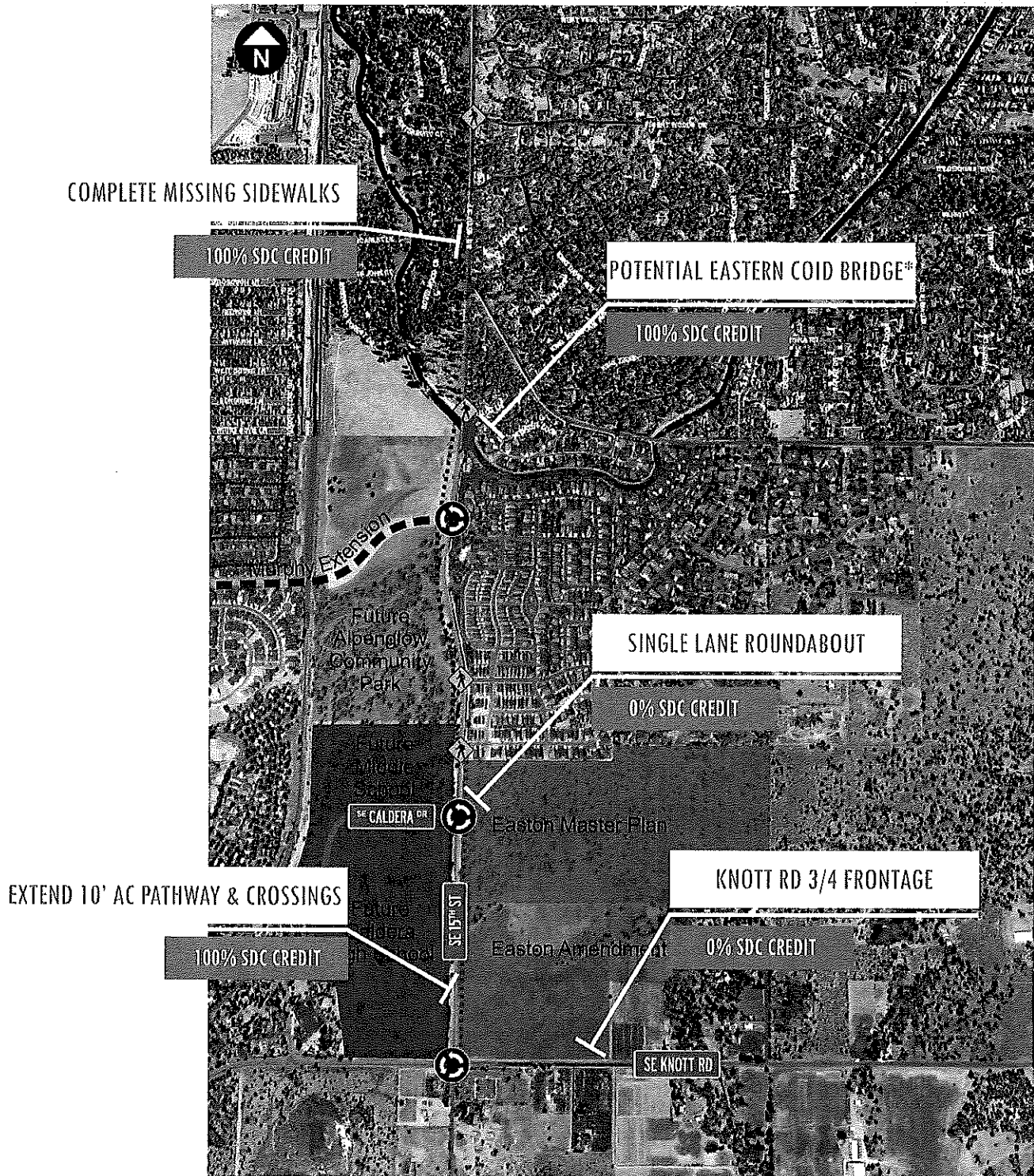
EXHIBIT  
**D1(G)**

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM



DRWN: MM  
CHKD:  
AKS JOB: 7326-01

**EXHIBIT D-2**  
Transportation Systems Project List/GO Bond Project List



\*Pending additional feasibility review with COID and City of Bend.  
SDC credits shown per current SDC list and subject to revision.

# Easton Master Plan

Exhibit D-2

**EXHIBIT E**  
TPR Letters from Deschutes County and ODOT

**From:** [Peter Russell](#)  
**To:** [Karen Swenson](#)  
**Cc:** [Cody Smith](#); [Peter Russell](#)  
**Subject:** Des Co comments on Easton Master Plan modification (PLMOD20210482)  
**Date:** Friday, June 11, 2021 1:06:03 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

**CAUTION:** External Email. Use caution when opening attachments, clicking links, or responding to this email.

Karen,

Deschutes County appreciates the opportunity to review the proposed modification of the 75.4-acre Easton Master Plan to expand to the south by 48 acres (Project PLMOD20210482). The comments from the Road Department submitted on March 11, 2021, remain in effect. The County has several issues that can be addressed in this land use. These include right of way annexation and jurisdictional transfer; revised access to Knott Road; and compliance with the Transportation Planning Rule (TPR).

The segment of Knott Road which abuts the subject property (SE Ledger to SE 15<sup>th</sup>), as a condition of approval, must be annexed into the City for the entire width of the right of way. The City must also immediately upon annexation begin the process of jurisdictional transfer from the County to the City. The City will become the road authority for this segment. Additionally, the County requests that the City annex the entirety of the 15<sup>th</sup>/Knott Roundabout, specifically the southbound leg (Tekampe Road) and have that segment of Tekampe jurisdictionally transferred to the City. The annexation and jurisdictional transfer would be consistent with the Joint Management Agreement (JMA) between the City of Bend and Deschutes County.

Raintree Drive's connection to Knott Road remains a concern. This portion of Knott Road is under County jurisdiction, but traffic from the Easton Master Development will utilize this intersection. Staff has reviewed the April 7, 2021, Easton South – Raintree Review memo submitted by Transight Consulting, which on Page 2 notes the intersection has substandard sight distance. While Page 4 suggests adding a "Right Turn Only" rider under the stop sign as a mitigation to the substandard sight distance, the County preference is to instead make this a right-in, right-out (RIRO) only connection to Knott. This will significantly reduce the number of conflict points at this intersection and should be made a condition of approval. Staff would suggest the proposed new connection (SE Ledger Lane) to Knott Road on the eastern edge of the proposed expansion also be made a RIRO as a condition of approval. The roundabout at SE 15/Knott Road can accommodate the southbound to eastbound lefts onto Knott as well as the eastbound to northbound lefts off of Knott.

Staff defers to the City if the revised traffic study complies with the Transportation Planning Rule.

Please enter the County's comments into the public record and provide us a copy of the City's decision on this file. Thanks.



**Peter Russell | Senior Transportation Planner**  
**DESCHUTES COUNTY COMMUNITY DEVELOPMENT**  
117 NW Lafayette Avenue | Bend, Oregon 97703  
PO Box 6005 | Bend, Oregon 97708  
Tel: (541) 383-6718 | [www.deschutes.org/cd](http://www.deschutes.org/cd)  
  

*Disclaimer: Please note that the information in this email is an informal statement made in accordance with DCC 22.20.005 and shall not be deemed to constitute final County action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, on any person.*

**From:** [WILLIAMS Rick \\* Reg4](#)  
**To:** [Karen Swenson](#)  
**Cc:** [joe@transightconsulting.com](#); MOREHOUSE Donald  
**Subject:** Easton Master Plan Modification, PLANX20210483-ODOT Comments  
**Date:** Friday, June 11, 2021 1:39:35 PM

---

**CAUTION:** External Email. Use caution when opening attachments, clicking links, or responding to this email.

Karen,

ODOT has reviewed the Easton Master Plan Modification, PLANX20210483, and finds that it is in compliance with the Transportation Planning Rule based upon the actions taken with the adoption of the Southeast Area Plan (SEAP) and the proposed mitigation contained in the Easton Master Plan Modification provided by Transight Consulting. ODOT is requesting no further action.

Please note that ODOT is interested in working with the City of Bend to develop a method to track the total number of vehicle trips resulting from approved developments that are within the boundaries of SEAP. Our goal in tracking the total number of trips is so the City and ODOT can compare what was approved in the SEAP to what actually gets developed and the associated resulting trips. We also want to compare the trip outputs from the Bend-Redmond model, used in the development of SEAP, to model runs from a pending update to the Bend-Redmond model and any future updates to the model.

Please direct any questions you may have regarding this correspondence to me.

Best Regards,

Rick Williams  
Principal Planner  
ODOT Region 4  
541-815-6877

## EXHIBIT D

FINDINGS FOR  
EASTON ANNEXATIONCOMMUNITY  
DEVELOPMENT

PROJECT NUMBER: PLMOD20210483

HEARING DATE: July 21, 2021

APPLICANT: Pahlisch Homes, Inc.  
210 SW Wilson Ave #100  
Bend, OR 97702OWNERS: Pahlisch Homes at Easton Limited Partnership  
210 SW Wilson Ave #100  
Bend, OR 97702JL Ward Co  
20505 Murphy Road  
Bend, OR 97702LOCATIONS: 60802 SE 15<sup>th</sup> Street, Bend, OR 97702; Tax Lot 1812150001500  
60901 Raintree Drive, Bend, OR 97702; Tax Lot 181215CD01400ZONE: Urbanizable Area (UA) – to be rezoned to be consistent with the  
Comprehensive Plan upon annexationCOMP PLAN: Commercial (CG) and Standard Density Residential (RS) – Tax Lot 1500  
Residential Medium Density (RM) – Tax Lot 1400REQUEST: A Type III Quasi-judicial request for Annexation of 50 acres of the  
Southeast "Elbow" UGB Expansion Area to expand the Easton Master  
Planned Development.

## APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

Criteria**Bend Development Code**

Chapter 4.9 Annexations

**Bend Comprehensive Plan**

Chapter 7, Transportation Systems

Chapter 11, Growth Management

**Oregon Administrative Rules**

Chapter 660-012-0000, Transportation Planning

Procedures**Bend Development Code**

Chapter 4.1 Development Review and Procedures



4.1.400 Type II and Type III Applications  
 4.1.800 Quasi-Judicial Hearings

**FINDINGS OF FACT:**

- 1. SITE DESCRIPTION AND LOCATIONS:** As currently approved, the Easton Master Plan encompasses 75.4 acres and is bounded by SE 15<sup>th</sup> Street (Minor Arterial) to the west, existing single-family homes to the north, and Bend City limits to the east and south. The properties planned to be added to the Easton Master Plan are located directly south of the current master plan and include three tax lots totaling 48 acres, which will increase the total Easton Master Plan area to 123.4 acres. The additional 2 acres of the annexation, for a total of 50 acres, include abutting rights-of-way.

The proposed annexation area includes property designated Residential Standard Density (RS), Medium Density Residential (RM) and Commercial General (CG) and are part of the Southeast "Elbow" Expansion Area.

Existing vegetation on the property to be added is typical of the east side of Bend and includes coniferous trees—primarily junipers scattered along the northwest corner—of varying heights and maturities.



- 3. PROPOSAL:** A Type III Quasi-judicial request for Annexation of 48 acres of the Southeast "Elbow" UGB Expansion Area for the expansion of the Easton Master Planned Development.

Easton Modification Annexation  
 PLANX20210483  
 Page 2 of 12

- 4. PUBLIC NOTICE AND COMMENTS:** Prior to submittal of this application and related applications, the applicants hosted a virtual public meeting through Zoom on October 21, 2020, in accordance with BDC 4.1.215. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.9.300.A.3, and BDC 4.1.423-4.1.425. On June 30, 2021, the Planning Division mailed notice to surrounding owners of record of property within 500 feet of the subject properties, and to the Old Farm and Southeast Bend Neighborhood Association representatives. Notice was also posted in four public places on July 6, 2021, and posted in *The Bulletin* on July 11 and July 18, 2021. On July 2, 2021, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at four locations, visible from adjacent rights of way.
- 5. APPLICATION ACCEPTANCE DATE:** This Type III Quasi-judicial Annexation petition was submitted on May 7, 2021. The application was deemed complete on May 27, 2021.

#### **APPLICATION OF THE CRITERIA:**

##### **Bend Development Code**

##### **Chapter 4.9, Annexations**

##### **4.9.200 Applicability.**

**Land to be annexed must be contiguous to the existing City limits.**

**FINDING:** The land to be annexed is contiguous to the existing City limits along the western and northern boundary.

##### **4.9.300 Review Processes.**

##### **A. Annexation. The following general processes apply to all annexation proposals:**

- 1. Annexations are reviewed using the Type III or Type IV process as determined by the City, based on a consideration of the factors for treating an application as quasi-judicial or legislative. Since annexations are a jurisdictional transfer, the City Council is the sole review authority.**
- 2. City Council approval of annexations will be by ordinance.**
- 3. Notice of the City Council hearing to consider the annexation proposal must follow the notification process required for the Type III or Type IV application, except a notice of the hearing must be published in a newspaper of general circulation in the City once each week for two successive weeks prior to the day of hearing, and notices of the hearing must be posted in four public places in the City for a like period.**

**FINDING:** The proposed annexation is initiated by all of the property owners for specific properties, and is therefore considered a quasi-judicial application. Notice for the City Council Hearing followed the notification process required for Type III applications, as well the requirements for publishing notice in the newspaper and in four public places as required under BDC4.9.300.A.3.

On June 30, 2021, notice was mailed by the Planning Division to surrounding owners of record of property within 500 feet of the subject properties, and to the Old Farm and Southeast Bend

Neighborhood Association representatives. On July 2, 2021, Notice of Proposed Development signs were posted by the applicant along the property frontages at four locations, visible from adjacent rights of way. Notice was also posted in four public places on July 6, 2021, and posted in The Bulletin on July 11 and July 18, 2021.

**B. Area and Master Planning.** Unless exempted in subsection (B)(1) of this section, expansion areas as shown in Figure 4.9.300 will require area and/or master plan approval prior to or concurrently with annexation. The exemptions to master planning in BDC Chapter 4.5, Master Planning and Development Alternatives, are not applicable to properties in the Urbanizable Area (UA) District. Development in expansion areas must comply with the applicable Bend Comprehensive Plan Specific Expansion Area Policies in Table 4.9.300.

**Table 4.9.300 - Specific Expansion Area Policies**

<b>Expansion Area</b>	<b>Bend Comprehensive Plan Specific Expansion Area Policies</b>
The Elbow	11-93 through 11-104

**FINDING:** The subject properties are located in the Southeast “Elbow” expansion area. The planned annexation includes two tax lots, totaling 48 acres, added to the Easton Master Plan, as well as abutting rights-of-way (approximately 2 acres) not already annexed into the City. With the addition of 48 acres of new land, Easton will encompass 123.4 contiguous acres within the Southeast “Elbow” UGB Expansion Area.

The Easton Master Plan was adopted in October 2020 and became effective in November 2020. A concurrent modification to that major community master plan was submitted on May 7, 2021, under PLMOD20210482. On June 28, 2021, the Planning Commission made a recommendation to the City Council for approval of the modification to the Easton MPD. The Easton MPD modification is scheduled to be heard by the City Council concurrently with this annexation request. As addressed in the Planning Commission findings for PLMOD20210482, the Easton MPD modification complies with Bend Comprehensive Plan Policies 11-93 through 11-104.

#### **4.9.400 Initiation Procedures.**

- A. An annexation proposal for the contiguous territory proposed to be annexed may be initiated by petition in compliance with one of the following initiation procedures:**
- 3. More than half the owners of land in the contiguous territory proposed to be annexed, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.**

**FINDING:** The additional Easton master plan properties are either owned or are under contract by Pahlisch Homes, Inc., who has initiated this application and all property owners consented in writing to annexation in compliance with the procedures in A.3.

#### **4.9.500 Submittal Requirements.**

- A. The application must include:**

1. A completed and signed annexation application packet on forms provided by the City.
2. A petition including the statement of consent, on City forms, completed by property owners and/or electors residing in the territory that meets the requirements of BDC 4.9.400, Initiation Procedures.
3. Legal description of the territory including abutting right-of-way to be annexed and a boundary survey certified by a registered engineer or surveyor.
4. A map showing the territory including abutting right-of-way to be annexed and properties within 300 feet of the territory.
5. A narrative which addresses the approval criteria in BDC 4.9.600 and the requirements of BDC 4.9.300(B).

**FINDING:** The application materials uploaded to CityView for PLANX20210483 contain all of the above requirements.

6. A letter or other written documentation from the Bend Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed annexation, and provided the District an opportunity to review the annexation area for options to enhance existing parks and trails, and develop new parks and trails.

**FINDING:** The Applicant has coordinated with the Bend Park and Recreation District (BPRD) on the modification to the Easton Master Plan. The properties added to the Master Plan will create the opportunity for additional future pathway locations and open space. Exhibit F of the application submittal includes a letter from BPRD acknowledging the ongoing coordination and communication for this project. The requirement is met.

7. A completed and signed Bend Park and Recreation District annexation agreement, unless the property(s) to be annexed is already located within the Bend Park and Recreation District.

**FINDING:** The subject property is located within the boundaries of the Bend Park and Recreation District. Therefore, a BPRD annexation agreement is not required.

8. A letter or other written documentation from the Bend-La Pine School District which indicates that the applicant has met with the District to discuss the proposed annexation and provided the District an opportunity to review and comment on the proposed annexation.

**FINDING:** Exhibit G of the application submittal is a letter from the Bend-La Pine School District indicating that the approximate 10-acre potential school site can meet their needs for a future elementary school site and the 48 acre master plan modification does not trigger the need for additional school sites. The requirement is met.

9. Territories with irrigation district water rights or other irrigation district facilities must include the following:

**FINDING:** Exhibit M includes correspondence from the Arnold Irrigation District confirming ongoing coordination with the Applicant and its consultants on the impacts to existing irrigation.

Only Tax Lot 1400 (10 acres) has existing water rights. The Existing Conditions and Ownership map shows Arnold Irrigation District facilities crossing the subject property. The applicant and its consultants have coordinated with Colin Wills, District Manager for Arnold Irrigation District, and any issues will be resolved prior to platting of the subject property or any construction which may impact irrigation facilities. Future subdivision applications will further detail existing irrigation facilities, water rights, and how future construction and subdivision will impact these existing conditions. The submittal requirement is met.

**10. If the City has not yet amended its public facilities and transportation plans for the affected expansion area, inclusion of an applicant initiated amendment to the relevant plan(s) or other evidence that the necessary infrastructure planning under Statewide Planning Goals 11 and 12 will take place prior to or concurrently with annexation.**

**FINDING:** The applicant and City staff have worked to identify the infrastructure necessary to serve the variety of planned uses within the Easton Master Plan as they are built out over the next decade and beyond. An Annexation Agreement formalizes the sequencing and financing mechanisms for needed infrastructure. The Easton Master Plan Modification shows that public facilities, including sanitary sewer and potable water, are available to serve the project, which is confirmed by the City Engineering Division's Utility Availability Memo (PRSWA20205999) and the Avion Water District's Will-Serve Letter, and the Traffic Analysis Memo (PRTFR202100087). Ongoing coordination with Bend-La Pine School District and Bend Park and Recreation District (BPRD) is documented in Exhibits F and G. The Easton Master Plan contemplates how the abutting portions of the Southeast Expansion Area can be served by existing or planned utilities, transportation networks, and public services. With the Annexation Agreement, the policy is met.

**4.9.600 Approval Criteria.**

**A. The City Council may approve, or approve with conditions, the proposed annexation application if all of the following criteria are met:**

**1. The annexation proposal is consistent with the Bend Comprehensive Plan policies and plan designations applicable to the territory as determined by the Planning Director or designee.**

**FINDING:** The planned annexation includes 48 acres of land to be included in the approved Easton Master Plan (PZ-20-0477). The added property will result a complete community encompassing 123.4 acres southwest edge of the Southeast "Elbow" UGB Expansion Area, along with abutting rights-of-way. BCP Policies 11-93 through 11-104 are applicable to the Southeast "Elbow" Expansion Area. Compliance with these plan policies is addressed and will be implemented in conjunction with the modification to the Easton Master Plan (PLMOD20210482). The modified Easton Master Plan will be incorporated into the Bend Development Code (BDC), and future land use applications will be required to demonstrate consistency with the Master Plan for approval. The criterion is met.

**2. The annexation proposal is consistent with an approved area plan and/or master plan, unless exempted in BDC 4.9.300(B)(1).**

**FINDING:** The planned annexation includes 48 acres of land located in the Southeast "Elbow" Expansion Area which will be added to the Easton Master Plan (PZ-20-0477) and annexed into the City of Bend. The modified boundary of the Easton Master Plan will be incorporated into the

Bend Development Code (BDC), and future land use applications will be required to demonstrate consistency with the Master Plan for approval. The Easton Master Plan modification (PLMOD20210482) is being reviewed concurrently with this annexation.

3. **The proposal demonstrates how the annexed territory is capable of being served by public facilities and services with adequate capacity as determined by the City, including sanitary sewer collection, domestic water, transportation, schools, and parks, consistent with the City's adopted public facility plans, transportation system plan, and applicable district plans, either as provided in an applicable area or master plan or by demonstrating how such public facilities and services will be provided in an orderly, efficient and timely manner.**

**FINDING:** The applicant and City staff have worked to identify the infrastructure necessary to serve the variety of planned uses within the Easton Master Plan as they are built out over the next decade and beyond. An Annexation Agreement formalizes the sequencing and financing mechanisms for needed infrastructure. The Easton Master Plan Modification shows that public facilities, including sanitary sewer and potable water, are available to serve the project, which is confirmed by the City Engineering Division's Utility Availability Memo (PRSWA20205999) and the Avion Water District's Will-Serve Letter, and the Traffic Analysis Memo (PRTFR202100087). Ongoing coordination with Bend-La Pine School District and Bend Park and Recreation District (BPRD) is documented in Exhibits F and G. The Easton Master Plan contemplates how the abutting portions of the Southeast Expansion Area can be served by existing or planned utilities, transportation networks, and public services. With the Annexation Agreement, the policy is met.

4. **The proposal demonstrates how public facility and service impacts, including as applicable: on- and off-site improvements, construction and modernization of existing infrastructure (water, sewer, stormwater, transportation) to City standards and specifications, and impacts to existing infrastructure inside the City's current city limits, will be adequately mitigated through an annexation agreement or other funding mechanism approved by the City Council prior to annexation. The City will use the standards and criteria of BDC Chapter 4.7, Transportation Analysis, for analysis and mitigation of transportation impacts.**

**FINDING:** The applicant and City/Agency staff have worked to identify the infrastructure necessary to serve the variety of planned uses within the entire Southeast Expansion Area as they are built out over the next decade. The Easton Master Plan contemplates how the complete community fits with the expansion area and establishes transportation networks and utility systems that can be extended to serve future development within the Southeast Expansion Area. An Annexation Agreement formalizes the sequencing and financing mechanisms for needed infrastructure. An updated Utility Availability Memo – SWA Certificate (PRSWA20205999) provided by the City Engineering Division is included as Exhibit H. A "will serve" letter from Avion Water Company is included in Exhibit J. The Easton Master Plan (Exhibit C) shows how public facilities, including sanitary sewer and potable water, are available and planned throughout the project site.

The Transportation Element (Exhibit I) included with the Easton Master Plan was prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, Transportation Impact Analysis, TPR analysis, and proposed mitigation. Consequently, the Easton Master Plan

shows that public facilities and services will be provided in an orderly efficient and timely manner. The City's Traffic Analysis Memo (PRTR202100087) is also included in Exhibit I. The criterion is met.

5. Owner(s) have committed to transfer all irrigation district water rights from the property, unless exempted in subsection (A)(5)(a)(i) of this section.
6. Sufficient evidence acceptable to the City has been provided demonstrating that the irrigation district had an opportunity to review the layout and design for any impacts on irrigation district conveyance facilities and to recommend reasonable protections for such facilities consistent with the irrigation district's adopted rules and regulations, system improvement plans and/or development policies.

**FINDING:** Exhibit M includes correspondence from the Arnold Irrigation District confirming ongoing coordination with the Applicant and its consultants on the impacts to existing irrigation. Only Tax Lot 1400 (10 acres) has existing water rights. The Existing Conditions and Ownership map shows Arnold Irrigation District facilities crossing the subject property. The applicant and its consultants have coordinated with Colin Wills, District Manager for Arnold Irrigation District, and any issues will be resolved prior to platting of the subject property or any construction which may impact irrigation facilities. Future subdivision applications will further detail existing irrigation facilities, water rights, and how future construction and subdivision will impact these existing conditions. The submittal requirement is met.

7. The proposal demonstrates that approval of the annexation and zoning districts that implement the underlying Bend Comprehensive Plan map designations is consistent with the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.

**4.6.600 Transportation Planning Rule Compliance.**

***When a development application includes a proposed Comprehensive Plan amendment or annexation, the proposal must be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.***

**FINDING:** OAR 660-012 implements Oregon Statewide Planning Goal 12. Goal 12 imposes a requirement on local governments to develop, maintain and update transportation plans consistent with the planning and implementation guidelines of Goal 12. The City's Comprehensive Plan dictates the land use designations acreages and the master plan proposes to meet those requirements. However, compliance with the TPR was not addressed at the time of UGB acknowledgement for the expansion areas, instead being deferred to individual master plan/annexation applications. This section requires a local government to put in place certain measures if an amendment would significantly effect a transportation facility.

The TPR requires a two-step analysis. First, under OAR 660-012-0060(1), the Applicant must determine if the application "significantly affects a transportation facility", as that term is defined in OAR 660-012-0060(1). If not, then the analysis ends, and the TPR is satisfied. The City may rely on transportation improvements found in transportation system plans and planned facilities, as allowed by OAR 660-012-0060(4)(a), (b), and (c), to show that failing intersections are not made worse or intersections not now failing do not fail. If the application "significantly affects a transportation facility," then the Applicant must demonstrate appropriate mitigation under OAR

660-012-0060(2).

**660-012-0060 - Plan and Land Use Regulations Amendments**

**(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- (b) Change standards implementing a functional classification system; or**
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
  - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
  - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
  - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

**(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule.**

- (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.**
- (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:**



**(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;**

**(B) The providers of facilities being improved at other locations provide written statements of approval; and**

**(C) The local jurisdictions where facilities are being improved provide written statements of approval.**

**(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:**

**(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;**

**(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;**

**(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and**

**(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.**

**FINDING:** The Transportation Element (Exhibit I) was prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, Transportation Impact Analysis, TPR analysis, and proposed mitigation. The Traffic Analysis Memo (also Exhibit I) summarizes the transportation impacts and recommended mitigation. The Annexation Agreement (PLANX20210483) will formalize the transportation improvements necessary to mitigate impacts to, and expand capacity within, the effected transportation facilities, and identifies the specific timing, responsibilities, and cost allocation. For purposes of TPR compliance, through collaborative efforts between the applicant, ODOT, the City, and Deschutes County, the applicant is relying on OAR 660-012-0060(2)(e). In particular, the City, County, and ODOT have each provided written statements of approval that the system-wide benefits provided through the required mitigation are sufficient to balance the significant effects. The applicable standards are

met.

**(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.**

**(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.**

**(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:**

**(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.**

**(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.**

**(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.**

**(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.**

**FINDING:** This section of the Transportation Planning Rule requires coordination with affected transportation service providers. The applicant has coordinated with Deschutes County and the Oregon Department of Transportation (ODOT) regarding the Master Plan and Annexation application. Deschutes County and ODOT have provided written comments on the application and appropriate mitigation will be captured in the Annexation Agreement, which ensure consistency with the provisions of BDC 4.6.600 and satisfies the requirements of OAR 660-012-0060. There is substantial evidence in the record, including Exhibit I (Transportation Element), that the system-wide benefits provided through the required mitigation are sufficient to balance the significant effects as required under OAR 660-012-0060(2)(e). The applicable standards are met.

#### **BDC 4.9.600.A. Approval Criteria (*Continued*)**

- 8. The proposal demonstrates how rights-of-way will be improved to urban standards as determined by the City, including rights-of-way in cherry stem annexations.**

**FINDING:** The Easton Master Plan Modification (PLMOD20210483) includes specific street cross-sections showing how all internal and abutting right-of-way will be improved to urban standards. The street cross-sections and transportation network to serve the annexed property is included in the master plan modification application and will be codified in the BDC. The criterion is met.

#### **4.9.700 Zoning of Annexed Areas.**

The Bend Comprehensive Plan map provides for the future City zoning classifications of all property within the City's Urbanizable Area (UA) District. On the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated with the zoning district that implements the underlying Comprehensive Plan map designation.

**FINDING:** Upon annexation, the current UA zoning will cease to apply, and the zoning map will be automatically updated with the Easton Master Plan zoning scheme as shown on the submitted Preliminary Zoning Map. Consistency with the underlying Comprehensive Plan map is fully described in the findings in the Easton Master Plan Modification (PLMOD20210482). The applicable criteria are met.

## ORDINANCE NO. NS - 2421

**AN ORDINANCE ANNEXING APPROXIMATELY 365 ACRES OF LAND ENCOMPASSING THE “DSL” UGB EXPANSION MASTER PLAN AREA, FOR THE STEVENS RANCH MASTER PLANNED DEVELOPMENT AND REQUESTING JURISDICTIONAL TRANSFER OF THE RIGHT OF WAY PER ORS 373.270.**

### Findings:

- A. Bend Development Code Section 4.9.400A.3 provides for annexation of real property to the City when 100 percent of the property owners that represent more than half the assessed value of all real property in the contiguous territory proposed to be annexed consent to the annexation.
- B. The City received an application for annexation of the territory describe in Exhibit A and shown on Exhibit B (the “Area”).
- C. One hundred percent of property owners within the Area have filed statements of consent to this annexation.
- D. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.9.300.A.3, and BDC 4.1.423-4.1.425. On August 5, 2021, notice was mailed by the Planning Division to surrounding owners of record of property within 500 feet of the subject properties, and to the Old Farm and Larkspur Neighborhood Association representatives. Notice was also posted in four public places on August 6, 2021, and posted in The Bulletin on August 8, 2021 and August 15, 2021. On August 6, 2021, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at five locations, no more than 10 feet from adjacent rights of way.
- E. The City Council held a public hearing on August 18, 2021 to receive evidence and comments on the question of annexation.
- F. The Area is contiguous to the City limits of the City of Bend along the west boundary of the properties within the Area.
- G. The applicant and the City have reached agreement on a proposed Annexation Agreement that sets forth the obligations of the applicant for the provision of urban infrastructure needed to serve the newly annexed area and other areas.

### **Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:**

- Section 1. The territory containing approximately 365 acres of land as described in Exhibit A and depicted in Exhibit B, is annexed to the City of Bend upon the Annexation Agreement (Exhibit C) taking effect.

- Section 2. The City Manager is authorized to execute the Annexation Agreement (Exhibit C) in the substantially the form presented to Council.
- Section 3. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit D.
- Section 4. On the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated in accordance with the Stevens Ranch Master Planned Development zoning scheme (PLMOD20210316).

First Reading: August 18, 2021

Second reading and adoption by roll call vote: September 1, 2021

YES: Mayor Sally Russell  
 Mayor Pro Tem Gena Goodman Campbell  
 Councilor Barb Campbell  
 Councilor Melanie Kebler  
 Councilor Anthony Broadman  
 Councilor Megan Perkins  
 Councilor Rita Schenkelberg


NO: none

  
 Sally Russell, Mayor

Attest:

  
 Robyn Christie, City Recorder

Approved as to form:

  
 Mary A. Winters, City Attorney



## EXHIBIT A ANNEXATION DESCRIPTION

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER (NE1/4), THE WEST ONE-HALF OF THE SOUTHEAST ONE-QUARTER (W1/2 SE1/4) AND THE WEST ONE-HALF (W1/2) OF SECTION 11, TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST ONE-SIXTEENTH CORNER COMMON TO SECTION 2 AND SECTION 11, TOWNSHIP 18 SOUTH, RANGE 12 EAST, MARKED BY A 2 1/2 INCH ALUMINUM DISC STAMPED "1/16 - 1980 - PLS 1020", THENCE SOUTH 89° 26' 37" EAST, ALONG THE NORTH LINE OF SAID SECTION 11, 163.86 FEET TO THE NORTHERLY RIGHT OF WAY OF A.E. STEVENS ROAD (25.00 FEET FROM CENTER LINE) AND A POINT OF NON-TANGENT CURVATURE;

THENCE LEAVING SAID NORTH LINE, ALONG THE NORTHERLY RIGHT OF WAY OF A.E. STEVENS ROAD, ALONG THE ARC OF A 598.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 19° 16' 26", AN ARC LENGTH OF 201.16 FEET (THE CHORD OF WHICH BEARS NORTH 81° 15' 00" EAST A DISTANCE OF 200.22 FEET) TO A POINT OF TANGENCY;

THENCE SOUTH 89° 06' 47" EAST, CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY, 2312.18 FEET TO A POINT ON THE NORTHEASTERLY PROLONGATION OF THE WESTERLY RIGHT OF WAY OF A PG&E TRANSMISSION GAS LINE, SAID POINT BEARS NORTH 18° 22' 26" EAST, 19.83 FEET FROM A 2 INCH ALUMINUM DISC STAMPED "BECON";

THENCE SOUTH 18° 22' 26" WEST, ALONG SAID NORTHEASTERLY PROLONGATION AND THE WESTERLY RIGHT OF WAY OF SAID PG&E TRANSMISSION GAS LINE, 5,557.09 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF W.J. MCGILLVRAY ROAD (20 FEET FROM CENTERLINE), SAID POINT BEARS NORTH 18° 22' 26" EAST, 21.03 FEET FROM A 2 INCH ALUMINUM DISC STAMPED "BECON";

THENCE LEAVING THE WESTERLY RIGHT OF WAY OF SAID PG&E TRANSMISSION GAS LINE, NORTH 89° 36' 19" WEST, ALONG THE NORTHERLY RIGHT OF WAY OF W.J. MCGILLVRAY ROAD, 979.96 FEET TO THE NORTHERLY RIGHT OF WAY OF FERGUSON ROAD (20 FEET FROM CENTER LINE);

THENCE LEAVING SAID W.J. MCGILLVRAY ROAD RIGHT OF WAY, NORTH 89° 36' 19" WEST, ALONG THE NORTHERLY RIGHT OF WAY OF FERGUSON ROAD, 1305.79 FEET TO THE EASTERLY RIGHT OF WAY OF M.W. WILSON ROAD (20 FEET FROM CENTER LINE);

THENCE LEAVING SAID FERGUSON ROAD, NORTH 00° 41' 32" EAST, ALONG THE EASTERLY RIGHT OF WAY OF M.W. WILSON ROAD, 2629.01 FEET;

THENCE CONTINUING ALONG THE EASTERLY RIGHT OF WAY OF SAID M.W. WILSON ROAD, NORTH 00° 41' 54" EAST, 1769.49 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF A.E. STEVENS ROAD (25 FEET FROM CENTERLINE);

THENCE LEAVING THE EASTERLY RIGHT OF WAY M.W. WILSON ROAD, NORTH 60° 55' 13" EAST, ALONG THE SOUTHERLY RIGHT OF WAY OF A.E. STEVENS ROAD, 1497.67 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (NE1/4 NW1/4) OF SAID SECTION 11;

THENCE LEAVING THE SOUTHERLY RIGHT OF WAY OF SAID A.E. STEVENS ROAD, NORTH 00° 37' 48" EAST, ALONG SAID WEST LINE, 138.90 FEET TO THE NORTH LINE OF SAID SECTION 11 AND THE POINT OF BEGINNING;

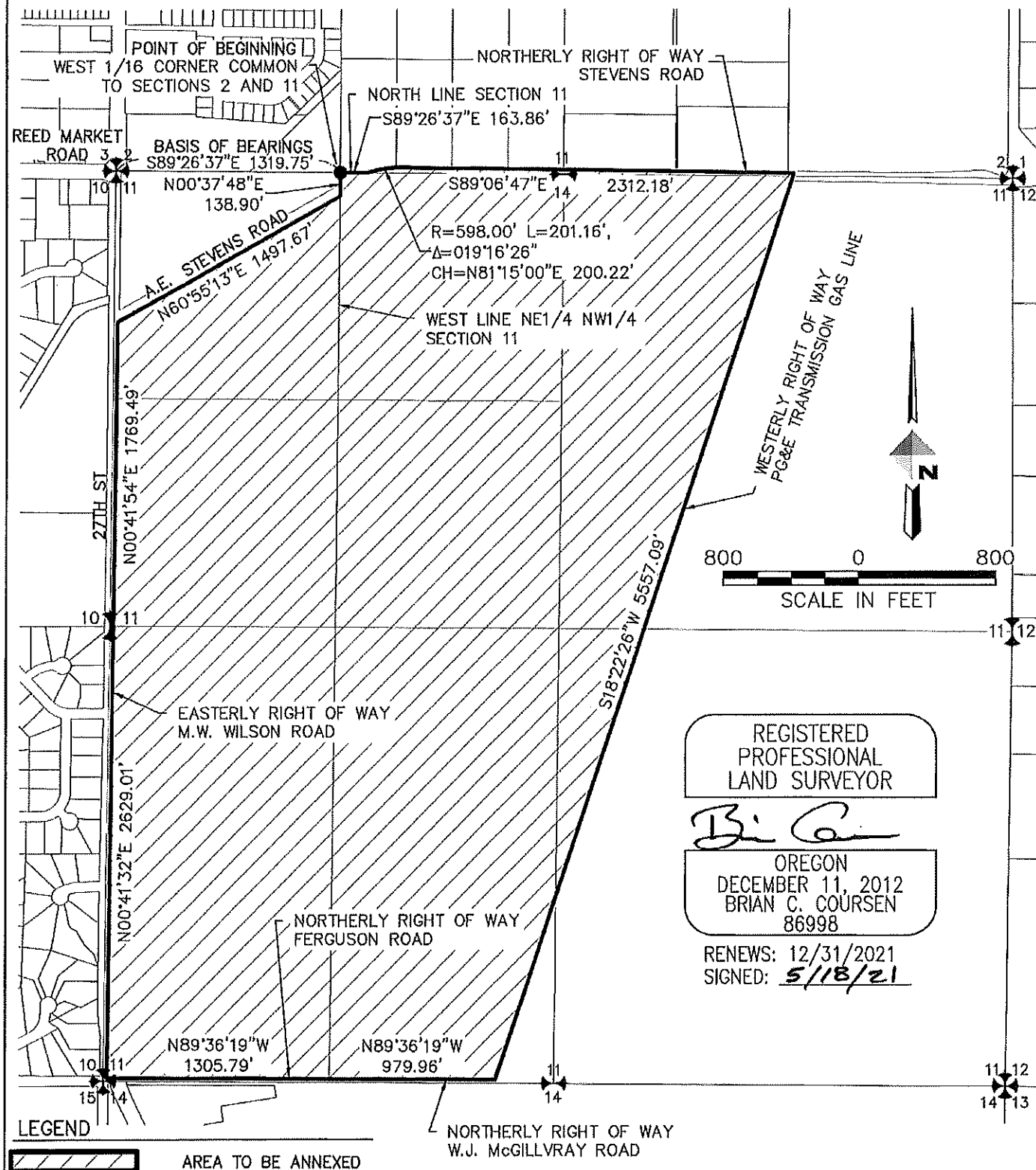
HEREIN DESCRIBED TRACT OF LAND CONTAINS 365 ACRES, MORE OR LESS.

BASIS OF BEARINGS IS SOUTH 89° 26' 37" EAST BETWEEN THE NORTHWEST CORNER OF SECTION 11 AND THE WEST ONE-SIXTEENTH CORNER COMMON TO SECTIONS 2 AND 11.



Renews: 12-31-2021

LOCATED IN THE NORTHEAST 1/4, WEST 1/2 SOUTHEAST 1/4, AND WEST 1/2, OF  
SECTION 11, TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,  
DESCHUTES COUNTY, OREGON.



**DOWL**  
WWW.DOWL.COM  
963 SW Simpson Avenue, #200  
Bend, Oregon 97702  
541-385-4772

## ANNEXATION EXHIBIT STEVENS RANCH

BEND, OREGON

PROJECT 14647-01  
DATE 05/18/2021

EXHIBIT B

Exhibit B  
Page 1 of 1



After recording, return to:

### STEVEN'S RANCH ANNEXATION AGREEMENT

This Annexation Agreement ("Agreement") is made this 1<sup>st</sup> day of September, 2021 between the City of Bend ("City") and Stevens Ranch, LLC who is the owner of record of the property described in Exhibit A and shown on Exhibit B ("Property").

The purposes of this Agreement are:

1. to memorialize the agreement between the parties to annex the Property into the City;
2. to assign responsibilities among the parties for performance of certain requirements to develop the Property;
3. to memorialize the Agreement among the parties on the allocation of financial responsibility for the public facilities and services that are necessary to serve the Property; and
4. to guarantee the City's requirements for the provision of urban services to the Property.

### RECITALS

A. Owner intends to develop the Property pursuant to the Bend Comprehensive Plan (the "BCP"), the Bend Development Code (the "BDC") and a City-approved Major Master Plan. The Property is within the City's Urban Growth Boundary (UGB) and is contiguous to the city limits at 27<sup>th</sup> Street, Ferguson Road and Reed Market. Therefore, the Property is eligible for annexation subject to BDC Chapter 4.9.

B. Owner intends to develop the residential components of the Property with a mix of single family and multi-family housing as required by BCP Growth Management Policies for the subject property (formerly the DSL property). This Agreement is predicated in part on an understanding between the City and Owner that Owner anticipated development of the Property will provide a complete community that accommodates a diverse mix of housing and employment uses, including the planned large lot industrial site as described in the BCP Growth Management Policy and the Steven's Ranch Master Plan.

C. The Property consists of approximately 365 acres identified as the DSL Property Expansion Area that is subject to the requirements and limitations of the BCP Growth Management Specific Expansion Area Policies, including the requirement that development is subject to a major community master plan approval under BDC Chapter 4.5.

D. The Property is currently zoned Urbanizable Area ("UA") and is designated Residential Standard ("RS"), Residential Medium Density ("RM"), Residential High Density ("RH"), General Commercial ("GC"), Commercial Limited ("CL") and General Industrial ("IG") on the BCP Map pursuant to the applicable Growth Management Policies of the Bend Comprehensive Plan.

E. On March 25, 2021, Owner submitted a request to the City for approval of a Major Community Master Plan (City File No. PL5PD20210316) ("Steven's Ranch Master Plan").

F. On June 25, 2021, Owner submitted a request to the City to annex the Property to the City (City File No. PLANX20210637).

G. Annexation of the Property requires Owner to prove that all criteria under BDC 4.9.600 are met.

H. In order to meet the BDC 4.9.600 criteria and to satisfy the City's conditions for an affirmative decision to annex the Property, and in exchange for the obligations of the City set forth in Section 2 of this Agreement, Owner agrees to comply with all requirements imposed in this Agreement and all other City codes, regulations, and standards applicable to the Property, including the Steven's Ranch Master Plan. This Agreement is consistent with and intended to implement the BCP Growth Management Specific Expansion Area Policies for the subject property and other applicable policies of the BCP.

### AGREEMENT

Based upon the Recitals, which are incorporated as part of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

1. **Obligations of Owner.** Consistent with the above Recitals, Owner agrees to perform the obligations of this Agreement and comply with and meet all City codes, standards, and regulations, including and except as modified by the Steven's Ranch Master Plan. All exhibits attached are conceptual and nothing in this Agreement prohibits refinements to meet City standards as part of the required development applications.
2. **Master Plan Approval.** Owner will seek approval of a Major Community Master Plan under BDC Chapter 4.5 for the Steven's Ranch Master Plan concurrent with approval of this Annexation Agreement. This Agreement will become effective upon authorized signatures of all parties, approval of the Steven's Ranch Master Plan by the City Council, and expiration of all applicable appeal periods or when the City's approval of the Master Plan is otherwise final.
3. **Water.** In order to serve the Property consistent with BCP Growth Management Specific Expansion Area Policies for the subject property and other applicable policies of the BCP and the BDC, the water system improvements identified on Exhibit C will be constructed by Owner pursuant to the phasing and development schedule set forth in the Steven's Ranch Master Plan. The property is in the Avion service territory and will be served by Avion water.
4. **Sewer.** In order to serve the Property consistent with BCP Growth Management Specific Expansion Area Policies for the subject property and other applicable policies of the BCP and the BDC, the wastewater collection system improvements identified on Exhibit D will be constructed pursuant to the phasing and development schedule set forth in the Steven's Ranch Master Plan.

**4.1 Wastewater System SDC Credits.** Owner and the City acknowledge that Owner is required to construct certain wastewater collection infrastructure as more particularly set forth in the Steven's Ranch Master Plan. Owner has agreed to upsize its gravity sewer from 8" to 12", together with a required increased depth, in the area shown on Exhibit D-1 to serve properties west of 27<sup>th</sup> Street which are currently in the City limits provided the increased improvement costs shown on Exhibit D-2 are eligible for SDC credits at 100%. City agrees to undertake the necessary amendment to the SDC Project List and/or adopted CIP to include the improvements shown on D1, together with the estimated improvement costs shown on D-2 at 100% eligibility to be funded with improvement fee revenue. As of the Effective Date none of the wastewater collection infrastructure is included on any SDC Project List or adopted Capital Improvement Program ("CIP") and are therefore currently not eligible for SDC Credits under Bend Code ("BC") 12.10.130. If any of the wastewater collection infrastructure required under this Agreement and the Steven's Ranch Master Plan are later included on any SDC Project List or CIP, Owner will be permitted to apply for SDC Credits under BC 12.10.130 for any such improvements, subject at all times to the requirements of BC Chapter 12.10 in effect at the time of application.

**5. Transportation.** In order to serve the Property consistent with BCP Growth Management Specific Expansion Area Policies for the subject property and other applicable policies of the BCP and the BDC, together with the Transportation Planning Rule (OAR 660-012-0060) the transportation system improvements identified on Exhibit E will be constructed by Owner pursuant to the phasing and development schedule set forth in the Steven's Ranch Master Plan (the "SDC Projects"). In addition to the SDC Projects, the Steven's Ranch Master Plan identifies additional on- and off-site transportation projects which are necessary to serve the Property (the "Non-SDC Projects"). Owner will construct the Non- SDC Projects pursuant to the phasing and development schedule set forth in the Steven's Ranch Master Plan.

**5.1 Transportation SDC Project List.** The City will consider an amendment to the transportation system SDC Project List to include the SDC Projects, together with the estimated cost of such improvements and the percentage of such cost eligible to be funded with improvement fee revenues, as set forth on Exhibit E-1.

**5.2 Transportation System SDC Credits.** Pursuant to BDC 12.10.130(C), the transportation system improvements identified on Exhibit E-1 will be eligible for SDC credits in the percentages set forth on Exhibit E-1, to the extent the improvements are on the adopted Transportation SDC Project List. Owner and the City acknowledge that Owner is required to construct the Non-SDC Projects. As of the Effective Date, the Non-SDC Projects are not included on any SDC Project List or adopted CIP. If any of the Non-SDC Projects are later included on any SDC Project List or CIP, Owner will be permitted to seek SDC Credits under BDC 12.10.130 for any such improvements, subject at all times to the requirements of BDC Chapter 12.10 then in effect.

**5.3 Transportation Planning Rule Compliance.** The Parties acknowledge that (i) the construction of the SDC Projects and the Non-SDC Projects will benefit multiple transportation modes and provide improvements to locations other than the affected facilities; and (ii) the system-wide benefits are sufficient to balance the significant effects identified in the Annexation Transportation Impact Analysis (TIA), even though the improvements will not result in consistency for all performance standards. Attached as Exhibits F and G are written statements of approval from the Oregon Department of Transportation ("ODOT") and Deschutes County pursuant to OAR 660- 012-0060(2)(e) acknowledging compliance with the

Transportation Planning Rule, OAR 660-012-0060.

5.3.1 Owner will mitigate the impacts of the Steven's Ranch Master Plan development on county transportation facilities through an Improvement Agreement (IA) with Deschutes County as described in Exhibit G.

5.3.2 Owner will mitigate the impacts of the Steven's Ranch Master Plan development on state transportation facilities through a Memorandum of Understanding (MOU) with ODOT as described in Exhibit F.

**5.4 Dedication/Acquisition of Right of Way.** Owner agrees to dedicate right-of-way (ROW) under Owner' control to the City to accommodate the transportation improvements described above and described by and shown in the Steven's Ranch Master Plan (which does not exceed 50 feet from arterial centerlines of M.W. Wilson Road (27<sup>th</sup> Street), Stevens Road, and W.J. McGillvray Road (Ferguson Road) and 40 feet from collector centerlines).

5.4.1 Except for the intersection improvements at Reed Market/27<sup>th</sup> Street, for any improvements identified herein where additional ROW is required beyond the property boundaries to support regional transportation improvements identified within the City's Transportation System Plan, the following process will be applied:

- Engineering designs will be reviewed to understand potential options that could avoid or reduce ROW while maintaining the desired regional roadway alignments and sections.
- Where additional ROW is required, Owner will make a good-faith effort to privately obtain the additional ROW the acquisition of which will be 100% SDC reimbursable/creditable.
- If these efforts prove unsuccessful, as a last resort, the City will consider ROW condemnation proceedings. In the event the City considers and/or initiates ROW condemnation proceedings, Owner will be solely responsible for any and all fees and costs associated with the proceedings, including but not limited to any attorneys fees and/or costs whether payable to a third party or to outside counsel retained at the City's discretion, which will be 100% SDC reimbursable/creditable.

5.4.2 Intersection improvements at Reed Market/27<sup>th</sup> Street could include either an expanded traffic signal or a multi-lane roundabout.

- Where additional ROW is identified that does not impact structures, the developer will make a good-faith effort to privately obtain the additional right-of-way at fair market value, the acquisition of which will be 100% SDC reimbursable/creditable. If these efforts prove unsuccessful, the City will support this process with ROW condemnation proceedings
- Where additional ROW is identified that impacts structures, the City of Bend will initiate all negotiations and obtain the right-of-way. If the City initiates negotiations and obtains right-of-way, the negotiations and acquisition will occur on the City's schedule based on availability of City resources, at the City's discretion.
- Any costs associated with utility relocations will be SDC reimbursable/creditable at the rate identified for the specific improvement.

**5.5 Affordable Housing Incentive.** To encourage the development of an affordable housing project on the Property, the parties agree any residential housing project (up to a total of 200 units, creating 88 PM peak hour trips) meeting the definition of affordable housing in the City's Comprehensive Plan will be excepted from the trip trigger of 527 pm peak hour trips for the 27<sup>th</sup> Street/Ferguson Road Intersection Improvement. All other mitigations shall account for any trips associated with an Affordable Housing Project.

**6. Stormwater.** Unless otherwise approved and consistent with the Steven's Ranch Master Plan, Owner will hold all stormwater on site and develop the Property consistent with all City requirements. Owner will complete all on-site stormwater requirements as required by the Steven's Ranch Master Plan approval and all subsequent development applications (e.g., site plan review, subdivision).

**7. Obligations of the City.** Consistent with the above recitals, the City agrees to:

7.1 Process the application for annexing the Property into the City Limits.

7.2 Conduct a timely review of and issue a decision on the Steven's Crossing Master Plan applications.

7.3 The City acknowledges that the value of the right-of-way to be dedicated by Owner exceeds the value of right-of-way to be vacated in connection with the relocation of Steven's Road. Accordingly, the City does not anticipate recommending that payment will be required as a condition of any future vacation in connection with Stevens Road. This expectation does not extend to normally applicable application and processing fees, utility relocation costs, or other costs that will be the responsibility of Owner or third parties, all of which will be allocated in the normal fashion.

7.4 Owner acknowledges that the City cannot prospectively agree to any specific outcomes.

**8. Covenants Running with the Land.** It is the intention of the parties that the terms and obligations of this Agreement are necessary for the annexation and development of the Property and as such will run with the Property and will be binding upon the heirs, executors, assigns, administrators, and successors of the parties and are construed to be a benefit and burden upon the Property. This Agreement must be recorded with the Deschutes County Recorder upon execution. Execution and recording of this agreement are preconditions to the annexation of the Property into the City. These covenants will expire for each portion of the Property upon recording of a final plat for that portion of the Property under the Steven's Crossing Master Plan. The parties will execute and record any document necessary to release such covenants at the time of recording of the final plat.

**9. Limitations on Development.** Owner agrees that no portion of the Property may be developed prior to the City's final approval of the Steven's Ranch Master Plan and Annexation. Development of the Property under the Steven's Ranch Master Plan will be subject to additional land use and permit approval as provided in the BDC.

**10. Mutual Cooperation.** The City and Owner will endeavor to cooperate with each other in implementing the terms of this Agreement.

11. **Modification of Agreement.** This Agreement may be modified only in writing upon mutual agreement of all parties.

12. **Land Use Approval.** Nothing in this Agreement is to be construed as waiving any requirements of the Bend Code, Bend Development Code or Bend Comprehensive Plan provisions which may be applicable to the use and development of the Property. Nothing in this Agreement is to be construed as the City providing or agreeing to provide approval of any building, land use, or other development application or grading permit application.

13. **Exactions.** Owner knows and understands its rights under *Dolan v. City of Tigard* and its progeny. By entering into this Agreement, Owner waives any requirement that the City demonstrate that the public improvements and other obligations imposed on Owner in this Agreement or the Steven's Ranch Master Plan are roughly proportional to the burden and demands placed upon the urban facilities and services by the development of the Property. Owner acknowledges that the requirements and obligations of Owner, including but not limited to the required public improvements, are roughly proportional to the burden and demands on urban facilities and services that will result from development of the Property.

14. **Invalidity.** If any provision of this Agreement is deemed unenforceable or invalid, such enforceability or invalidity will not affect the enforceability or validity of any other provision of this Agreement.


15. **State Law.** The validity, meaning, enforceability and effect of this Agreement and the rights and liabilities of the parties shall be determined in accordance with the laws of the State of Oregon.

16. **Effective Date.** This Agreement will become effective upon authorized signatures by all parties, approval of the Steven's Ranch Master Plan by the City Council, and expiration of all applicable appeal periods or when the City's approval of the Master Plan is otherwise final.

*[Signature Page to Follow]*

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

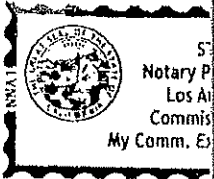
**OWNERS:**

  
\_\_\_\_\_  
Gary Miller, Managing Manager  
Stevens Ranch, LLC

STATE OF OREGON            )  
County of Deschutes        )

This Instrument was acknowledged before me on \_\_\_\_\_, 2021, by Gary Miller,  
Managing Manager of Stevens Ranch, LLC

*See attached.*



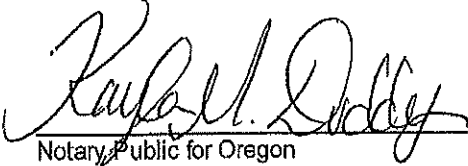
\_\_\_\_\_  
Notary Public for Oregon

**CITY OF BEND:**

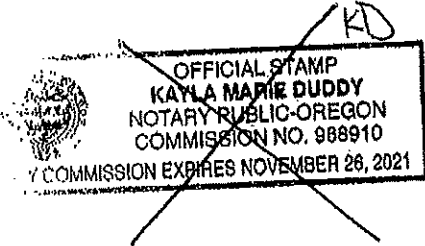
  
\_\_\_\_\_  
Eric King, City Manager

STATE OF OREGON            )  
County of Deschutes        )

This Instrument was acknowledged before me on September 1, 2021, by Eric King as City  
Manager of the City of Bend.

  
\_\_\_\_\_  
Notary Public for Oregon

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ACKNOWLEDGMENT

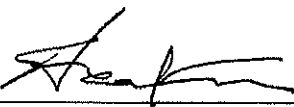
A notary public or other officer completing this certificate verifies only the Identity of the Individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

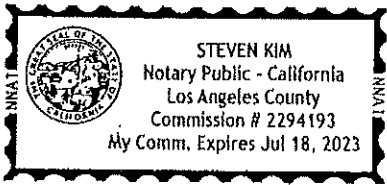
State of California  
County of Los Angeles

On **August 26, 2021** before me, Steven Kim, Notary Public personally appeared **GARY MILLER**, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



EVEN KIM  
Notary Public - California  
Los Angeles County  
Commission # 2294193  
Expires Jul 18, 2023



## EXHIBIT D

# FINDINGS FOR STEVENS RANCH ANNEXATION



## COMMUNITY DEVELOPMENT

**PROJECT NUMBER:** PLANX20210637

**HEARING DATE:** August 18, 2021

**APPLICANT/  
OWNER:** Stevens Ranch LLC.  
721 S. Brea Canyon Rd., Ste. 7  
Diamond Bar, California 91789

**LOCATION:** No situs address – east of 27<sup>th</sup> Street, south of Reed Market Road; Bend Urban Growth Boundary Expansion Area, DSL Property Subarea; tax lot 200 of Deschutes County Assessor Map 18-12-11

**REQUEST:** A Type III Quasi-judicial request for Annexation of 365 acres of the DSL UGB Expansion Area for the Stevens Ranch Master Planned Development.

### APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

#### Criteria

##### **Bend Development Code**

Chapter 4.9 Annexations

##### **Bend Comprehensive Plan**

Chapter 7, Transportation Systems

Chapter 11, Growth Management

##### **Oregon Administrative Rules**

Chapter 660-012-0000, Transportation Planning

#### Procedures

##### **Bend Development Code**

Chapter 4.1 Development Review and Procedures

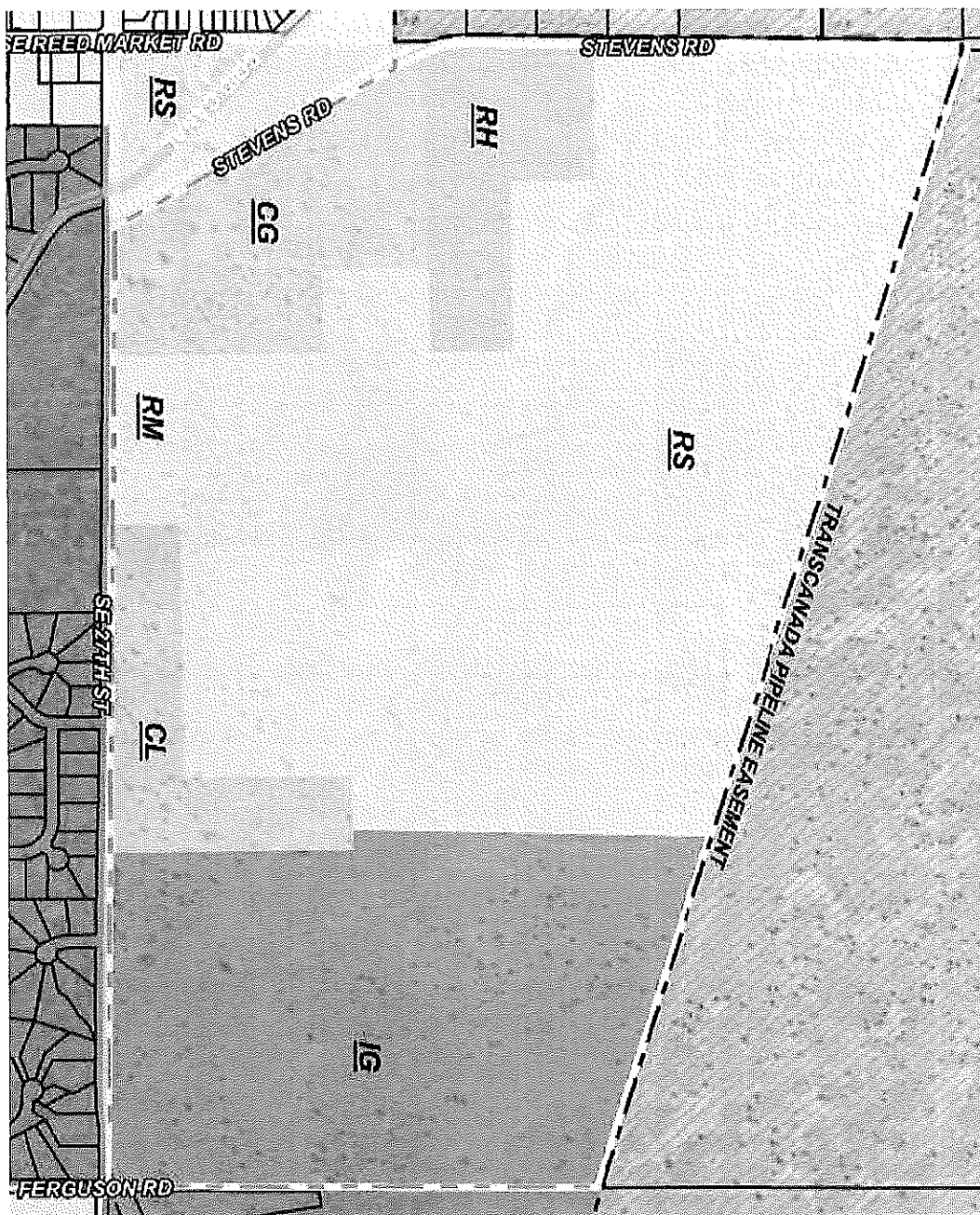
4.1.400 Type II and Type III Applications

4.1.800 Quasi-Judicial Hearings

### FINDINGS OF FACT:

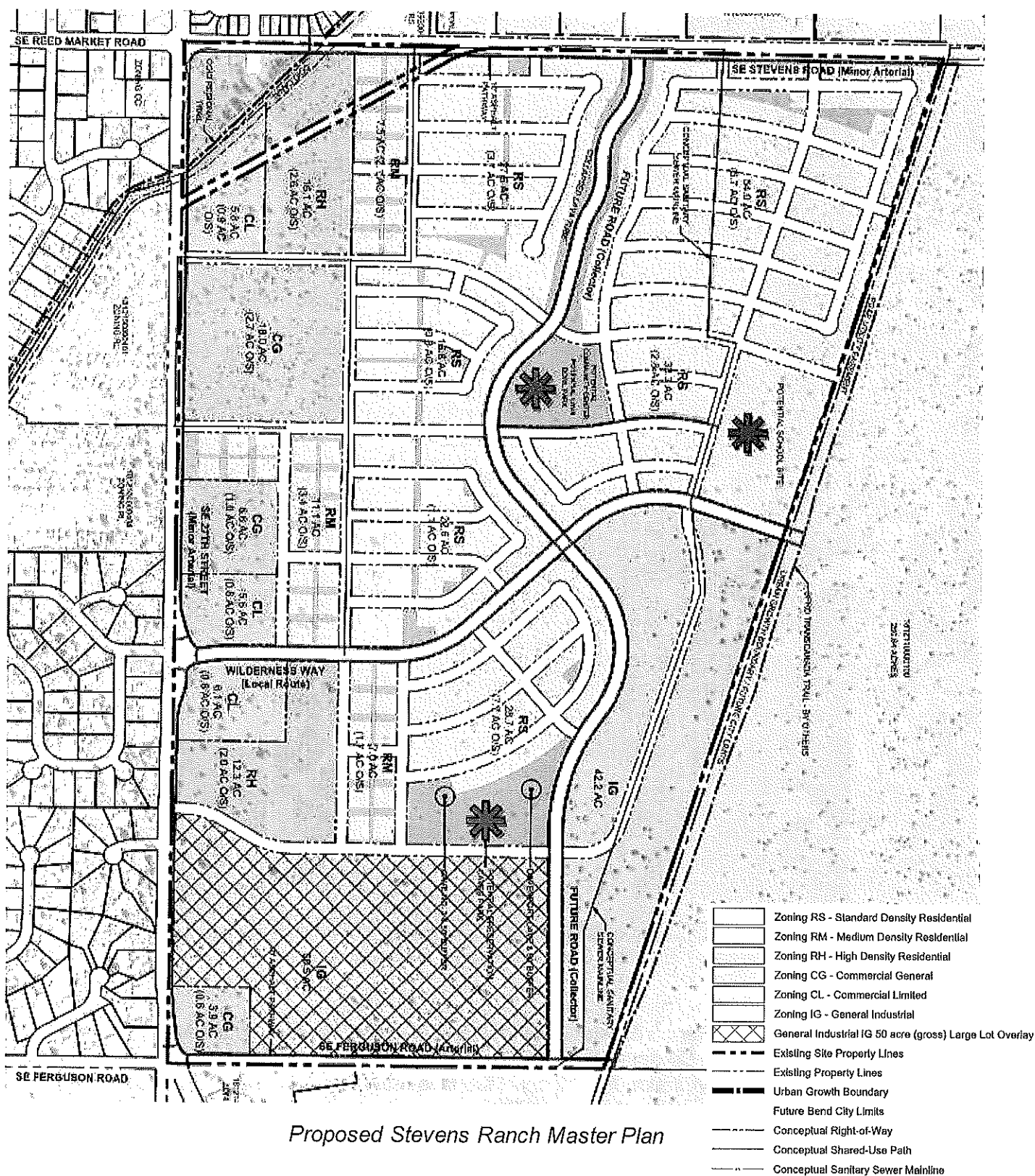
- 1. SITE DESCRIPTION AND LOCATION:** The Stevens Ranch Annexation encompasses 365 acres of the "DSL Property" subarea of the 2016 Urban Growth Boundary (UGB) Expansion Area. The site is comprised of a single tax lot, tax lot 200 of Deschutes County Assessor Map 18-12-11, with an address of 21425 Stevens Road in Bend. The property is bounded by Stevens Road (future minor arterial) to the north, SE 27<sup>th</sup> Street (minor arterial) to the west, vacant State land and the TransCanada pipeline easement to the east, and the Humane Society of Central Oregon and Deschutes County facilities including Knott Landfill to the south as well as the future extension of Ferguson Road (future arterial) to the south.

2. **ZONING:** The properties are within the UGB and are currently zoned Urbanizable Area (UA). The property in DSL UGB Expansion Master Plan Area is designated Residential Urban Standard Density (RS), Residential Urban Medium Density (RM), Residential Urban High Density (RH), and Commercial General (CG).
3. **PROPOSAL:** A Type III Quasi-judicial request for Annexation of 365 acres of the DSL UGB Expansion Area for the Stevens Ranch Master Planned Development.
4. **PUBLIC NOTICE AND COMMENTS:** Prior to submittal of this application and related applications, the applicants hosted a public meeting on January 12, 2021, in accordance with BDC 4.1.215. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.9.300.A.3, and BDC 4.1.423-4.1.425. On August 5, 2021, the Planning Division mailed notice to surrounding owners of record of property within 400 feet of the subject properties, and to the Larkspur, Old Farm and Southeast Bend Neighborhood Association representatives. Notice was also posted in four public places on August 6, 2021, and posted in *The Bulletin* on August 8 and 15, 2021. On August 6, 2021, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at five locations, visible from adjacent rights of way.
5. **APPLICATION ACCEPTANCE DATE:** This Type III Quasi-judicial Annexation petition was submitted on June 25, 2021. The application was deemed complete on July 9, 2021 when the application fee was paid.



Existing Comprehensive Plan Designations

Note: The Stevens Ranch Master Plan includes planned changes to the location and configurations of the Comprehensive Plan Map designations. However, the area of each Plan Map designation inside the Master Plan Boundary is within 1% of the areas listed in the Bend Comprehensive Plan Policies 11-85 and 11-86. Therefore, the expansion area will retain the same total area of all plan designations contemplated when it was brought inside the UGB.



**APPLICATION OF THE CRITERIA:****Bend Development Code****Chapter 4.9, Annexations****4.9.200 Applicability.**

**Land to be annexed must be contiguous to the existing City limits.**

**FINDING:** The land to be annexed is contiguous to the existing City limits along the western boundary.

**4.9.300 Review Processes.**

**A. Annexation.** The following general processes apply to all annexation proposals:

1. Annexations are reviewed using the Type III or Type IV process as determined by the City, based on a consideration of the factors for treating an application as quasi-judicial or legislative. Since annexations are a jurisdictional transfer, the City Council is the sole review authority.
2. City Council approval of annexations will be by ordinance.
3. Notice of the City Council hearing to consider the annexation proposal must follow the notification process required for the Type III or Type IV application, except a notice of the hearing must be published in a newspaper of general circulation in the City once each week for two successive weeks prior to the day of hearing, and notices of the hearing must be posted in four public places in the City for a like period.

**FINDING:** The proposed annexation is initiated by the sole property owner, and is therefore considered a quasi-judicial application. Notice for the City Council Hearing followed the notification process required for Type III applications, as well the requirements for publishing notice in the newspaper and in four public places as required under BDC4.9.300.A.3.

On August 5, 2020, notice was mailed by the Planning Division to surrounding owners of record of property within 400 feet of the subject properties, and to the Old Farm, Southeast Bend, and Larkspur Neighborhood Association representatives and to those who submitted comments prior to the hearing before the Planning Commission for the Stevens Ranch Master Plan (PLSPD20210316). On August 6, 2021, Notice of Proposed Development signs were posted by the applicant along the property frontages at five locations, visible from adjacent rights of way. Notice was also posted in four public places on August 6, 2021, and posted in The Bulletin on August 8 and 15, 2021.

**B. Area and Master Planning.** Unless exempted in subsection (B)(1) of this section, expansion areas as shown in Figure 4.9.300 will require area and/or master plan approval prior to or concurrently with annexation. The exemptions to master planning in BDC Chapter 4.5, Master Planning and Development Alternatives, are not applicable to properties in the Urbanizable Area (UA) District. Development in expansion areas must comply with the applicable Bend Comprehensive Plan Specific Expansion Area Policies in Table 4.9.300.

**Table 4.9.300 - Specific Expansion Area Policies**

<b>Expansion Area</b>	<b>Bend Comprehensive Plan Specific Expansion Area Policies</b>
DSL Property	11-83 through 11-92

**FINDING:** The subject property is located in the DSL expansion area. A major community master plan in accordance with BDC Chapter 4.5 was submitted on March 25, 2021, under PLSPD20210316. On July 12, 2021, the Planning Commission made a recommendation to the City Council for approval of the Stevens Ranch Master Plan Development (MPD). The Stevens Ranch MPD is scheduled to be heard by the City Council concurrently with this annexation request. As addressed in the Planning Commission findings for PLSPD20210316, the Stevens Ranch MPD complies with Bend Comprehensive Plan Policies 11-83 through 11-92.

#### **4.9.400 Initiation Procedures.**

- A. An annexation proposal for the contiguous territory proposed to be annexed may be initiated by petition in compliance with one of the following initiation procedures:**
- 3. More than half the owners of land in the contiguous territory proposed to be annexed, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.**

**FINDING:** The Stevens Ranch master plan property is owned by Stevens Ranch, LLC, who has initiated this application and consented in writing to annexation in compliance with the procedures in A.3.

#### **4.9.500 Submittal Requirements.**

- A. The application must include:**
- 1. A completed and signed annexation application packet on forms provided by the City.**
  - 2. A petition including the statement of consent, on City forms, completed by property owners and/or electors residing in the territory that meets the requirements of BDC 4.9.400, Initiation Procedures.**
  - 3. Legal description of the territory including abutting right-of-way to be annexed and a boundary survey certified by a registered engineer or surveyor.**
  - 4. A map showing the territory including abutting right-of-way to be annexed and properties within 300 feet of the territory.**
  - 5. A narrative which addresses the approval criteria in BDC 4.9.600 and the requirements of BDC 4.9.300(B).**

**FINDING:** The application materials uploaded to CityView for PLANX20210637 contain all of the above requirements.

- 6. A letter or other written documentation from the Bend Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed annexation, and provided the District an opportunity to review the**

**annexation area for options to enhance existing parks and trails, and develop new parks and trails.**

**FINDING:** The applicant and BPRD have been in close coordination on the provision of parks and trails within the Stevens Ranch site, as described further and acknowledged in the provided letter from BPRD (Exhibit E of the application). BPRD's 2018 Comprehensive Plan identifies a neighborhood park within the site, as well as two trails. The Stevens Ranch Master Plan provides two conceptual park areas and a network of trails and shared-use paths to assist BPRD in implementing their 2018 Comprehensive Plan. This requirement is met.

**7. A completed and signed Bend Park and Recreation District annexation agreement, unless the property(s) to be annexed is already located within the Bend Park and Recreation District.**

**FINDING:** The applicant's petition to annex the Stevens Ranch site into the BPRD service area has been accepted by the County. A hearing was held on June 16, 2021, and the annexation was tentatively approved, as noted in the provided letter from BPRD (Exhibit F). The annexation was subsequently recorded on June 29, 2021 under No. 2021-39024. This requirement is met.

**8. A letter or other written documentation from the Bend-La Pine School District which indicates that the applicant has met with the District to discuss the proposed annexation and provided the District an opportunity to review and comment on the proposed annexation.**

**FINDING:** BCP Policy 11-88 requires coordination with BLPS to identify a suitable site for a future elementary school within the Stevens Ranch site. The applicant and BLPS have closely coordinated to determine a site suitable for the school district's needs, as described further and acknowledged in the provided letter from BLPS (Exhibit D). The Stevens Ranch Master Plan provides a potential elementary school site to meet this requirement. This requirement is met.

**9. Territories with irrigation district water rights or other irrigation district facilities must include the following:**

**FINDING:** The Stevens Ranch site does not hold any appurtenant water rights. The COID main canal crosses the far northwest corner of the site; however, this portion of the site is already within the City limits and is not included with this annexation request. The location of the COID main canal is identified on the submitted existing conditions map (Exhibit C). The applicant and COID have closely coordinated on the design of the Stevens Ranch Master Plan, including the proposed sanitary sewer crossing of the COID main canal, as described further and acknowledged in the provided correspondence from COID (Exhibit K). This requirement is met.

**10. If the City has not yet amended its public facilities and transportation plans for the affected expansion area, inclusion of an applicant initiated amendment to the relevant plan(s) or other evidence that the necessary infrastructure planning under Statewide Planning Goals 11 and 12 will take place prior to or concurrently with annexation.**

**FINDING:** The applicant and City staff have closely coordinated to identify necessary infrastructure improvements to serve the Stevens Ranch site and the planned land uses. The sequencing and financing mechanisms for the necessary infrastructure improvements are outlined in and will be formalized with the annexation agreement between the applicant and the City. The Stevens Ranch Master Plan (PLSPD20210316) demonstrates how public facilities, Stevens Ranch Annexation  
PLANX20210637  
Page 7 of 18

including sanitary sewer and potable water, are available and planned throughout the master plan area.

Consistent with the Stevens Ranch Master Plan, the land area to be annexed includes a site for a future elementary school to meet BLPS requirements, as well as two conceptual park areas and a network of trails and shared-use paths to assist BPRD in implementing their 2018 Comprehensive Plan. Ongoing coordination between the applicant and BLPS and BPRD is described further and acknowledged in Exhibits D and E, respectively.

The transportation element (Exhibit I), included with the Stevens Ranch Master Plan application, includes a transportation facilities report, transportation impact analysis, TPR analysis, and proposed mitigation measures. The traffic analysis memo (Exhibit H) summarizes the anticipated transportation impacts and mitigation recommended to compensate for these impacts.

The Stevens Ranch Master Plan, in conjunction with the annexation agreement, demonstrates that the necessary infrastructure planning required by Statewide Planning Goals 11 and 12 has occurred and construction of these necessary facilities will occur concurrently with the site's future development. This requirement is met.

#### **4.9.600 Approval Criteria.**

**A. The City Council may approve, or approve with conditions, the proposed annexation application if all of the following criteria are met:**

- 1. The annexation proposal is consistent with the Bend Comprehensive Plan policies and plan designations applicable to the territory as determined by the Planning Director or designee.**

**FINDING:** The proposed annexation includes the Stevens Ranch site and adjacent rights-of-way, consisting of approximately 365 acres. As identified on Figure 4.9.300 of the Bend Development Code, the Stevens Ranch site (DSL Property) is subject to the master planning process and BCP Policies 11-82 through 11-92. The applicant has submitted a Major Community Master Plan application for the proposed Stevens Ranch Master Plan (PLSPD20210316), which demonstrates compliance with these policies. The Stevens Ranch Master Plan will be incorporated into BDC 2.7 as a master plan, and future land use applications will be required to demonstrate compliance with the master plan overlay code for approval. Further, findings of compliance with applicable annexation policies (11-59 through 11-68) are presented below. This criterion is met.

### ***Chapter 11 Growth Management***

#### ***Annexation Policies***

***11-59 Annexations will follow the procedural requirements of state law.***

**FINDING:** This annexation application for the Stevens Ranch site is submitted consistent with the City's identified procedures, which implement the procedural requirements as set by State law.

***11-60 Annexations will be consistent with the Comprehensive Plan and applicable annexation procedures and approval criteria.***



**FINDING:** Conformance with applicable Comprehensive Plan policies, annexation procedures, and approval criteria is demonstrated in the findings of this document. This policy is met.

**11-61 Requests for annexation must demonstrate how the annexed land is capable of being served by urban services for sanitary sewer collection, domestic water, transportation, schools and parks, consistent with applicable district facility plans and the City's adopted public facility plans.**

**FINDING:** The applicant and City staff have closely coordinated closely to identify necessary infrastructure improvements to serve the Stevens Ranch site and the planned land uses. The sequencing and financing mechanisms for the necessary infrastructure improvements are outlined in the annexation agreement between the applicant and the City. The Stevens Ranch Master Plan (PLSPD20210316) demonstrates how public facilities, including sanitary sewer and potable water, are available and planned throughout the master plan area.

Consistent with the Stevens Ranch Master Plan, the land area to be annexed includes a site for a future elementary school to meet BLPS requirements, as well as two conceptual park areas and a network of trails and shared-use paths to assist BPRD in implementing their 2018 Comprehensive Plan. Ongoing coordination between the applicant and BLPS and BPRD is described further and acknowledged in Exhibits D and E, respectively.

The transportation element of the Stevens Ranch Master Plan (Exhibit I) includes a transportation facilities report, transportation impact analysis, TPR analysis, and proposed mitigation measures. Further, the City Engineering Division has provided a utility availability memo (Exhibit G) and traffic analysis memo (Exhibit H), which further identify necessary mitigation measures. A will serve letter from Avion Water Company is also included with Exhibit J. Therefore, the Stevens Ranch Master Plan demonstrates that public facilities and services will be provided in an orderly, efficient, and timely manner, and that proposed impacts will be mitigated. This policy is met.

**11-62 Annexations will be consistent with an approved Area Plan where applicable. The Area Plan may be reviewed and approved concurrent with an annexation application.**

**FINDING:** As shown on Figure 4.9.300, the Stevens Ranch site (DSL Property) is subject to the master planning process per BDC 4.5 and is, therefore, not within an approved area plan and is not subject to specific area plan policies. Therefore, this plan policy is not applicable because there is no approved area plan for the Stevens Ranch site.

**11-63 The City may, where appropriate in a specific area, allow annexation and require area planning prior to development approval.**

**FINDING:** This annexation request is for the Stevens Ranch site, which is identified as the DSL Property on Figure 4.9.300. This annexation request includes approximately 365 acres, which includes the majority of tax lot 1812110000200, and portions of public rights-of-way adjacent to the site. The applicant has submitted a Major Community Master Plan application for the site (PLSPD20210316), which is currently under review by the City and was deemed complete on May 27, 2021. Therefore, this plan policy is not applicable because area planning for the site is occurring concurrent with the processing of this annexation request.

**11-64 Land to be annexed must be contiguous to the existing City limits unless the property owners requesting annexation show and the City Council finds that a “cherry-stem” annexation will both satisfy a public need and provide a public benefit.**

**FINDING:** The land proposed for annexation abuts the City limits on portions of its western, southern, and northern boundaries, and is therefore contiguous to the existing City limits. A “cherry-stem” annexation is not proposed. This policy is met.

**11-65 Compliance with specific expansion area policies and/or Area Plans will be implemented through master plan approval or binding annexation agreement that will control subsequent development approvals.**

**FINDING:** The applicant has submitted a Major Community Master Plan application for the site (PLSPD20210316), which is currently under review by the City and was deemed complete on May 27, 2021. Compliance with BCP Policies 11-82 through 11-92 is demonstrated in the applicant’s Major Community Master Plan application and will be implemented in conjunction with the Stevens Ranch Master Plan. The Stevens Ranch Master Plan will be incorporated into BDC 2.7 as a master plan, and future land use applications will be required to demonstrate compliance with the master plan overlay code for their approval. This policy is met.

**11-66 Existing rural infrastructure systems and urban systems (water, sewer, transportation, stormwater) serving annexed areas may be required to be modernized and constructed to the City’s standards and specifications, as determined by the City.**

**FINDING:** The applicant and City staff have closely coordinated to identify necessary infrastructure improvements to serve the Stevens Ranch site and the planned land uses. The sequencing and financing mechanisms for the necessary infrastructure improvements are outlined in and will be formalized with the annexation agreement between the applicant and the City. The Stevens Ranch Master Plan (PLSPD20210316) demonstrates how public facilities, including sanitary sewer and potable water, are available and planned throughout the master plan area. Future land division applications, site plan review applications, and site infrastructure permits will include site-specific analysis to ensure adequate infrastructure systems are constructed per applicable City standards. This policy is met.

**11-67 The City may consider funding mechanisms and agreements to address on- and off-site improvements, modernization of existing infrastructure to the City’s standards and specifications, and impacts to infrastructure inside the current City limits.**

**FINDING:** The applicant and City staff have coordinated closely to identify necessary infrastructure improvements to serve the Stevens Ranch site and the planned land uses. The sequencing and financing mechanisms for the necessary infrastructure improvements are outlined in and will be formalized with the annexation agreement between the applicant and the City. This policy is met.

**11-68 Properties over 20 acres (including adjacent property in common ownership) (shown on Figure 11-7) are subject to master plan requirements unless they are part of an adopted area plan. When properties are over 20 acres (including adjacent property in common ownership) and are part of an approved area plan they are subject to the master plan approval criteria.**

**FINDING:** This annexation request is for the Stevens Ranch site, which is identified as the DSL Property on Figure 4.9.300. This annexation request includes approximately 365 acres, which includes the majority of tax lot 1812110000200, and portions of public rights-of-way adjacent to the site. The applicant has submitted a Major Community Master Plan application for the site (PLSPD20210316), which is currently under review by the City and was deemed complete on May 27, 2021. The annexation and master plan applications will be heard concurrently by the City Council for a final decision.

#### **4.9.600 Approval Criteria. (continued)**

##### **2. The annexation proposal is consistent with an approved area plan and/or master plan, unless exempted in BDC 4.9.300(B)(1).**

**FINDING:** The proposed annexation includes the Stevens Ranch site and adjacent rights-of-way, consisting of approximately 365 acres. As identified on Figure 4.9.300, the Stevens Ranch site (DSL Property) is subject to the master planning process and BCP Policies 11-82 through 11-92. The applicant has submitted a Major Community Master Plan application for the proposed Stevens Ranch Master Plan (PLSPD20210316), which demonstrates compliance with these policies. The Stevens Ranch Master Plan will be incorporated into BDC 2.7 as a master plan, and future land use applications will be required to demonstrate compliance with the master plan overlay code for their approval. The Major Community Master Plan application for the Stevens Ranch site was deemed complete on May 27, 2021. A public hearing was held before the Bend Planning Commission on July 12, 2021. The annexation and master plan applications will be heard concurrently by the City Council for a final decision. This criterion is met.

##### **3. The proposal demonstrates how the annexed territory is capable of being served by public facilities and services with adequate capacity as determined by the City, including sanitary sewer collection, domestic water, transportation, schools, and parks, consistent with the City's adopted public facility plans, transportation system plan, and applicable district plans, either as provided in an applicable area or master plan or by demonstrating how such public facilities and services will be provided in an orderly, efficient and timely manner.**

**FINDING:** The applicant and City staff have closely coordinated to identify necessary infrastructure improvements to serve the Stevens Ranch site and the planned land uses. The sequencing and financing mechanisms for the necessary infrastructure improvements are outlined in and will be formalized with the annexation agreement between the applicant and the City. The Stevens Ranch Master Plan (PLSPD20210316) demonstrates how public facilities, including sanitary sewer and potable water, are available and planned throughout the master plan area.

Consistent with the Stevens Ranch Master Plan, the land area to be annexed includes a site for a future elementary school to meet BLPS requirements, as well as two conceptual park areas and a network of trails and shared-use paths to assist BPRD in implementing their 2018 Comprehensive Plan. Ongoing coordination between the applicant and BLPS and BPRD is described further and acknowledged in Exhibits D and E, respectively.

The transportation element (Exhibit I), included with the Stevens Ranch Master Plan application, includes a transportation facilities report, transportation impact analysis, TPR

analysis, and proposed mitigation measures. The traffic analysis memo (Exhibit H) summarizes the anticipated transportation impacts and mitigation recommended to compensate for these impacts.

Therefore, the Stevens Ranch Master Plan demonstrates that public facilities and services will be provided in an orderly, efficient, and timely manner. This criterion is met.

- 4. The proposal demonstrates how public facility and service impacts, including as applicable: on- and off-site improvements, construction and modernization of existing infrastructure (water, sewer, stormwater, transportation) to City standards and specifications, and impacts to existing infrastructure inside the City's current city limits, will be adequately mitigated through an annexation agreement or other funding mechanism approved by the City Council prior to annexation. The City will use the standards and criteria of BDC Chapter 4.7, Transportation Analysis, for analysis and mitigation of transportation impacts.**

**FINDING:** The applicant and City staff have closely coordinated to identify necessary infrastructure improvements to serve the Stevens Ranch site and the planned land uses. The sequencing and financing mechanisms for the necessary infrastructure improvements are outlined in and will be formalized with the annexation agreement between the applicant and the City. The Stevens Ranch Master Plan (PLSPD20210316) demonstrates how public facilities, including sanitary sewer and potable water, are available and planned throughout the master plan area.

The transportation element (Exhibit I), included with the Stevens Ranch Master Plan application, includes a transportation facilities report, transportation impact analysis, TPR analysis, and proposed mitigation measures. Further, the City Engineering Division has provided a utility availability memo (Exhibit G) and traffic analysis memo (Exhibit H), which further identifies necessary mitigation measures. A will serve letter from Avion Water Company is also included with Exhibit J. Therefore, the Stevens Ranch Master Plan demonstrates that public facilities and services will be provided in an orderly, efficient, and timely manner, and that proposed impacts will be mitigated. This criterion is met.

- 5. Owner(s) have committed to transfer all irrigation district water rights from the property, unless exempted in subsection (A)(5)(a)(i) of this section.**

**FINDING:** The Stevens Ranch site (tax lot 1812110000200) does not hold any irrigation district water rights. This criterion does not apply.

- 6. Sufficient evidence acceptable to the City has been provided demonstrating that the irrigation district had an opportunity to review the layout and design for any impacts on irrigation district conveyance facilities and to recommend reasonable protections for such facilities consistent with the irrigation district's adopted rules and regulations, system improvement plans and/or development policies.**

**FINDING:** The COID main canal crosses the far northwest corner of the site; however, this portion of the site is already within the City limits and is not included with this annexation request. The location of the COID main canal is identified on the submitted existing conditions map (Exhibit C). The applicant and COID have closely coordinated on the design of the Stevens Ranch Master Plan, including the proposed sanitary sewer crossing of the COID main

canal, as described further and acknowledged in the attached correspondence from COID (Exhibit K). This criterion is met.

7. The proposal demonstrates that approval of the annexation and zoning districts that implement the underlying Bend Comprehensive Plan map designations is consistent with the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.

**4.6.600 Transportation Planning Rule Compliance.**

***When a development application includes a proposed Comprehensive Plan amendment or annexation, the proposal must be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.***

**FINDING:** The Stevens Ranch site was identified within the City's 2016 UGB expansion for mixed-use development and a large-lot industrial site, with specific acreages for each planned zoning designation as identified within the Chapter 11 (Growth Management) of the City's Comprehensive Plan. During this UGB expansion process, the City used a comparative analysis process to assess the transportation system needs, which relied on provisions within the TPR to defer compliance until the master planning process. The City then prepared a revised Transportation System Plan (TSP) that accounts for development of all UGB expansion area lands, including the Stevens Ranch site. As a result, the City's adopted Comprehensive Plan, Utility Infrastructure Plans, and 2020 TSP already account for the development of this site, as does the analysis that was prepared for the adjacent Southeast Area Plan (SEAP) lands, which includes an overlapping study area. Nonetheless, the future development of the Stevens Ranch site as contemplated in the City's Comprehensive Plan will have effects on adjacent transportation facilities, as identified in the City's TSP and the SEAP analysis. Therefore, compliance with OAR 660-012-0060(2) is necessary.

**660-012-0060 - Plan and Land Use Regulations Amendments**

***(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:***

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
- (b) Change standards implementing a functional classification system; or***
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.***

**(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**

**(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**

**(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

**(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule.**

**(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.**

**(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:**

**(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;**

**(B) The providers of facilities being improved at other locations provide written statements of approval; and**

**(C) The local jurisdictions where facilities are being improved provide written statements of approval.**

**FINDING:** OAR 660-012 implements Oregon Statewide Planning Goal 12. Goal 12 imposes a requirement on local governments to develop, maintain and update transportation plans consistent with the planning and implementation guidelines of Goal 12. The City's Comprehensive Plan dictates the minimum number of units to be developed within the DSL expansion area, and the master plan proposes to meet those requirements. However, compliance with the TPR was not addressed at the time of UGB acknowledgement for the expansion areas, instead being deferred to individual master plan/annexation applications.

This section requires a local government to put in place certain measures if an amendment would significantly effect a transportation facility.

The transportation element of the Stevens Ranch Master Plan (Exhibit I), prepared by Transight Consulting, includes a transportation facilities report, transportation impact analysis, TPR

analysis, and proposed mitigation measures. The traffic analysis memo (Exhibit H) summarizes the anticipated transportation impacts and mitigation recommended to address these impacts. The annexation agreement formalizes the transportation improvements necessary to mitigate impacts to, and expand capacity within, the affected transportation facilities, and identifies the specific timing, responsibilities, and cost allocation associated with traffic mitigation. Through collaborative efforts between the applicant, the City, the County, and ODOT, the applicant is relying on OAR 660-012-0060(2)(e) to comply with the TPR.

As described within the transportation element, this is met with proposed improvements to Stevens Road, SE Ferguson Road, and SE 27th Street, which will benefit multiple transportation modes and provide improvements to locations other than the affected facilities. As stated in the transportation element, the systemwide benefits provided with the Stevens Ranch Master Plan are sufficient to balance the significant effects identified in the City's TSP, as well as those identified in the analysis that was prepared for the SEAP lands. The applicable standards are met.

***(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.***

***(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:***

***(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.***

***(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.***

***(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.***

***(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.***

***(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.***

**(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:**

**(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or**

**(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.**

**(d) As used in this section and section (3):**

**(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;**

**(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and**

**(C) Interstate interchange area means:**

**(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or**

**(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.**

**(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).**

**FINDING:** This section of the Transportation Planning Rule requires coordination with affected transportation service providers. The applicant has coordinated the transportation studies, including discussions regarding necessary mitigation measures with ODOT and Deschutes County. ODOT submitted a letter to the City outlining the required mitigation payments to be made to ODOT and the commitment of those payments to improvements to the U.S. 20 corridor. This mitigation letter is included as an attachment to the annexation agreement (Exhibit F of the Annexation Agreement), which will ensure consistency with the provisions of BDC 4.6.600 and compliance with the requirements of OAR 660-012-0060. Similarly, Deschutes County has submitted documentation (included as an attachment to the annexation agreement) that it agrees with the following condition of approval on this annexation:

**Condition of Approval:** *The applicant, prior to approval of the final plat which will result in the generation of the 1,756<sup>th</sup> weekday p.m. peak hour trip, shall have entered into an Improvement Agreement with Deschutes County for the construction of a southbound right turn lane and an eastbound left turn lane at the Stevens Ward/Ward Road intersection, as described and*



supported by the March 8, 2021 supplemental traffic memo submitted with application PLANX20210637.

The applicable coordination requirements have been met and TPR compliance will be met with the formal adoption of the annexation agreement. The proposed mitigation as specified above is captured in the Annexation Agreement, which will ensure consistency with the provisions of BDC 4.6.600, *Transportation Planning Rule Compliance*, and satisfies the requirements of OAR 660-012-0060.

#### **BDC 4.9.600.A. Approval Criteria (*Continued*)**

- 8. The proposal demonstrates how rights-of-way will be improved to urban standards as determined by the City, including rights-of-way in cherry stem annexations.**

**FINDING:** The Stevens Ranch Master Plan (PLSPD20210316) includes specific street cross-sections showing how all internal and abutting rights-of-way will be improved to urban standards. The annexation agreement further demonstrates how rights-of-way will be improved to the applicable City standard. This criterion is met.

#### **4.9.700 Zoning of Annexed Areas.**

The Bend Comprehensive Plan map provides for the future City zoning classifications of all property within the City's Urbanizable Area (UA) District. On the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated with the zoning district that implements the underlying Comprehensive Plan map designation.

**FINDING:** While the Stevens Ranch Master Plan proposes to rearrange the locations of the placeholder Comprehensive Plan Map designations, it does so while meeting the requirements of the applicable BCP policies for the DSL Property. As provided by BDC 4.5.200(D)(3)(a), the proposed master plan must retain the same total area of all plan designations within one percent of the same total acreage and maintain the density/housing numbers consistent with the prescribed allocations. The Stevens Ranch Master Plan maintains commercial and industrial plan designations within one percent of those prescribed by BCP Policy 11-85. Further, the applicant has elected to meet the alternative language of BCP Policy 11-86 for residential designations, and is planning to provide 1,710 total residential units, which exceeds the minimum requirement of 1,000 units. Table 2 below further demonstrates how the Stevens Ranch Master Plan is meeting BCP Policies 11-85 and 11-86.

Upon annexation, the current UA zoning will cease to apply, and the zoning map will be automatically updated with the Stevens Ranch Master Plan zoning scheme that implements the applicable Comprehensive Plan Map designation and policies. The applicable criteria are met.

Table 2

BCP Requirement	Requirement	Proposed with Stevens Ranch
Multifamily, Duplex/Triplex Units	At least 41%	41% (701 units planned)
Single-family Attached	At least 11%	21% (486 units planned)
Single-family Detached	No more than 48%	38% (650 units planned)
Total Housing Units	1,000	1,710 total units planned
Commercial Designations	46 acres (gross)	46 acres (approx.)
Industrial Designations	93 acres (gross)	93 acres (approx.)
Parks and Open Space	At least 10%	11.6% planned

**RECOMMENDATION:** Staff recommends approval of the Type III annexation application with the following condition of approval, which, if the condition is met, will satisfy all of the applicable criteria:

**Condition of Approval:** *The applicant, prior to approval of the final plat which will result in the generation of the 1,756<sup>th</sup> weekday p.m. peak hour trip, shall have entered into an Improvement Agreement with Deschutes County for the construction of a southbound right turn lane and an eastbound left turn lane at the Stevens Ward/Ward Road intersection, as described and supported by the March 8, 2021 supplemental traffic memo submitted with application PLANX20210637.*



**BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON**

**NOTICE OF JURISDICTIONAL TRANSFER HEARING**

NOTICE IS HEARBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS WILL HOLD A PUBLIC HEARING ON WEDNESDAY, OCTOBER 20, 2021, AT 9:00 A.M. IN THE BARNES AND SAWYER ROOMS OF THE DESCHUTES SERVICES CENTER, 1300 NW WALL STREET, BEND, OREGON ON THE PROPOSED JURISDICTIONAL TRANSFER DESCRIBED BELOW. ALL INTERESTED PERSONS MAY APPEAR AND BE HEARD.

The proposed jurisdictional transfer includes transfer of the following portions of road to the City of Bend:

- The portions of Knott Road and Tekampe Road within the Easton Master Plannned Development Area in the City of Bend.
- The portion of Stevens Road within the Stevens Ranch Master Planned Development Area in the City of Bend.

Persons interested in obtaining more detailed information may contact the Deschutes County Road Department, 61150 SE 27<sup>th</sup> Street, Bend, Oregon 97701, Phone: (541) 388-6581, Email: [road@deschutes.org](mailto:road@deschutes.org).

ORS 373.270 provides authority for transferring jurisdiction over county roads within cities.



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 29, 2021

**SUBJECT:** Consideration of Board Signature of Order 2021-038 Appointing County Residents to Two Pools from which the County Clerk Will Select Members of the Board of Property Tax Appeals.

**RECOMMENDED MOTION:**

*Move approval of 2021-038.*

**BACKGROUND AND POLICY IMPLICATIONS:**

*Prior to October 15th of every year, the Board of County Commissioners is to appoint members to the Board of Property Tax Appeals pools for the upcoming session. Below is an outline of the process:*

- *The Board of County Commissioners must appoint two pools of county residents from which the county clerk will select the members of the board of property tax appeals.*
- *The pools from which the members are selected must be appointed on or before October 15 of each year. The appointee terms end the following June 30th.*
- *The pools shall consist of the following persons who are eligible to serve on the boards.*
  1. *A pool of members of the county governing body or nonoffice-holding county residents to serve in their place. This pool may be referred to as the "Chairperson's Pool."*
  2. *A "Nonoffice Holding Pool" consisting of residents of the county who are not employees of the county or of any taxing district within the county.*

*The order of the Board of County Commissioners which appoints the pools must be in writing and contain the following information (order attached for the Board's consideration):*

1. *The names, addresses, and phone numbers of the persons appointed to the pools.*
2. *A brief description of training either already taken or that will be completed before any term as a board member begins.*
3. *The pool or pools to which the person is appointed.*
4. *The date when the order becomes effective.*

*An appointee may be appointed to both the "Chairperson's Pool" and the "Nonoffice-Holding Pool" if they qualify.*

**BUDGET IMPACTS:**

*Revenues and expenditures have been budgeted and approved for Board of Property Tax Appeals for Fiscal Year 2021-2022 in General Fund account 0010650.*

**ATTENDANCE:**

*Consent Agenda Item*

REVIEWED

LEGAL COUNSEL

09/29/2021 Item #6.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Appointing County Residents to Two  
Pools from which the County Clerk Will Select  
Members of the Board of Property Tax Appeals.

\*  
\*  
\*

ORDER NO. 2021-038

WHEREAS, ORS 309.067(1)(a) requires the county governing body to appoint to the County Board of Property Tax Appeals ("BOPTA") "A pool of members of the county governing body or the governing body's designees who are eligible and willing to serve as members of the county board of property tax appeals"; and

WHEREAS, ORS 309.067(1)(b) requires the county governing body to appoint to BOPTA "A pool of nonoffice-holding residents of the county who are not employees of the county or of any taxing district within the county and who are eligible and willing to serve as members of the county board of property tax appeals"; and

WHEREAS, ORS 309.067(3) requires that each appointed member to the pool receive training prior to that member's term as a BOPTA member; and

WHEREAS, ORS 309.067(5) requires the county governing body to appoint members to the BOPTA pools by October 15 of each year or at any time upon the request of the county clerk; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDERS as follows:

Section 1. ORS 309.067(1)(a) Pool.

The following persons are appointed to the County Governing Body's Pool of persons eligible and willing to serve as a member of the Board of Property Tax Appeals for Deschutes County:

1. Mara V. Stein, 65765 Hwy 20, Bend, OR 97703  
Training: Prior experience. Telephone Number 541-617-6195
2. Jo Ellen Zucker, 66900 Sagebrush Lane, Bend, OR 97703  
Training: Prior experience. Telephone Number 541-788-8484
3. Michael C. Simpson, 1547 NW Cliff Side Way, Redmond, OR 97756  
Training: Prior experience. Telephone Number 541-527-9151
4. Michael C. Walker, 1642 NW Overlook Dr., Bend, OR 97703  
Training: Prior experience. Telephone Number 541-390-5607
5. Thomas W. Linhares, 740 Golden Pheasant Dr., Redmond, OR 97756  
Training: Prior experience. Telephone Number 971-757-0216

Section 2.        ORS 309.067(1)(b) Pool.

The following non-office holding residents of Deschutes County who are not employees of the County or of any taxing district within the County are appointed to an additional pool of persons eligible and willing to serve as members of the Board of Property Tax Appeals for Deschutes Count

- 1.        Mara V. Stein, 65765 Hwy 20, Bend, OR 97703  
          Training: Prior experience. Telephone Number 541-617-6195
- 2.        Jo Ellen Zucker, 66900 Sagebrush Lane, Bend, OR 97703  
          Training: Prior experience. Telephone Number 541-788-8484
- 3.        Michael C. Simpson, 1547 NW Cliff Side Way, Redmond, OR 97756  
          Training: Prior experience. Telephone Number 541-527-9151
- 4.        Michael C. Walker, 1642 NW Overlook Dr., Bend, Oregon 97703  
          Training: Prior experience. Telephone Number 541-390-5607
- 5.        Thomas W. Linhares, 740 Golden Pheasant Dr., Redmond, OR 97756  
          Training: Prior experience. Telephone Number 971-757-0216

Section 3.        Effective Date. The appointments are effective October 15, 2021, and expire on June 30, 2022.

Dated this 29th of September, 2021

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DeBONE, Chair

\_\_\_\_\_  
PHIL CHANG, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PATTI ADAIR, Commissioner



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 29, 2021

**SUBJECT:** Consideration of Board Signature of Order No. 2021-047, Appointing Health Services Director's Designees

**RECOMMENDED MOTION:**

Move approval of Order No. 2021-047, Appointing Health Services Director's Designees.

**BACKGROUND AND POLICY IMPLICATIONS:**

Oregon Revised Statute (ORS) 426.233 (3) provides that the Director may authorize a qualified individual to perform certain acts listed in ORS 426.233 (3) including, without limitation, accepting custody of a person from a peace officer, taking custody of a person, removing a person in custody to an approved hospital or nonhospital facility, transferring a person in custody to another individual authorized under this resolution or a peace officer, transferring a person in custody from a hospital or nonhospital facility to another hospital facility or nonhospital facility, and retaining a person in custody. The Director has confirmed that each of the individuals identified in Sections 2 and 3 of the attached Board Order are qualified mental health professionals as that term is defined under Oregon law and meet applicable standards established by the Oregon Health Authority.

Board Order 2021-022 was signed June 9, 2021. Since that time, three additional qualified mental health professionals who meet the applicable standards have been hired and one has left County employment or been reassigned within the department and are no longer providing crisis services. The authorization to provide custody and secure transportation services for allegedly mentally ill persons is being updated to reflect these staff changes through the attached Board Order 2021-047.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Holly Harris, Crisis Program Manager



For Recording Stamp Only

## BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Repealing Order No. 2021-022 dated \*  
 June 9, 2021; and Authorizing Designated Persons to \*  
 Provide Custody and Secure Transportation Services for \* ORDER NO. 2021-047  
 Allegedly Mentally Ill Persons

WHEREAS, on June 9, 2021, the Deschutes County Board of Commissioners signed Order No. 2021-022, “An Order Repealing Order No. 2020-065; and Authorizing Designated Persons to Provide Custody and Secure Transportation Services for Allegedly Mentally Ill Persons”; and

WHEREAS, ORS 426.070 through 426.395 authorize or require the Community Mental Health Program Director (“Director”) to take certain actions in matters pertaining to the custody, transport and involuntary commitment of mentally ill persons; and

WHEREAS, OAR 309-033-0210 includes, within the definition of the term “community mental health director,” a person who has been authorized by the Director to act in the Director’s capacity for the purpose of this rule; and

WHEREAS, the Director has authorized each of those individuals identified in Section 2, below, to act as the Director’s designee and in the Director’s capacity for purposes of OAR 309-033-0210; and

WHEREAS, ORS 426.233(3) provides that the Director may authorize a qualified individual to perform certain acts listed in ORS 426.233(3) including, without limitation, accepting custody of a person from a peace officer, taking custody of a person, removing a person in custody to an approved hospital or nonhospital facility, transferring a person in custody to another individual authorized under this resolution or a peace officer, transferring a person in custody from a hospital or nonhospital facility to another hospital facility or nonhospital facility, and retaining a person in custody; and

WHEREAS, the Director has recommended to the Deschutes County governing body that each of those individuals identified in Section 3, below, be authorized to perform those acts listed in ORS 426.233(3); and

WHEREAS, the Director has confirmed that each of the individuals identified in Sections 2 and 3 below is a qualified mental health professional as that term is defined under Oregon law and meets applicable standards established by the Oregon Health Authority; now therefore,

Based upon the foregoing recitals and pursuant to ORS 426.233 and OAR 309-033-0210, THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDERS as follows:

Section 1. Order Repealing Order No. 2021-022 dated June 9, 2021: “An Order Repealing Order No. 2020-065 dated December 2, 2020; and Authorizing Designated Persons to Provide Custody and Secure Transportation Services for Allegedly Mentally Ill Persons” is hereby repealed;

Section 2: The following persons, all of whom are part of the Deschutes County Health Services Department's Community Assessment Team/Mobile Crisis Team, and all of whom are Qualified Mental Health Professionals, are hereby recognized as designees of the Director and are authorized to act in the capacity of the Director with regard to any action permitted or required to be performed by the Director under ORS 426.070 through ORS 426.395:

Holly Harris, M.Ed., LPC, Crisis Services Program Manager  
 Zoe Bartlett, MS, LMFT  
 Rebecca Battleson, MSW, LCSW  
 Amanda Copeland, MSW, CSWA  
 Christina De Benedetti-Porter MSW, CSWA  
 Savannah DeLuca, MA, LPCi  
 Susan Denight, MSW, CSWA  
 Bethany Douglas, MS, LPC  
 Susanna M. Gallagher, MSW, CSWA  
 Adam Goggins, MA, LPC  
 Meredith Haddan, MA, LPCi, CADC-R  
 Jill Kaufmann, MS, LMFT  
 Stephanie Koutsopoulos, MS, LPC  
 Jesse Kratz, MA, LPCi  
 Hanako Kubori, MS, LPCi  
 Abby Levin, MA, LPC  
 Elizabeth Lindt, MS, LPCi  
 Taylor McGowan, MSW, CSWA  
 Haley Piarulli, MSW, CSWA  
 Megan Sergi-Sosa, MSW, LMSW, CADC  
 Nicole Von Laven, MA, LPCi  
 Megan Weaver, MSW, CSWA  
 Hailey Clark, MA, Professional Counselor Associate, NCC  
 Briana Schulte, LPC  
 Lindsey Pouillon, MS, LPC

Section 3. The following persons, all of whom are part of the Deschutes County Health Services Department's Community Assessment Team/Mobile Crisis Team, and all of whom are Qualified Mental Health Professionals, are hereby authorized to perform any act set forth in ORS 426.233(3):

Holly Harris, M.Ed., LPC, Crisis Services Program Manager  
 Zoe Bartlett, MS, LMFT  
 Rebecca Battleson, MSW, LCSW  
 Amanda Copeland, MSW, CSWA  
 Christina De Benedetti-Porter MSW, CSWA  
 Savannah DeLuca, MA, LPCi  
 Susan Denight, MSW, CSWA  
 Bethany Douglas, MS, LPC  
 Susanna M. Gallagher, MSW, CSWA  
 Adam Goggins, MA, LPC  
 Meredith Haddan, MA, LPCi, CADC-R  
 Jill Kaufmann, MS, LMFT  
 Stephanie Koutsopoulos, MS, LPC  
 Jesse Kratz, MA, LPCi  
 Hanako Kubori, MS, LPCi

Abby Levin, MA, LPC  
Elizabeth Lindt, MS, LPCi  
Taylor McGowan, MSW, CSWA  
Haley Piarulli, MSW, CSWA  
Megan Sergi-Sosa, MSW, LMSW, CADC  
Nicole Von Laven, MA, LPCi  
Megan Weaver, MSW, CSWA  
Hailey Clark, MA, Professional Counselor Associate, NCC  
Briana Schulte, LPC  
Lindsey Pouillon, MS, LPC

Section 4. Each individual identified herein in Sections 2 and 3 shall retain the authority granted by this order so long as he or she continuously meets applicable standards established by the Oregon Health Authority and is employed with the County in the Health Services Department except as may otherwise be ordered by the Board of County Commissioners.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2021.      BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

ATTEST:      \_\_\_\_\_  
PHIL CHANG, Vice Chair

\_\_\_\_\_  
Recording Secretary      \_\_\_\_\_  
PATTI ADAIR, Commissioner



Deschutes County Board of Commissioners  
1300 NW Wall St., Suite 200, Bend, OR 97701-1960  
(541) 388-6570 - Fax (541) 385-3202 - [www.deschutes.org](http://www.deschutes.org)

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## **AGENDA REQUEST & STAFF REPORT**

### **For Board Business Meeting of September 29, 2021 (CONSENT)**

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**DATE:** September 9, 2021

**FROM:** Dave Doyle                      Legal                      388-6625

**TITLE OF AGENDA ITEM:**

Consideration of Board Approval (and signature) of Amended Bylaws for the Deschutes County Public Safety Coordinating Council, No. 2021-746.

**PUBLIC HEARING ON THIS DATE?** No.

**BACKGROUND AND POLICY IMPLICATIONS:**

County staff determined that the existing bylaws require physical presence in order to meet quorum requirements. In that some members need to attend meetings by Zoom, and with the ongoing uncertainty associated with pandemic restrictions, the Council tasked Deevy Holcomb with drafting an amendment allowing for remote attendance. The proposed language has been reviewed and approved by the Council.

**FISCAL IMPLICATIONS:**

None.

**RECOMMENDATION & ACTION REQUESTED:**

Move Board signature on document 2021-746, Amended Bylaws for the Deschutes County Public Safety Coordinating Council.

**ATTENDANCE:** Legal

**DISTRIBUTION OF DOCUMENTS:**

Community Justice



**AMENDED BYLAWS OF  
DESCHUTES COUNTY PUBLIC SAFETY COORDINATING COUNCIL**

**Article I. NAME and PRINCIPAL OFFICE**

The name of this group shall be the Deschutes County Public Safety Coordinating Council ("Council") and its principal office shall be Suite 200, Deschutes County Services Building, and 1300 Wall Street, Bend, Oregon 97703.

**Article II. PURPOSE**

Section 2.01 The Council shall perform the duties prescribed in ORS 423.560 and ORS 426.565.

Section 2.02 The Council shall develop and recommend to the Deschutes County Board of County Commissioners a plan or plans for use of state resources to service the local offender population and the use of state and local resources to serve the needs of that part of the local offender population who are at least 15 years of age and less than 18 years of age.

Section 2.03 The Council shall develop and recommend to the Deschutes County Board of County Commissioners a plan for use of state resources to serve the local youth offender population.

Section 2.04 The Council shall coordinate local juvenile justice policy among affected juvenile justice entities.

Section 2.05 The Council shall develop and recommend to the Deschutes County Board of County Commissioners, a plan to prevent criminal involvement by youth.

Section 2.06 The Council shall coordinate a local criminal justice policy among affected criminal justice entities.

Section 2.07 The Council may make other recommendations to the Deschutes County Board of County Commissioners for the betterment of the Deschutes County criminal and juvenile justice systems.

**Article III. MEMBERS and TERMS of MEMBERSHIP**

Section 3.01 Council member ship will comply with ORS 423.560. Section 3.02 The members shall include:

- 1) The City of Bend Chief of Police;
- 2) The City of Redmond Chief of Police;
- 3) The Deschutes County Sheriff;
- 4) The Deschutes County District Attorney;

**DC-2021-746**

- 5) The presiding judge of the 11th Judicial District or a state court judge selected by the presiding judge;
- 6) A public defender or defense attorney appointed by the presiding judge of the 11th Judicial District
- 7) The Court Administrator of the 11th Judicial District;
- 8) The Deschutes County Community Corrections Director;
- 9) The Deschutes County Juvenile Department Director;
- 10) The Deschutes County Health Services Department Director;
- 11) A Deschutes County Commissioner selected by the Commissioners;
- 12) The Deschutes County Administrator or the Deschutes County Administrator's designee;
- 13) The Director of Deschutes County 911;
- 14) A City Councilor or Mayor selected by the cities in Deschutes County;
- 15) A City Manager or other city representative selected by the cities in Deschutes County;
- 16) A non-voting Oregon Youth Authority representative selected by the Oregon Youth Authority Director;
- 17) A non-voting Oregon State Police representative, selected by the Superintendent of the State Police;
- 18) Three citizen members appointed by the Deschutes County Board of County Commissioners one of which shall be a person involved in child abuse detection and intervention.

Section 3.03 At the discretion of the Deschutes County Community Justice Department Director, the Community Justice Department Director may serve in lieu of the Deschutes County Community Corrections and or the Juvenile Department Director.

Section 3.04 Members shall serve at the pleasure of the appointing authority or until the member no longer holds the public office described. Citizen members shall serve terms of four years. Citizen members may serve more than one term.

Section 3.05 The Deschutes County Board of County Commissioners may appoint additional citizen members for terms of "up to" four years.

#### **Article IV. OFFICERS and DUTIES**

Section 4.01 The officers shall be a Chair and a Vice-Chair. Officers shall be elected by a majority of members of the Council and shall hold office for terms of three years.

Section 4.02 The Chair shall preside at meetings, form subcommittees, including the subcommittee required by ORS 423.565(4), and form task forces. The Chair shall, appoint subcommittee and task force members. The Chair shall perform all other duties necessary or incidental to the office. The Vice-Chair shall carry out the responsibilities of the Chair in the absence of the Chair. The Vice-Chair shall fill

out the term of the Chair if the office becomes vacant. The Chair shall appoint a Vice-Chair to complete the term of Vice-Chair if the office becomes vacant.

Section 4.03    The Chair shall notify the relevant appointing authority in writing if at any time a member appears unable to serve, a position appears vacant, or upon the expiration of the term of any citizen member if the Chair has not received notice of reappointment.

**Article V.    MEETINGS, VOTING and RECORDING**

Section 5.01    The Council shall meet no less than once per quarter. Special meetings may be called by the Chair or by 2/3 of the Council members. All proceedings of the Council shall be open to the public in accordance with and subject to the provisions of ORS 192.610 to 192.690.

Section 5.02    All votes of Council members and minutes of the meetings shall be recorded and shall become matters of public record. A quorum for the transaction of official business shall consist of a majority of the current voting members of the Council. Members of the Council shall endeavor to be physically present at all meetings to be counted as part of quorum. However, when attendance in person is unavoidable after exercising due diligence to arrange for physical presence at the meeting and the Chair allows it, a member/s may participate and be counted as part of the quorum through video conference or telephone if available. Further, if the Chair determines a reason/s in the best interest of the public or the membership to conduct the entire meeting via video conference or telephone, members may participate and be counted as part of the quorum via video conference or telephone.

**Article VI.    BYLAWS**

Section 6.01    Except for section 3.03 and any other provision relating to Council membership, the Council may amend these bylaws.

Section 6.02    A copy of all proposed amendments to these bylaws shall be mailed to each member of the Council at least ten days prior to the date at which action is to be taken on the amendment. An affirmative vote by a majority of the Council members shall be necessary to amend these bylaws.

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Adopted this \_\_\_\_\_ day of September, 2021

DESCHUTES COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_ Tony DeBone, Commissioner

\_\_\_\_\_ Phil Chang, Commissioner

\_\_\_\_\_ Patti Adair, Commissioner

ATTEST:

\_\_\_\_\_  
Recording Secretary



**AMENDED BYLAWS OF  
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Adopted this \_\_\_\_\_ day of September, 2021

DESCHUTES COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_ Tony DeBone, Commissioner

\_\_\_\_\_ Phil Chang, Commissioner

\_\_\_\_\_ Patti Adair, Commissioner

ATTEST:

\_\_\_\_\_  
Recording Secretary

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## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 29, 2021

**SUBJECT:** Request BOCC Approval to Apply for ODVA Suicide Prevention Grant

**RECOMMENDED MOTION:**

Board approval for the Veterans' Service Office to apply for a \$4,000 grant from the Oregon Department of Veterans' Affairs for a suicide prevention campaign.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Oregon Department of Veterans' Affairs (ODVA) announced a funding opportunity for the purposes of raising awareness regarding veteran suicide. Suicide rates among Oregon veterans is higher than non-veterans. The grant funds can be used to raise awareness around veteran suicide, help to de-stigmatize behavioral health challenges when asking for help, and for other local work designed to prevent suicide. Deschutes County is eligible to apply for up to \$4,000.

Veterans' Service Office (VSO) staff and the County's Suicide Prevention Coordinator met and developed the following proposal:

- Similar to the "I am a Vet" campaign, a video will be produced to de-stigmatize veterans reaching out for help, information about veterans accessing local resources, and help family members of veterans recognize when a veteran needs help. Deschutes County veterans and a family member will be featured in the video. The cost to produce the video is estimated at \$1,500.
- Once produced, the video will be part of an ad campaign to educate veterans and their family members. The ad campaign will include targeted social media, other free media sources, TV buys, and possible billboard(s).
- The grant funds will first pay to produce the video. The remaining balance will be used for media buys. In addition, the VSO is asking ODVA if carry over funds currently in the VSO budget can be used as additional resources to support the campaign.

If the grant application is successful, staff will come back to the Board with a budget adjustment reflecting the additional revenue and expenditures.

**BUDGET IMPACTS:**

Up to an additional \$4,000 in revenue and expense if grant is successful.

**ATTENDANCE:**

Keith MacNamara, Manager, Veterans' Service Office

Caroline Suiter, Community Health Specialist III, Suicide Prevention Coordinator

Erik Kropp, Deputy County Administrator



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** 9/29/21

**SUBJECT:** Grant Application Request

**RECOMMENDED MOTION:**

*Move approval of the grant application request, submitting a grant to the Oregon DEQ in the amount of \$75,000.*

**BACKGROUND AND POLICY IMPLICATIONS:**

*Deschutes County and the City of Bend were the first to submit and have approved a Community Response Plan for Smoke. As a result of SB 762 the Oregon DEQ received funding that they are utilizing in part to fund a grant program to communities with approved Community Response Plans. Funding can be utilized by local governments for a wide variety of activities related to smoke and health impacts related to smoke, whether from wildfire or prescribed fire. DEQ is offering up to \$75,000 of grant funding for these efforts.*

**BUDGET IMPACTS:**

*\$75,000 will be provided through an agreement with DEQ, with an expectation of 10% matching funds.*

**ATTENDANCE:**

*Ed Keith, County Forester*



### Grant Application Request

Date:

1. Name of Grant: Oregon DEQ Community Response Plan for Smoke Implementation
2. Deschutes County contact: Ed Keith
3. Funding Agency: Oregon Department of Environmental Quality
4. Grant Amount: \$75,000
5. Does the grant require matching funds? ☒ Yes ☐ No

If yes, how much are the required matching funds and what funds does the department plan to use for matching funds?

10% of the total amount awarded, or \$7,500. We will use a combination of staff time and expenses already planned for website maintenance and the text message alert system used for wildfire and smoke information.

6. Grant duration: October 2021 - March 2023
7. Grant application deadline: September 30, 2021
8. Grant description: Public information related to smoke and health - see details in #11.
9. Requested budget (please provide additional line item details under the broad categories listed below):

	Amount Requested
Personnel Services	
Materials and Services	\$75,000
Capital	
Total	\$75,000



10. If the grant request includes FTEs, please fill out the table below.

Position Title	Limited duration or regular position?	FTEs	Notes

11. Other information:

This funding is being awarded from DEQ on a non-competitive basis to those communities with approved Community Response Plans. The County Forester will be working in cooperation with Public Health, the Communications Director, several external partners and a public relations firm to increase messaging and awareness of smoke impacts to health and what the public can do to protect themselves from smoke.



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 29, 2021

**SUBJECT:** American Rescue Plan Funding Update

**RECOMMENDED MOTION:**

A to-be-determined motion will be required if they Board choses 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. Update and proposal from COIC on the Small Business Assistance project.
2. Request formal approval of the \$82,000 funding of the Mobile Cold Storage Unit.
3. 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, County Treasurer and Chief Financial Officer  
Dan Emerson, Budget Manager

	A	B	C
1	<b>Deschutes County American Recovery Plan Act</b>		
2	<b>Eligible Project Requests - revised 09.22.21</b>		
3			
4			
5	<b>Category/Project Request</b>	<b>Outstanding Request</b>	<b>BOCC Approved</b>
6			
10	<b>Administrative</b>		<b>402,935</b>
11	ARPA Administration		392,000
12	COIC grant distribution contract		10,935
13	<b>Affordable Housing</b>	<b>5,800,000</b>	
14	Habitat for Humanity-Bend 12 Townhomes	2,000,000	
15	Habitat for Humanity-Bend 8 Townhomes	1,500,000	
16	Habitat for Humanity-Sisters Woodland Project	1,500,000	
17	NeighborImpact rental assistance float loan		
18	Workforce Housing Project		
19	Habitat for Humanity La Pine Sunriver	200,000	
20	Affordable Home Ownership	600,000	
21	<b>Broadband Infrastructure</b>	<b>300,000</b>	
22	Regional Broadband Needs Assessment and Action Plan	300,000	
23	<b>Childcare</b>	<b>3,953,364</b>	<b>3,000,000</b>
24	Funding Placeholder		2,000,000
25	Little Kits Early Learning & Child Care Center - Phase 1 Bend		1,000,000
26	Little Kits Early Learning & Child Care Center - Phase 2 La Pine	500,000	
27	Little Kits Early Learning & Child Care Center - Phase 2 Redmond	1,300,000	
28	Little Kits Early Learning & Child Care Center - Phase 2 Sisters	500,000	
29	ReVillage Childcare Proposal	350,000	
30	Manzanita Preschool & Daycare	80,000	
31	Central Oregon Early Child Care Business Start Accelerator	360,000	
32	NeighborImpact Early Childhood Education Workforce Development	275,000	
33	School of Enrichment - Add 10 full time slots	588,364	
34	<b>Food Assistance</b>	<b>2,450,000</b>	<b>2,900,000</b>
35	Food Insecurity for Older Adults -- Partnership with Council on Aging & Redmond Senior Center	800,000	
36	NeighborImpact warehouse expansion	1,400,000	2,400,000
37	Nutritional assistance		
38	The Giving Plate	200,000	500,000
39	1017 Project	50,000	
40	<b>Homelessness</b>	<b>8,156,165</b>	<b>3,300,000</b>
41	Bend Heroes Vets Village construction support		100,000
42	Bethlehem Inn Redmond		450,000

	A	B	C
1	<b>Deschutes County American Recovery Plan Act</b>		
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3			
4			
5	<b>Category/Project Request</b>	<b>Outstanding Request</b>	<b>BOCC Approved</b>
6			
43	Construction of Cleveland Avenue Project	2,200,000	2,000,000
44	Managed Camp - City of Bend	750,000	750,000
45	Navigation Center	774,117	
46	New facility in Redmond		
47	Permanent Supportive Housing	2,099,777	
48	Redmond Oasis Village Project	367,500	
49	Saving Grace Infrastructure		
50	Sisters Cold Weather Shelter	1,000,000	
51	Managed Camp Support	964,771	
52	<b>Public Health</b>	<b>10,038,300</b>	<b>5,083,184</b>
53	Additional County cleaning supplies and labor (annual)	168,000	
54	Additional County cleaning supplies and labor FY21	49,000	
55	Covid Testing	250,000	
56	COVID testing - Dr. Young		15,000
57	Health Unintended Consequences		1,500,000
58	Higher rated HVAC filters for County facilities		
59	Isolation motel liability insurance		8,184
60	Outreach Van	85,000	
61	Public Health Response Contingency		1,500,000
62	Technology enhancements for telemedicine and collaboration	200,000	
63	UV sanitizer for jail		40,000
64	Temporary Staffing for COVID-19 Response and Outreach (Contact Tracers, Case Investigators, and Call Center staff)		2,000,000
65	Mobile technology upgrade for the Clerk	6,600	
66	North county health facility-acquisition and remodel	8,300,000	
67	North county health facility-furniture, fixtures and equipment	897,700	
68	The Shield free counseling to Veterans		20,000
69	Mobile morgue expansion unit	82,000	
70	<b>Small Business &amp; Non-profit Assistance</b>	<b>1,312,616</b>	<b>1,600,000</b>
71	Business Assistance Placeholder		1,500,000
72	La Pine Chamber of Commerce	25,900	
73	Redmond Chamber - lost revenue	84,069	
74	Redmond Chamber - Redmond Parklet	40,000	
75	Redmond Rotary	90,000	

	A	B	C
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6			
76	Ronald McDonald House Charities		100,000
77	Sisters Rodeo Association	100,000	
78	Small business grants - Sisters COC	350,000	
79	Sunriver Area Small Business Assistance Grant Program and Hiring Campaign	350,000	
80	Sisters Chamber of Commerce	49,060	
81	School of Enrichment - Economic Hardship	205,262	
82	Sunriver Area Chamber of Commerce pandemic economic impact	18,325	
83	<b>Transitional Housing</b>	<b>359,951</b>	
84	Transitional Housing	359,951	
85	<b>Water Infrastructure</b>	<b>6,000,000</b>	<b>1,450,000</b>
86	NeighborImpact south county septic replacement program	1,000,000	
87	Terrebonne Sewer System	5,000,000	
88	Wastewater investments in South County		
89	Deschutes County On-Farm Efficiency Water Conservation Investment		1,450,000
90	Tumalo Sewer System		
91	<b>Grand Total</b>	<b>38,370,396</b>	<b>17,736,119</b>

	A	B	C	D
1	<b>Deschutes County American Recovery Plan Act</b>			
2	<b>All Project Requests - revised 09.22.21</b>			
3				
4		<b>Eligibility</b>		
5	<b>Project/Funding Request</b>	<b>Yes</b>	<b>TBD</b>	<b>No</b>
6				
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19	Habitat for Humanity-Sisters Woodland Project	1,500,000		
20	NeighborImpact rental assistance float loan	-		
21	Workforce Housing Project	-		
22	Habitat for Humanity La Pine Sunriver	200,000		
23	Affordable Home Ownership	600,000		
24	<b>Broadband Infrastructure</b>	<b>300,000</b>	<b>200,000</b>	
25	Broadband infrastructure in Sunriver area and greater Sisters area		-	
26	Sunriver Broadband		200,000	
27	Regional Broadband Needs Assessment and Action Plan	300,000		
28	<b>Business Support</b>		-	
29	Community Organizations Active and Disaster		-	
30	<b>Childcare</b>	<b>6,953,364</b>	<b>1,200,000</b>	
31	CASA of Central Oregon		-	
32	Childcare Facility and/or start up costs		-	
33	Funding Placeholder	2,000,000		
34	Little Kits Early Learning & Child Care Center - Phase 1 Bend	1,000,000		
35	Little Kits Early Learning & Child Care Center - Phase 2 La Pine	500,000		
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39	Manzanita Preschool & Daycare	80,000		
40	Central Oregon Early Child Care Business Start Accelerator	360,000		
41	Boys and Girls Club Bend		1,200,000	
42	NeighborImpact Early Childhood Education Workforce Development	275,000		

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60	Sisters Cold Weather Shelter	1,000,000		
61	Managed Camp Support	964,771		
62	<b>Not Eligible</b>		<b>7,950,000</b>	<b>43,706,562</b>
63	Biomass project			1,000,000
64	Courthouse expansion			24,800,000
65	Deschutes County Wildfire Community Resilience Project			350,000
66	Fairgrounds capital improvements			-
67	Land for Future County Services			3,500,000
68	Mass Vaccination Center wrap up costs-volunteer appreciation			56,562
69	Negus Transfer Station			14,000,000
70	Public Safety Campus		7,500,000	
71	Smith Rock parking lot			-
72	Habitat for Humanity La Pine Sunriver		450,000	
73	<b>Public Health</b>	<b>15,121,484</b>	<b>7,420,860</b>	<b>15,691</b>
74	Additional County cleaning supplies and labor (annual)	168,000		

	A	B	C	D
1	<b>Deschutes County American Recovery Plan Act</b>			
2	<b>All Project Requests - revised 09.22.21</b>			
3				
4		<b>Eligibility</b>		
5	<b>Project/Funding Request</b>	<b>Yes</b>	<b>TBD</b>	<b>No</b>
6				
75	Additional County cleaning supplies and labor FY21	49,000		
76	Circuit court facility rental at F&E		60,860	
77	Circuit court facility set up costs		30,000	
78	Covid Testing	250,000		
79	COVID testing - Dr. Young	15,000		
80	Expansion of the Jail Booking and Visitation Areas		7,000,000	
81	Health Unintended Consequences	1,500,000		
82	Higher rated HVAC filters for County facilities	-		
83	Isolation motel liability insurance	8,184		
84	Outreach Van	85,000		
85	Public Health Response Contingency	1,500,000		
86	Regional Resilience Coordinator position		330,000	
87	Technology enhancements for telemedicine and collaboration	200,000		
88	UV sanitizer for jail	40,000		
89	Vaccine Center rent Jan 18-20			15,691
90	Temporary Staffing for COVID-19 Response and Outreach (Contact Tracers, Case Investigators, and Call Center staff)	2,000,000		
91	Mobile technology upgrade for the Clerk	6,600		
92	North county health facility-acquisition and remodel	8,300,000		
93	North county health facility-furniture, fixtures and equipment	897,700		
94	The Shield free counseling to Veterans	20,000		
95	Mobile morgue expansion unit	82,000		
96	<b>Revenue Replacement</b>		<b>915,061</b>	
97	Clerk - Marriage licenses		-	
98	Clerk - Passport		-	
99	County Fair		150,000	
100	Fair and Expo		600,000	
101	Justice Court		165,061	
102	Room tax last three months of FY20		-	
103	RV Park		-	
104	Video lottery		-	
105	<b>Small Business &amp; Non-profit Assistance</b>	<b>2,912,616</b>	<b>164,000</b>	
106	Business Assistance Placeholder	1,500,000		



	A	B	C	D
1	<b>Deschutes County American Recovery Plan Act</b>			
2	<b>All Project Requests - revised 09.22.21</b>			
3				
4		<b>Eligibility</b>		
5	<b>Project/Funding Request</b>	<b>Yes</b>	<b>TBD</b>	<b>No</b>
6				
107	Deschutes Cultural Coalition support		35,000	
108	La Pine Chamber of Commerce	25,900		
109	La Pine Frontier Days		75,000	
110	Performing arts support		-	
111	Redmond Chamber - lost revenue	84,069		
112	Redmond Chamber - Redmond Parklet	40,000		
113	Redmond Chamber - Sam Johnson Park Upgrade		54,000	
114	Redmond Rotary	90,000		
115	Ronald McDonald House Charities	100,000		
116	Sisters Rodeo Association	100,000		
117	Small business grants - Sisters COC	350,000		
118	Sunriver Area Small Business Assistance Grant Program and Hiring Campaign	350,000		
119	Sisters Chamber of Commerce	49,060		
120	School of Enrichment - Economic Hardship	205,262		
121	Sunriver Area Chamber of Commerce pandemic economic impact	18,325		
122	<b>To Be Determined</b>		<b>36,806,467</b>	
123	Deschutes SWCD irrigation modernization FTE		2,000,000	
124	Irrigation system modernization		10,000,000	
125	Regional Emergency Services Training and Coordination Center		24,706,467	
126	Habitat for Humanity La Pine Sunriver		100,000	
127	(blank)		-	
128	<b>Transitional Housing</b>	<b>359,951</b>		
129	Transitional Housing	359,951		
130	<b>Water Infrastructure</b>	<b>7,450,000</b>	<b>-</b>	
131	NeighborImpact south county septic replacement program	1,000,000		
132	Terrebonne Sewer System	5,000,000		
133	Wastewater investments in South County	-		
134	Deschutes County On-Farm Efficiency Water Conservation Investment	1,450,000		
135	Angelina Swanson Farm irrigation		-	
136	Tumalo Sewer System	-		
137	<b>Irrigation</b>		<b>3,000</b>	
138	Dan Elingson farm		3,000	

	A	B	C	D
1	<b>Deschutes County American Recovery Plan Act</b>			
2	<b>All Project Requests - revised 09.22.21</b>			
3				
4				
5	<b>Project/Funding Request</b>	<b>Yes</b>	<b>TBD</b>	<b>No</b>
6				
139	<b>Grand Total</b>	<b>56,106,515</b>	<b>54,659,388</b>	<b>48,722,253</b>



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** September 29, 2021

**SUBJECT:** Discussion and Consideration of Draft Vaccine Requirement for County Employees in Health Services and the Community Justice - Juvenile Division

**RECOMMENDED MOTION:**

County Administrator signature of the Temporary Policy for Covid-19 Vaccination Requirement for County Personnel in Impacted Departments

**BACKGROUND AND POLICY IMPLICATIONS:**

This item is continued discussion from the September 15, 2021 Board meeting on the topic of the draft vaccine requirement policy.

Last month Governor Kate Brown made an announcement regarding vaccination requirements for health care and school workers. Following this announcement, the Oregon Health Authority issued two temporary administrative orders:

**OAR 333-019-1010:** COVID-19 Vaccination Requirement for Healthcare Providers and Healthcare Staff in Healthcare Settings (attached). A "healthcare setting" has a very broad definition and is any place health care, including physical or behavioral health care is delivered. It does not include a person's private home if the home is not otherwise licensed, registered or certified as a facility or home.

**OAR 333-019-1030:** Vaccination Requirements for Teachers and School Staff (attached). Under the OAR, the Juvenile Detention Center falls under the definition of school because the youth attend education class at the location.

To implement these two OARs, a small workgroup of County staff worked and developed a draft policy for Board consideration (attached).

The option to get tested weekly in lieu of vaccination has been removed – this was an option when the vaccine requirement was first announced. There are two exceptions to getting a vaccination: a medical exception (corroborated by a document signed by a medical provider) or a religious exception (corroborated by a document signed by the individual explaining how their sincerely held religious belief conflicts with getting vaccinated). For staff who receive one of these exceptions, we will need to take reasonable steps to ensure that the unvaccinated staff person is protected from contracting and spreading COVID-19. Employers who violate any provision of this rule are subject to civil penalties of \$500 per day per violation.

AFSCME, the union representing staff in Health Services and the Juvenile Division, have a right to bargain the impacts of the policy and have been provided the draft policy.

**BUDGET IMPACTS:**

None.

**ATTENDANCE:**

Deputy County Administrator Erik Kropp

**DESCHUTES COUNTY ADMINISTRATIVE POLICY No. DRAFT**EFFECTIVE DATE: **Prior to October 18, 2021****TEMPORARY POLICY FOR COVID-19 VACCINATION REQUIREMENT FOR  
COUNTY PERSONNEL IN IMPACTED DEPARTMENTS****\*\*DRAFT – Sept. 22, 2021\*\***STATEMENT OF POLICY

The intent of this temporary policy is to establish a process to comply with the Oregon Health Authority, Public Health Division [OAR 333-019-1010](#) (healthcare setting) and [OAR 333-019-1030](#) (school setting) pertaining to vaccination requirements for personnel in healthcare and school settings to control the spread of COVID-19. This policy will be in effect as long as the OHA temporary rules are in effect.

APPLICABILITY

This policy applies to all Deschutes County personnel (excluding the Sheriff's Office), including but not limited to employees, temporary and/or contracted staffing, contractors, interns, and volunteers (collectively, "personnel"), whose work duties or activities occur in a healthcare setting or a school setting within Deschutes County. The Sheriff's Office will create and implement its own policy concerning personnel in the Sheriff's Office.

DEFINITIONS

"COVID-19 vaccine" means a vaccine authorized to prevent COVID-19 by the federal Food and Drug Administration, including by way of an emergency use authorization.

"Healthcare setting" means any place where health care, including physical or behavioral health care is delivered.

"Personnel in a healthcare setting" means individuals, paid and unpaid, working, learning, studying, assisting, observing or volunteering in a healthcare setting where direct patient or resident care is provided or where personnel have the potential for direct or indirect exposure to patients, residents, or infectious materials. It includes, but is not limited to, unlicensed caregivers, and any clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, student and volunteer personnel who regularly work or perform services in a healthcare setting.

"Personnel in a school setting" means personnel in the Juvenile Justice Division of the Community Justice Department.

"School setting" refers to the Juvenile Detention Center where schooling and related services are provided to juvenile detainees.

"Fully vaccinated" means (1) a period of at least two weeks has elapsed since a person has completed the entire recommended series of a COVID-19 vaccine, and (2) the person has provided proof of vaccination in a form consistent with the requirements for verification of vaccine status as communicated by Deschutes County.

"Partially vaccinated" means (1) a person has received (i) one dose of a two dose recommended series of a COVID-19 vaccine or (ii) the complete recommended series of a COVID-19 vaccine but it has not been at least two weeks since the person has completed the entire recommended series, and (2) the person has provided proof of vaccination in a form consistent with the requirements for verification of vaccine status as communicated by Deschutes County.

"Proof of vaccination" means documentation that includes an individual's name, date of birth, type of COVID-19 vaccination given, date or dates given, depending on whether it is a one-dose or two-dose vaccine, and the name/location of the health care provider or site where the vaccine was administered. Documentation may include but is not limited to a COVID-19 vaccination record card or a copy or digital picture of the vaccination record card, or a print-out from the Oregon Health Authority's immunization registry.

"Operational Compliance Plan" is a written plan developed by the Community Justice - Juvenile Division required for school settings. The plan must identify the positions, temporary staffing, contractors, interns, and volunteers subject to this policy and state-mandated Covid-19 vaccination requirements; address continuity of operations while implementing this policy; and outline communication procedures for implementing this policy and addressing any changes to the plan.

## POLICY AND PROCEDURES

### **In General:**

This policy is issued as an emergency measure to comply with OAR 333-019-1010 and OAR 333-019-1030 based on the requirement that employers adopt such policies and based on the significant rise of COVID-19 cases and hospitalizations among the unvaccinated due to the Delta variant. County departments are responsible for ensuring that all personnel impacted by State-mandated vaccination requirements comply with this policy.

To protect County personnel and the community the County strongly encourages all personnel to be fully vaccinated. County personnel may obtain the COVID-19 vaccine at a County Health System vaccination site or through another location of their choosing. With prior supervisor notification, County employees may obtain the COVID-19 vaccination while on County time. Information on the COVID-19 vaccines and how to obtain vaccination is available on the [Deschutes County COVID-19 Vaccine webpage](#).

### **A. Vaccination Requirements**

- Health Services Department – all personnel are required to be vaccinated.
- Community Justice Department - Juvenile Division - all personnel are required to be vaccinated. The department must have an Operational Compliance Plan as required by OAR 333-019-1030 governing school settings.
- Facilities Department – all personnel are strongly encouraged to be vaccinated and provide this documentation to HR. The Facilities Department will develop an operational plan on how Facilities Department staff will perform work in healthcare and school settings to meet the requirements of this policy.
- IT Department – all personnel are strongly encouraged to be vaccinated and provide this documentation to HR. The IT Department will develop an operational plan on how IT Department staff will perform work in healthcare and school settings to meet the requirements of this policy.
- Other County Departments - staff are strongly encouraged to be vaccinated.

## **B. Controlling the Spread of Covid-19 in Healthcare and School Settings**

### Health Services Department Facilities:

- Any unvaccinated personnel entering a Health Department Facility must wear a K/N-95 mask.
- The IT and Facilities Departments will develop an operational plan to prioritize sending vaccinated personnel to work in a healthcare setting (for example, a Facilities Department staff responds to a work order in a Health Services Department facility).
- Personnel outside of the Health Services Department working in a healthcare setting are required to be vaccinated unless their work is intermittent (less than an hour); they are working outside of business hours; or the department performing the service (such as IT or Facilities) works with Health Services on a safety plan to mitigate risks. This may include personnel wearing a K/N-95 mask, physical distancing, pre-planning visits, eliminating/minimizing crossing paths with clients receiving health care, etc.

### Community Justice - Juvenile Division Facilities:

- Any unvaccinated personnel entering a Juvenile Division Facility must wear a K/N-95 mask.
- The Juvenile Division facility meets the definition of a healthcare and school setting.
- The IT and Facilities Departments will develop an operational plan to prioritize sending vaccinated personnel to work in the Juvenile Division facility (for example, IT staff responds to a work order to fix a computer).
- Personnel outside the Juvenile Division working in the Juvenile Division facility are required to be vaccinated unless their work is intermittent (less than an hour); they are working outside of business hours (this only applies to the second floor; it does not apply to the Juvenile Detention Center); or the department performing the work (such as IT or Facilities) works with the Juvenile Division on a safety plan to mitigate risks. The safety plan may include the personnel wearing a K/N-95 mask, physical distancing, pre-planning visits, eliminating/minimizing crossing paths with clients, etc.



## **C. Vaccination Deadlines**

By October 18, 2021, personnel subject to this policy and the State-imposed mandates concerning Covid-19 vaccinations must be fully vaccinated or have submitted a request for exemption to Human Resources pursuant to Section D below or are in process of becoming fully vaccinated as outlined in the "Implementation of the Vaccine Requirement" MOU with AFSCME.

If a person will not work for an extended period due to a leave of absence (such as for FMLA leave), they may contact their department head or designee to request a deferral of the vaccination requirements until they return to work. But they must be fully vaccinated or have submitted a request for exemption by the time they return to work.

Requests for exemption must be submitted pursuant to Section D, below. If a person's request for exemption is not approved, they must be partially or fully vaccinated within 14 days and fully vaccinated within 8 weeks of when they were notified that the request was not approved.

Personnel who are subject to, and who fail to comply with this policy are subject to release or discharge from employment. County Contractors who fail to comply with this vaccination or exemption requirement may be barred from healthcare or school settings and not allowed to perform services for the County. In addition, the County may, as appropriate, suspend or terminate the applicable County contract.

The HR Department shall create a process for staff to provide proof of vaccination status.

## **D. Limited Exemptions to Vaccination Requirement**

### **1. Limited Exemptions for County Personnel**

The County provides reasonable accommodation as required by applicable law for the known physical or mental impairments or sincerely held religious beliefs of otherwise qualified individuals unless doing so would impose an undue hardship. Personnel subject to this policy may request a

reasonable accommodation to the vaccination requirements imposed by this policy if they:

- a. Have a contraindication recognized by the [U.S. Centers for Disease Control and Prevention](#) (CDC) or by the vaccine's manufacturer to every approved COVID-19 vaccine. A contraindication means a condition that makes vaccination medically inadvisable;
- b. Have a disability and are requesting an exemption as a reasonable accommodation; or,
- c. Object to COVID-19 vaccination based on their sincerely-held religious belief, practice, or observance.

2. To seek a reasonable accommodation from the vaccination requirements in this policy, personnel subject to this policy should:

- a. Notify their supervisor of their request and obtain a copy of the appropriate request form from Human Resources, [Deschutes.org/hr](#). The available forms are:
  - I. [Medical Exemption and/or Disability Accommodation Request Form](#)
  - II. [Religious Accommodation Request Form](#)
- b. Complete and submit the applicable form(s) to the Deschutes County Human Resources Department at [Benefits@deschutes.org](mailto:Benefits@deschutes.org).

If an individual is granted an exception to the vaccination requirement under Section D of this policy, Deschutes County must take reasonable steps to ensure that unvaccinated individuals are protected from contracting and spreading COVID-19.

Human Resources, in coordination with the department in which the person requesting the exemption works or provides services, will work with the person to assess whether any reasonable accommodation would allow the person to fulfill the essential job functions, unless doing so would impose an undue hardship.

To identify a reasonable accommodation, Human Resources will work with impacted departments to identify a list of recommended or qualifying accommodations that do not adversely impact department operations. The HR Department will engage with the individual in an interactive process to attempt identify a reasonable accommodation as required under applicable law. If such an accommodation is granted, Human Resources will notify the requesting person and their supervisor of the approval and the associated expiration date. If a request for accommodation is denied, Human Resources will notify the person and their supervisor.

If the person is not satisfied with the decision/results of the accommodation request and interactive process, they can make a written appeal to the Deputy County Administrator within 10 business days of receiving the decision. The Deputy County Administrator shall issue a written response within 14 business days of receiving the appeal.

#### **E. Policy Communication**

Timely attention to ensure compliance with these requirements is essential to the County's efforts to control the spread of COVID-19 and to comply with public health recommendations. Employees, contractors, interns, and volunteers may direct any questions to their department head or designee(s). If a department has any questions or concerns about these requirements, it may contact Deputy County Administrator Erik Kropp.

Approved by the Board of County Commissioners [DATE].

---

Tom Anderson  
County Administrator



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** 9/29/2021

**SUBJECT:** Consideration of Second Reading: Ordinance No. 2021-012 – Marijuana Annual Reporting

**RECOMMENDED MOTION:**

Conduct second reading of Ordinance No. 2021-012, Marijuana Annual Reporting.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Board of County Commissioners will conduct a second reading of Ordinance No. 2021-012 on September 29, 2021. The Board held a public hearing on August 25 concerning Ordinance No. 2021-011, legislative amendments to 1) extend the permitted hours for marijuana retail businesses and 2) modify marijuana annual reporting requirements.

During deliberations, the Board chose to decouple the two components of Ordinance No. 2021-011. The amendments addressing the extension of marijuana retail hours were maintained in Ordinance No. 2021-011 (adopted on September 8). The other half of the original text amendment package concerning marijuana annual reporting was repackaged into a new ordinance (Ordinance No. 2021-012) for the Board's separate consideration. The new ordinance contained requested changes to the language to reflect the Board's desired annual reporting requirements once following OLCC licensure, as outlined in the attached proposal. On September 8, 2021, the Board voted to approve new Ordinance No. 2021-012 and conducted first reading.

**BUDGET IMPACTS:**

*None.*

**ATTENDANCE:**

Tanya Saltzman, Senior Planner, Community Development



## COMMUNITY DEVELOPMENT

**MEMORANDUM**

**TO:** Deschutes County Board of Commissioners

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

**DATE:** September 23, 2021

**SUBJECT:** Second Reading: Marijuana Annual Reporting Text Amendments (Ordinance No. 2021-012)

The Board of County Commissioners (Board) will conduct a second reading of Ordinance No. 2021-012 on September 29, 2021. The Board held a public hearing on August 25 concerning Ordinance No. 2021-011, legislative amendments to 1) extend the permitted hours for marijuana retail businesses and 2) modify marijuana annual reporting requirements.<sup>1</sup>

During deliberations, the Board chose to decouple the two components of Ordinance No. 2021-011. The amendments addressing the extension of marijuana retail hours were maintained in Ordinance No. 2021-011 (adopted on September 8). The other half of the original text amendment package concerning marijuana annual reporting was repackaged into a new ordinance (Ordinance No. 2021-012) for the Board's separate consideration. The new ordinance contained requested changes to the language to reflect the Board's desired annual reporting requirements once following OLCC licensure, as outlined in the proposal below. On September 8, 2021, the Board voted to approve new Ordinance No. 2021-012 and conducted first reading.

Desired outcome: Conduct second reading of Ordinance No. 2021-012, Marijuana Annual Reporting.

## **I. BACKGROUND**

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on June 9, 2021. Staff initially brought these issues to the Planning Commission for a preliminary discussion on May 13,<sup>2</sup> and had a subsequent discussion with the Board of County Commissioners on May 24,<sup>3</sup> at which time the Board directed staff to initiate

<sup>1</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-4>

<sup>2</sup> [https://deschutescountyor.iqm2.com/Citizens/Detail\\_Meeting.aspx?ID=2770](https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2770)

<sup>3</sup> [https://deschutescountyor.iqm2.com/Citizens/Detail\\_Meeting.aspx?ID=2701](https://deschutescountyor.iqm2.com/Citizens/Detail_Meeting.aspx?ID=2701)

the text amendment process. Staff held a public hearing before the Planning Commission on July 22, 2021, at which time the Planning Commission recommended approval of the amendments addressing annual reporting, with requested clarifications to the language. A summary of the proposed amendments and background information was provided to the Board in the packet submitted for its August 18, 2021 work session.<sup>4</sup>

## II. PROPOSAL

The proposed text amendments are as follows:

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

### Attachments:

1. Ordinance No. 2021-012
2. Corresponding Exhibits to Ordinance No. 2021-012:
  - Exhibit A – DCC Chapter 18.116, Supplementary Provisions
  - Exhibit B – Findings

<sup>4</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-40>

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

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

\*  
\*  
\*  
\*  
\*

ORDINANCE NO. 2021-012

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

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

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

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

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

///

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

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2021

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
ANTHONY DEBONE, Chair

\_\_\_\_\_  
PHILIP CHANG, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PATTI ADAIR

Date of 1<sup>st</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Date of 2<sup>nd</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Record of Adoption Vote:

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

Effective date: \_\_\_\_\_ day of \_\_\_\_\_, 2021.



## Chapter 18.116. SUPPLEMENTARY PROVISIONS

### 18.116.330 Marijuana Production, Processing, Retailing, and Wholesaling

\* \* \*

#### D. Annual Reporting

1. An annual report is required unless the approved applicant has (a) secured a license from the OLCC; (b) operated through at least one growing season; and (c) obtained a passing inspection from the Community Development Department. Thereafter, mandated annual reporting is not applicable unless the license is modified, in which case annual reporting is required until (a), (b), and (c) are once again satisfied. An annual report shall be submitted to the Community Development Department by the real property owner or licensee, if different, each February 1, documenting all of the following as of December 31 of the previous year, including the applicable fee as adopted in the current County Fee Schedule and a fully executed Consent to Inspect Premises form:
  - a. Documentation demonstrating compliance with the:
    - i. Land use decision and permits.
    - ii. Fire, health, safety, waste water, and building codes and laws.
    - iii. State of Oregon licensing requirements.
  - b. Failure to timely submit the annual report, fee, and Consent to Inspect Premises form or to demonstrate compliance with DCC 18.116. 330(C)(1)(a) shall serve as acknowledgement by the real property owner and licensee that the otherwise allowed use is not in compliance with Deschutes County Code; authorizes permit revocation under DCC Title 22, and may be relied upon by the State of Oregon to deny new or license renewal(s) for the subject use.
  - c. Other information as may be reasonably required by the Planning Director to ensure compliance with Deschutes County Code, applicable State regulations, and to protect the public health, safety, and welfare.
  - d. Marijuana Control Plan to be established and maintained by the Community Development Department.
  - e. Conditions of Approval Agreement to be established and maintained by the Community Development Department.
  - f. This information shall be public record subject to ORS 192.502(17).

(Ord. 2021-012 §1, 2021; Ord. 2021-004 §7, 2021; Ord. 2020-007 §16, 2020; Ord. 2019-012, 2019; Ord. 2018-012 §3, 2018; Ord. 2016-015 §10, 2016)

## FINDINGS

### I. PROPOSAL

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

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

### II. REVIEW CRITERIA

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

#### A. Statewide Planning Goals and Guidelines

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

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

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

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

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

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

Goal 7: Areas Subject to Natural Disasters and Hazards: The proposed text amendments do not propose to change the County's Plan or implementing regulations regarding natural disasters and hazards; therefore, they are in compliance.

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

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

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

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

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

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

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

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

#### **D. Deschutes County Comprehensive Plan**

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

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

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

Section 2.2, Agricultural Lands Policies, states that Goal 1 is to "preserve and maintain agricultural lands and the agricultural industry." Changing annual reporting requirements for existing marijuana production and processing businesses will not have a direct effect on the agricultural lands they may operate on.

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

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



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** 9/29/2021

**SUBJECT:** Senate Bill 391 / Rural Accessory Dwelling Units

**BACKGROUND AND POLICY IMPLICATIONS:**

The purpose of this work session is to begin to address the first batch of decisions/interpretations pertaining to SB 391, as outlined to the Board of County Commissioners previously on September 1, in order to begin creating legislative amendments to allow accessory dwelling units in rural residential exception areas.

**BUDGET IMPACTS:**

*None*

**ATTENDANCE:**

Peter Gutowsky, Planning Manager  
Tanya Saltzman, Senior Planner



## COMMUNITY DEVELOPMENT

## MEMORANDUM

**TO:** Deschutes County Board of Commissioners

**FROM:** Peter Gutowsky, AICP, Planning Manager  
Tanya Saltzman, AICP, Senior Planner

**DATE:** September 23, 2021

**SUBJECT:** Senate Bill 391 / Rural Accessory Dwelling Units

The purpose of this work session is to begin to address the first batch of decisions/interpretations pertaining to SB 391, as outlined to the Board of County Commissioners (Board) previously on September 1,<sup>1</sup> in order to begin creating legislative amendments to allow accessory dwelling units in rural residential exception areas. As noted in previous meetings, although implementation ultimately cannot take place until the adoption of statewide wildfire hazard maps in June 2022, there are numerous other provisions of the law that must be addressed at the County level, each with varying degrees of complexity.

The first set of proposed decisions/interpretations are listed below, and are interpretations that staff believes can be made directly by the Board.

Desired outcomes:

The Board may choose to make decisions on some or all of these criteria during this meeting, or they may choose to request additional information or continue the discussion to a later date.

Staff reiterates that decisions made during this process are not necessarily the final iteration of the eventual code amendments, but rather a starting point to allow staff to develop appropriate legislative amendments for the subsequent public process.

**A. Criteria that can be determined directly by the Board**

Topic	Description	Decision Point/Action
<b>1. ADU Square Footage</b>	ADUs cannot include more than 900 square feet of "useable floor area."	Define "useable floor area"

The definition of "useable floor area" is not provided in SB 391. Staff researched similar definitions from other jurisdictions, which largely were more complex, including provisions for stairs, lavatories, etc. The

<sup>1</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-11>

County Building Safety Division also examined these other examples and determined that a simpler definition would be preferred and would more closely echo what is currently used in the division without issue. This resulted in two options:

1. Useable Floor Area: The area included within the surrounding insulated exterior walls.
2. Useable Floor Area: The area included within the surrounding insulated exterior walls, exclusive of garages, carports, decks and porch covers.

It is important to note that SB 391 allows additional restrictions to be placed on garages and other outbuildings related to the ADU. The question of if/how to regulate garages can be discussed at a later date, but it is important to be aware of this option when determining the definition of “useable floor area.” **Staff suggests beginning with the second option, and modifying as needed should a subsequent discussion concerning garages require it.**

Topic	Description	Decision Point/Action
<b>2. ADU Distance Requirements</b>	The ADU is required to be located no farther than 100 feet from the existing single-family dwelling.	Determine whether the ADU in its entirety must be within 100 feet of the existing single-family dwelling or just a portion.

**Staff is not aware of any documentation of legislative intent regarding if the ADU must be fully within a 100-foot distance, or only a portion, and thus leaves this interpretation to the Board.** Obviously, requiring the ADU to be fully within 100 feet of the primary dwelling is more restrictive and presents fewer siting options, particularly when considering other elements such as driveways, wells, and other features, but condensing the development area may have advantages with respect to compatibility.

Topic	Description	Decision Point/Action
<b>3. ADU Occupancy</b>	ADUs cannot be allowed for vacation occupancy	Determine how to enforce (i.e. restrictive covenant or other?)

Deschutes County does not currently regulate short-term rentals, so this provision will entail creating a new process. SB 391 states that the ADU cannot be used for vacation occupancy; it does not specify any restrictions on the single-family dwelling or how to enforce or record the prohibition.<sup>2</sup>

#### **The Board may choose to:**

- Require a restrictive covenant to be recorded on the property stating that the ADU shall not be used for short-term rentals.

<sup>2</sup> The Deschutes County Planning Commission on September 9, 2021 as staff debriefed them on SB 391, respectfully asked the Board to consider whether it was appropriate to also prohibit the primary dwelling for short-term rentals given Central Oregon’s housing challenges.

- Require a restrictive covenant to be recorded that also requires the primary dwelling shall not be used for short-term rentals.
- Enforcement: the assumption is that short-term rental enforcement would be governed by the same complaint-based process as all other land uses in the County.

Topic	Description	Decision Point/Action
<b>4. ADU Water Supply</b>	A county may require that an ADU be served by the same water supply source or water supply system as the existing single-family dwelling, provided such is allowed by an existing water right or a use under ORS 537.545 (exempt uses).	Determine if the county should require the ADU to be served by the same water supply

**Staff has reached out to Oregon Water Resources Department on this matter and awaits guidance.**

Topic	Description	Decision Point/Action
<b>5. ADU Setback Requirements</b>	The ADU is required to have adequate setbacks from adjacent lands zoned Exclusive Farm Use (EFU) or Forest Use.	Define “adequate setbacks”

**Staff recommends “adequate setbacks” from resource lands be defined as 100 feet.** This distance is used elsewhere in Deschutes County Code for similar siting standards, such as in the MUA-10 zone for the required distance between a dwelling and lots or parcels receiving special assessment for farm use.

Topic	Description	Decision Point/Action
<b>6. Decision Type</b>	While not part of the text of SB 391, the county may decide to process rural ADU applications ministerially or as a limited land use decision. This will have an effect on the requirements set forth in the code.	Decide preferred procedure for processing applications

The type of decision will determine the language in the code governing requirements on more complex issues.

1. Ministerial Decision. This type of decision entails that the amendments are structured with clear and objective standards for ADU applications, require no discretion from staff, and as such would not be subject to public notice or public hearings requirements.



2. Limited Land Use Decision. Limited land use decisions can, if desired, be structured so notice of application is sent to neighboring property owners. Regardless, these types of decisions require a mailed notice of decision to neighbors and those who have standing by commenting on an application. The land use decision can be appealed to a Hearings Officer and/or the Board.

One provision of SB 391 can help illustrate the comparison between a ministerial decision and a limited land use decision:

- ADU / Access & Evacuation Requirements. SB 391 requires that each ADU have adequate access for firefighting equipment, safe evacuation and staged evacuation areas. Legislative amendments structured for a ministerial decision will require clearly and objectively defining these terms. Based on those definitions, an applicant could then submit the requisite documentation as part of a complete application.

Alternatively, for a limited land use decision, amendments can require that an applicant demonstrate subject to discretionary criteria that adequate access, safe evacuation and staged evacuation areas are provided. Fulfilling this obligation would then be a condition of land use approval prior to issuing a building permit.

**The Board may want to consider deferring this decision until they begin to address the criteria that would likely be directly affected by the decision type—for instance, the access and evacuation requirements.**

Topic	Description	Decision Point/Action
<b>7. Wildlife Area Combining Zone Compatibility</b>	The introduction of rural ADUs in certain areas could require analysis relating to Goal 5 wildlife resources.	Decide if rural ADUs should be allowed in Wildlife Area Combining Zones

While not specifically addressed in SB 391, the Board may want to consider compatibility of rural ADUs with the Wildlife Area (WA) Combining Zone and **decide if ADUs should or should not be allowed to be built in the WA zone**. Under a separate process, the Board is considering if it will choose to update some of its existing wildlife inventories.

## B. Next Steps

Staff seeks direction from the Board for its desired approach to the elements of the law as described above. Staff will return to the Board with follow up information on the above elements if necessary, or with a new batch of criteria at a later date.



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** 9/29/2021

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

**BACKGROUND AND POLICY IMPLICATIONS:**

Staff is providing the Board of County Commissioners with a “roadmap” of potential options pertaining to a wildlife inventory update. On August 30, 2021, the Board received a summary of the public outreach effort for the first phase of the wildlife inventory update project, which was funded by a Department of Land Conservation and Development (DLCD) Technical Assistance Grant. A subsequent phase could potentially take several different forms, which are outlined in the attached memorandum for Board consideration.

**BUDGET IMPACTS:**

*None*

**ATTENDANCE:**

Tanya Saltzman, Senior Planner, Community Development



## COMMUNITY DEVELOPMENT

### MEMORANDUM

**TO:** Deschutes County Board of Commissioners

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

**DATE:** September 23, 2021

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

Staff is providing the Board of County Commissioners (Board) with a “roadmap” of potential options pertaining to a wildlife inventory update. On August 30, 2021, the Board received a summary of the public outreach effort for the first phase of the wildlife inventory update project, which was funded by a Department of Land Conservation and Development (DLCD) Technical Assistance Grant.<sup>1</sup> A subsequent phase could potentially take several different forms, which are outlined in this memorandum for Board consideration.

#### Desired outcomes:

1. Select Option 1, 2, or 3 (see Section III below) for wildlife inventory next steps.
2. Determine potential use restrictions (see Section IV below).

Staff recognizes that this memorandum presents a large amount of information; if the Board chooses, staff can return in October to allow the Board ample time to review the options more thoroughly.

#### **I. Wildlife Inventory Update – Overview**

The majority of the County’s Goal 5 wildlife inventories were last updated in the early 1990s and no longer reflect the best available data for wildlife habitat. As Deschutes County’s population grows and with it, development pressure increases, it is important for these inventories to be based on the best available data for avoidance and minimization to wildlife and their habitats, recognizing that wildlife protection and rural development expectations do not have to be mutually exclusive.

For the initial phase of the project, the County engaged the public to present updated state and federal biological data and then gauge general interest in updating three inventories into the Comprehensive Plan that were selected by a team of wildlife biologists with experience in the

<sup>1</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-12>

County: mule deer winter range, elk winter range, and sensitive birds (golden and bald eagles). The process of updating wildlife inventories are governed by Oregon Administrative Rules (OARs) Chapter 660, Division 23.

## **II. Proposed Inventory Data Summary**

Below is a brief summary of each proposed inventory,<sup>2</sup> including a breakdown of federal versus non-federal lands, which illustrates land that the County has jurisdiction over, as well as a breakdown of land by zone. Selected illustrative maps are presented as appendices.

### **A. Mule Deer Winter Range**

- Existing mule deer winter range covers approximately 315,947 acres
- Proposed additional area covers 188,132 acres, resulting in a potential total of 503,979 acres
- Oregon Department of Fish and Wildlife (ODFW) is very concerned because the Central Oregon population is declining at a rate of 10 percent a year
- Mule deer populations are at 55 percent of their management objective

Additional proposed area covers 188,132 acres:

- 113,262 acres (61%) are on federal land
- 74,870 acres (39%) are on non-federal land

#### Non-federal Land

- 54,474 acres (3,619 tax lots) zoned Exclusive Farm Use
- 915 acres (12 tax lots) zoned Forest Use
- 9,358 acres (1,635 tax lots) zoned Rural Residential
- 7,597 acres (1,529 tax lots) zoned Multiple Use Agriculture

### **B. Elk Winter Range**

- Existing elk winter range covers approximately 51,717 acres
- Proposed additional area covers 359,493 acres, resulting in a potential total of 411,190 acres
- According to ODFW, elk populations in Central Oregon have grown slightly the last 10 to 20 years.

Additional proposed area covers 359,493 acres:

- 225,171 acres (63%) are on federal land
- 134,322 acres (37%) are on non-federal land

#### Non-federal Land

- 59,793 acres (3,801 tax lots) zoned Exclusive Farm Use

<sup>2</sup> <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3073>

- 31,164 acres (1,128 tax lots) zoned Forest Use
- 29,976 acres (13,365 tax lots) zoned Rural Residential
- 7,554 acres (1,540 of tax lots) zoned Multiple Use Agriculture

### C. Sensitive Bird Habitat (Golden and Bald Eagles)

- Existing inventory of consists of 5 bald eagle nests and 25 golden eagle nests
- Proposed inventory totals 116 bald eagle nest and 103 golden eagle nest locations
- According to U.S. Fish and Wildlife Service, the increased numbers of nests “do not necessarily correspond to increased eagle success or upward population trends.”
- Survey methods and survey efforts have greatly increased over the past several decades, resulting in several alternative nest sites per territory
- Recommended “awareness” buffer for golden eagle nests is now 2 miles (previously ¼ mile); it is important to note that this represents a different way of illustrating inventory area than that of mule deer and elk, which are not based on individual data points

Additional proposed area covers 344,777 acres:

- 213,296 acres (62%) are on federal land
- 131,481 acres (38%) are on non-federal land

#### Non-federal Land

- 83,575 acres (4,649 tax lots) zoned Exclusive Farm Use
- 4,368 acres (161 tax lots) zoned Forest Use
- 10,435 acres (1,969 tax lots) zoned Rural Residential
- 13,325 acres (3,385 tax lots) zoned Multiple Use Agriculture

### D. Composite of Total Acreage

The following data combines all three existing and proposed inventories together, first separated by federal versus non-federal land, and then within the non-federal land, the associated zones. Note that areas of the three inventories frequently overlap, so the composite is not necessarily the same as the sum of each of the three individual inventories.

- 630,926 acres (70%) are on federal land
- 267,603 acres (30%) are on non-federal land

#### Non-federal Land

- 119,796 acres (5,494 tax lots) zoned Exclusive Farm Use
- 56,647 acres (1,264 tax lots) zoned Forest Use
- 34,494 acres (14,518 tax lots) zoned Rural Residential
- 16,264 acres (3,806 tax lots) zoned Multiple Use Agriculture

Conversely, the below numbers indicate the amount of land in unincorporated Deschutes County (non-federal land) that does **not** contain Goal 5 wildlife inventories and as such has no additional wildlife-related development criteria, either presently or with adoption of proposed new inventories.

95,737 acres (10,318 tax lots) on non-federal land do not contain Goal 5 wildlife inventories:

- 65,314 acres (2,241 tax lots) zoned Exclusive Farm Use
- 7,193 acres (54 tax lots) zoned Forest Use
- 8,174 acres (3,334 tax lots) zoned Rural Residential
- 9,956 acres (2,406 tax lots) zoned Multiple Use Agriculture

As noted above, the methodology for calculating sensitive bird inventory area varies compared to the other two inventories; the methodology for the new sensitive bird inventories includes a two-mile buffer, which may not reflect actual future development constraints.

### **III. Wildlife Inventory Roadmap - Options**

As stated previously, the process for updating a Goal 5 wildlife inventory is prescribed by 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>3</sup> By choosing to undertake a Goal 5 wildlife inventory update, Deschutes County will be moving forward with a rarely-utilized and admittedly, 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.

Given the newness of the process cited above as well as further details noted below, staff offers three options to move forward, with further details and discussion on each option below:

#### **Option 1**

*Select one of the three inventories to update the Comprehensive Plan and Zoning Code as a pilot project as a model for future inventory updates following the completion of the Comprehensive Plan Update.*

#### **Option 2**

*Select two of the three inventories to update as a pilot project.*

#### **Option 3**

*Initiate the wildlife inventory updates following the completion of the Comprehensive Plan Update.*

#### **A. Option 1: Select one of the three inventories to update now**

Due to the complexity and relative novelty of the process, the potential interaction with other high-priority planning efforts (such as implementation of SB 391 for rural accessory dwelling units), and a desire to establish and vet a process both with the state and with the public, the Board could

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<sup>3</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).

direct staff to begin an update of one of the three inventories. This would enable staff to proceed in a manner that perfects the process as much as possible before embarking on other updates, which in turn would be likely to be more efficient after the first effort is successfully completed.

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.

#### Associated Tasks

- Amend Deschutes County Comprehensive Plan and Zoning Code to update the mule deer winter range
- Conduct 2 to 3 open houses (virtual) with the Planning Commission
- Initiate 4- to 6-month legislative amendment process

#### **B. Option 2: Select two of the three inventories to update now**

Elk winter range data, while not quite to the same level of detail as mule deer, are extensive and represent another highly visible population within Deschutes County. Staff has the capacity to perform this task and presumes that the process for updating the elk winter range would be similar to that of the mule deer; nevertheless, updating these two inventories would extend the timeline necessary to complete an update.

It is important to note that staff anticipates the process for updating sensitive bird inventories would be significantly more complex than that of the ungulates, due to the number of individual nesting sites that need to be evaluated (over 200 in total). For this reason, staff offers for Board consideration that the sensitive bird inventory update be reserved until a process is vetted and deemed successful by the completion of a "simpler" inventory update.

#### Associated Tasks

- Amend Deschutes County Comprehensive Plan and Zoning Code to update the mule deer and elk winter ranges
- Conduct 4 to 6 open houses (virtual) with the Planning Commission
- Initiate 6- to 8-month legislative amendment process

#### **C. Option 3: Initiate the wildlife inventories following the completion of the Comprehensive Plan Update, expected in FY 2024/2025**

Deferring the inventory updates until after the Comprehensive Plan update is complete would potentially allow the Board to more fully analyze land development patterns, opportunities and constraints prior to the inventory updates. The Comprehensive Plan update would likely address general goals and policies pertaining to wildlife resources, but the specific inventory update process would take place after those goals and policies are adopted, likely in FY 2024/2025.

#### IV. Considerations for all options – use restrictions

One aspect of a wildlife inventory update of any scale would involve determining what uses, if any, might be conflicting and considered as a prohibited use in the proposed new areas. It is important to underscore that just because a use is “conflicting” does not require it to be prohibited in a wildlife inventory. Local governments get to choose, consistent with OAR Chapter 660 Division 23. The current Wildlife Area (WA) Combining Zone does not permit the following uses in those portions designated as deer winter ranges, significant elk habitat, and antelope range:<sup>4</sup>

##### Existing Prohibited Land uses in Deer and Elk Winter Ranges

1. Golf course, not included in a destination resort;
2. Commercial dog kennel;
3. Public or private school;
4. Bed and breakfast inn;
5. Dude ranch;
6. Playground, recreation facility or community center owned and operated by a government agency or a nonprofit community organization;
7. Timeshare unit;
8. Veterinary clinic;
9. Fishing lodge.

In 2009, the Oregon Department and Fish and Wildlife (ODFW), U.S. Fish and Wildlife Service, Bureau of Land Management, and the U.S. Forest Service, collaborated to provide a report on wildlife in Deschutes County titled, “Updated Wildlife Information and Recommendations for the Deschutes County Comprehensive Plan Update” (Interagency Report). It provided updated information to be used in revising County Goal 5 wildlife inventories. Staff coordinated with ODFW and they reconfirmed that those uses listed in the Interagency Report be prohibited in mule deer and elk winter ranges because of their high human use and disturbance levels:

##### ODFW Proposed Land Uses to be Prohibited in Deer and Elk Winter Ranges

- Guest ranch
- Outdoor commercial events (i.e. wedding venues)
- Off-Highway Motor Vehicle (OHV) course
- Paintball course
- Shooting range
- Model airplane park
- BMX courses (ODFW notes that this category could potentially include other types of bikes, i.e. mountain bike courses)

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The following additional uses, not cited in the Interagency Report, are subsequent recommendations from ODFW to preclude in deer and elk winter ranges:

- Solar farms
- Commercial camping areas
- RV park areas
- Wind farm development

#### **A. Consideration of Conflicting Uses**

For any chosen inventory update process, the Board should consider if it would like to:

1. Carry over existing WA Combining Zone prohibited uses to the new proposed mule deer and/or elk winter ranges;
2. Prohibit any or all of ODFW's recommended prohibited uses in the new proposed mule deer and/or elk inventory area(s);
3. Add any or all of ODFW's recommended prohibited uses to the existing WA Combining Zone related to mule deer and/or elk winter ranges.

Board recommendations on the above items can serve as a starting point for legislative amendments and any use prohibitions can ultimately be revisited during the legislative public hearing process. Staff will prepare findings for the subsequent legislative amendments to support the Board's chosen strategy.

#### **V. Residential Uses**

Recognizing the Board's commitment to housing needs in the unincorporated County, residential uses in rural Deschutes County would not change and continue to be permitted outright or conditionally, including:

- Single family dwelling or manufactured home
- Medical hardship dwelling
- Guest house
- Land division (clustered / planned unit development)
- Rural accessory dwelling unit (ADUs) per SB 391 (in progress)
- Destination resort

If the Board wanted to limit residential uses, it is important to recognize Measure 49 (ORS 195.300-336), which states "If a public entity enacts one or more land use regulations that restrict the residential use of private real property...and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation."

## **VI. Next Steps**

Staff seeks Board direction, either now or at a subsequent meeting, about its preferred option concerning a wildlife inventory update. As noted at the beginning of this memo, the Board can:

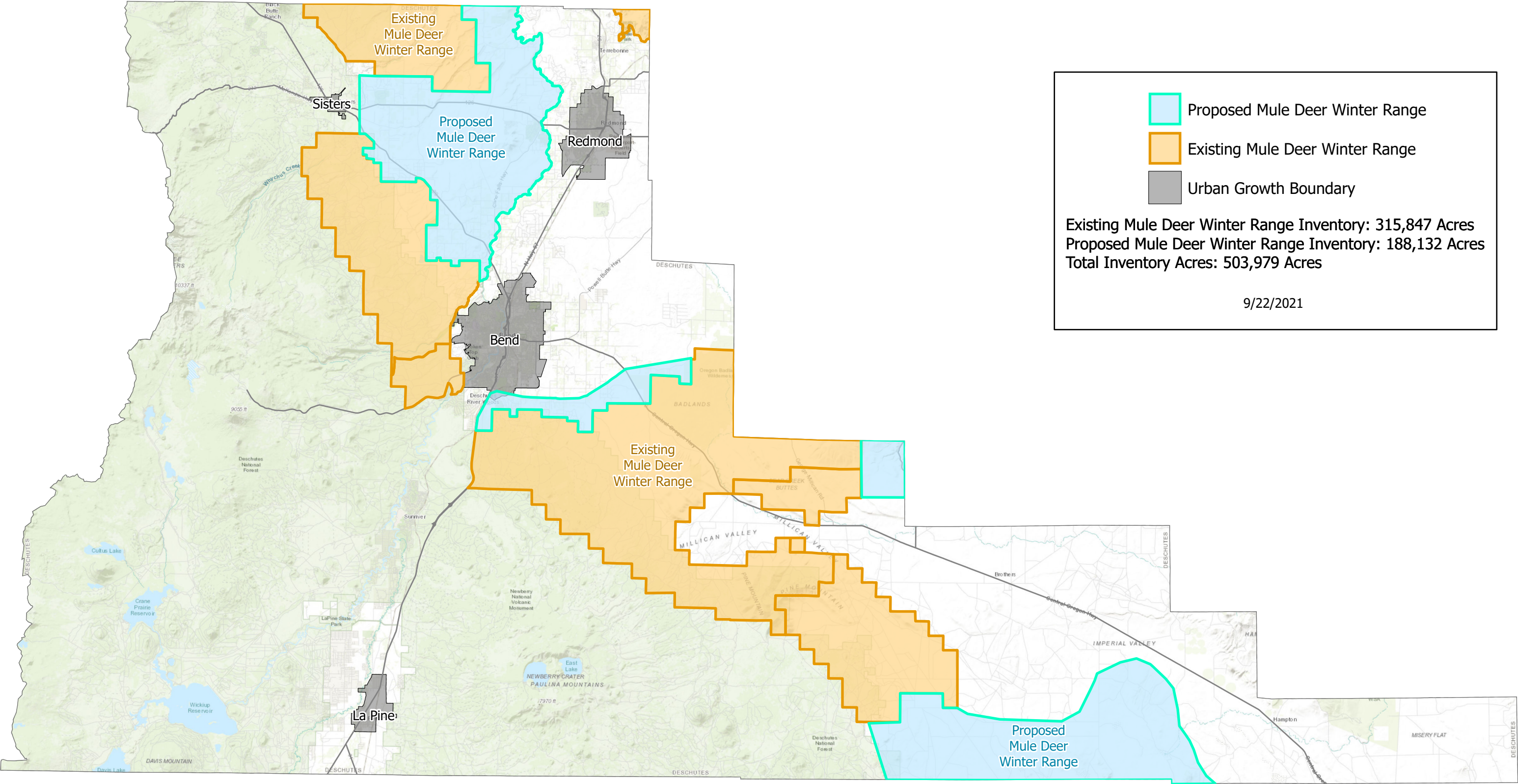
1. Select Option 1, 2, or 3 for wildlife inventory next steps.
2. Determine potential use restrictions.

### Attachments:

1. Mule Deer Winter Range Map - Existing and Proposed
2. Elk Winter Range Map - Existing and Proposed
3. Non-federal County Land Outside of Wildlife Inventory



# Mule Deer Winter Range: Existing and Proposed Inventories



- Proposed Mule Deer Winter Range
- Existing Mule Deer Winter Range
- Urban Growth Boundary

Existing Mule Deer Winter Range Inventory: 315,847 Acres  
Proposed Mule Deer Winter Range Inventory: 188,132 Acres  
Total Inventory Acres: 503,979 Acres

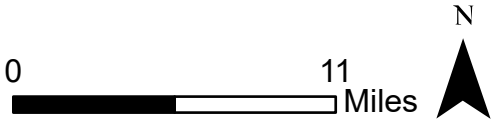
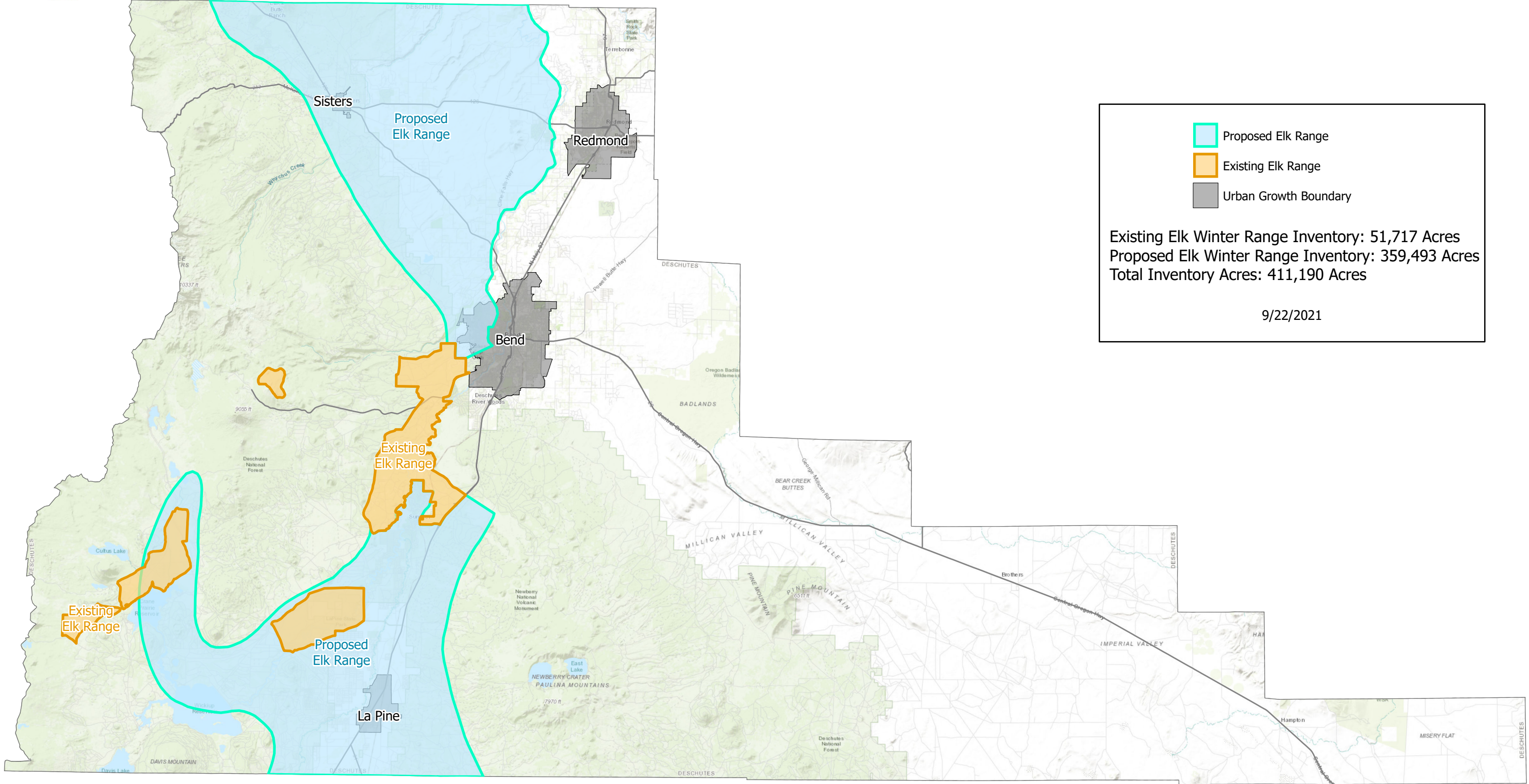
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# Elk Winter Range: Existing and Proposed Inventories







# Nonfederal County Land Not in Existing or Proposed Inventory Areas

