



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, MAY 31, 2023

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

(541) 388-6570 | www.deschutes.org

AGENDA

MEETING FORMAT: In accordance with Oregon state law, this meeting is open to the public and can be accessed and attended in person or remotely, with the exception of any executive session.

Members of the public may view the meeting in real time via YouTube using this link: <http://bit.ly/3mmlnzy>. To view the meeting via Zoom, see below.

Citizen Input: The public may comment on any topic that is not on the current agenda. Alternatively, comments may be submitted on any topic at any time by emailing citizeninput@deschutes.org or leaving a voice message at 541-385-1734.

When in-person comment from the public is allowed at the meeting, public comment will also be allowed via computer, phone or other virtual means.

Zoom Meeting Information: This meeting may be accessed via Zoom using a phone or computer.

- To join the meeting from a computer, copy and paste this link: bit.ly/3h3oqD.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press *6 to indicate you would like to speak and *9 to unmute yourself when you are called on.



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, call (541) 388-6572 or email brenda.fritsvold@deschutes.org.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CITIZEN INPUT: Citizen Input may be provided as comment on any topic that is not on the agenda.

***Note:** In addition to the option of providing in-person comments at the meeting, citizen input comments may be emailed to citizeninput@deschutes.org or you may leave a brief voicemail at 541.385.1734.*

CONSENT AGENDA

1. Consideration of Board Signature on letters of thanks to Dan Ellingson and Kelly Madden for service on the Deschutes County Historic Landmarks Commission
2. Approval of minutes of the May 12 and May 19, 2023 BOCC Legislative Update meetings
3. Approval of minutes of the April 24, April 26, May 1 and May 10, 2023 BOCC meetings

ACTION ITEMS

4. **9:10 AM** Presentation of 25-year service awards to Darrell Loveland and Brian Hayward
5. **9:20 AM** Community Development Department Draft Fiscal Year 2023-24 Work Plan and 2022 Annual Report / Public Hearing
6. **10:05 AM** Public Hearing: Griffin/Renfro Plan Amendment and Zone Change for approximately 40 acres south of Bear Creek Road and east of Hamby Road
7. **10:50 AM** Deliberations: 4Peaks 2024 Outdoor Mass Gathering Permit
8. **11:30 AM** Notice of Intent to Award a contract for the Slurry Seal 2023 Project
9. **11:40 AM** Acceptance of Trauma Informed Response Training Grant

LUNCH RECESS

ACTION ITEMS—continued

HYPERLINK "[appIS10dfef663f42452cbeeb84b4647275aa](#)" **10. 1:00 PM** Finance
Report for April 2023

11. **1:20 PM** Select eligible grantee for the 2023-25 Oregon Community Dispute Resolution Grant Program
- [12.](#) **1:25 PM** FY23 Q3 Service Partner Work Plan Updates

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.

13. Executive Session under ORS 192.660 (2) (d) Labor Negotiations

ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 31, 2023

SUBJECT: Community Development Department Draft Fiscal Year 2023-24 Work Plan and 2022 Annual Report / Public Hearing

RECOMMENDED ACTION:

Hold a public hearing to take comment on the draft Work Plan.

No Board action is sought at this time; the Work Plan can be brought back in June for consideration of Board approval.

BACKGROUND AND POLICY IMPLICATIONS:

Each spring, CDD prepares an annual work plan describing proposed projects for the coming fiscal year. A review of the draft work plan provides the Planning Commission, Historic Landmarks Commission, County Administration, customers, partner agencies, and the Board an opportunity to provide input, including additions, modifications and possible re-prioritization. The work plan describes the most important projects in each CDD division based on:

- 1. Board annual goals and policies;
2. Carry-over projects from current or prior years;
3. Changes in state law;
4. Grants/funding sources; and
5. Public comments.

It also serves as the context within which new projects that arise during the course of the year are prioritized and initiated.

BUDGET IMPACTS:

None.

ATTENDANCE:

Peter Gutowsky, CDD Director
Will Groves, Planning Manager



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Peter Gutowsky, AICP, Director
CDD Management Team
DATE: May 24, 2023
SUBJECT: Community Development Department Draft Fiscal Year (FY) 2023-24 Work Plan and 2022 Annual Report / Public Hearing

I. SUMMARY

The purpose of this Board of County Commissioners (Board) public hearing is to accept public comments for consideration in the adoption of Community Development Department’s (CDD) FY 2023-24 Work Plan (Attachment).

II. BACKGROUND

Each spring, CDD prepares an annual work plan describing proposed projects for the coming fiscal year. A review of the draft work plan provides the Planning Commission, Historic Landmarks Commission, County Administration, customers, partner agencies, and the Board an opportunity to provide input, including additions, modifications and possible re-prioritization.1 The work plan describes the most important projects in each division based on:

- 1. Board annual goals and policies;
2. Carry-over projects from current or prior years;
3. Changes in state law;
4. Grants/funding sources; and
5. Public comments.

It also serves as the context within which new projects that arise during the course of the year are prioritized and initiated. The work plan includes the following highlights:

- Sustaining high customer service levels while adjusting to staff retention and recruitment challenges.
• Providing construction plan reviews, consultation and inspection services throughout the rural county and the cities of La Pine and Sisters.
• Investigating code violation complaints to ensure compliance with land use, onsite wastewater disposal, building and solid waste codes.

1 The Board conducted a work session on the Draft CDD FY 2023-24 Work Plan on May 15.

- Regulating on-site wastewater treatment systems (septic) to assure compliance with state rules, and monitors environmental factors for public health and resource protection.
- Addressing housing opportunities through collaboration with cities, our county’s property manager, and exploring rural housing strategies as allowed by State law.
- Amending the Comprehensive Plan and Zoning Code to implement SB 391, Rural Accessory Dwelling Unit legislation.
- Amending the Deschutes County Comprehensive Plan to incorporate new existing conditions, goals, and policies.
- Coordinating with Bend, Redmond, Sisters and La Pine on growth management projects, including comprehensive plan updates and urban growth boundary amendments.
- Updating the County Transportation System Plan in coordination with the Road Department.

III. PUBLIC COMMENTS & PLANNING COMMISSION RECOMMENDATIONS

The Planning Commission conducted a public hearing on the Draft FY 2023-24 Planning Division Work Plan on March 30 and received several public comments.²

Staff presented three tables (below) to facilitate the Planning Commission’s deliberation. After thoughtful consideration, the Planning Commission on May 11 felt it was important to endorse all of the projects listed in Tables 1 and 2 without weighing one over another. They considered all of them noteworthy for the community. As resources become available, Planning Commissioners recommended developing work programs that address:

- | | | |
|------------------------|----------------------|---|
| ○ Community engagement | ○ Short term rentals | ○ Wildlife inventories (golden and bald eagles) |
| ○ Dark skies | ○ Water resources | |

Individual commissioners expressed an interested in revisiting existing wildlife inventories to scale back or eliminate regulations all together as well as a hesitancy of permitting rural accessory dwelling units in areas prone to wildfire.

Table 1 captures priority discretionary and nondiscretionary projects that are supported by the Board and Planning Commission; grant funded; or in process. These projects in their totality are “significant,” requiring staffing resources that span 6 to 12 months or longer.

² Testimony included the following: 1) a Deschutes County resident stressed the importance of incentives as it pertains to existing wildlife inventories; 2) a local organization supported the mule deer winter range update and updating elk habitat and eagle nesting inventories, among other items; 3) a Deschutes County resident emphasized inclusion and biodiversity; 4) a local organization asked for monthly participation in community conversations in South County for a strategic plan; 5) a Deschutes County resident questioned the validity of the mule deer inventory, ODFW’s science, and the role of public lands while emphasizing the importance of property rights; and 6) a local organization supported fire hardening for all structures regardless of wildfire risk and limiting development in fire prone areas.

Table 1 – Priority Discretionary and Non-discretionary Projects

Priority Projects	
<ol style="list-style-type: none"> 1. Current Planning ³ 2. Comprehensive Plan 2040 Update <ul style="list-style-type: none"> • Engage Newberry Country and Terrebonne residents to determine if area and/or community plans require updates. 3. Tumalo Community Plan Update 	<ol style="list-style-type: none"> 4. Transportation System Plan (TSP) Update 5. SB 391, Rural Accessory Dwelling Units 6. New Mule Deer Wildlife Inventory 7. SB 762, Wildfire Mitigation 8. Historic Preservation (CLG Grant)

Table 2 identifies ongoing Planning Division operational responsibilities, regional coordination duties, and code maintenance tasks. These projects in their totality range from “minor” to “moderate,” requiring staffing resources that span 4 to 8 months to complete.

Table 2 – Operational Responsibilities, Coordination Duties, and Code Maintenance

Category	Projects
Operational Responsibilities	<ol style="list-style-type: none"> 1. Destination Resort and Overnight Lodging Reporting. 2. Marijuana inspections. 3. Population estimates and forecasting. 4. Staffing Historic Landmarks Commission (HLC), Bicycle and Pedestrian Advisory Committee (BPAC), and Deschutes River Mitigation and Enhancement Committee (M&E). 5. Participate in 2024 Legislative Short Session. 6. Support internal County departments (new landfill siting, etc.).
Coordination Duties	<ol style="list-style-type: none"> 7. City of Bend Coordination <ul style="list-style-type: none"> • Adopt the Bend Airport Master Plan (BAMP) and amend the County’s Comprehensive Plan and Development Code to implement measures that allow for a new air traffic control tower and new airport-related businesses. • Coordinate on growth management issues, including technical analyses related to housing and employment needs and modernizing Title 19 for the Deschutes County Jail. • Process a Plan Amendment and Zone Change to add the Stevens Road Tract to the Bend Urban Growth Boundary (UGB) in accordance with HB 3319. 8. City of La Pine Coordination <ul style="list-style-type: none"> • Participate with Property Management and the City of La Pine process to update and amend the County-owned New Neighborhood comprehensive plan designations, master plan and implementing regulations. 9. City of Redmond Coordination <ul style="list-style-type: none"> • Coordinate on growth management issues, including with Central Oregon Intergovernmental Council (COIC) on CORE3, a multi-stakeholder regional emergency center, and the City’s upcoming East Redmond plan, which will involve over 1,000 acres of County-owned land. (updated by the City of Redmond)

³ Current Planning responsibilities are non-discretionary. Local land use decisions are subject to specific deadlines per state law. ORS 215.427.

Category	Projects
	<ul style="list-style-type: none"> • Process Conditional Use Permit and Site Plan Review applications for a new wastewater treatment plant. • Coordinate on an update of the Airport Safety Zone associated with the Redmond Airport. • Support City Staff to modernize the Joint Management Agreement (JMA) and assist with City-led updates to DCC Title 20 (i.e., UH-10 zone updates). (updated by the City of Redmond) • Continue to engage the City as a stakeholder in the County’s Comprehensive Plan and TSP updates. (updated by the City of Redmond) <p>10. City of Sisters Coordination</p> <ul style="list-style-type: none"> • Participate in the implementation of Sisters Country Vision Plan and City of Sisters Comprehensive Plan Update. <p>11. Transportation Planning</p> <ul style="list-style-type: none"> • Process Road Naming requests associated with certain types of development on a semi-annual basis. • Coordinate with Oregon Department of Transportation (ODOT) and Parks Districts on regional trail projects. <p>12. Sage Grouse Coordination.</p> <p>13. Housing Strategies.</p> <ul style="list-style-type: none"> • Explore options and approaches to address rural housing and homelessness as allowed under state law.⁴ <p>14. Short Term Rentals</p> <ul style="list-style-type: none"> • Prepare a white paper describing methods for regulating short term rentals and coordinate with the Board on next steps. <p>15. Dark Skies.</p>
Code Maintenance	<p>16. Housekeeping Amendments</p> <ul style="list-style-type: none"> • Initiate Comprehensive Plan and/or Zoning Text amendments to comply with and implement new or revised state laws.

⁴ Testimony from a Deschutes County resident encouraged more housing including in rural areas. Testimony from a local organization emphasized prioritizing working with the City of Bend to plan for future growth and allowing rural ADUs subject to strong sideboards.

Table 3 lists discretionary zoning text amendments. These are “lower” priority projects, requiring staffing resources that span 4 to 12 months or longer to complete.

Table 3 – Low Priority Zoning Text Amendments

Category	Projects
Zoning Text Amendments	<ol style="list-style-type: none"> 1. Accessory structures, clarifying concurrent or after primary residence with certain facilit. 2. Applicant initiated plan amendment, zone changes, and/or text amendments. 3. Allow “self-serve” farm stands in Rural residential Exception Areas 4. Code amendments related to the Natural Hazard Mitigation Plan. 5. Establish childcare facilities in industrial zones to implement House Bill 3109 (2021). 6. Define family for unrelated persons per HB 2538 (Non-familial Individuals). 7. Forest Zone Code—Review for compliance with Oregon Administrative Rule. 8. In conduit hydroelectric generation code amendments. 9. Lot Line Adjustments and Re-platting. 10. Medical Hardship Dwellings—review for consistency with state law. 11. Minor variance 10% lot area rule for farm and forest zoned properties. 12. Outdoor Mass Gatherings update. 13. Repeal Conventional Housing Combining Zone. 14. Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments). 15. Sign code to become consistent with federal law. 16. Temporary use of recreational vehicles as dwellings. 17. Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses. 18. Title 22—Procedures Ord. for consistency with state law and County interpretations. 19. Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands.

IV. BOARD DELIBERATION & ADOPTION OF CDD FY 2023-2024 WORK PLAN

The Board will ultimately prioritize projects based on their annual goals and objectives as planning resources become available. Following the public hearing, the Board may decide to:

1. Close the oral record, keep the written record open for approximately one week to June 6 and deliberate on June 14.
2. Close the oral and written records and deliberate at this meeting or at a subsequent meeting.
3. Continue the public hearing to a date certain.

Attachment:

Draft FY CDD 2023-24 Work Plan & 2022 Annual Report



COMMUNITY DEVELOPMENT

DRAFT FY 2023-24 Work Plan & 2022 Annual Report



117 NW Lafayette Avenue
P.O. Box 6005
Bend, OR 97703
www.deschutes.org/cd
(541) 388-6575

Building Safety
Code Compliance
Coordinated Services
Onsite Wastewater
Planning

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Introduction

Community Development Mission Statement

The Community Development Department (CDD) facilitates orderly growth and development in the Deschutes County community through coordinated programs of Building Safety, Code Compliance, Coordinated Services, Onsite Wastewater, Planning and education and service to the public.

Purpose

2023-24 Work Plan and 2022 Annual Report highlight the department’s accomplishments, goals and objectives and are developed to:

- Report on achievements and performance.
- Implement the Board of County Commissioners (BOCC) goals and objectives.
- Implement the Deschutes County Customer Service “Every Time” Standards.
- Effectively and efficiently manage organizational assets, capabilities and finances.
- Fulfill the department’s regulatory compliance requirements.
- Address changes in state law.
- Enhance the county as a safe, sustainable and highly desirable place to live, work, learn, recreate, visit and more.

Adoption

The BOCC adopted this report on June 28, 2023, after considering public, stakeholder and partner organization input and Planning Commission and Historic Landmarks Commission recommendations. The Work Plan often includes more projects than there are resources available. CDD coordinates with the BOCC throughout the year to prioritize and initiate projects. Projects not initiated are often carried over to future years.



Elected & Appointed Officials

BOARD OF COUNTY COMMISSIONERS

Anthony DeBone, Chair, January 2027
Patti Adair, Vice Chair, January 2027
Phil Chang, Commissioner, January 2025

COUNTY ADMINISTRATION

Nick Lelack, County Administrator
Erik Kropp, Deputy County Administrator
Whitney Hale, Deputy County Administrator

PLANNING COMMISSION

Jessica Kieras — Chair, Redmond Area, 6/30/26
Nathan Hovekamp — Vice Chair, Bend Area, 6/30/27
Susan Altman — Bend Area, 6/30/24
Open — At Large
Kelsey Carson — Tumalo, Area, 6/30/27
Toni Williams — South County Area, 6/30/25
Matt Cyrus — Sisters Area, 6/30/26

HISTORIC LANDMARKS COMMISSION

Open — Chair, Unincorporated Area
Sharon Leighty — Vice Chair, Unincorporated Area, 3/31/26
Dennis Schmidling — Secretary, City of Sisters, 3/31/24
Christine Horting-Jones — Ex-Officio, 3/31/24
Rachel Stemach — Bend Area, 3/31/24
Open — Pioneer Association

HEARINGS OFFICERS

Gregory J. Frank
Tommy Brooks
Laura Westmeyer
Alan Rapplelea

BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

Dave Thomson — Chair, At Large, 6/30/24
David Green — Vice Chair, At Large, 6/30/23
Rachel Zakem — Secretary, At Large 6/30/23
Wendy Holzman — At Large, 6/30/23
Ann Marland — Sisters, 6/30/23
Scott Morgan — La Pine, 6/30/23
Kenneth Piarulli — Redmond, 6/30/23
David Roth — Bend, 6/30/23
Mason Lacy — At Large, 6/30/23
Christopher Cassard — At Large, 6/30/23
Emily Boynton — At Large, 6/30/24
Neil Baunsgard — Bend, 6/30/24
Mark Smith — At Large, 6/30/24

Board of County Commissioners

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

FY 2023-24 Goals & Objectives

Safe Communities (SC): Protect the community through planning, preparedness, and delivery of coordinated services.

- Provide safe and secure communities through coordinated public safety and crisis management services.
- Reduce crime and recidivism and support victim restoration and well-being through equitable engagement, prevention, reparation of harm, intervention, supervision and enforcement.
- Collaborate with partners to prepare for and respond to emergencies, natural hazards and disasters.

Healthy People (HP): Enhance and protect the health and well-being of communities and their residents.

- Support and advance the health and safety of all Deschutes County's residents.
- Promote well-being through behavioral health and community support programs.
- Help to sustain natural resources and air and water quality in balance with other community needs.
- Continue to support pandemic response and community recovery, examining lessons learned to ensure we are prepared for future events.

A Resilient County (RC): Promote policies and actions that sustain and stimulate economic resilience and a strong regional workforce.

- Update County land use plans and policies to promote livability, economic opportunity, disaster preparedness, and a healthy environment.
- Maintain a safe, efficient and economically sustainable transportation system.
- Manage County assets and enhance partnerships that grow and sustain businesses, tourism, and recreation.

Housing Stability and Supply (HS): Support actions to increase housing production and achieve stability.

- Expand opportunities for residential development on appropriate County-owned properties.
- Support actions to increase housing supply.
- Collaborate with partner organizations to provide an adequate supply of short-term and permanent housing and services to address housing insecurity.

Board of County Commissioners

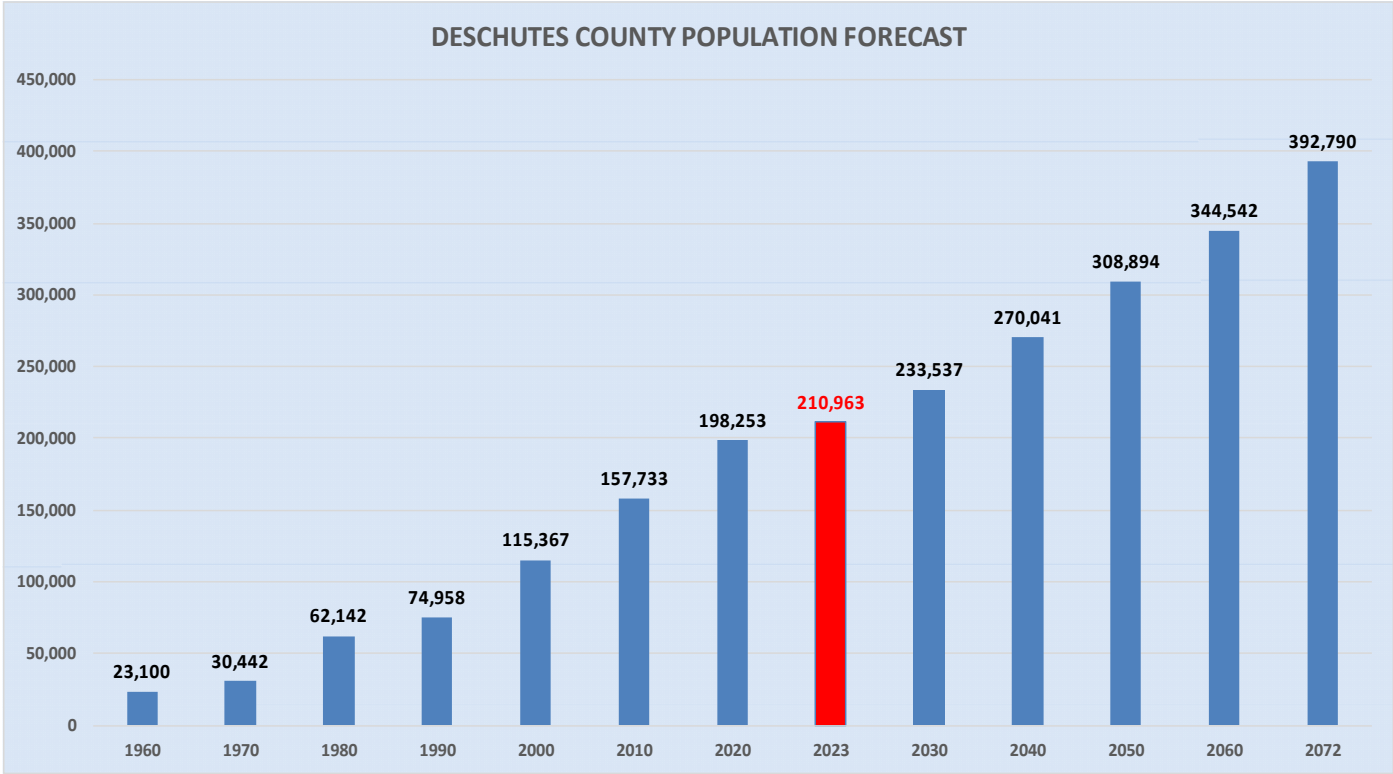
FY 2023-24 Goals & Objectives, Continued

Service Delivery (SD): Provide solution-oriented service that is cost-effective and efficient.

- Ensure quality service delivery through the use of innovative technology and systems.
- Support and promote Deschutes County Customer Service “Every Time” standards.
- Continue to enhance community participation and proactively welcome residents to engage with County programs, services and policy deliberations.
- Preserve, expand and enhance capital assets, to ensure sufficient space for operational needs.
- Maintain strong fiscal practices to support short and long-term county needs.
- Provide collaborative internal support for County operations with a focus on recruitment and retention initiatives.



Population Growth



This graph provides a snapshot of the County’s growth since 1960 and the coordinated 50-year Portland State University (PSU), Oregon Population Forecast Program, through 2072.

HISTORICAL AND PORTLAND STATE UNIVERSITY FORECAST TRENDS

Geographic Area	2000	2010	*AAGR 2023-2047	2023	2047	2072
Deschutes County	114,827	157,733	1.5%	210,836	298,937	392,790
Bend	52,163	77,010	1.7%	105,794	160,361	225,619
Redmond	15,524	26,508	1.9%	38,059	60,060	82,601
Sisters	961	2,038	3.4%	3,554	7,911	14,881
La Pine	899	1,653	2.5%	2,806	5,129	8,336
Unincorporated	45,280	50,524	0.3%	60,624	65,476	61,352

*AAGR: Average Annual Growth Rate

Budget & Organization

Fiscal Issues

- Ensure financial stability and sustained high quality services by establishing a financial contingency plan providing a clear course of action if CDD’s reserve funds decline.
- CDD is experiencing a decrease in permitting volume during a period in which there has been significant staff turnover and increased costs. A short-term challenge will be to navigate this period of decreasing revenue while focusing on service delivery and staff training and education while reducing expenditures, where possible.
- CDD is responding to inquiries regarding rural development opportunities. Many of these inquiries require research and in-depth responses, but do not result in permits and corresponding revenue. This “non-fee generating” work, a public good, is consuming limited resources to efficiently process a variety of permits.

Operational Challenges

- Maintaining productivity while experiencing staff turnover resulting in comprehensive training and development plans for new staff. During 2022, CDD welcomed 11 new staff, internally promoted 8 staff, and ended the year with 14 unfilled positions with 8 of those being removed in early 2023. An estimated 57% of CDD staff have 5 years or less experience with the department.
- Coordinating with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Succession planning for upcoming staff retirements. An estimated 14% of current staff will be eligible for retirement within the next 6 to 8 years based on length of service.
- Continuing modified business operations including remote work opportunities, dispatching field staff from home, adherence to ongoing public health and safety measures and continued expansion of CDD online services and meeting technologies.
- Improving public hearing and engagement strategies with in-person and remote/online participation opportunities.
- Implementing new laws from the 2023 Legislative Session.
- Processing complex and controversial code compliance cases.
- Addressing affordable housing through collaboration with cities, the County’s Property Manager, and rural land use strategies.
- Continuing improvement of the department’s website and other electronic internal and external services to improve efficiencies and service delivery.



Budget & Organization

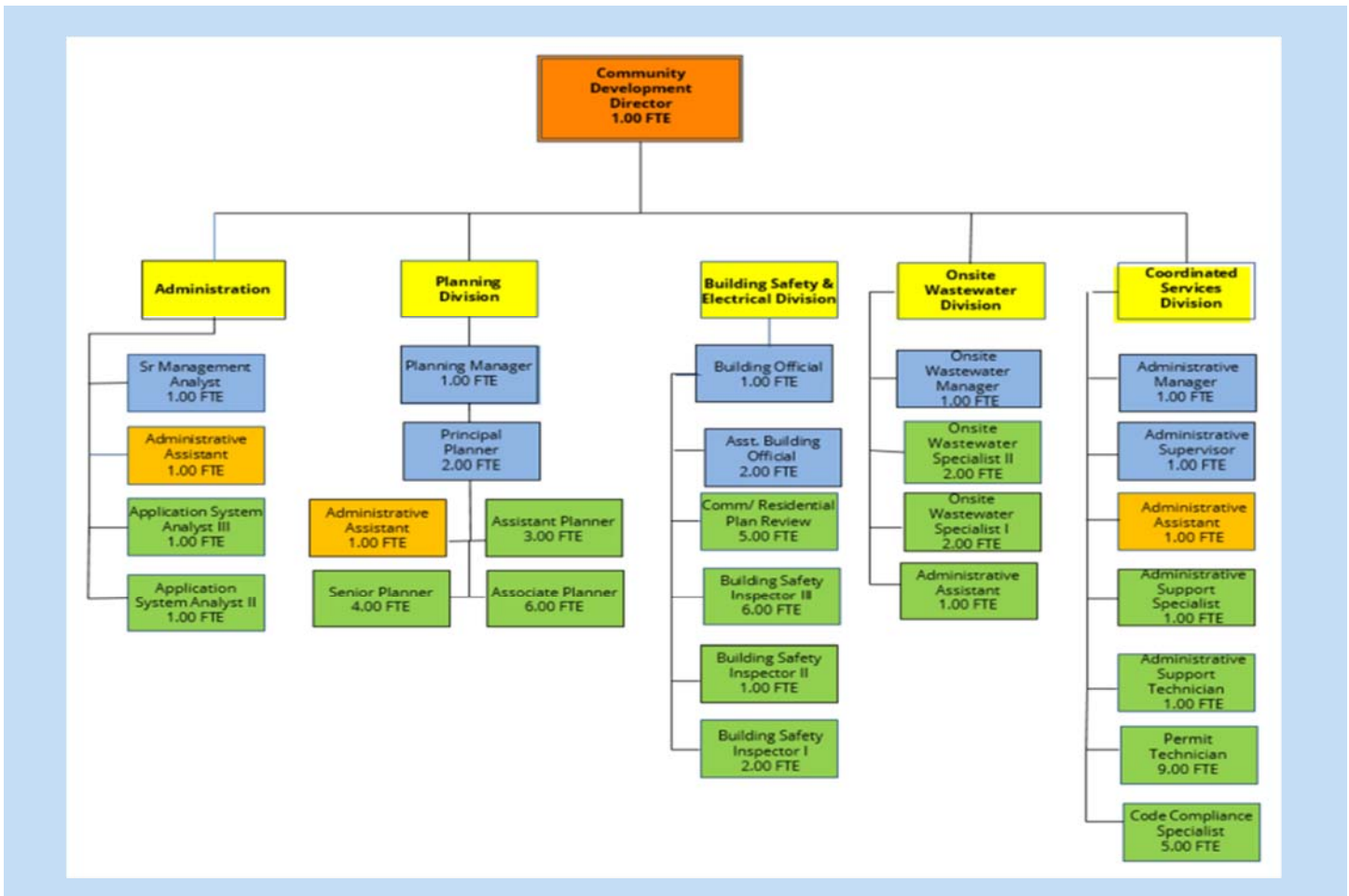
Budget Summary

	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Resources	\$9,927,078	\$10,940,808	\$11,302,683	\$13,932,023	\$12,655,385
Requirements	\$9,927,078	\$10,940,808	\$11,302,683	\$13,932,023	\$12,655,385

Staff Summary

	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Total FTE's	58.00	65.00	70.00	64.00	64.00

Organizational Chart



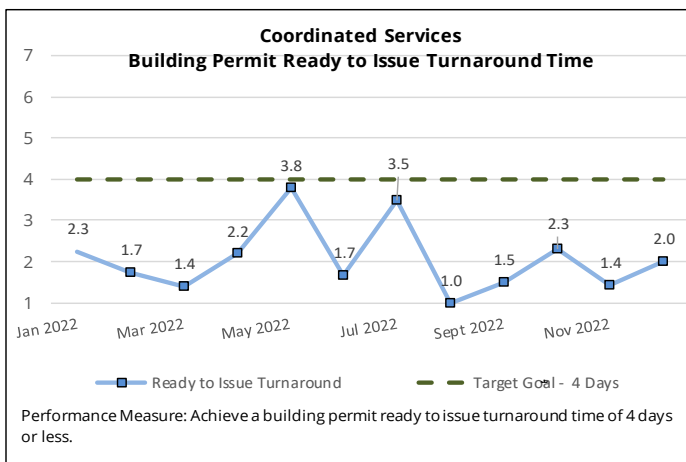
Performance Management

CDD is committed to a comprehensive approach to managing performance. The department achieves its goals and objectives by strategically establishing and monitoring performance measures and by adjusting operations based on those results. The performance measures allow staff to:

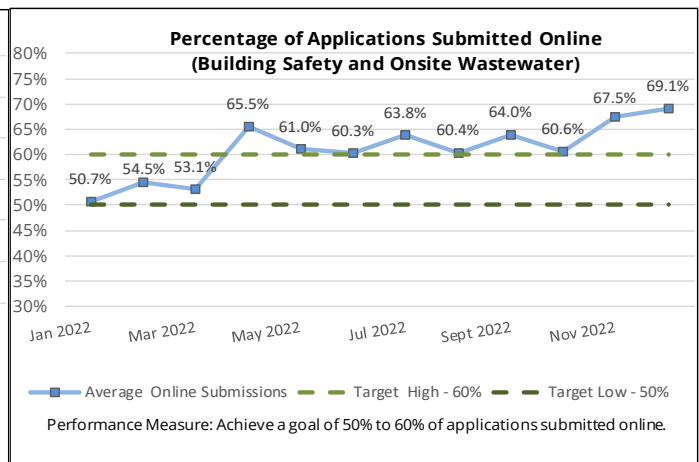
- Address service delivery expectations from the perspectives of CDD’s customers.
- Ensure the department fulfills its regulatory compliance requirements.
- Efficiently and effectively manage the organization’s assets, capacities and finances; and
- Preserve and enhance the County as a safe, sustainable and desirable place to live, visit, work, learn and recreate.

The following graphs represent a sample of CDD’s performance measures for 2022. For a complete review of performance measures, please follow this link: <https://deschutes.org/cd/>.

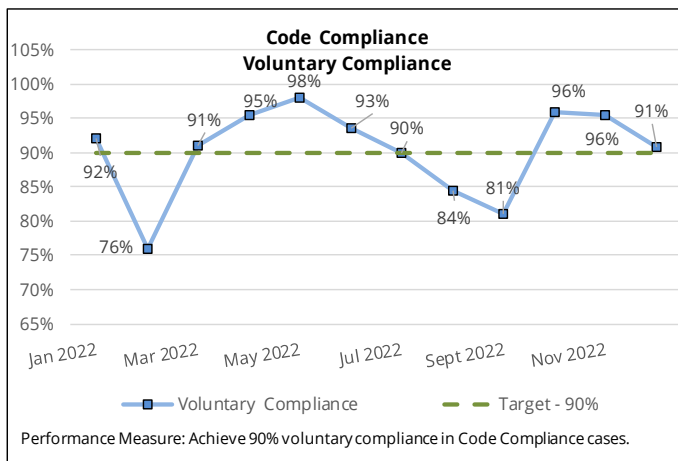
2022 Performance Management Results



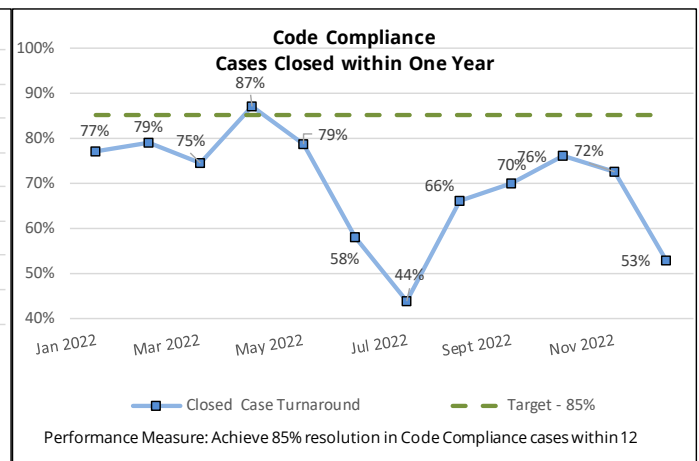
Annual Average of 2.0 Days - Target Achieved



Annual Average of 60.4% Submitted Online- Target Achieved



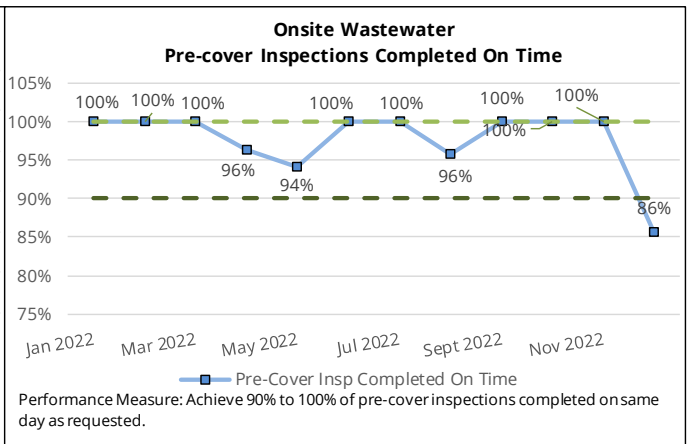
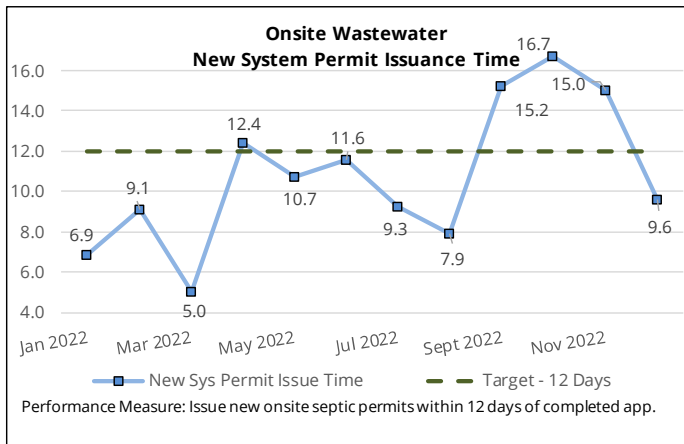
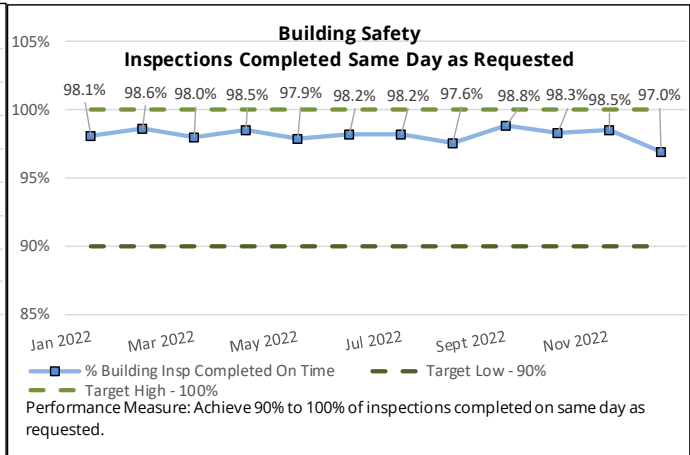
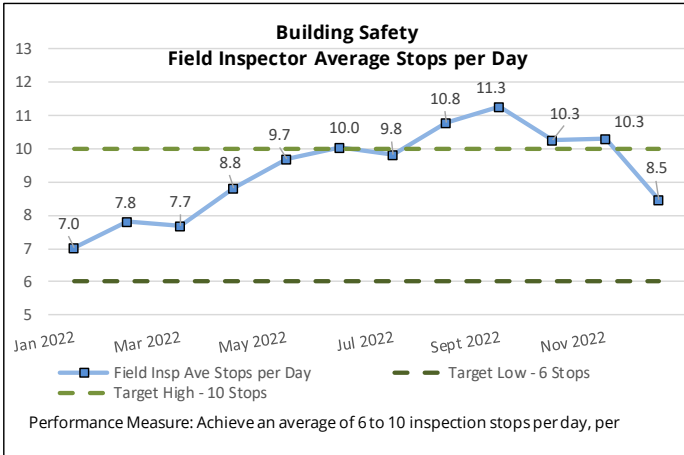
Annual Average of 90% Compliance - Target Achieved



Annual Average of 85% Closed within 1 Year- Target Not Achieved

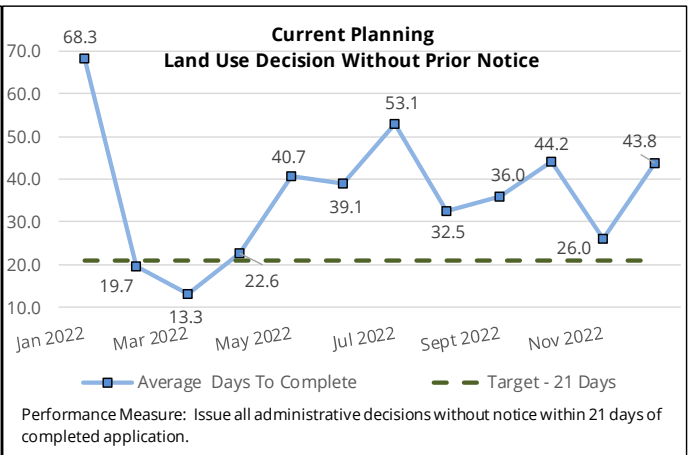
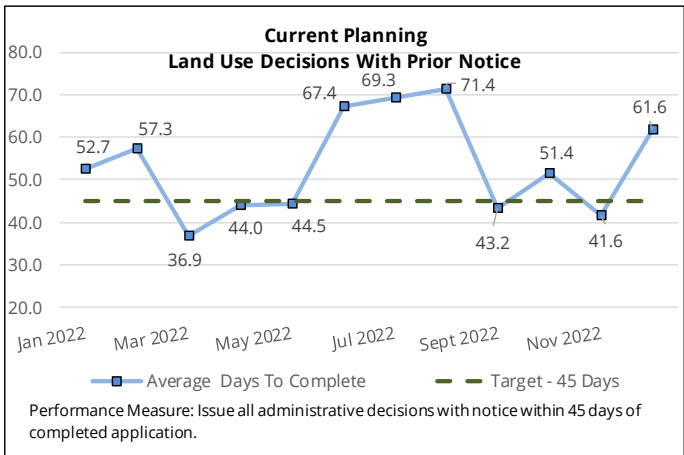
Performance Management

2022 Performance Management Results, continued



Annual Average of 10.5 Days - Target Within Range

Annual Average of 97.9% Completed - Target Achieved



Annual Average of 51.2 Days - Target Within Range

Annual Average of 36.8 Days - Target Not Achieved

Performance Management

2022 Year in Review

- Invested significant resources in comprehensive training and development plans for new staff.
- Transitioned residential plan submissions to electronic submittals.
- Improved system interoperability of Accela and DIAL software systems by increasing efficiency and improved service by allowing “real time” document upload.
- Participated in pilot program to test the Oregon ePermitting inspector application



FY 2023-24 Performance Measures By Division

CDD’s 2023-24 performance measures align the department’s operations and work plan with BOCC annual goals and objectives and the County’s Customer Service “Every Time” Standards. <https://intranet.deschutes.org/Pages/Customer-Service-Standards.aspx>

Building Safety

- Achieve 8—12 inspection stops per day to provide quality service. (BOCC Goal & Objective SD-1)
- Achieve an average turnaround time on building plan reviews of 8-10 days to meet or exceed state requirements. (BOCC Goal & Objective SD-1)
- Achieve 50-80% of inspections scheduled online. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of inspections completed the same day as requested. (BOCC Goal & Objective SD-1)
- Provide community training opportunities for online application submission to obtain a goal of 70% of application submittals conducted online. (BOCC Goal & Objective SD-1)

Code Compliance

- Achieve 90% voluntary compliance in Code Compliance cases. (BOCC Goal & Objective SC-1)

Coordinated Services

- Expand community training opportunities for online application submissions to obtain a goal of 60-70% of application submittals conducted online. (BOCC Goal & Objective SD-1)
- Achieve structural permit ready-to-issue turnaround time for Coordinated Services of 4 days or less. (BOCC Goal & Objective SD-1)

Performance Management

FY 2023-24 Performance Measures By Division, continued

Onsite Wastewater

- Achieve compliance with the Alternative Treatment Technology (ATT) Septic System Operation and Maintenance (O&M) reporting requirements of 95% to protect groundwater. (BOCC Goal & Objective HP-3)
- Achieve the issuance of onsite septic system permits within 12 days of completed application. (BOCC Goal & Objective SD-1)
- Achieve 50% of inspections scheduled online. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of Pre-cover inspections completed the same day as requested. (BOCC Goal & Objective SD-1)

Planning

- Sustain the issuance of land use administrative decisions with notice within 45 days and without notice within 21 days of completed application. (BOCC Goal & Objective SD-1)
- Address Housing strategies by amending County Code to implement SB 391, Rural Accessory Dwelling Units (ADU). (BOCC Goal & Objectives RC-1 and HP-1)
- Natural Resources:
 - Natural Hazards— Develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762—Wildfire Mitigation. (BOCC Goal & Objectives SC-3, HP-3, and RC-1)
 - Wildlife Inventories—Amend Comprehensive Plan and Zoning Code to incorporate a new mule deer winter range inventory from ODFW. (BOCC Goal & Objectives HP-3)



Administrative Services

Overview

Administrative Services consists of the Community Development Director, Senior Management Analyst, two Systems Analysts and one Administrative Assistant. The Administrative Services Division provides oversight for all departmental operations and facilities, human resources, budget, customer services, technology and performance measures. Analyst staff are responsible for the integration of technology across all CDD divisions, coordination with the cities as well as providing direct service to the public via application training and support, web-based mapping, reporting services and data distribution.

2022 Year in Review

- ✓ Continued remote work options for approximately 50% of staff.
- ✓ Improved system interoperability of Accela and DIAL software systems by increasing efficiency and improved service by allowing “real time” document upload.
- ✓ Completed a reorganization of office spaces and small remodel on CDD’s first floor in an effort to better utilize available square footage.
- ✓ Implemented process and procedure to invoice non-residential transportation system development charges (SDCs) in an effort to identify charges due and allow for online payments.
- ✓ Adopted Unmanned Aerial System (Drones) Policy to establish guidelines for the use of drones to perform building safety inspections.
- ✓ Provided addressing services to the City of Redmond on contract.
- ✓ Published a Community Engagement Center webpage in an effort to provide an opportunity for public engagement, learn about current projects and post department announcements.



Administrative Services

FY 2023-24 Work Plan Projects

- Continue to reconfigure Accela to improve code compliance case management and planning land use module interoperability.
- Continue to participate in a County-led effort to create a county-wide Pre-disaster Preparedness Plan.
- Continue to update CDD's Continuity Of Operation Plan (COOP), as necessary, based on lessons learned and ensure staff are aware of their roles and responsibilities during an emergency.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Coordinate with Human Resources to develop a Permit Technician job series.
- Continue to explore and research opportunities to increase CDD's sustainable business practices while maximizing the efficiency of operations in a cost effective manner.
- Publish CDD's enhanced website which is more customer-centric. Improved content will allow customers to better understand CDD's policies and procedures and create an improved customer experience that acts as a guide for understanding the process of development in Deschutes County while also expanding online application instruction content.
- Implement a new employee onboarding process to acclimate new employees to their role and an exit interview process for departing staff to learn where department improvements can be made and make sure the employee feels satisfied about their service.
- Research help desk service software to assist with tracking citizen inquiries and staff responses.
- Expand Code Compliance reporting capabilities.
- Explore redesign of CDD main office lobby in an effort to increase security measures.

Staff Directory

Peter Gutowsky	Community Development Director	(541) 385-1709	Peter.Gutowsky@deschutes.org
Tim Berg	Applications System Analyst III	(541) 330-4648	Tim.Berg@deschutes.org
Ines Curland	Applications System Analyst II	(541) 317-3193	Ines.Curland@deschutes.org
Tracy Griffin	Administrative Assistant	(541) 388-6573	Tracy.Griffin@deschutes.org
Sherri Pinner	Senior Management Analyst	(541) 385-1712	Sherri.Pinner@deschutes.org

Building Safety

Overview

Building Safety consists of one Building Official, two Assistant Building Officials and fourteen Building Safety Inspectors. The Building Safety Division administers and implements state and federal building codes through a process of education and a clear and consistent application of the specialty codes. The division provides construction plan reviews, consultation and inspection services throughout the rural county and the cities of La Pine and Sisters. The division also provides services to Lake, Jefferson, Klamath and Crook counties, the cities of Bend and Redmond, and the State of Oregon Building Codes Division (BCD) on an as-needed basis.

2022 Year in Review

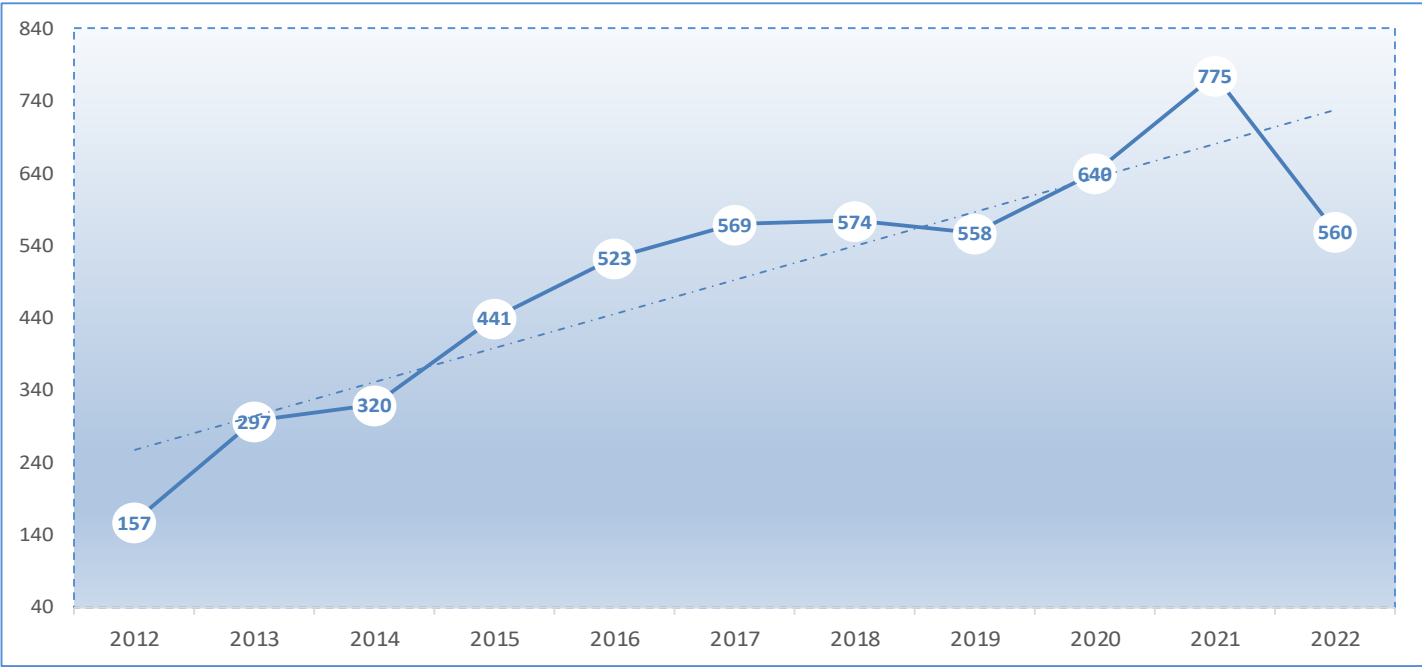
- ✓ Issued 560 new single-family dwelling permits in 2022. The distribution of these new homes for Deschutes County’s building jurisdiction included:
 - Rural/unincorporated areas: 419
 - City of La Pine: 70
 - City of Sisters: 71
- ✓ Completed inspections on major projects such as:
 - Healing Reins Therapeutic Riding Center
 - Commercial Photovoltaic Solar System in Sisters
 - Black Butte Ranch Lodge Dining Facility
 - Several Large Custom Homes over 10K sq. ft. .
 - Caldera Springs Pool & Fitness Center
 - Two apartment buildings in La Pine
 - Lab remodel for Bend Research
 - Two cannabis extraction facilities
 - Fifteen aircraft hangars
- ✓ Completed major building plan reviews for:
 - Leading Edge helicopter facility
 - U.S. Forest Service storage building
 - 41K sq. ft. speculative industrial building
 - Caldera Springs Pool & Fitness Center
 - Deschutes Public Library remodels in La Pine and Sisters
 - Sisters School District Elementary School
 - 15K sq. ft. church building
 - Six multi-story apartment buildings in La Pine and Sisters
 - Negus Transfer Station
 - Aircraft paint booth
- ✓ Maintained high levels of customers service, productivity and efficiency while navigating staff turnover and remote work schedules.
- ✓ A Building Safety Inspector III participated on the 2023 Oregon Residential Specialty Code review committee through the Oregon BCD.
- ✓ Coordinated local discussions regarding most recent building code updates.
- ✓ Participated in public, community and customer-specific education and outreach efforts such as Oregon Administrative Rule (OAR) 918-480-0125 Uniform Alternate Construction Standards for mitigation due to a lack of firefighting water supplies.
- ✓ Coordinated with state and county staff to promote and educate customers on how to apply for online permits and inspections.
- ✓ Continued succession planning, cross-training and technology investments to maintain and improve efficiencies.

Building Safety

2022 Year in Review, continued

- ✓ A Building Safety Inspector III was elected to serve as Vice President of the Central Oregon Chapter of the International Code Council (ICC).
- ✓ There was an internal promotion for a second Assistant Building Official position.
- ✓ The Building Safety Director was appointed to Electronic Processes Review Committee by BCD.
- ✓ Participated in pilot program to test the Oregon ePermitting inspector application.
- ✓ Implemented the use of drones and other technology to accomplish high risk inspections such as roof diaphragm nailing, chimney construction, PV solar installations and high lift concrete masonry unit grouting.
- ✓ Actively participated in discussions related to:
 - SB 762, Wildfire Mitigation, and forthcoming requirements to apply Oregon Residential Specialty Code (ORSC) 327.4 to new development.
 - Newly created requirements for daycare and adult foster care facilities located in private residential homes.
 - Local contractors in regards to the new American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) ventilation requirements.
- ✓ Provided A-level commercial electrical and plumbing inspections services for the City of Redmond, on contract.

New Single Family Dwelling Permits Issued



Building Safety

FY 2023-24 Work Plan Projects

- Continue succession planning for future retirements and explore staffing needs such as obtaining additional certifications to enhance department efficiencies.
- Continue certification cross-training for all new hires to maintain the division’s goal of having fully certified residential inspection staff.
- Continue participation in SB 762, Wildfire Mitigation and the forthcoming process of implementing additional construction standards to reduce hazards presented by wildfire ORSC R327.4, and/or defensible space requirements into Deschutes County Code (DCC).
- Continue participation in SB 391 discussions regarding Rural Accessory Dwelling Unit’s (ADU’s) in Deschutes County.
- Produce new informational brochures as required by OAR 918-020-0090 to help customers navigate code changes such as Energy Code and Daycare Facility updates.
- Host Chemeketa Community College Building Inspection Technology students for summer Cooperative Work Experience program which provides an opportunity to demonstrate the county’s customer friendly, service-oriented approach as a regulatory agency.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet increasing service demands in a highly competitive market.
- Promote use of video inspections for difficult to access areas, such as, underfloor areas that are covered.
- Continue participation in CDD’s website updates.



Building Safety



Staff Directory

Randy Scheid	Building Safety Director	(541) 317-3137	Randy.Scheid@deschutes.org
Krista Appleby	Assistant Building Official	(541) 385-1701	Krista.Appleby@deschutes.org
Keri Blackburn	Building Inspector III	(541) 388-6577	Keri.Blackburn@deschutes.org
Mark Byrd	Building Inspector III	(541) 749-7909	Mark.Byrd@deschutes.org
Rainer Doerge	Building Inspector III	(541) 480-8935	Rainer.Doerge@deschutes.org
Ami Dougherty	Building Inspector II	(541) 385-3217	Ami.Dougherty@deschutes.org
Travis Eggleston	Building Inspector I	(541) 480-8934	Travis.Eggleston@deschutes.org
David Farrin	Building Inspector III	(541) 385-1702	David.Farrin@deschutes.org
Owen Gilstrap	Building Inspector III	(541) 480-8948	Owen.Gilstrap@deschutes.org
John Kelley	Building Inspector III	(541) 797-3582	John.Kelley@deschutes.org
Michael Liskh	Building Inspector III	(541) 280-0342	Michael.Liskh@deschutes.org
Brian Moore	Building Inspector III	(541) 385-1705	Brian.Moore@deschutes.org
Aaron Susee	Building Inspector III	(541) 749-7370	Aaron.Susee@deschutes.org
Laurie Wilson	Building Inspector III	(541) 383-6711	Laurie.Wilson@deschutes.org
Nicholas Wood	Building Inspector I	(541) 213-0653	Nicholas.Wood@deschutes.org

Code Compliance

Overview

Code Compliance consists of four Code Compliance Specialists with one designated as Lead. The program is managed by the Coordinated Services Administrative Manager and is supported by a law enforcement deputy from the Deschutes County Sheriff's Office (DCSO) and CDD's operating divisions. The Code Compliance Division is responsible for investigating code violation complaints to ensure compliance with land use, onsite wastewater disposal, building and solid waste codes (by contract with the Solid Waste Department), and provides direct service to the cities of La Pine and Sisters for building code violations under the Building Safety program. The program's overriding goal is to achieve voluntary compliance. If necessary, cases are resolved through Circuit Court, Justice Court or before a Code Compliance Administrative Hearings Officer proceeding. The program continues to adapt to the county's challenges of growth and diversification, incorporating new measures to ensure timely code compliance.

While voluntary compliance is the primary objective, an ever-growing number of cases require further code compliance action because of delayed correction or non-compliance. Through the refinement of departmental procedures for administrative civil penalty, Code Compliance is obtaining compliance from citations rather than court adjudication, resulting in greater cost recovery. A disconcerting trend is the need for county abatement in some cases. In abatement, the county corrects the violations. Abatement action is reserved for matters of chronic nuisance and public health and safety. In response to this trend, Code Compliance is closely coordinating with other county departments in the development and enactment of abatement plans.

2022 Year in Review

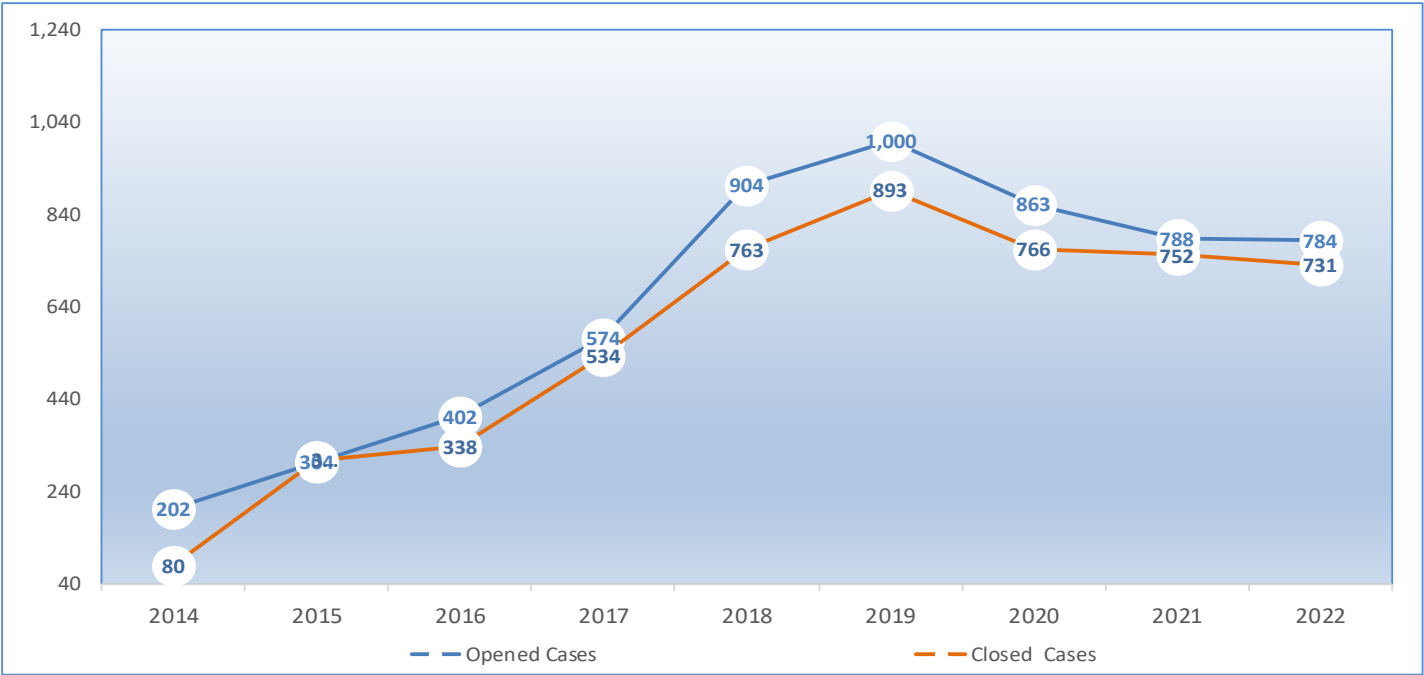
- ✓ Received 784 new cases and resolved 731. This is near identical to new and resolved cases from the previous year.
- ✓ Designated a lead Code Compliance Specialist and assigned duties.
- ✓ Analyzed the Code Compliance program in an effort to create efficiencies for case assignment, management and proceedings.
- ✓ Revised the Voluntary Compliance Agreement and templates for Pre-Enforcement Notices to improve communications.
- ✓ Continued to partner with county departments to resolve difficult cases. Coordination ensures efficient operations and avoids overlapping efforts, thus allowing staff to conduct a thorough investigation on behalf of community members.
- ✓ Implemented staff remote work options and flex schedules for efficiency.
- ✓ Utilized the designated DSCO deputy for site visits as a safety measure.
- ✓ Revised method of case assignments to incorporate staff experience and training opportunities.
- ✓ Implemented post-pandemic remote hearing proceedings and engagement strategies to ensure an opportunity for citizens to participate.

Code Compliance

FY 2023-24 Work Plan Projects

- Improve methods of communication with complainants regarding case status and case closure.
- Continue to improve training program for new hires to include staff onboarding and procedural guidelines.
- Coordinate with DSCO and Risk Management to develop and implement annual field safety classes.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Coordinate with Solid Waste Department and BOCC to identify a funding source for code abatement processes.
- In coordination with the Legal Department, explore the creation of policies and procedures related to discretionary immunity and caps on lien amounts, among other topics.
- Revise online complaint submittal process to include photos, geographic information systems (GIS) and communication in an effort to improve efficiency and record keeping.
- Update Deschutes County Code (DCC) 1.16 Abatement language to include appeal processes.
- Revise Code Compliance dashboard to include management tools to ensure relevant data is utilized.
- Explore software revisions to improve record keeping and enable collection of court fines and fees.

Annual Cases Opened and Closed



Code Compliance



Staff Directory

Scott Durr	Code Compliance Specialist	(541) 385-1745	Scott.Durr@deschutes.org
Carolyn Francis	Code Compliance Specialist	(541) 617-4736	Carolyn.Francis@deschutes.org
Dan Smith	Code Compliance Specialist	(541) 385-1710	Daniel.Smith@deschutes.org
Jeff Williams	Code Compliance Specialist	(541) 385-1745	Jeff.Williams@deschutes.org

Coordinated Services

Overview

Coordinated Services consists of an Administrative Manager, one Administrative Supervisor, eight Permit Technicians, one Administrative Assistant, one Administrative Support Specialist and one Administrative Support Technician. The Coordinated Services Division provides permitting and “front line” direct services to customers. While coordinating with all operating divisions, staff ensure accurate information is provided to the public, while minimizing wait times and ensuring the efficient operation of the front counter and online portal.

2022 Year in Review

- ✓ Permit Technicians continued to provide exceptional customer service to in-person customers as well as virtually through the Accela online portal.
- ✓ Implemented a flexible work schedule for staff.
- ✓ Implemented an improved phased staff training program including cross division record research and permitting processes.
- ✓ Continued to update the Standard Operating Procedures manual which serves as an additional resource for staff consistency and succession planning.
- ✓ Revised role of administrative staff to include complex assignments in an effort to increase staff retention.
- ✓ Increased electronic permit submittals through public education and outreach to licensed professionals. Received 60.4% of Building Safety and Onsite Wastewater applications online compared to 49.9% in 2021.
- ✓ Transitioned residential plans from paper to electronic submittals.
- ✓ Transitioned residential plans from paper to electronic submittals locations in City of Sisters and City of La Pine which allowed reallocation of staff resources to the main office in Bend.



Coordinated Services

FY 2023-24 Work Plan Projects

- Revise CDD’s decommissioning plan process and procedure.
- Revise internal process and procedure for legitimizing unpermitted structures.
- Implement increased safety measures for the front lobby including staff safety training from DCSO.
- Continue to improve efficiencies in permit processes and procedures.
- Coordinate with the Human Resources Department to evaluate, propose and implement a Permit Technician job series through the creation of a new Permit Technician II classification in an effort to attract and retain staff to meet service demands in a highly competitive market.
- Continue participation in CDD’s website updates.

Office Location & Lobby Hours
 117 NW Lafayette Ave, Bend, OR 97703
 Monday, Tuesday, Thursday, Friday 8:00 AM—4:00 PM,
 Wednesday 9:00 AM—4:00 PM

Staff Directory

Angie Havniear	Administrative Manager	(541) 317-3122	Angela.Havniear@deschutes.org
Jennifer Lawrence	Administrative Supervisor	(541) 385-1405	Jennifer.L.Lawrence@deschutes.org
Karly Bires	Administrative Support	(541) 383-4392	Karly.Bires@deschutes.org
Robert Graham	Administrative Assistant	(541) 385-3217	Robert.Graham@deschutes.org
Miu Green	Permit Technician	(541) 385-3200	Miu.Green@deschutes.org
Jessie Henderson	Permit Technician	(541) 385-1730	Jessica.Henderson@deschutes.org
Terese Jarvis	Permit Technician	(541) 383-4435	Terese.Jarvis@deschutes.org
Jean Miller	Permit Technician	(541) 383-6711	Jean.Miller@deschutes.org
Mikaela Watson	Permit Technician	(541) 385-1714	Mikaela.Watson@deschutes.org
Treyson Wayland	Permit Technician	(541) 388-6680	treyson.wayland@deschutes.org
Adam Weisgerber	Permit Technican	(541) 322-7193	adam.weisgerber@deschutes.org

Onsite Wastewater

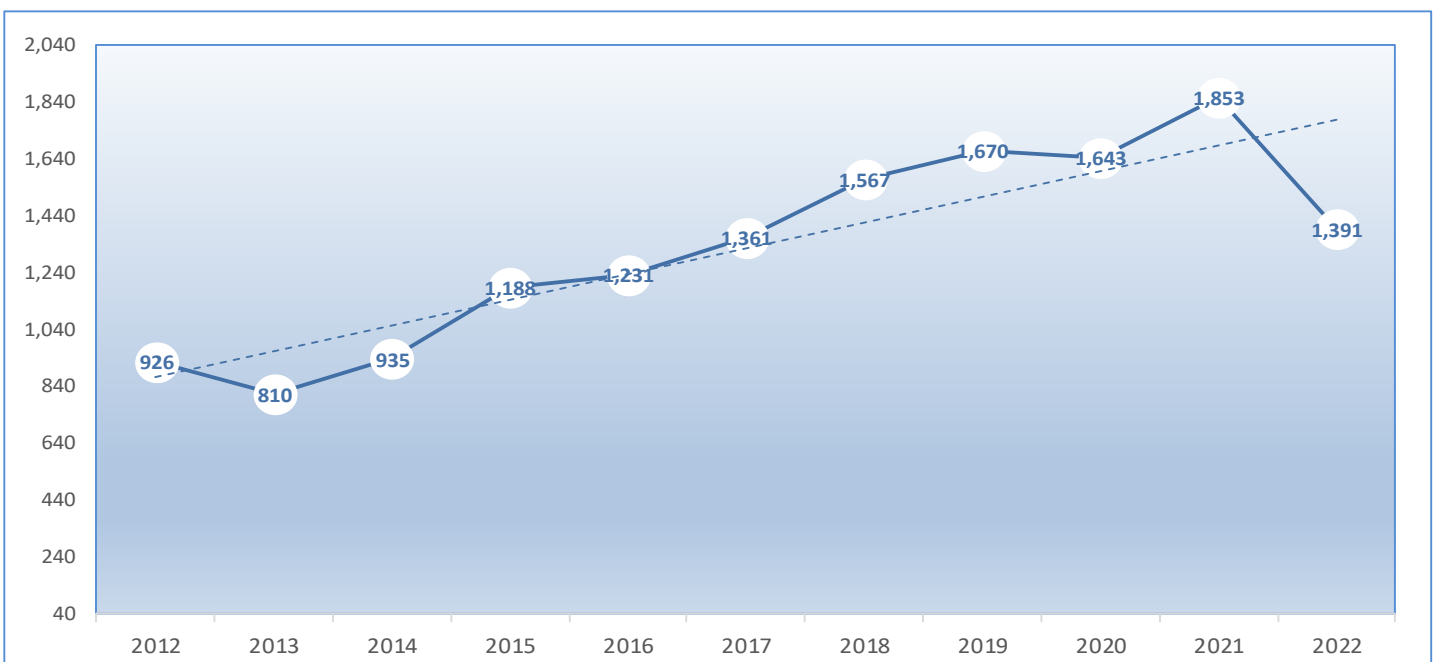
Overview

Onsite Wastewater consists of one Onsite Wastewater Manager, two Onsite Wastewater Specialists II, two Onsite Wastewater Specialists I and one Administrative Assistant. The Onsite Wastewater Division regulates on-site wastewater treatment systems (septic) to assure compliance with state rules, and monitors environmental factors for public health and resource protection. They provide site evaluations, design reviews, permitting, inspections and education and coordination with the Oregon Department of Environmental Quality (DEQ) for onsite wastewater treatment and dispersal systems. Staff inspects sewage pumper trucks, reports on the condition of existing wastewater systems, maintains an Operation & Maintenance (O&M) tracking system, provides the public with information on wastewater treatment systems and regulations and investigates sewage hazards to protect public health and the environment. Staff are also engaged in the proactive pursuit of protecting the groundwater in Deschutes County and continue to work with DEQ on permitting protective onsite wastewater systems in Southern Deschutes County.

2022 Year in Review

- ✓ Assessed 216 sites for onsite wastewater treatment and dispersal systems, a decrease of 43.5% from 2021, and issued 1,175 permits and authorizations for new and existing onsite treatment and dispersal systems, a decrease of 21% from 2021. Applications continue to increase in complexity and technical requirements.
- ✓ Repaired 223 failing or substandard systems correcting sewage health hazards and protecting public health and the environment.
- ✓ Increased electronic permit submittal and inspection scheduling through outreach and education of customers, particularly licensed professionals. The division received 45.7% of applications online compared to 43.2% in 2021.
- ✓ Created Onsite Wastewater Manager classification.

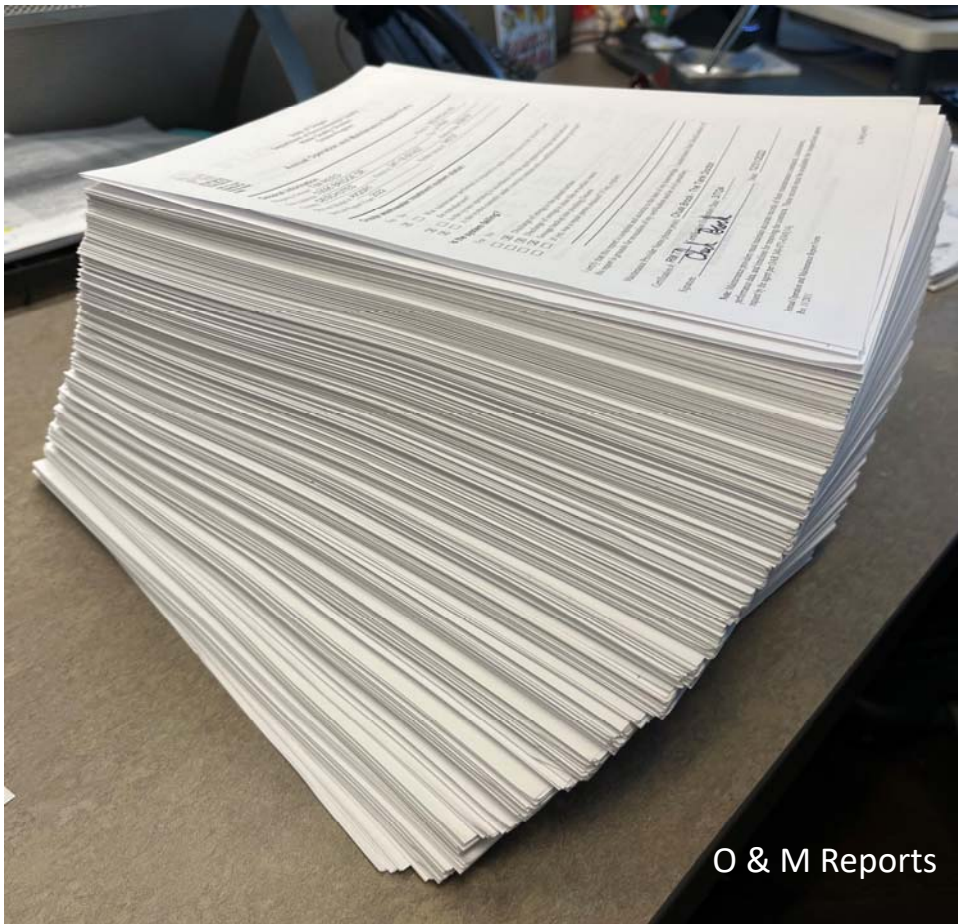
Onsite Permits Issued



Onsite Wastewater

2022 Year in Review, continued

- ✓ Provided eleven property owners in South County with rebates of \$3,750 per property for upgrading conventional onsite wastewater treatment systems to nitrogen-reducing pollution reduction systems.
- ✓ Provided technical assistance to Terrebonne Sanitary District Formation Committee.
- ✓ Provided technical assistance for the Tumalo sewer feasibility study.
- ✓ Verified an estimated 1,500 septic system maintenance contracts for the O&M tracking system.
- ✓ Coordinated with the City of Bend and DEQ staff regarding the septic to sewer program, and the impact on homeowners with onsite wastewater systems.
- ✓ Worked with DEQ on permitting protective onsite wastewater systems in South County. Participated in dozens of variance hearings for modified advanced treatment systems on severely limited sites.
- ✓ Coordinated with DEQ staff for a South County groundwater and drinking well sampling event.
- ✓ Supported and provided technical assistance for Central Oregon Intergovernmental Council applying for and receiving DEQ Onsite Financial Aid Program (OSFAP) to assist property owners with septic repairs.
- ✓ Onsite trainees are fully integrated team members knowledgeable about permitting, inspections and other tasks.



O & M Reports

Onsite Wastewater

FY 2023-24 Work Plan Projects

- Work with DEQ staff on planning for and funding of long term and regular well sampling events approximately every 10 years to monitor changes in water quality in the aquifer.
- Participate in the Upper Deschutes Agricultural Water Quality Management Area Local Advisory Committee.
- Continue to provide financial assistance opportunities to South County property owners to upgrade conventional systems to nitrogen reducing pollution reduction systems through Nitrogen Reducing System Rebates and the NeighborImpact Non-conforming Loan Partnership.
- Review current groundwater protection policies for South County and continue review of variance applications with DEQ onsite staff to ensure the goals of water resource protection are addressed. Highest risk areas may require greater scrutiny.
- Prepare for development to occur in the Newberry Neighborhood in La Pine by reviewing financial assistance programs for groundwater protection efforts. This may include creation of a financial advisory group process to include community members.
- Continue providing technical assistance support for the Terrebonne Sanitary District formation and Tumalo sewer feasibility study.
- Coordinate with the Planning Division regarding process or code amendments that could impact onsite wastewater processes for temporary use permits, hardship dwellings and lot line adjustments.
- Update website information for onsite wastewater and groundwater protection.



Staff Directory

Todd Cleveland	Environmental Health Supervisor	(541) 617-4714	Todd.Cleveland@deschutes.org
Keoni Frampton	Environmental Health Specialist I	(541) 330-4666	Keoni.Frampton@deschutes.org
Kevin Hesson	Environmental Health Specialist II	(541) 322-7181	Kevin.Hesson@deschutes.org
Lindsey Holloway	Environmental Health Specialist I	(541) 388-6596	Lindsey.Holloway@deschutes.org
Kiley Rucker-Clamons	Environmental Health Specialist II	(541) 383-6709	Kiley.Rucker-Clamons@deschutes.org
Martha Shields	Administrative Assistant	(541) 385-1706	Martha.Shields@deschutes.org

Planning

Overview

Planning consists of one Planning Director, one Planning Manager, two Principal Planners, two Senior Planners, two Senior Long Range Planners, one Senior Transportation Planner, six Associate Planners, three Assistant Planners and one Administrative Assistant. The Planning Division consists of two operational areas: Current Planning and Long Range Planning. Current Planning processes individual land use applications and provides information to the public on all land use related issues. Long Range Planning addresses the future needs of the county through updates to the comprehensive plan, changes to the county code and other special projects.

Current Planning

Responsible for reviewing land use applications for compliance with Deschutes County Code (DCC) and state law, including zoning, subdivision and development regulations, and facilitating public hearings with Hearings Officers and the BOCC. Staff is also responsible for verifying compliance with land use rules for building permit applications and septic permits; coordinating with Code Compliance to respond to complaints and monitor conditions of approval for land use permits; performing road naming duties; providing assistance at the public information counter, over the telephone and via email; and addressing in the rural county and City of Redmond under contract.

Long Range Planning

Responsible for planning for the future of Deschutes County, including developing and implementing land use policy with the BOCC, Planning Commission, community and partner organizations. It is in charge of updating the County Comprehensive Plan and zoning regulations, coordinating with cities and agencies on various planning projects taking place in the region, including population forecasts with Portland State University and cities. Staff also monitors and participates in annual legislative sessions, and serves on numerous local, regional and statewide committees primarily focusing on transportation, natural resources, growth management and economic development.

Transportation Planning

Provides comments and expertise on land use applications, calculates System Development Charges (SDC's) as part of land use application review process or upon request; provides comments to the County's Risk Management Department regarding traffic issues for permitted events; participates in the annual County Capital Improvement Plan (CIP) process with the Road Department; applies for grants for enhanced bicycle and pedestrian facilities in coordination with the Bicycle and Pedestrian Advisory Committee (BPAC); participates in Oregon Department of Transportation (ODOT) funded refinement planning; coordinates road issues with Bureau of Land Management (BLM) and the United States Forest Service (USFS) for urban interface plans; and serves on several local and regional transportation committees, most notably BPAC, the Bend Metropolitan Planning Organization Technical Advisory Committee, and Central Oregon Area Commission on Transportation Technical Advisory Committee (TAC).

Floodplain & Wetlands Planning

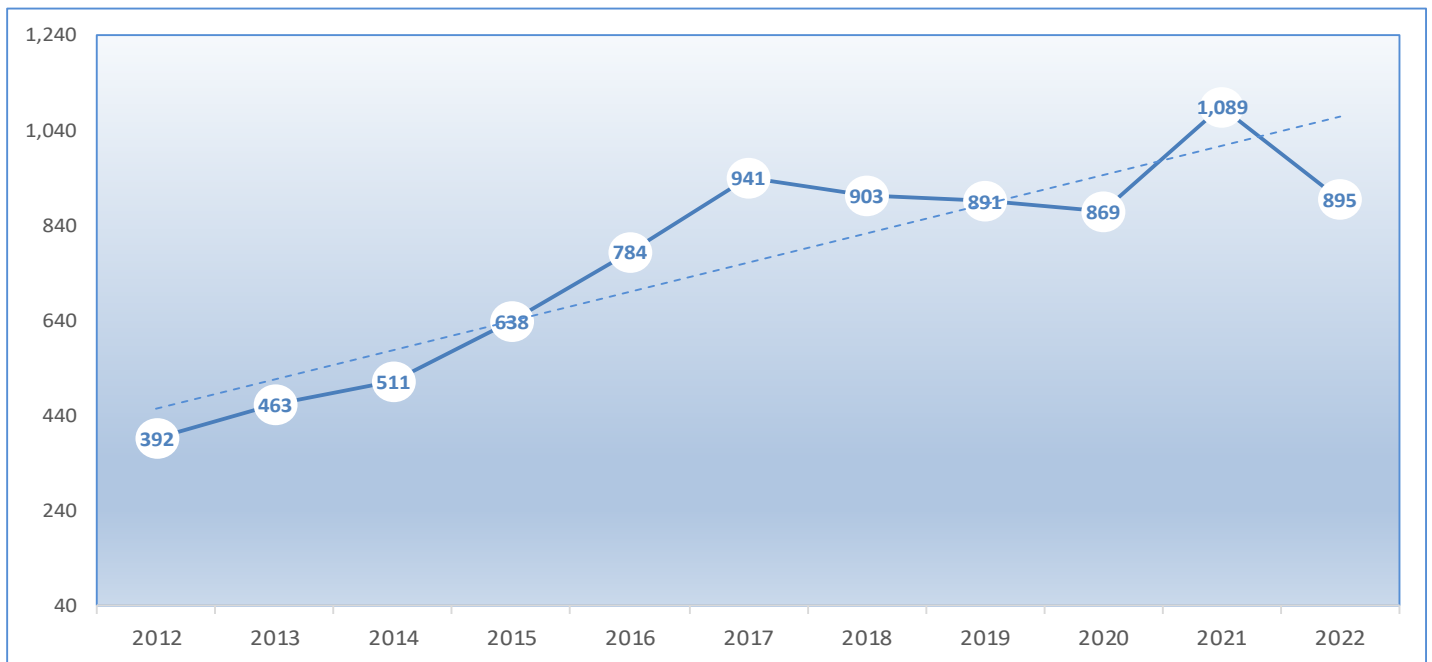
Responsible for providing comments and expertise on land use applications, code compliance, and general property inquiries that require development, fill, or removal in mapped floodplain and wetland areas. Staff maintains certification as an Association of State Floodplain Managers (ASFPM) Certified Floodplain Manager to provide customers with up-to-date and accurate information regarding Federal Emergency Management Agency (FEMA) regulations, surveying requirements, and construction requirements. Coordination is frequently required with external agencies including FEMA, US Army Corps of Engineers, Oregon Department of State Lands (DSL), ODFW, and USFS.

Planning

2022 Year in Review

- ✓ Counter coverage averaged 222 customer visits a month compared to 242 in 2021.
- ✓ Staff responded to 2,757 emails and 2,598 phone call inquiries. This equates to over 229 emails and 217 phone calls per month.
- ✓ Received 895 land use applications compared to 1,089 in 2021, a decrease of 17.8% over prior year.
- ✓ The Planning Division received 10 non-farm dwelling applications compared with 22 for 2021.
- ✓ Twenty (20) final plats were recorded in 2022 or are in the process of being recorded, creating a total of 210 residential lots.
- ✓ Selected a consultant to lead a major Deschutes County Comprehensive Plan Update process.

Land Use Applications Received



Planning

2022 Year in Review, continued

Thirteen (13) land use applications were reviewed by Hearings Officers compared to 20 in 2021. They include:

- ✓ Thornburg Destination Resort (3)
- ✓ Declaratory Rulings for Initiation of Use of Prior Approvals (2)
- ✓ Quasi-Judicial Hearings for Land Use Applications (3)
- ✓ Plan Amendment Zone Changes from Exclusive Farm Use to Non-Resource Zoning (4)
- ✓ City of Bend Urban Growth Boundary (UGB) Amendment / HB 4079 (1)

The BOCC conducted 16 quasi-judicial land use hearings or proceedings, equal to 2021.

- ✓ Appeals declined for review by the BOCC (3)
- ✓ Improvement Agreements (2)
- ✓ City of Bend UGB Amendment (1)
- ✓ Road Name Change (1)
- ✓ Noise Variances (3)
- ✓ Plan Amendment Zone Changes from Exclusive Farm Use to Non-Resource Zones (3)
- ✓ Quasi-Judicial Hearings for Land Use Applications (1)

Ten (10) appeals were filed with the Land Use Board of Appeals (LUBA) in 2022, compared to 11 in 2021:

- ✓ Oregon Water Resources Department Land Use Compatibility Statement / Quasi-Municipal Water Right
- ✓ Private Airstrip
- ✓ Template Dwelling
- ✓ Wireless Tower / ODOT Right of Way
- ✓ Declaratory Ruling for Tumalo Sewer Expansion
- ✓ Thornburgh Destination Resort (4)
- ✓ Plan Amendment Zone Change Remand



Planning

2022 Year in Review, continued

Legislative Amendments

The BOCC adopted:

- ✓ Psilocybin Time, Place, and Manner (TPM) Amendments—Pursuant to Measure 109, the county adopted ordinances that impose reasonable TPM regulations on the location and operation of psilocybin businesses.

Deschutes 2040 Comprehensive Plan Update

Planning staff initiated an 18-month process to update the County's Comprehensive Plan in May 2022. The initial phases of the project focused on conducting background research to form the technical basis for the plan update, and collecting community feedback to identify the key issues, goals, and challenges facing the county for the next 20 years. During the last 7 months, staff accomplished the following:

- ✓ Initiated a professional services agreement with the project consultant for an estimated \$233,000.
- ✓ Received a \$5,000 technical assistance grant from Department of Land Conservation and Development (DLCD) for virtual engagement and software tools.
- ✓ Drafted background summaries of existing conditions and projected trends in Deschutes County, which will ultimately be used as the narrative for Comprehensive Plan Update chapters.
- ✓ Conducted a community engagement training for staff.
- ✓ Created a community engagement plan to raise awareness of the project and ensure an inclusive strategy for outreach.
- ✓ Conducted the first round of community engagements including four in-person open houses, an online survey, and over 50 local meetings designed for community groups, stakeholders and residents to come together and share their thoughts. These meetings resulted in responses from 550 community members.
- ✓ Established a project website using a new integrative tool (ArcHub) and utilized social media to spread awareness of the project website and meetings, resulting in 9,699 post views across a variety of social media platforms.
- ✓ Provided two project updates through a Constant Contact email list with 391 subscribers.
- ✓ Established the Planning Commission as the community advisory body for the project and met six times to review and discuss the project scope, community engagement plan, and staff edits to the Comprehensive Plan goals and policies.

Planning

2022 Year in Review, continued

Grants

Certified Local Government Grant

Planning staff administered an 18-month \$11,500 Certified Local Government (CLG) Grant from the State Historic Preservation Office (SHPO) to assist Deschutes County with its historic preservation programs.

Technical Assistance Grant

In November 2022, DLCD awarded the department a \$5,000 Technical Assistance Grant to fund the use of specialized software tools to assist in virtual outreach for the county's Comprehensive Plan Update.

Transportation Growth Management Grant

Planning staff coordinated with ODOT to execute a \$75,000 Transportation and Growth Management (TGM) Grant to update the Tumalo Community Plan bike/ped/transit elements and implement the rural trails portion of the Sisters Country Vision Action Plan.

Coordination with Other Jurisdictions, Agencies and Committees

Bicycle and Pedestrian Advisory Committee

BPAC met 12 times, commenting on regional Transportation System Plan (TSP) updates, trail connections between cities and recreation areas, bicycle and pedestrian safety issues and ODOT projects, among others.

Oregon Department of Transportation (ODOT)

Participated in Baker Road-Lava Butte Multi-use Path and Lava Butte-La Pine Multi-use Path Technical Advisory Committee (TAC); Baker Road Interchange Area Management Plan TAC; quarterly meetings with ODOT, Road Department, and cities of Bend and Redmond to review traffic modeling needs; stakeholder committee for ODOT study on wildlife passages for US 20 between Bend and Santiam Pass; US 20 (Greenwood Ave.) 3rd Street / Powell Butte Hwy Refinement Plan.

Deschutes River Mitigation and Enhancement Committee

Convened two Deschutes River Mitigation and Enhancement Committee meetings to receive updates from ODFW and Central Oregon Irrigation District (COID).



2022 Year in Review, continued

Coordination with Other Jurisdictions, Agencies and Committees

City of Bend—Coordinated with City staff regarding:

- ✓ Bend Airport Master Plan.
- ✓ Bend UGB Amendment / HB 4079 / Affordable Housing Project.
- ✓ Long-term Planning for the Outback Water Filtration Facility.
- ✓ Bend Metropolitan Planning Organization TAC.
- ✓ Bend UGB Amendment / HB 3318 / Stevens Road Tract.

City of La Pine—Coordinated with City staff regarding:

- ✓ Land use applications for effects on county road system.
- ✓ Participation with Property Management and the city to update and amend the county owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulation.

City of Redmond—Coordinated with City staff regarding:

- ✓ CORE3—UGB Amendment for dedicated, multi-agency coordination center for emergency operations and training led by Central Oregon Intergovernmental Council (COIC)
- ✓ Relocation and expansion of wastewater treatment plant.
- ✓ Update Airport Safety Zone associated with the Redmond Airport Master Plan Update.

City of Sisters—Coordinated with City staff regarding:

- ✓ Participation in the implementation of Sisters Country Vision Plan and Sisters Comprehensive Plan.

Deschutes County

- ✓ Provided updates to BOCC regarding SB 391 Rural ADUs, SB 762 Wildfire Mitigation, wildlife inventories produced by ODFW, Portland State University (PSU) population updates, short-term rentals, Tumalo Community Plan update and dark skies project.



Planning

FY 2023-24 Work Plan Projects

Development Review

- Respond to phone and email customer inquiries within 48 to 72 hours.
- Issue all administrative (staff) decisions for land use actions that do not require prior notice within 21 days of determination of a complete application.
- Issue all administrative (staff) decisions for land use actions requiring prior notice within 45 days of determination of a complete application.
- Process Hearings Officer decisions for land use actions and potential appeals to the BOCC within 150 days per State law.
- Continue to improve website accessibility to the public to view records associated with complex land use applications.

Comprehensive Plan Update

- Amend Comprehensive Plan (Comp Plan 2040) to incorporate new existing conditions, goals and policies.
- Engage Newberry County and Terrebonne and residents to determine if community plans, goals, and policies meet the current and future needs of the area and whether there is an interest and readiness for area and/or community plan updates.

Natural Resources

- Natural Hazards—Develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762 (2021, Wildfire Mitigation).
- Natural Hazards—Initiate recommended development code amendments related to the Natural Hazard Mitigation Plan.
- Wildlife Inventories—Amend the Comprehensive Plan and Zoning Code to incorporate a new mule deer winter range inventory from ODFW.
- Sage-Grouse—Participate as a Coordinating Agency with the Bureau of Land Management (BLM).
- Dark Skies Update—Revisit County's existing outdoor lighting ordinance and update regulations to reflect current best practices and technology.

Transportation Growth Management (TGM) Grant

- Amend Comprehensive Plan to incorporate the Tumalo Community Plan update.
- Implement the rural trails portion of the Sisters Country Vision Action Plan.

Planning

FY 2023-24 Work Plan Projects, continued

Transportation Planning

- Amend Comprehensive Plan to incorporate Transportation System Plan (TSP) update in coordination with Road Department and ODOT.
- Process road naming requests associated with certain types of development on a semi-annual basis.
- Coordinate with ODOT and Parks Districts on regional trail projects.

City of Bend Coordination

- Adopt the Bend Airport Master Plan (BAMP) and amend the County's Comprehensive Plan and Development Code to implement measures that allow for a new air traffic control tower and new airport-related businesses.
- Coordinate on growth management issues, including technical analyses related to housing and employment needs and modernizing Title 19 for the Deschutes County Jail.
- Process a Plan Amendment and Zone Change to add the Stevens Road Tract to the Bend Urban Growth Boundary (UGB), in accordance with HB 3318.

City of La Pine Coordination

- Participate with Property Management and the City of La Pine process to update and amend the county-owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulations.

City of Redmond Coordination

- Coordinate on growth management issues, including with Central Oregon Intergovernmental Council (COIC) on CORE3, a multi-stakeholder regional emergency center.
- Process Conditional Use Permit and Site Plan Review applications for a new wastewater treatment plant.
- Coordinate on an update of the Airport Safety Zone associated with the Redmond Airport.

City of Sisters Coordination

- Participate in the implementation of Sisters Country Vision Plan and their Comprehensive Plan Update.

Growth Management Committees

- Coordinate and/or participate on Deschutes County BPAC, Project Wildfire, and Deschutes River Mitigation and Enhancement Committee.

Historic Preservation—Certified Local Government (CLG) Grant

- Administer 2023-24 Certified Local Government Grant from SHPO.



FY 2023-24 Work Plan Projects, continued

Housekeeping Amendments

- Initiate housekeeping amendments to ensure County Code complies with state law.

Housing Strategies

- Amend County Code to implement SB 391, Rural ADUs.
- Amend County Code to repeal Conventional Housing Combining Zone.
- Amend County Code to define family for unrelated persons HB 2538 (non-familial Individuals).
- Explore options and approaches to address rural housing and homelessness as allowed under state law.

Legislative Session (2023-24)

- Initiate Comprehensive Plan and/or Zoning Text amendments to comply with and implement new or revised state laws.
- Participate in legislative or rulemaking work groups to shape state laws that benefit Deschutes County.

Short Term Rentals

- Prepare a white paper describing methods for regulating short term rentals.
- Coordinate with BOCC on next steps

Zoning Text Amendments

- Accessory structure amendments clarifying it must be built concurrent with or after the establishment of a primary residence with certain allowed facilities.
- Applicant initiated plan amendment, zone changes, and/or text amendments.
- Allow “self-serve” farm stands in Rural residential Exception Areas
- Comply with House Bill 3109 (2021) pertaining to establishment of childcare facilities in industrial zones.
- Define family for unrelated persons per HB 2538 (Non-familial Individuals).
- Forest Zone Code—Review for compliance with Oregon Administrative Rule.
- In conduit hydroelectric generation code amendments.
- Lot Line Adjustments and Re-platting.
- Medical Hardship Dwellings—review for consistency with state law.
- Minor variance 10% lot area rule for farm and forest zoned properties.
- Outdoor Mass Gatherings update.
- Repeal Conventional Housing Combining Zone.
- Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments).
- Sign code to become consistent with federal law.
- Temporary use of recreational vehicles as dwellings.
- Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses.

Planning

FY 2023-24 Work Plan Projects, continued

- Title 22—Procedures Ordinance for consistency with state law and planning department interpretations.
- Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands.

Staff Directory

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Community Involvement Report

2022

Statewide Planning Goal 1, Citizen Involvement, requires cities and counties to create a citizen involvement program that provides opportunities for community participation in land use planning processes and decisions.

Land use legislation, policies and implementation measures made by Oregonians nearly 50 years ago helped shape Oregon’s urban and rural environments. Likewise, choices made today will ultimately shape these areas in the future. Successful land use planning occurs through an open and public process that provides room for information gathering, analysis and vigorous debate. Deschutes County’s Community Involvement program is defined in Section 1.2 of the Comprehensive Plan.

This chapter identifies the County Planning Commission as the committee for citizen involvement. It also contains the County’s Community Involvement goal and corresponding five policies that comply with Goal 1. This report briefly discusses the noteworthy community involvement actions undertaken by the Planning Division in 2022. The report is intended to provide county residents and stakeholders with a tool to assess its effectiveness and offer additional suggestions the County can utilize to ensure that its diverse communities remain actively involved in land use planning discussions.



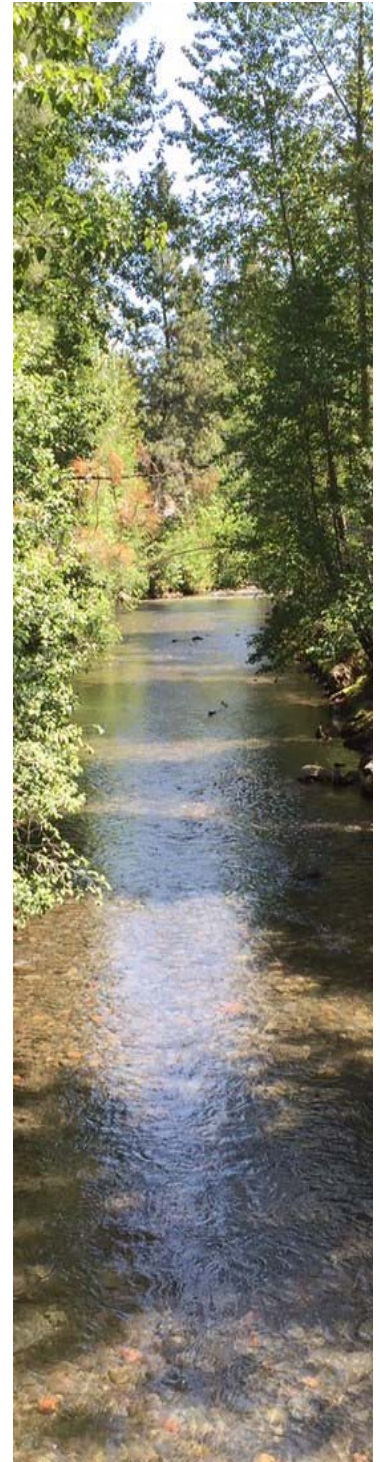
Community Involvement Report

2022

Planning Commission

The Planning Commission convened 17 times to consider:

- ✓ Amateur (HAM) Radio Facility Text Amendments
- ✓ CDD FY 2022-23 Annual Report & Work Plan
- ✓ Dark Skies Update
- ✓ Deschutes 2040 Meetings:
 - Comprehensive Plan Update Briefing
 - Community Engagement Plan Review
 - Phase 1 Results Overview and Phase 2 Activities
 - Key Planning Issues, Challenges, and Goals
 - Initial Policy Review
 - Results of Phase 2 Visioning Activities, and Initial Policy Review
- ✓ Deschutes County Transportation System Plan 2020-2040 Update
- ✓ Joint BOCC / PC Work Session
- ✓ Psilocybin TPM Amendments
- ✓ SB 391—Rural ADU Text Amendment
- ✓ SB 762—Wildfire Hazard Risk Mapping and the Wildland Urban Interface
- ✓ TGM Grant for Bike/Ped/Transit in Tumalo; Rural trails in Sisters Country
- ✓ Tumalo Community Plan
- ✓ Water Resources Discussion Panel
- ✓ Wildlife Inventory Update



Community Involvement Report

2022

Historic Landmarks Commission

- Convened 5 times in 2022 to consider:
- ✓ Archeological Society of Central Oregon—Introduction
 - ✓ CDD FY 2022-23 Annual Report & Work Plan
 - ✓ CLG Grant Application
 - ✓ City of Sisters Check-In—CLG Grant Projects
 - ✓ Deschutes County 2040—Project Briefing
 - ✓ Field Trip Discussion
 - ✓ HLC Policies and Procedures Manual
 - ✓ Preservation Month 2023
 - ✓ Regional Coordination
 - ✓ Strategic Plan
 - ✓ Updates from Bend and Redmond Historic Landmarks Commission





BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 31, 2023

SUBJECT: Public Hearing: Griffin/Renfro Plan Amendment and Zone Change for approximately 40 acres south of Bear Creek Road and east of Hamby Road

RECOMMENDED MOTION:

The Hearings Officer recommends approval of file nos. 247-22-000792-PA, 793-ZC pursuant to DCC 22.28.030.

BACKGROUND AND POLICY IMPLICATIONS:

The Board will conduct a public hearing to consider a request for a Plan Amendment from Agriculture to Rural Residential Exception Area and Zone Change from Exclusive Farm Use to Multiple Use Agricultural (MUA10) for approximately 40 acres south of Bear Creek Road and east of Hamby Road (file nos. 247-22-000792-PA, 793-ZC).

BUDGET IMPACTS:

None

ATTENDANCE:

Rachel Vickers, Associate Planner



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Rachel Vickers, Associate Planner

DATE: May 31, 2023

SUBJECT: Griffin/Renfro Comprehensive Plan Amendment and Zone Change – Public Hearing

The Board of County Commissioners (“Board”) is conducting a public hearing on May 31, 2023, to consider a request for a Comprehensive Plan Amendment and Zone Change (file nos. 247-22-000792-PA, 793-ZC) for one tax lot totaling approximately 40 acres one mile to the east of the City of Bend. This will be the second of two required public hearings.

I. BACKGROUND

The applicants, Kevin Griffin and Libby Renfro, are requesting a Comprehensive Plan Amendment to re-designate the subject properties from Agriculture to Rural Residential Exception Area and a Zoning Map Amendment to rezone the properties from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA10). The applicant argues the property was mistakenly identified as farmland, does not contain high-value soils or other characteristics of high value farmland, and therefore should be re-designated and rezoned for rural residential use. The applicants provided a supplementary soil study that identifies non-high value (Class VII and VIII) soils on a majority of the subject properties. Additionally, the applicant’s burden of proof includes findings that demonstrates compliance with state and local requirements and policies.

II. PUBLIC COMMENTS

Staff received four (4) public comments from neighbors and local interest groups related to the February 28, 2023 Hearing’s Officer hearing and proceedings. All four comments opposed the application, however staff notes that one of the comments from a nearby neighbor related to using the property as a drug treatment facility which is unrelated to this proposal. Comments received in opposition expressed concern related to potential loss of agricultural land, credibility of the submitted soils report, and the applications ability to meet all relevant local and state regulations.

III. HEARINGS OFFICER RECOMMENDATION

The Deschutes County Hearings Officer held a public hearing on February 28, 2023. One individual, not including the applicant’s team, provided testimony during the hearing in support of the application.

On March 24, 2023, the Hearings Officer issued a recommendation of approval for the proposed Plan Amendment and Zone Change evaluating compliance with all applicable review criteria.

IV. BOARD CONSIDERATION

As the property includes lands designated for agricultural use, Deschutes County Code 22.28.030(C) requires the application to be heard *de novo* before the Board, regardless of the determination of the Hearings Officer. Per DCC Section 22.20.040(D), the review of the proposed quasi-judicial Plan Amendment and Zone Change is not subject to the 150-day review period typically associated with land use decisions. The record is available for inspection at the Planning Division and at the following website:

<https://www.deschutes.org/cd/page/247-22-000792-pa-793-zc-%E2%80%93-comprehensive-plan-amendment-and-zone-change>.

V. NEXT STEPS

At the conclusion of the public hearing, the Board can choose one of the following options:

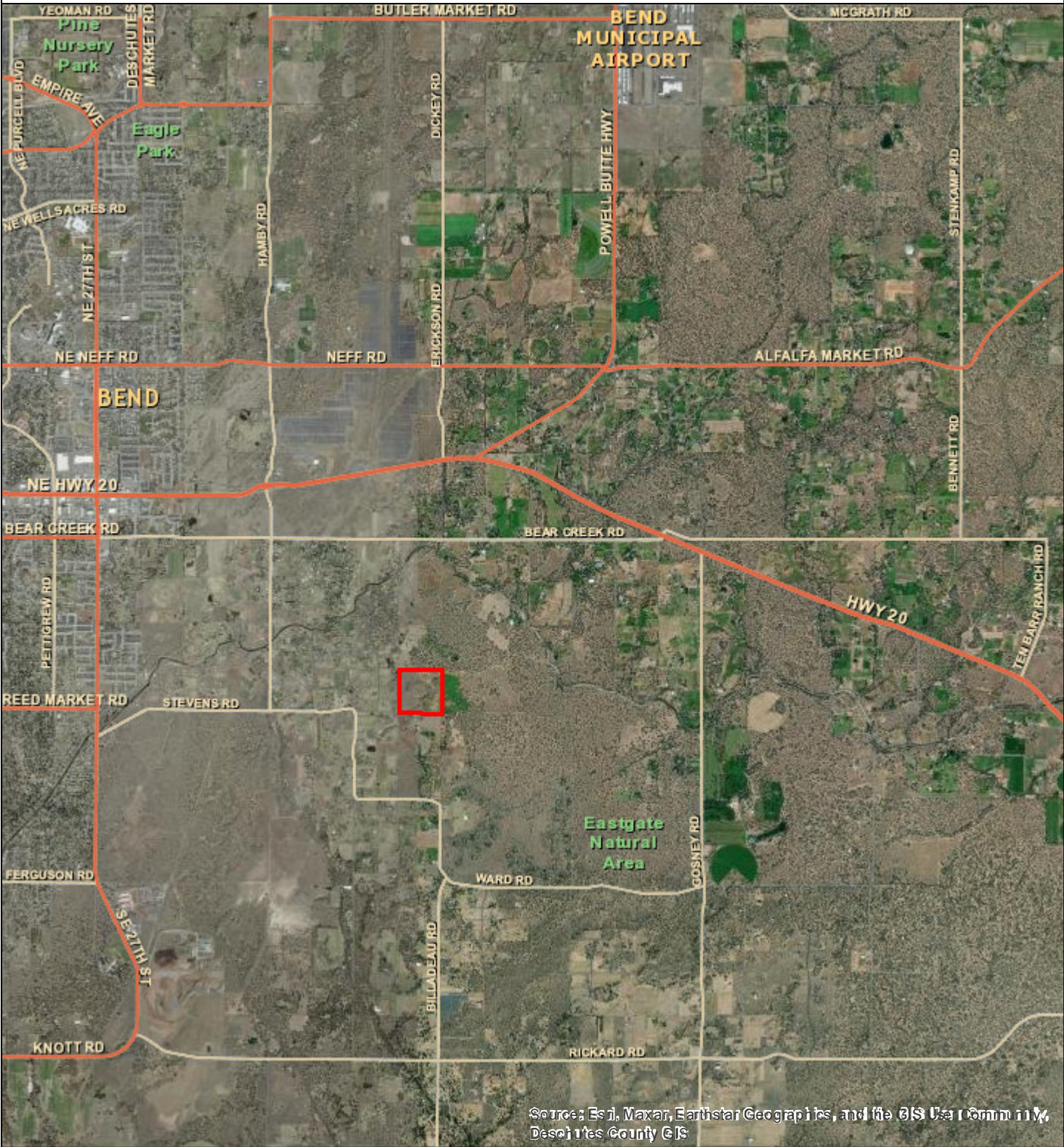
- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain;
- Close the hearing and commence deliberations; or
- Close the hearing and schedule deliberations for a date and time to be determined.

ATTACHMENT(S):

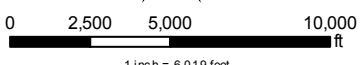
1. Area Map
2. Hearings Officer Recommendation

Land Use File #247-22-000792-PA, 793-ZC

21900 RASTOVICH RD, BEND, OR 97702



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community, Deschutes County GIS



1 inch = 6,019 feet



Date: 10/3/2022

HEARING OFFICER FINDINGS AND RECOMMENDATIONS

FILE NUMBERS: 247-22-000792-PA, 793-ZC

HEARING DATE: February 28, 2023, 6:00 p.m.

HEARING LOCATION: Videoconference and Barnes and Sawyer Rooms
Deschutes Services Center
1300 NW Wall Street
Bend, OR 97708

**SUBJECT PROPERTIES/
OWNER:** Mailing Name: GRIFFIN, KEVIN J
Map and Taxlot: 181201D000200
Account: 109857
Situs Address: 21900 RASTOVICH RD, BEND, OR 97702

APPLICANT: Kevin Griffin and Libby Renfro

**ATTORNEY
FOR APPLICANT:** Tia Lewis

REQUEST: The Applicant requests approval of a Comprehensive Plan Amendment to change the designation of the Subject Property from Agricultural (AG) to Rural Residential Exception Area (RREA). The Applicant also requests a corresponding Zone Change to rezone the Subject Property from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10).

HEARINGS OFFICER: Alan A. Rappleyea

STAFF CONTACT: Rachel Vickers, Associate Planner
Phone: (541) 388-6504
Email: Rachel.Vickers@deschutes.org

RECORD: Record items can be viewed and downloaded from:
<https://www.deschutes.org/cd/page/247-22-000792-pa-793-zc-%E2%80%93-comprehensive-plan-amendment-and-zone-change>

**SUMMARY OF
RECOMMENDATION:** The Hearings Officer finds that the Applicants have met their burden of proof with respect to the requested Comprehensive Plan Amendment and Zone Change and, therefore, recommends APPROVAL of the Application based on the Findings set forth in this Recommendation.

I. APPLICABLE CRITERIA

- Title 18 of the Deschutes County Code, the County Zoning Ordinance:
 - Chapter 18.04, Title, Purpose, and Definitions
 - Chapter 18.16, Exclusive Farm Use Zones (EFU)
 - Chapter 18.32, Multiple Use Agricultural (MUA10).
 - Chapter 18.136, Amendments
- Title 22, Deschutes County Development Procedures Ordinance
- Deschutes County Comprehensive Plan
 - Chapter 2, Resource Management
 - Chapter 3, Rural Growth Management
 - Appendix C, Transportation System Plan
- Oregon Administrative Rules (OAR), Chapter 660
 - Division 12, Transportation Planning
 - Division 15, Statewide Planning Goals and Guidelines
 - Division 33, Agricultural Land
- Oregon Revised Statutes (ORS)
 - Chapter 215.010, Definitions
 - Chapter 215.211, Agricultural Land, Detailed Soils Assessment

II. BACKGROUND AND PROCEDURAL FINDINGS

NATURE OF PROCEEDING: This matter comes before the Hearings Officer as a request for approval of a Comprehensive Plan Map Amendment (“Plan Amendment”) to change the designation of the Subject Property from Agricultural (AG) to Rural Residential Exception Area (RREA). The Applicants also request approval of a corresponding Zoning Map Amendment (“Zone Change”) to change the zoning of the Subject Property from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA10). The basis of the request in the Application is the Applicants’ assertion that the Subject Property does not qualify as “agricultural land” under the applicable provisions of the Oregon Revised Statutes or Oregon Administrative Rules governing agricultural land. Based on that assertion, the Applicants are not seeking an exception to Statewide Planning Goal 3 for the Plan Amendment or Zone Change.

NOTICES: The Application was filed on April 14, 2022. On October 5, 2022, the County issued a Notice of Application to several public agencies and to property owners in the vicinity of the Subject Property (together, “Application Notice”). The Application Notice invited comments on the Application.

Following additional submittals by the Applicants, the County mailed a Notice of Public Hearing on February 3, 2023 (“Hearing Notice”) announcing an evidentiary hearing (“Hearing”) for the requests in the Application. Notice of the hearing was published in the Bend Bulletin on February 5, 2023. Notice was given to the DLCD of the hearing on January 17, 2023. Pursuant to the Hearing Notice, I presided over the Hearing as the Hearings Officer on February 28, 2023, opening the Hearing at 6:00 p.m. The Hearing was held via videoconference, with Staff and a representative of the Applicants in the hearing room. The Hearings Officer appeared remotely. On February 21, 2023, the

Deschutes County Planning Division ("Staff") issued a report setting forth the applicable criteria and presenting the evidence in the record at that time ("Staff Report"). The Hearings Officer finds that all procedural notice requirements were met.

HEARING: At the beginning of the Hearing, I provided an overview of the quasi-judicial process and instructed participants to direct comments to the approval criteria and standards, and to raise any issues a participant wanted to preserve for appeal if necessary. I stated I had no *ex parte* contacts to disclose or bias to declare. I asked for but received no objections to the County's jurisdiction over the matter or to my participation as the Hearings Officer. Next, Staff provided a summary of the staff report. The applicant's attorney, Ms. Lewis then made a presentation. The Applicant, Mr. Kevin Griffin also testified in support of the application. There was no one present either in person or remotely to offer neutral testimony or opposition testimony. Staff reported on the letters in opposition from Kristen Sabo and Carol Macbeth of COLW, Devin Kesner of 1000 Friends of Oregon including one that recently arrived from Ms. Macbeth from Central Oregon Land Watch (COLW), and Mr. Jerry Wilke. I noted that I had read the letters that were submitted but had not yet seen the COLW most recent letter. I have now reviewed that letter.

The applicant stated that the letter in opposition from Jerry Wilke was likely addressing a different application as the current application does not propose a drug rehabilitation facility. I concur in that statement.

The applicant also rebutted the arguments provided by COWL and 1000 Friends. The applicant and staff then responded to my questions. I mentioned that the Board would be hearing a similar application in Marken 247-22-000353-PA and 247-22-000354-ZC. I wanted to take judicial notice of that decision when it is issued for the record. The applicant did not have an issue with having that decision reviewed by the Hearings Officer. I noted that I have a contractual obligation to issue timely decisions.

No participant requested that the record remain open. The Hearing concluded at approximately 6:59 p.m. At that time, I closed the Hearing and the record, and I took this matter under advisement.

150-DAY CLOCK: Because the Application includes a request for the Plan Amendment, the 150-day review period set forth in ORS 215.427(1) is not applicable. ORS 215.427(7). The Staff Report also notes that the 150-day review period is not applicable by virtue of Deschutes County Code ("DCC" or "Code") 22.20.040(D). No participant to the proceeding disputed that conclusion.

III. SUBSTANTIVE FINDINGS AND CONCLUSIONS

Adoption of Factual Findings in Staff Report:

The Staff Report contains a comprehensive summary of evidence in the record as it relates to each of the applicable criteria. The Staff Report, although it expresses agreement with the Applicants in many places, does not make a final recommendation. Instead, the Staff Report asks the Hearings Officer to determine if the Applicants have met the burden of proof necessary to justify the Plan

Amendment and the Zone Change. Comments have challenged some specific evidence or findings presented in the Staff Report. Where the staff legal finding have been challenged, those will be addressed below. There is only one area that challenges the factual finding and will be addressed here. For those factual and legal findings that are not challenged, I hereby adopt as fact the evidentiary findings in the Staff Report as my evidentiary findings. To the extent any of the findings in this Recommendation conflict with the findings in the Staff Report, my intent is to have these findings control. The remainder of this Recommendation sets forth the legal criteria and adopts legal findings based on those factual findings.

The factual finding that is challenged by COWL is the determination of the soils report provided by the applicant. Although there is also a legal aspect to this challenge as COWL believes that the County’s NRCS maps should prevail over the applicant’s soil study (which will be addressed subsequently), a primary factual challenge is the make up of the soil. COWL’s testimony is that the soil is predominantly Class 3-6. Macbeth COLW Public Comment 2/28/23. The Applicant’s soil study finds that the property is predominantly Class 7-8 (hereinafter, except for quotes, I will use the Arabic numerals instead of Roman for ease of reading). The Hearings Officer finds that the expert testimony provided by the applicant concerning soils along with staff’s analysis of Applicants submittal is more persuasive than the testimony provided by Ms. Macbeth. 2022-09-30 App Materials 22-792-PA, 793-ZC Page 176. Ms. Macbeth relies on the more general NRCS studies and the applicant’s study is more detailed. The applicant has met the burden of proof that the soil is predominantly class 7-8 and is not predominantly class 3-6.

Title 18 of the Deschutes County Code, County Zoning

Chapter 18.136, Amendments

Section 18.136.010, Amendments

DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.

FINDING: The Applicants are the owners of the Subject Property and have requested a quasi-judicial Plan Amendment and filed applications for that purpose, together with the request for a Zone Change. No participant to this proceeding objects to this process. It is therefore appropriate to review the Application using the applicable procedures contained in Title 22 of the Deschutes County Code.

Section 18.136.020, Rezoning Standards

The applicant for a quasi-judicial rezoning must establish that the public interest is best served by rezoning the property. Factors to be demonstrated by the applicant are:

A. That the change conforms with the Comprehensive Plan, and the change is consistent with the plan's introductory statement and goals.

FINDING: According to the Applicants, the County applies this Code provision by considering whether: (1) the zone change conforms to the Comprehensive Plan; and (2) the change is consistent with the Comprehensive Plan’s introduction statement and goals.

With respect to the first factor, the Applicants note that they are also seeking a Plan Amendment, which will change the Comprehensive Plan designation of the Subject Property from Agriculture to Rural Residential Exception Area. If that Plan Amendment is approved, which is addressed in more detail below, the proposed change from the EFU zone to the MUA-10 zone will be consistent with the new Comprehensive Plan designation. No participant to this proceeding disputes that conclusion.

With respect to the second factor, the Staff report goes into detail describing the criteria which the hearings officer has to apply relying on past Hearing Officers decision on a similar application. Powell/Ramsey decision (PA-14-2 / ZC-14-2) and Landholdings Decision (247-16-000317-ZC / 318-PA). The staff report states that “introductory statement and goals are not approval criteria for the proposed plan amendment and zone change.” The Hearings Officer adopts the Applicant’s statement and the staff report’s legal analysis on the standards that apply. The staff report then proceeds to address the relevant requirements.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that this Code provision is satisfied.

B. That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.

FINDING: Only the Applicants and Staff offer any evidence or argument with respect to the purpose of the MUA-10 zone. The purpose of the MUA-10 zoning district is stated in DCC 18.32.010 as follows:

The purposes of the Multiple Use Agricultural Zone are to preserve the rural character of various areas of the County while permitting development consistent with that character and with the capacity of the natural resources of the area; to preserve and maintain agricultural lands not suited to fulltime commercial farming for diversified or part-time agricultural uses; to conserve forest lands for forest uses; to conserve open spaces and protect natural and scenic resources; to maintain and improve the quality of the air, water and land resources of the County; to establish standards and procedures for the use of those lands designated unsuitable for intense development by the Comprehensive Plan, and to provide for an orderly and efficient transition from rural to urban land use.

According to the Applicants, the Subject Property is not suited to full-time commercial farming. The MUA-10 zone will instead allow the owners to engage in hobby farming, and the low-density of development allowed by the MUA-10 zone will conserve open spaces and protect natural and scenic resources. As a result, the MUA-10 zoning provides a proper transition zone from city, to rural, to

EFU zoning. Additionally, the staff report finds that the maximum density of the approximately 40.0-acre property is 7 lots, if developed with a cluster development under Title 18. This low density will preserve open space, allow owners to engage in hobby farming, if desired, and preserve natural and scenic resources and maintain or improve the quality of air, water, and land resources. The MUA-10 zoning provides a proper transition zone from the City, to rural zoning, to EFU zoning.

The Staff Report agrees that the change in classification is consistent with the purpose and intent of the MUA10 Zone, and no participant to this proceeding disputes that conclusion. Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that this Code provision is satisfied.

C. That changing the zoning will presently serve the public health, safety and welfare considering the following factors:

1. The availability and efficiency of providing necessary public services and facilities.

FINDING: As noted in the Staff Report, this criterion specifically asks if the Zone Change will *presently* serve public health, safety, and welfare. The Applicants and the Staff Report provided the following as support for why this criterion is met:

- Necessary public facilities and services are available to serve the Subject Property including power and water.
- Transportation access to the Subject Property is available off a Rastovich Road, and the impact of increased traffic on the transportation system is negligible.
- The Subject property receive police services from the Deschutes County Sheriff and fire service from Rural Fire Protection District # 2, which has a fire station two miles from the Subject Property.
- The close proximity of the Subject property to urban development will allow for efficient service provision.
- Prior to development of the properties, the Applicants would be required to comply with the applicable requirements of the Code, including possible land use permit, building permit, and sewage disposal permit processes. Through these development review processes, assurance of adequate public services and facilities will be verified.

Staff concludes and the Hearings Officer finds that there are no known deficiencies in public services or facilities that would negatively impact public health, safety, or welfare. Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that this Code provision is satisfied.

2. The impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan.

FINDING: Only the Applicants and Staff offer any evidence or argument with respect to this criterion. Specifically, the Applicants noted the following:

The MUA-10 zoning is consistent with the specific goals and policies in the comprehensive plan discussed above. The MUA-10 zoning is the same as the zoning of many other properties in the area west and south of the subject property. In addition, the MUA-10 zoning provides a proper transition zone from the City, to rural zoning, to EFU zoning.

The zone change will not impose new impacts on the EFU-zoned land adjacent to the subject property because many of those properties are residential properties, hobby farms, already developed with dwellings, not engaged in commercial farm use, are idle, or are otherwise not suited for farm use due to soil conditions, topography, or ability to make a profit farming.

Some of the properties adjacent and near the subject property are in small, hobby farm use and are receiving farm tax deferral. Tax Lots 1100, 100, 301, and 200 are adjacent to the east and southwest and are in common ownership and part of Rastovich Farm. Most of the Rastovich properties are receiving farm tax deferral and are being used for raising livestock. One of the Rastovich parcels adjacent to the subject property is a nonfarm parcel developed with a nonfarm dwelling. Submitted herewith as Exhibit 12 is a letter from Robert and Colleen Rastovich stating they have no objection to the requested zone change and attesting to the fact that the subject property is not intermingled and is not necessary or useful to them for any farming on the Rastovich parcels.

The adjacent properties to the north and northeast, Tax Lots 101, 102, 1101, are currently receiving farm tax deferral and appear to be used as residential properties with hobby farms. Attached hereto as Exhibit 13 are letters from David Nader, owner of Tax lot 101 adjacent to the north of the subject property and Steve and Keri Sawyer, owners of Tax lot 1101 adjacent to the northeast of the subject property stating they have no objection to the requested zone change and attesting to the fact that the subject property is not intermingled and is not necessary or useful to them for any farming occurring on their parcels. These properties will not suffer new impacts from the proposed zone change because they are hobby farms, already developed with dwellings, not engaged in commercial farm use, and are smaller size than the subject property. The zone change would allow the subject property to be divided into parcels similar size to the adjacent properties to the north and be used for similar hobby farming uses.

As discussed below, the subject property is not agricultural land, is comprised of predominantly Class 7 and 8 soils, and as described by the soil scientist, Mr. Gallagher, the nonproductive soils on the subject property make it not suitable for commercial farming or livestock grazing. The subject property is not land that could be used in conjunction with the adjacent property and any future development of the subject property would be subject to building setbacks.

The Staff Report agrees that the Applicants have demonstrated the impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that this Code provision is satisfied.

D. That there has been a change in circumstances since the property was last zoned, or a mistake was made in the zoning of the property in question.

FINDING: Only the Applicants offer any evidence or argument with respect to this criterion. According to the Applicants, a mistake in zoning was made and the EFU zoning designation on the Subject property was likely based on the best soils data that was available to the County at the time it was originally zoned, during the late 1970's, when the Comprehensive Plan and Map were first adopted. The Applicants also assert that there has been a change in circumstances since that time. Specifically, the Applicants note that there are new data regarding soils on the Subject Property and that the updated soils report shows the Subject Property do not have agricultural soils. The Applicants also assert that the economics of farming and the viability of commercial farm uses in Deschutes County have significantly changed, and farming for a profit has become increasingly difficult. The applicant also notes the encroachment of the urban area to the Subject Property. Although the Hearings Officer agrees with the applicant that the urban area is encroaching on this property, he does not find that this encroachment would be a change in circumstance that should be considered as any such plan change would further create encroachment for other properties.

Staff finds that “[i]t is unclear to staff why the Subject Property was initially zoned EFU. Staff is unaware of any evidence such as soil classification, availability of irrigation, or historic farming, which explains its current zoning.” Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that this Code provision is satisfied.

Deschutes County Comprehensive Plan

Chapter 2, Resource Management

FINDING: Chapter 2 of the Comprehensive Plan relates to Resource Management. Section 2.2 of that Chapter relates specifically to Agricultural Lands. The Applicants and Staff have identified the following goals and policies as relevant to the Application.

Section 2.2 Agricultural Lands

Goal 1, Preserve and maintain agricultural lands and the agricultural industry.

FINDING: According to the Applicants, they are pursuing the Plan Amendment and Zone Change because the Subject Property do not constitute "agricultural lands", and therefore, it is not necessary to preserve or maintain the Subject Property as such. In support of that conclusion, the Applicants rely on a soils report showing the Subject Property consist predominantly (58.5%) of Class 7 and 8 nonagricultural soils. Such soils have severe limitations for agricultural use as well as low soil fertility, shallow and very shallow soils, abundant rock outcrops, low available water capacity, and major management limitations for livestock grazing.

The Staff Report notes the property has 5 acres of water rights. The fact that the property has some water rights and that the soils are only 58% class 7 and 8 makes this decision more difficult. It is

likely that many properties in Deschutes County are used for farming, particularly hobby farming, have worse soil conditions. However, the majority of the soils are predominantly class 7 and 8.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Comprehensive Plan.

Policy 2.2.2 Exclusive Farm Use sub-zones shall remain as described in the 1992 Farm Study and shown in the table below, unless adequate legal findings for amending the sub-zones are adopted or an individual parcel is rezoned as allowed by Policy 2.2.3.

FINDING: The Applicants have not asked to amend the subzone that applies to the Subject Property. Instead, the Applicants requested a change under Policy 2.2.3 and have provided evidence to support rezoning the Subject Property as MUA-10.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Comprehensive Plan.

Policy 2.2.3 Allow comprehensive plan and zoning map amendments, including for those that qualify as non-resource land, for individual EFU parcels as allowed by State Statute, Oregon Administrative Rules and this Comprehensive Plan.

FINDING: The Applicants request approval of the Plan Amendment and Zone Change to re-designate the Subject Property from Agricultural to Rural Residential Exception Area and rezone the Subject Property from EFU to MUA-10. The Applicants do not seek an exception to Goal 3 for that purpose, but rather seek to demonstrate that the Subject Property does not meet the state definition of "Agricultural Land" as defined in Statewide Planning Goal 3 (OAR 660-033-0020).

In support of this approach, the Applicants rely in part on the Land Use Board of Appeals' decision in *Wetherell v. Douglas County*, 52 Or LUBA 677 (2006), where LUBA states as follows:

As we explained in DLCD v. Klamath County, 16 Or LUBA 817, 820 (1988), there are two ways a county can justify a decision to allow nonresource use of land previously designated and zoned for farm use or forest uses. One is to take an exception to Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands). The other is to adopt findings which demonstrate the land does not qualify either as forest lands or agricultural lands under the statewide planning goals. When a county pursues the latter option, it must demonstrate that despite the prior resource plan and zoning designation, neither Goal 3 or Goal 4 applies to the property.

The Applicants assert that the facts presented in the Application are sufficiently similar to those in the *Wetherell* decision and in other Deschutes County plan amendment and zone change applications. The Staff Report agrees and concludes the Applicants have the potential to prove the Subject Property is not agricultural land and do not require an exception to Goal 3 under state law.

The opposition letter submitted by Ms. Kesner from 1000 Friends argues that the applicant did not adequately address the agricultural land factors in the rule. This argument will be addressed specifically under OAR 660-033-0020.

Based on the foregoing, I find that the Application is consistent with this portion of the Comprehensive Plan.

Policy 2.2.4 Develop comprehensive policy criteria and code to provide clarity on when and how EFU parcels can be converted to other designations.

FINDING: The Applicants assert this plan policy provides direction to Deschutes County to develop new policies to provide clarity when EFU parcels can be converted to other designations and that the Application is consistent with this policy. The Staff Report also concludes the proposal is consistent with this policy.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Comprehensive Plan.

Goal 3, Ensure Exclusive Farm Use policies, classifications and codes are consistent with local and emerging agricultural conditions and markets.

Policy 2.2.13 Identify and retain accurately designated agricultural lands.

FINDING: The Applicants assert that this Comprehensive Plan policy requires the County to identify and retain agricultural lands that are accurately designated. The Applicants propose that the Subject Property was not accurately designated as demonstrated by the soil study in the record.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Comprehensive Plan.

Section 2.5, Water Resources Policies

FINDING: Section 2.5 of Comprehensive Plan Chapter 2 relates specifically to Water Resource Policies. The Applicants and Staff have identified the following goal and policy in that section as relevant to the Application.

Goal 6, Coordinate land use and water policies.

Policy 2.5.24 Ensure water impacts are reviewed and, if necessary, addressed for significant land uses or developments.

FINDING: The Applicants and Staff assert that the Applicants are not required to address water impacts associated with development because they have not proposed a specific development application at this time. Instead, the Applicants will be required to address this criterion during

development of the Subject Property, which would be reviewed under any necessary land use process for the site.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Comprehensive Plan.

Section 2.7, Open Spaces, Scenic Views and Sites

FINDING: Section 2.7 of Comprehensive Plan Chapter 2 relates specifically to Open Spaces, Scenic Views and Sites. The Applicants and Staff have identified the following goal and policies in that section as relevant to the Application.

Goal 1, Coordinate with property owners to ensure protection of significant open spaces and scenic view and sites.

Policy 2.7.3 Support efforts to identify and protect significant open spaces and visually important areas including those that provide a visual separation between communities such as the open spaces of Bend and Redmond or lands that are visually prominent.

Policy 2.7.5 Encourage new development to be sensitive to scenic views and sites.

FINDING: The Applicants assert these policies are fulfilled by the County's Goal 5 program. The County protects scenic views and sites along major rivers and roadways by imposing Landscape Management (LM) Combining Zones to adjacent properties. Because there is no LM combining zone applicable to the Subject Property, the Subject Property is not identified as a Goal 5 resource, and no new development is proposed, the Applicants argue there is no applicable regulation that requires the Subject Property to be protected as open space or for scenic views.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Comprehensive Plan.

Chapter 3, Rural Growth

Section 3.2, Rural Development

FINDING: Chapter 3 of the Comprehensive Plan relates to Rural Growth. Within that chapter, Section 3.2 relates specifically to Rural Development. The Applicants and Staff have identified the following language in that section as relevant to the Application.

Growth Potential

As of 2010, the strong population growth of the last decade in Deschutes County was thought to have leveled off due to the economic recession. Besides flatter growth patterns, changes to State regulations opened up additional opportunities for new rural

development. The following list identifies general categories for creating new residential lots, all of which are subject to specific State regulations.

- **2009 legislation permits a new analysis of agricultural designated lands**
- **Exceptions can be granted from the Statewide Planning Goals**
- **Some farm lands with poor soils that are adjacent to rural residential uses can be rezoned as rural residential**

FINDING: This section of the Comprehensive Plan does not contain Goals or Policies but does provide the guidance above. In response to this section, the Applicant provided the following response in the burden of proof:

The above part of the plan is not a plan policy and is not an applicable approval criterion but rather an explanation of how the County calculated expected growth. As shown above, the County's Comprehensive Plan provisions anticipate the need for additional rural residential lots as the region continues to grow. This includes providing a mechanism to rezone farm lands with poor soils to a rural residential zoning designation. While this rezone application does not include the creation of new residential lots, the applicant has demonstrated the subject property is comprised of poor soils that are adjacent to rural residential, MUA-10 zone, uses to the west as well as near rural residential, RR-10 zone and MUA-10 zone, uses to the south and is near (within 1 mile) of the City limits of Bend to the west and even closer to the Stevens Road Tract, which will be brought inside the UGB pursuant to HB 3318.

Rezoning the subject property to MUA-10 is consistent with this criterion, as it will provide for an orderly and efficient transition from the Bend Urban Growth Boundary to rural and agricultural lands. Additionally, it will link the non-productive lands of the subject property with existing residential development and street systems to the west, furthering the creation a buffer of MUA-10 zoned land along the City's eastern boundary where the quality of soils are poor and the land is not conducive for commercial agriculture.

Staff noted that the MUA-10 zone is a rural residential zone and as discussed in the Basic Findings section, there are several nearby properties to the north and northeast that are zoned MUA-10 as well as nearby EFU zoned properties developed with residential uses. Staff noted this policy references the soil quality, which staff has discussed above. Staff agreed with the Applicant's response and finds the proposal complies with this policy.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Comprehensive Plan.

Section 3.3, Rural Housing

Rural Residential Exception Areas

In Deschutes County most rural lands are designated for farms, forests or other resources and protected as described in the Resource Management chapter of this Plan. The majority of the land not recognized as resource lands or Unincorporated Community is designated

Rural Residential Exception Area. The County had to follow a process under Statewide Goal 2 to explain why these lands did not warrant farm or forest zoning. The major determinant was that many of these lands were platted for residential use before Statewide Planning was adopted.

In 1979 the County assessed that there were over 17,000 undeveloped Rural Residential Exception Area parcels, enough to meet anticipated demand for new rural housing. As of 2010 any new Rural Residential Exception Areas need to be justified through initiating a nonresource plan amendment and zone change by demonstrating the property does not meet the definition of agricultural or forest land, or taking exceptions to farm, forest, public facilities and services and urbanization regulations, and follow guidelines set out in the OAR.

FINDING: Prior Hearings Officer’s decisions have found that Section 3.3 is not a plan policy or directive. PA-11-17/ZC-11-2; 247-16-000317-ZC/318-PA; 247-18-000485-PA/486-ZC. I hereby adopt the findings in the staff report for this criterion.

Based on the above, the Hearings Officer agrees with the past Deschutes County Hearings Officer interpretations and with the staff interpretation and finds that the above language is not a policy and does not require an exception to the applicable Statewide Planning Goal 3. Staff finds the proposed RREA plan designation is the appropriate plan designation to apply to the Subject Property. In the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Comprehensive Plan.

Section 3.7, Transportation

FINDING: Section 3.7 of Comprehensive Plan Chapter 3 relates specifically to Transportation. The Applicants and Staff have identified the following goal and policy in that section as relevant to the Application.

**Appendix C – Transportation System Plan
ARTERIAL AND COLLECTOR ROAD PLAN**

...

Goal 4. Establish a transportation system, supportive of a geographically distributed and diversified economic base, while also providing a safe, efficient network for residential mobility and tourism.

...

Policy 4.4 Deschutes County shall consider roadway function, classification and capacity as criteria for plan map amendments and zone changes. This shall assure that proposed land uses do not exceed the planned capacity of the transportation system.

FINDING: The Applicants and the Staff Report assert this policy advises the County to consider the roadway function, classification and capacity as criteria for Comprehensive Plan amendments and zone changes. Compliance with OAR 660-012, also known as the Transportation Planning Rule (TPR),

is described below in subsequent findings, and the Applicants and Staff assert that such compliance is sufficient to demonstrate compliance with these transportation goals and policies.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Comprehensive Plan.

OREGON ADMINISTRATIVE RULES CHAPTER 660, LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

FINDING: The Applicants and the Staff Report identify several administrative rules as potentially applicable to the Application.

Division 6, Goal 4 – Forest Lands

OAR 660-006-0005

- (7) “Forest lands” as defined in Goal 4 are those lands acknowledged as forest lands, or, in the case of a plan amendment, forest lands shall include:**
 - (a) Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and**
 - (b) Other forested lands that maintain soil, air, water and fish and wildlife resources.**

FINDING: The Applicants and the Staff Report assert that the Subject Property does not appear to qualify as forest land and, therefore, the administrative rules relating to forest land are not applicable. The Subject Property is not zoned for forest lands, nor are any of the Subject Property within a 3-mile radius of forest lands. The Subject Property does not contain merchantable tree species and there is no evidence in the record that the Subject Property has been employed for forestry uses historically.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with these administrative rules.

Division 33 - Agricultural Lands & Statewide Planning Goal 3 - Agricultural Lands;

OAR 660-015-0000(3)

To preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.

FINDING: Goal 3 continues on to define “Agricultural Land,” which is repeated in OAR 660-033-0020(1). Staff makes findings on this topic below and incorporates those findings herein by reference.

OAR 660-033-0020, Definitions

For purposes of this division, the definitions in ORS 197.015, the Statewide Planning Goals, and OAR Chapter 660 shall apply. In addition, the following definitions shall apply:

(1)(a) "Agricultural Land" as defined in Goal 3 includes:

- (A) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon];**

FINDING: The Applicant’s basis for not requesting an exception to Goal 3 is based on the premise that the Subject Property is not defined as “Agricultural Land.” In support, the Applicant offers the following response as included in the submitted burden of proof statement:

ORS 215.211 grants a property owner the right to rely on more detailed information that provided by the NRCS Web Soil Survey of the NRCS to “assist the county to make a better determination of whether land qualifies as agricultural land.” Statewide Goal 3, discussed above, and OAR 660-033-0030(5) also allow the County to rely on the more detailed and accurate information by a higher order soil survey rather than information provided by the NRCS. The law requires that this survey use the NRCS soil classification system in conducting the survey, making it clear that the point of the survey is to provide better soil classification information than provided by the NRCS for use in making a proper decision whether land is or is not “Agricultural Land.” The Subject Property is not properly classified as Agricultural Land and does not merit protection under Goal 3. The soils are predominately Class 7 and 8, as demonstrated by the site-specific soils assessment conducted by Mr. Gallagher, a certified soils scientist. State law, OAR 660-033-0030, allows the County to rely on for more accurate soils information, such as Mr. Gallagher's soil assessment. Mr. Gallagher found that approximately 58.5 percent of the soils on the Subject Property (approximately 23.4 acres) are Land Capability Class 7 and 8 soils that have severe limitations for farm use. He also found the site to have low soil fertility, shallow and very shallow soils, abundant rock outcrops, rock fragments on the soil surface, restrictive for livestock accessibility, and low available water holding capacity, all of which are considerations for the determination for suitability for farm use.

Because the Subject Property is comprised predominantly of Class 7 and 8 soils, the property does not meet the definition of “Agricultural Land” under OAR 660-033-020(1)(a)(A), listed above as having predominantly Class I-VI soils.

Ms. Macbeth from COLW argued that applicant misconstrues this rule in its burden of proof statement. Ms. Macbeth finds fault with the applicant referring to OAR 660-033-0030 to provide “more accurate soils information.” She argues that a “more detailed study is not more accurate”. Page 2, February 28, 2023 testimony. Ms. Macbeth argues that the applicant’s soil study cannot “change or replace the NRCS data...”

The applicants responded to this testimony in its February 28, 2023, submittal.

Goal 3 specifically allows local governments to rely on more detailed soils data than provided by the NRCS. It says:

"More detailed soil data to define agricultural land may be utilized by local governments if such data permits achievement of this goal."

The purpose of Goal 3 is to preserve agricultural land. It is not intended to preserve land that does not meet the definition of "agricultural land."

The applicants then argues that ORS 215.211(1) the legislature specifically provided the rights for applicants to provide more detailed soils information. The applicant argues that the rules support this finding:

DLCD understands that the more detailed soils surveys allowed by Statewide Goal 3 and ORS 197.211 may be used in lieu of NRCS soils surveys. On its website, DLCD explains:

*"Soil mapping done by the USDA Natural Resources Conservation Service (NRCS) is the most common tool used for identifying the types of soils in an area. The NRCS provides a rating for each soil type that indicates how suited the soil is for agriculture. ***
NRCS does not have the ability to map each parcel of land, so it looks to larger areas. This means that the map may miss a pocket of different soils. DLCD has a process landowners can use to challenge NRCS soils information on a specific property. Owners who believe soil on their property has been incorrectly mapped may retain a 'professional soil classifier ... certified by and in good standing with the Soil Science Society of America ' *** through a process administered by DLCD. This soils professional can conduct an assessment that may result in a change of the allowable uses for the property."*

I find that the applicant’s argument is more convincing. That statutes and the rules and the DLCD’s interpretation of their rules allow applicants to submit more detailed soils information which can be used to determine whether the property meets the definition of “agricultural lands.” See following sections.

Staff reviewed the soil study provided by Andy Gallagher of Red Hill Soils (dated September 26, 2022) and agree with the Applicant’s representation of the data for the Subject Property. Staff found that based on the submitted soil study and the above OAR definition, that the Subject Property is comprised predominantly of Class 7 and 8 soils and, therefore, does not constitute “Agricultural Lands” as defined in OAR 660-033-0020(1)(a)(A) above.

Based on the foregoing, I find that the Subject Property should not be considered agricultural land under this part of the administrative rules.

(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing;

climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and

FINDING: According to the Applicants, this part of the definition of "Agricultural Land" requires the County to consider whether the Class 7 and 8 soils found on the Subject Property are suitable for farm use despite their Class 7 and 8 soil classification. The Applicants rely on a decision by the Oregon Supreme Court that determined the term "farm use" as used in this rule and Goal 3 means the current employment of land for the primary purpose of obtaining a profit in money through specific farming-related endeavors.¹ Applying that definition, the Applicants describe various limitations on the ability of the Subject Property to support farm uses, including, among other factors, a limited water rights and low soil fertility. Applicant argues that these factors demonstrate that the property is not agricultural land.

Mr. Kesner from 1000 Friends of Oregon argues in its February 28th submittal that:

The applicant’s analysis as to whether the property is agricultural land as defined by DC 18.04.030 and OAR 660-033-0020(1)(a) is faulty in several ways. First, the applicant fails to demonstrate that the property is not suitable for any “farm use” as defined under ORS 215.203(2)(a). See OAR 660-033-0020(1)(a)(B) (agricultural land includes “[l]and in other soil [soil] classes that is suitable for farm use as defined in ORS 215.203(2)(a)). “Farm use” is defined as “current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.” ORS 215.203(2)(a). The applicant has only addressed capacity for raising crops and livestock, and has not considered the capability of the land to support other activities classified as a “farm use.”

Mr. Kesner makes an interesting argument here that the applicant and the County must consider other farm uses such poultry, fur-bearing animals or honeybees etc. in making the determination of whether the property is agricultural land. Mr. Kesner would require a review of the general definition of “farm use” found in the statute for the determination of whether the property is “agricultural land.”

I find that Mr. Kesner’s interpretation is not persuasive. The legislature would not have adopted ORS 215.211 and allowed a county to consider more detailed soils information “to make a better determination of whether land qualifies as agricultural land...” if they also had to consider whether the applicants could raise bees etc.. The rules also specifically allow for the consideration of soil types in determining “agricultural land”. This statute and the rules implementing it all lead to my conclusion that this additional analysis of whether the property must meet the broad definition of agricultural in ORS 205.203(2)(a) is not required.

1 *Wetherell v. Douglas County*, 342 Or 666, 160 P3d 614 (2007).

Mr. Kesner also argues that since the property has a significant amount of class 3-6 soils and that there are many farms in Deschutes County that operate with much smaller acreage than the Subject Property. Mr Kesner argues that this demonstrates that these small farms are “an accepted and predominant farm practice in Deschutes County.” This is also an interesting argument. However, under the statute and administrative rules the County is examining whether this property is “agricultural land” based on its soils and other factors. I find that based on the above-described law as applied to soils types and the other factors described in the staff report, that the property is not property classified as “agricultural land.”

Staff agrees with the Applicant that many of the factors surrounding the Subject Property – such as nearby residential and non-agricultural related land uses, high-cost of dryland grazing, soil fertility, and lack of availability of water rights result in an extremely low possibility of farming on the Subject Property.

Based on the foregoing, I find that the Subject Property should not be considered agricultural land and is not suitable for farming under this part of the administrative rules.

(C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.

FINDING: The staff report found that the Applicant provided an analysis of land uses and agricultural operations surrounding the Subject Property. The Applicant analysis determined that barriers for the Subject Property to engage with these properties in a farm use include: poor quality soils, lack of irrigation, proximity and significant topography changes.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Subject Property is not necessary to permit farm practices to be undertaken on adjacent or nearby agricultural land under this part of the administrative rules.

(b) Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;

FINDING: Staff report agrees with the Applicant’s findings that this property is not part of a farm unit with the surrounding agricultural lands.

The staff report include the applicant’s response to arguments from 1000 Friends as to the Farm Unit rule.

Goal 3 applies a predominant soil type test to determine if a property is "agricultural land." If a majority of the soils are Class 1-6 in Central or Eastern Oregon, it must be classified "agricultural land." 1000 Friends position is that this is a 100% Class 7-8 soils test rather than a 51% Class 7 and 8 soils test because the presence of any Class 1-6 soil requires the County to identify the entire property as "agricultural land." Case law indicates that the Class 1-6 soil test applies to a subject

property proposed for a non-agricultural plan designation while the farm unit rule looks out beyond the boundaries of the subject property to consider how the subject property relates to lands in active farming in the area that was once a part of the area proposed for rezoning. It is not a test which requires that 100% of soils on a subject property be Class 1-6.

I find that the applicant's argument is more persuasive. The law allows for land that is not predominantly class 1-6 soils to not be considered agricultural lands. As such, it makes sense that the test under the farm unit rule would not require property to be 100% class 7-8 soils to meet this test. The applicants also argue:

The farm unit rule is written to preserve large farming operations in a block. It does this by preventing property owners from dividing farmland into smaller properties that, alone, do not meet the definition of "agricultural land." The subject property is not formerly part of a larger area of land that is or was used for farming operations and was then divided to isolate poor soils so that land could be removed from EFU zoning. As demonstrated by the historic use patterns and soils reports, it does not have poor soils adjacent to or intermingled with good soils within a farm unit. The subject property is not in farm use and has not been in farm use of any kind. It has no history of commercial farm use and contains soils that make the property generally unsuitable for farm use as the term is defined by State law. It is not a part of a farm unit with other land.

I agree with the applicant that the property was not formerly part of a larger area of land that was used for farming operations. As such, I find that the application complies with this part of the administrative rules.

OAR 660-033-0030, Identifying Agricultural Land

- (1) All land defined as "agricultural land" in OAR 660-033-0020(1) shall be inventoried as agricultural land.**
- (2) When a jurisdiction determines the predominant soil capability classification of a lot or parcel it need only look to the land within the lot or parcel being inventoried. However, whether land is "suitable for farm use" requires an inquiry into factors beyond the mere identification of scientific soil classifications. The factors are listed in the definition of agricultural land set forth at OAR 660-033-0020(1)(a)(B). This inquiry requires the consideration of conditions existing outside the lot or parcel being inventoried. Even if a lot or parcel is not predominantly Class I-IV soils or suitable for farm use, Goal 3 nonetheless defines as agricultural "lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands". A determination that a lot or parcel is not agricultural land requires findings supported by substantial evidence that addresses each of the factors set forth in 660-033-0020(1).**

FINDING: The Applicant addressed the factors in OAR 660-033-0020(1) above. I find that the properties are not "agricultural land," as referenced in OAR 660-033-0030(1) above and contain barriers for farm use including poor quality soils and lack of irrigation as described in the soil study produced by Mr. Gallagher. I also find that the Applicant has provided adequate responses

indicating the Subject Property is not necessary to permit farm practices undertaken on adjacent and nearby lands. Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the administrative rules do not require the Subject Property to be inventoried as agricultural land.

(3) Goal 3 attaches no significance to the ownership of a lot or parcel when determining whether it is agricultural land. Nearby or adjacent land, regardless of ownership, shall be examined to the extent that a lot or parcel is either "suitable for farm use" or "necessary to permit farm practices to be undertaken on adjacent or nearby lands" outside the lot or parcel.

FINDING: As concluded in other findings above, the Subject Property is not suitable for farm use and are not necessary to permit farm practices to be undertaken on adjacent or nearby lands. The ownership of the Subject Property is therefore not being used as a factor to determine whether the Subject Property is agricultural land.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this part of the administrative rules.

- (5)(a) More detailed data on soil capability than is contained in the USDA Natural Resources Conservation Service (NRCS) soil maps and soil surveys may be used to define agricultural land. However, the more detailed soils data shall be related to the NRCS land capability classification system.**
- (b) If a person concludes that more detailed soils information than that contained in the Web Soil Survey operated by the NRCS as of January 2, 2012, would assist a county to make a better determination of whether land qualifies as agricultural land, the person must request that the department arrange for an assessment of the capability of the land by a professional soil classifier who is chosen by the person, using the process described in OAR 660-033-0045.**

FINDING: Mr. Gallagher’s soil study concludes that the Subject Property contains 58 percent Class 7 and 8 soils. The submitted soil study prepared by Mr. Gallagher is accompanied in the submitted application materials by correspondence from the Department of Land Conservation and Development (DLCD). The DLCD correspondence confirms that Mr. Gallagher’s prepared soil study is complete and consistent with the reporting requirements for agricultural soils capability as dictated by DLCD. Based on Mr. Gallagher’s qualifications as a certified Soil Scientist and Soil Classifier, the staff found the submitted soil study to be definitive and accurate in terms of site-specific soil information for the Subject Property.

I find that the Applicants have elected to provide a more detailed agricultural soil assessment, conducted by Mr. Gallagher, a Certified Professional Soil Scientist approved by the Department of Land Conservation and Development. The analysis under section OAR 660-033-0020(1)(a), above, also applies here to address the comments by COWL. Based on the undisputed facts in that report, the Subject Property do not qualify as “agricultural land.”

- (c) ***This section and OAR 660-033-0045 apply to:***
 - (A) ***A change to the designation of land planned and zoned for exclusive farm use, forest use or mixed farm-forest use to a non-resource plan designation and zone on the basis that such land is not agricultural land; and***

FINDING: I find that this administrative rule does not establish a particular standard and simply confirms when this section of the administrative rules applies.

- (d) ***This section and OAR 660-033-0045 implement ORS 215.211, effective on October 1, 2011. After this date, only those soils assessments certified by the department under section (9) of this rule may be considered by local governments in land use proceedings described in subsection (c) of this section. However, a local government may consider soils assessments that have been completed and submitted prior to October 1, 2011.***

FINDING: The Applicant submitted a soil study by Mr. Gallagher of Red Hill Soils dated September 26, 2022. The soils study was submitted following the ORS 215.211 effective date. The Applicant submitted to the record an acknowledgement from Hilary Foote, Farm/Forest Specialist with the DLCDC, dated October 27, 2022, that the soil study is complete and consistent with DLCDC’s reporting requirements. Staff found this criterion to be met based on the submitted soil study and confirmation of completeness and consistency from DLCDC

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this part of the administrative rules.

DIVISION 12, TRANSPORTATION PLANNING

OAR 660-012-0060 Plan and Land use Regulation 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.**

FINDING: This above language is applicable to the proposal because it involves an amendment to an acknowledged comprehensive plan. The proposed plan amendment would change the designation of the Subject Property from AG to RREA and change the zone from EFU to MUA-10. The Applicant is not proposing any land use development of the properties at this time.

As referenced in the staff report, the Senior Transportation Planner for Deschutes County requested additional information to clarify the conclusions provided in the traffic study. The Applicant submitted an updated report from Joe Bessman, PE of Transight Consulting, LLC dated January 3, 2023, to address trip distribution, traffic volumes, and Transportation Planning Rule (TPR) criteria. The updates were reviewed by the Senior Transportation Planner who indicated his concerns were satisfied with the amended report. Mr. Bessman includes the following conclusions in the traffic impact analysis dated January 3, 2023:

- *Rezoning of the 40-acre property from EFU-TRB to MUA provides nearly identical potential impacts as the existing zoning, with the potential for a reduction in weekday daily and weekday p.m. peak hour trips, even with inclusion of the conditionally allowed uses within the MUA zoning.*
- *With a comparative assessment of outright allowable uses the rezone reduces the trip generation of the property in comparison to what could be built within the EFU zoning.*
- *The lack of a change in trip generation potential trip generation potential between reasonable build-out scenarios does not meet Deschutes County, ODOT, or City of Bend thresholds of significance at any nearby locations.*
- *Comparison of the maximum outright development in the MUA zoning to the single existing home would only show seven additional weekday p.m. peak hour trips and 66 additional weekday daily trips.*
- *Operational analysis shows that the Stevens Road and Ward Road corridors remain within Deschutes County's performance thresholds using either the adopted 2030 TSP or values within the pending 2040 TSP Update.*

Based on the County Senior Transportation Planner's comments and the traffic study from Transight Consulting, LLC, staff found compliance with the Transportation Planning Rule had been effectively demonstrated. Based on the revised traffic study, staff believed that the proposed plan amendment and zone change would be consistent with the identified function, capacity, and performance standards of the County's transportation facilities in the area.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application satisfies this administrative rule.

DIVISION 15, STATEWIDE PLANNING GOALS AND GUIDELINES

 OAR 660-015, Division 15, Statewide Planning Goals and Guidelines

FINDING: Division 15 of OAR chapter 660 sets forth the Statewide Planning Goals and Guidelines, with which all comprehensive plan amendments must demonstrate compliance. The Applicants assert the Application is consistent with all applicable Goals and Guidelines, which no participant to this proceeding disputes. In light of the foregoing, and in the absence of any counter evidence or argument, I adopt the Applicants’ position and find that the Plan Amendment and Zone Change are consistent with the applicable Goals and Guidelines as follows:

***“Goal 1, Citizen Involvement.** Deschutes County will provide notice of the application to the public through mailed notice to affected property owners and by requiring the Applicants to post a "proposed land use action sign" on the Subject Property. Notice of the Hearings held regarding this application was placed in the Bend Bulletin. A minimum of two public hearings will be held to consider the Application.*

***Goal 2, Land Use Planning.** Goals, policies and processes related to zone change applications are included in the Deschutes County Comprehensive Plan and Titles 18 and 23 of the Deschutes County Code. The outcome of the Application will be based on findings of fact and conclusions of law related to the applicable provisions of those laws as required by Goal 2.*

***Goal 3, Agricultural Lands.** The Applicants have shown that the property is not agricultural land because it consists predominantly of Class 7 and 8 soils that are not suitable for farm use.*

***Goal 4, Forest Lands.** Goal 4 is not applicable because the Subject Property does not include any lands or soils that are zoned for, or that support, forest uses.*

***Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces.** The subject property does not contain any inventoried Goal 5 resources.*

***Goal 6, Air, Water, and Land Resources Quality.** The approval of this Application will not impact the quality of the air, water, and land resources of the County. Any future development of the Subject Property will be subject to applicable local, state, and federal regulations that protect these resources.*

***Goal 7, Areas Subject to Natural Disasters and Hazards.** According to the Deschutes County DIAL property information and Interactive Map, the entirety of Deschutes County, including the Subject Property, is located in a Wildfire Hazard Area. The Subject Property is also located in Rural Fire Protection District #2. Rezoning the property to MUA-10 does not change the Wildfire Hazard*

Area designation. Any future development of the Subject Property will need to demonstrate compliance with any fire protection regulations and requirements of Deschutes County.

Goal 8, Recreational Needs. This goal is not applicable because no development is proposed and the Subject Property is not planned to meet the recreational needs of Deschutes County. Therefore, the proposed rezone will not impact the recreational needs of Deschutes County.

Goal 9, Economy of the State. This goal is not applicable because the Subject Property is not designated as Goal 9 economic development land. In addition, the approval of this application will not adversely affect economic activities of the state or area.

Goal 10, Housing. The County's comprehensive plan Goal 10 analysis anticipates that farm properties with poor soils, like the Subject Property, will be converted from EFU to MUA-10 or RR-10 zoning and that these lands will help meet the need for rural housing. Approval of this Application, therefore, is consistent with Goal 10 as implemented by the acknowledged Deschutes County Comprehensive Plan.

Goal 11, Public Facilities and Services. The approval of this Application will have no adverse impact on the provision of public facilities and services to the Subject Property. Pacific Power has confirmed that it has the capacity to serve the Subject Property and the proposal will not result in the extension of urban services to rural areas.

Goal 12, Transportation. This application complies with the Transportation System Planning Rule, OAR 660-012-0060, the rule that implements Goal 12. Compliance with that rule also demonstrates compliance with Goal 12.

Goal 13, Energy Conservation. The approval of this application does not impede energy conservation. The Subject Property is located within 1 mile from the city limits of Bend. If the property is developed with additional residential dwellings in the future, providing homes in this location as opposed to more remote rural locations will conserve energy needed for residents to travel to work, shopping and other essential services provided in the City of Bend.

Goal 14, Urbanization. Staff found that this goal is not applicable because the Applicants' proposal does not involve property within an urban growth boundary and does not involve the urbanization of rural land. The MUA-10 zone is an acknowledged rural residential zoning district that limits the intensity and density of developments to rural levels. The compliance of this zone with Goal 14 was recently acknowledged when the County amended its Comprehensive Plan. The Comprehensive Plan recognizes the fact that the MUA-10 and RR zones are the zones that will be applied to lands designated Rural Residential Exception Areas.

Mr. Kesner, 1000 Friends of Oregon, argues that the application does not adequately consider this goal or seek an exception. February 28, 2023, submittal. At the hearing, the applicant testified that the MUA-10 zone has been acknowledged to be in compliance with Goal 14. The staff concurred with that decision.

I find that this Goal is not applicable for the reasons above.

Goals 15 through 19. *These goals do not apply to land in Central Oregon."*

IV. CONCLUSIONS

Based on the foregoing findings, I find the Applicants have met their burden of proof with respect to the standards for approving the requested Plan Amendment and Zone Change. I therefore recommend to the County Board of Commissioners that the Application be APPROVED.

Dated this 17th Day of March, 2023

Alan A. Rappleyea

Alan A. Rappleyea
Deschutes County Hearings Officer



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 31, 2023

SUBJECT: Deliberations: 4Peaks 2024 Outdoor Mass Gathering Permit

RECOMMENDED MOTION:

Move approval of Board Document 2023-368, adding reasonable conditions of approval if acceptable.

BACKGROUND AND POLICY IMPLICATIONS:

The Board will deliberate on May 31st in relation to the request for an Outdoor Mass Gathering permit (file no. 247-22-000675-OMG) for the 4Peaks Music Festival in June of 2024. The event is proposed to include overnight camping, parking, and food and drink for an estimated 2,000 people. A public hearing was held on April 5, 2023 and the open record period associated with the request ended on April 19, 2023.

The entirety of the record can be found on the project website at: <https://www.deschutes.org/cd/page/247-22-000675-omg-4peaks-outdoor-mass-gathering>

BUDGET IMPACTS:

None.

ATTENDANCE:

Rachel Vickers, Associate Planner



MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Rachel Vickers, Associate Planner

DATE: May 31, 2023

SUBJECT: Deliberations – 4Peaks 2024 Outdoor Mass Gathering Permit

The Board held a public hearing on April 5, 2023 to consider a request for an Outdoor Mass Gathering permit (file nos. 247-22-000675-OMG) for 4Peaks June 2024 event which will include overnight camping, parking, and food and drink for an estimated 2,000 people. The Board is scheduled to deliberate on May 31, 2023 in consideration of the request.

I. BACKGROUND

The applicant requests approval of an Outdoor Mass Gathering permit to allow a multi-day music festival in June of 2024. The event includes overnight camping, parking, and food and drink for an estimated 2,000 people. The property is approximately 150 acres in size and developed with a single-family dwelling and multiple accessory structures. The surrounding area consists of small scale farm and residential uses.

Proposed location of the festival is at 21085 Knott Road (see attached Location Map). Staff notes that the festival received approval from 2016 through 2019 at the same location with similar proposals, and before 2016 at a property near Tumalo. Set up is scheduled to begin June 15, 2024 and tear down will be fully completed by June 24, 2024. The event will take place June 20, 2024 through June 23, 2024. At this time the proposal has been approved by the Environmental Health Division, Bend Fire Department, County Health Department, and the Deschutes County Sheriff's Office.

The subject property has been divided into specific areas for the music festival. The main activity area is on the central portion of the subject property, which contains the stages, vendors, restrooms, water, first aid, trash and recycling collection, and basic operational aspects of the festival. The entrance to the festival is located on the northeast corner which includes the general admission vehicle lanes, ticket will call, day-use parking, and an area for authorized personnel. Other areas surrounding the main event to the south and southeast are designated as car and RV camping. The design layout includes separate vehicle and pedestrian access aisles and an emergency access road.

The applicant has addressed in their proposal the requirements involving insurance, sanitary facilities, water supply, fire protection, medical services, public safety and enforcement, parking facilities, alcohol and dangerous drugs, and hours of operation.

The Board held a public hearing on April 5, 2023 and initiated a 14-day open record period, which concluded April 19, 2023 at 4:00pm.

II. OPEN RECORD PERIOD

During the initial 7-day segment of the 14-day open record period, staff received 26 public comments and 3 agency comments. During the second 7-day segment of the open record period, staff received no comments from the applicant in regards to their final legal argument.

The new evidence and testimony received during the open record contained 3 agency comments, 22 comments in support of the application, and 4 comments in opposition. The 3 agency comment from Bend Fire Department, Deschutes County Health Department, and Deschutes County Environmental Health Department confirmed their initial approval of the permit and stated they had no additional concerns. The 22 comments in support of the application did not directly relate to any approval criteria, but generally supported the event saying it was well managed, family friendly, and a great addition to the community.

The 4 comments in opposition raised concerns regarding appropriateness of the location, impacts on wildlife and livestock, increased fire risk, security issues, traffic, noise, and enforcement of code violations. The applicant did not provide a response for their final legal argument.

III. BOARD DELIBERATIONS

On May 31, 2023, the Board will deliberate on the proposed Outdoor Mass Gathering Permit request. If the Board finds that additional deliberations are necessary, the Board may schedule a future date for continued deliberations. If the Board finds no additional deliberations are necessary, the Board may then vote on whether to approve or deny the Outdoor Mass Gathering request.

The review of the proposed Outdoor Mass Gathering permit is not subject to the 150-day review period typically associated with land use decisions. The full record is available at the following link: <https://www.deschutes.org/cd/page/247-22-000675-omg-4peaks-outdoor-mass-gathering>

Board Decision Matrix

A more thorough review and discussion of the subject proposal’s compliance with the applicable approval criteria and issues is provided in the associated Board Decision Matrix, prepared in conjunction with this deliberation memorandum.

IV. NEXT STEPS

If the Board determines that additional deliberations are necessary, staff will work with the Board to schedule a future meeting for continued deliberations. If the Board concludes their deliberations during the May 31, 2023 meeting, the Board may then vote on whether to approve or deny the Outdoor Mass Gathering permit.

V. SUGGESTED MOTION

To the extent the Board decides to approve the Outdoor Mass Gathering permit, a motion as follows will likely be appropriate:

The Board moves to approve Board Document No 2023-368 for file no. 247-22-000675-OMG.

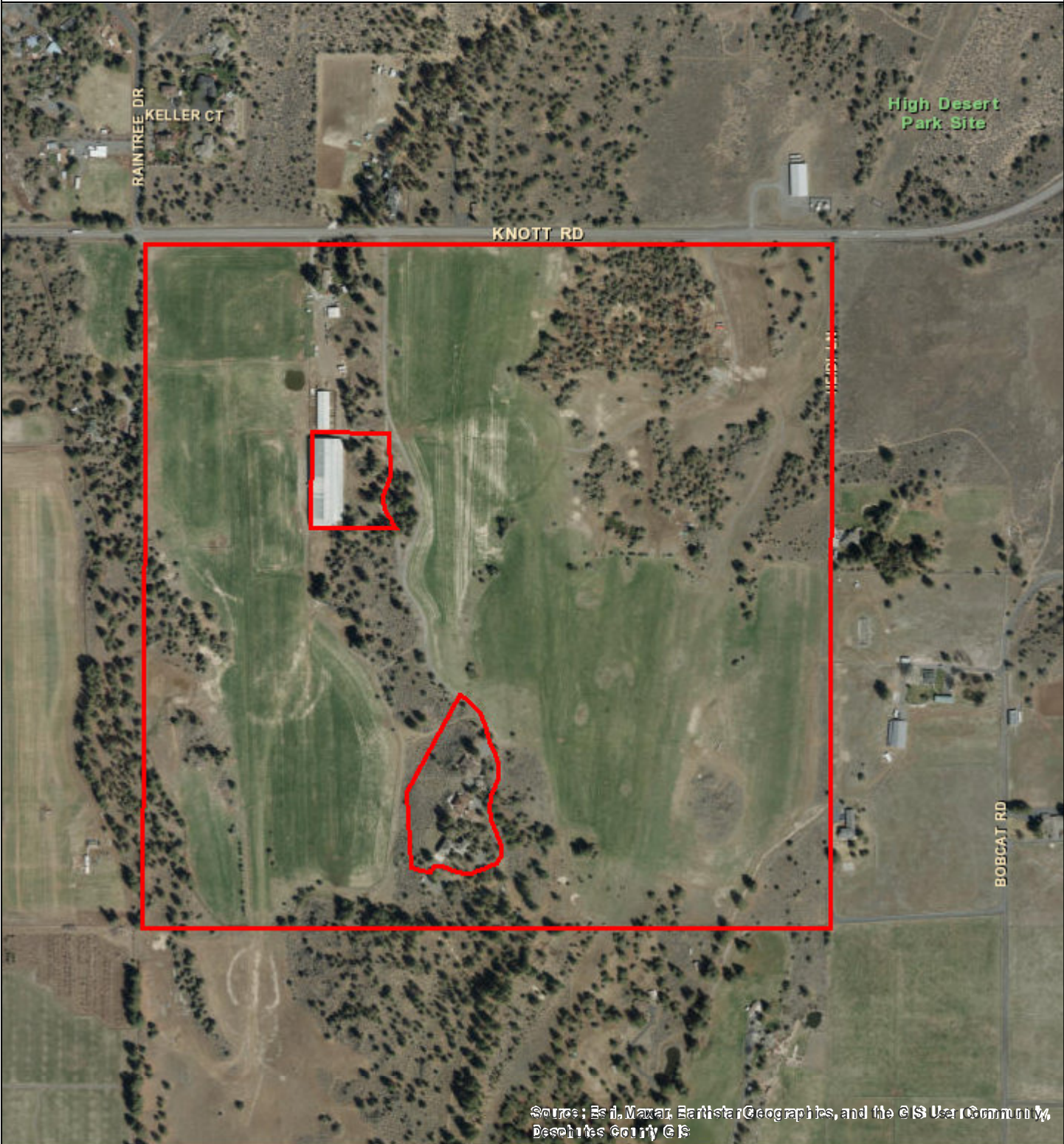
To the extent the Board decides to add reasonable conditions of approval to the Board Document, that motion will need to be crafted to address the Board's specific concerns, as discussed in the deliberations.

ATTACHMENTS:

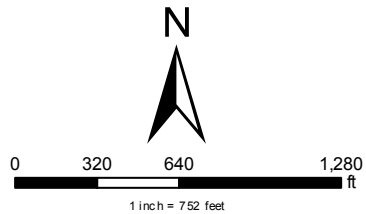
- 1) Area Map
- 2) Board Decision Matrix
- 3) Board Document 2023-368

Land Use File 247-22-000675-OMG

21085 KNOTT RD, BEND, OR 97702



Date: 10/5/2022



Decision Matrix: 247-22-000675-OMG 4Peaks 2024 Musical Festival

Topics That Address Approval Criteria					
No.	Topic/Issue	Summary of Comments in Opposition	Summary of Comments in Support	Staff Comments	Board Determination and Decision Points
1	Food Service DCC 8.16.220	<ul style="list-style-type: none"> Allegations that at previous festivals, campers were setting up unlicensed food service operations at their camp sites 	<ul style="list-style-type: none"> While staff received 22 comments in support, none were specific to DCC 8.16.220 Food vendors will be licensed and permitted 14 days prior to the event 	<ul style="list-style-type: none"> Event was approved by the County Health Department for compliance with DCC 8.16.220 The Health Department stated they have received no complaints regarding unlicensed food service operators at the festival however they requested they be reported to their Department if there are in the future. A condition of approval has been added in the past (and included in the proposed permit) that all licensed food service providers shall apply to the County Health Department at least one week in advance of the event 	<p>Has the applicant demonstrated compliance with the food service control standards of DCC 8.16.220?</p> <p>A. If yes, include the suggested condition of approval and continue reviewing the application.</p> <p>B. If no, either:</p> <ol style="list-style-type: none"> Modify the condition of approval to achieve compliance; or Deny the application and continue reviewing other criteria.
2	Fire Protection DCC 8.16.230	<ul style="list-style-type: none"> Fire risk increases with large crowds With limited points of ingress and egress, trying to evacuate people in the event of emergency would be difficult There don't seem to be fire measures to prevent fires from spreading to neighboring properties 	<ul style="list-style-type: none"> While staff received 22 comments in support, none were specific to DCC 8.16.230 	<ul style="list-style-type: none"> The application was approved by Bend Fire Department for compliance with DCC 8.16.230 Bend Fire Department has stated they have not had to respond to any incidents at the 4Peaks event in the past A condition of approval has been added in the past (and included in the proposed permit) that the premises are inspected by the Bend Fire Department before the event starts A condition of approval has been added in the past (and included in the proposed permit) that all fire hydrants/sprinklers/other systems are readily visible and unobstructed for a circumferential distance of 3 feet A condition of approval has been added in the past (and included in the proposed permit) that all fire and emergency access roads have unobstructed access of 20 feet in width and 13.5 feet of vertical clearance, and remain open at all times. 	<p>Has the applicant demonstrated compliance with the fire protection of DCC 8.16.230?</p> <p>A. If yes, include the suggested condition of approval and continue reviewing the application.</p> <p>B. If no, either:</p> <ol style="list-style-type: none"> Modify the condition of approval to achieve compliance; or Deny the application and continue reviewing other criteria.
3	Traffic Control DCC 8.16.250	<ul style="list-style-type: none"> In previous years the parking area was not managed well, including an unclear pick up point for Uber and Lyft. General concern over traffic congestion as attendees enter and exits the premises 	<ul style="list-style-type: none"> There will be 1 traffic control for every 250 persons in attendance (8 maximum) Traffic control personnel will be wearing safety vests Applicant has stated they have fixed the locational issues with Uber and Lyft Directional signs will be posted along the roadway as well as certified flaggers Separate lanes for general admission and authorized vehicles Attendees are expected to arrive over multiple days to help mitigated traffic congestion Call and ticketing center will be 500 feet down the entrance to help avoid congestion on Knott Road Some public comments claimed traffic around the festival was not congested 	<ul style="list-style-type: none"> The application was approved by the Deschutes County Sherriff's Department for compliance with DCC 8.16.250 The applicant has stated there will be one traffic control person for each 250 persons in attendance No objections from the Deschutes County Transportation Planner or Road Department were received A condition of approval has been added in the past (and included in the proposed permit) that a detailed traffic control plan shall be submitted to the Deschutes County Transportation Planner and Road Department for review 	<p>Has the applicant demonstrated compliance with the traffic control standards of DCC 8.16.250?</p> <p>A. If yes, include the suggested condition of approval and continue reviewing the application.</p> <p>B. If no, either:</p> <ol style="list-style-type: none"> Modify the condition of approval to achieve compliance; or Deny the application and continue reviewing other criteria.

Decision Matrix: 247-22-000675-OMG 4Peaks 2024 Musical Festival

Topics That Address Approval Criteria					
No.	Topic/Issue	Summary of Comments in Opposition	Summary of Comments in Support	Staff Comments	Board Determination and Decision Points
4	Crowd Control DCC 8.16.250	<ul style="list-style-type: none"> Concerns over training and credibility of crowd control personnel 	<ul style="list-style-type: none"> There will be 1 crowd control personnel for every 100 persons in attendance (20 maximum), 6 of which will be DPSST licensed The applicant has stated crowd control personnel will be at least 18 years of age, in good physical health, and have appropriate training 4Peaks will have paid alcohol and security staff roaming the premises as well Staff received multiple comments in support saying he event was well run and family friendly 	<ul style="list-style-type: none"> The application was approved by the Deschutes County Sherriff's Department for compliance with DCC 8.16.250 A condition of approval has been added in the past (and included in the proposed permit) that the applicant provide a list of the names and certification for all traffic and crowd control personnel 30 days prior to the event 	<p>Has the applicant demonstrated compliance with the crowd control standard of DCC 8.16.250?</p> <p>A. If yes, include the suggested condition of approval and continue reviewing the application.</p> <p>B. If no, either:</p> <ol style="list-style-type: none"> Modify the condition of approval to achieve compliance; or Deny the application and continue reviewing other criteria.
5	Liquor Consumption DCC 8.16.310	<ul style="list-style-type: none"> Concerns that many attendees bring their own liquor into the event in their cars and coolers 	<ul style="list-style-type: none"> There will be alcohol monitors in areas at all times that beer and wine are sold 	<ul style="list-style-type: none"> The sale of alcohol is permitted when the proper licensing is secured from OLCC A condition of approval has been added in the past (and included in the proposed permit) that no person shall be permitted to bring alcohol on the premises unless licensed by the State 	<p>Has the applicant demonstrated compliance with the liquor consumption standard of DCC 8.16.310?</p> <p>A. If yes, include the suggested condition of approval and continue reviewing the application.</p> <p>B. If no, either:</p> <ol style="list-style-type: none"> Modify the condition of approval to achieve compliance; or Deny the application and continue reviewing other criteria.
6	Attendance Monitoring DCC 8.16.300(C)	<ul style="list-style-type: none"> General allegations that the attendees count is not accurate and a request that an accurate attendee count be obtained and reported 	<ul style="list-style-type: none"> No response 	<ul style="list-style-type: none"> DCC 8.16.300(C) requires the organizer to keep a reasonable count of persons and vehicles entering and leaving the event however in the past the applicant has not been required to report those numbers to Staff 	<p>Has the applicant demonstrated compliance with the attendance monitoring standards of DCC 8.16.300(C)?</p> <p>A. If yes, continue reviewing the application.</p> <p>B. If no, either:</p> <ol style="list-style-type: none"> Condition the decision to achieve compliance; or Deny the application and continue reviewing other criteria.
7	Ambulance Waiver DCC 8.16.150(B)	<ul style="list-style-type: none"> Requests from nearby neighbors that the request for an ambulance waiver be denied 	<ul style="list-style-type: none"> Bend Fire Department included a letter in support of the ambulance waiver There will be an AED on staff as well as a first aid station staffed by employees of Adventure Medics 	<ul style="list-style-type: none"> The ambulance waiver has been granted in the past year and the closest Fire Station is within 2 miles of the proeprty 	<p>Does the Board want to grant a waiver from the requirements to maintain one ambulance on site</p> <p>A. If yes, no further action is needed</p> <p>B. If no, a condition of approval will be added that the applicant must maintain one ambulance on site at all times</p>

Decision Matrix: 247-22-000675-OMG 4Peaks 2024 Musical Festival

Topics That May or May Not Address Approval Criteria					
No.	Topic/Issue	Summary of Comments in Opposition	Summary of Comments in Support	Staff Comments	Board Determination and Decision Points
1	Trespassing on nearby properties	<ul style="list-style-type: none"> Nearby neighbors claim in the past there have been concerns with event goers trespassing onto their property 	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> DCC does not specifically address trespassing or providing any sort of barrier/fence between the event and the surrounding properties. In the past there have been no conditions of approval related to measures to prevent trespassing onto nearby properties 	<p>Does the prevention of trespassing on nearby properties relate or reasonably relate to an approval criteria?</p> <p>A. If yes, provide findings and either:</p> <ol style="list-style-type: none"> Condition the decision to achieve compliance; or Deny the application and continue reviewing other criteria. <p>B. If no, no findings required and continue reviewing other criteria.</p>
2	Requiring a water truck on site	<ul style="list-style-type: none"> Request for a water truck to be onsite at all times during the festival to help address fire concerns Claims that the pond on site is not sufficient whether it be more than 50% full or not 	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> DCC does not specifically address having a water truck on the subject property as it relates to the fire protection standards of DCC 8.16.230. A condition of approval has been added in the past which requires the applicant to have a water truck on site if the irrigation pond is less than 50% full 	<p>Does requiring a water truck on site relate or reasonably relate to an approval criteria?</p> <p>A. If yes, provide findings and either:</p> <ol style="list-style-type: none"> Condition the decision to achieve compliance; or Deny the application and continue reviewing other criteria. <p>B. If no, no findings required and continue reviewing other criteria.</p>
3	Fire extinguisher requirement of 1 per 250 persons	<ul style="list-style-type: none"> Specific request for 1 fire extinguisher for every 250 persons in attendance to help address fire concerns 	<ul style="list-style-type: none"> Bend Fire Department has stated that they have seen fire extinguishers on site during previous inspections of the premises 	<ul style="list-style-type: none"> DCC does not specifically address having fire extinguishers on the subject property as it related to the fire protection standards of DCC 8.16.230. In the past no conditions of approval have been added regarding fire extinguishers The Bend Fire Department did not have any comments relating to fire extinguishers 	<p>Does requiring 1 fire extinguisher per every 250 persons in attendance relate or reasonably relate to an approval criteria?</p> <p>A. If yes, provide findings and either:</p> <ol style="list-style-type: none"> Condition the decision to achieve compliance; or Deny the application and continue reviewing other criteria. <p>B. If no, no findings required and continue reviewing other criteria.</p>
4	Provide the details of what the training materials will cover for	<ul style="list-style-type: none"> Concerns over how many crowd control personnel were certified 	<ul style="list-style-type: none"> There will be 6 licensed personnel on the premise and up to 14 volunteers to maintain 	<ul style="list-style-type: none"> DCC 8.16.060(2) requires that all crowd control personnel be <ul style="list-style-type: none"> 18 years of age, in good physical health, 	<p>Does requiring training details above and beyond the requirements of</p>

Decision Matrix: 247-22-000675-OMG 4Peaks 2024 Musical Festival

Topics That May or May Not Address Approval Criteria					
No.	Topic/Issue	Summary of Comments in Opposition	Summary of Comments in Support	Staff Comments	Board Determination and Decision Points
	volunteer crowd control staff	<ul style="list-style-type: none"> Concerns over training that volunteer crowd control personnel receives 	the ratio of 1 crowd control staff to every 100 persons in attendance	<ul style="list-style-type: none"> have training that is acceptable to the County wear and identifying uniform A condition of approval has been added in the past that the applicant provide a list which includes all of the above referenced information 30 days prior to the event 	<p>DCC 8.16.060(2) relate or reasonably relate to an approval criteria?</p> <p>A. If yes, provide findings and either:</p> <ol style="list-style-type: none"> Condition the decision to achieve compliance; or Deny the application and continue reviewing other criteria. <p>B. If no, no findings required and continue reviewing other criteria.</p>
5	A licensed security guard at the entrance to inspect every vehicle that enters	<ul style="list-style-type: none"> Allegations that many vehicles bring in unpermitted alcohol Also state that this measure could help with permit compliance 	<ul style="list-style-type: none"> No comment 	<ul style="list-style-type: none"> DCC requires crowd control personnel to monitor the event and that no liquor shall be brought onto the premises unless it is licensed from OLCC. There have been no previous conditions of approval that relate to vehicle inspection 	<p>Does requiring a security guard to inspect vehicles relate or reasonably relate to an approval criteria?</p> <p>A. If yes, provide findings and either:</p> <ol style="list-style-type: none"> Condition the decision to achieve compliance; or Deny the application and continue reviewing other criteria. <p>B. If no, no findings required and continue reviewing other criteria.</p>
6	Permit Enforcement and Monitoring	<ul style="list-style-type: none"> Claims that the event is disorganized and there are multiple code violations including food service, alcohol, crowd control, noise levels Also claims that there is no good way to report violations 	<ul style="list-style-type: none"> Applicant agrees to let County staff and the Sheriff Department enter the premises at any time 	<ul style="list-style-type: none"> The Sherriff's Department and Risk Management received 3 compliant during the 2021 permit. The case planner for these permits will monitor the conditions of approval, many of which require the applicant to submit items 7-30 days before the event The premises are inspected by the Fire Department after set up is complete If there is a DCC violation staff will not be able to look into the violation until Monday when the event is over 	<p>Does requiring additional enforcement and monitoring measures relate or reasonably relate to an approval criteria?</p> <p>A. If yes, provide findings and either:</p> <ol style="list-style-type: none"> Condition the decision to achieve compliance; or Deny the application and continue reviewing other criteria. <p>B. If no, no findings required and continue reviewing other criteria.</p>

Decision Matrix: 247-22-000675-OMG 4Peaks 2024 Musical Festival

Topics That Do Not Address Approval Criteria		
Question or Topic	Staff Comment	Board Determination
Objections to welfare of livestock on surrounding properties (some neighbors asking for monetary compensation)	Points related to these topics did not address any approval criteria, and they do not relate to any applicable criteria that staff is aware of.	No need for the Board to make findings.
Appropriateness of having this event on land zoned Exclusive Farm Use with the surrounding area being zoned Exclusive Farm Use as well	Points related to these topics did not address any approval criteria, and they do not relate to any applicable criteria that staff is aware of.	No need for the Board to make findings.
Plan for wildlife restoration in terms of migration corridors	Points related to these topics did not address any approval criteria, and they do not relate to any applicable criteria that staff is aware of. Furthermore staff notes that this property is not within the Wildlife Area Combining Zone nor the proposed 2023 Mule Deer Winter Range Combining Zone.	No need for the Board to make findings.

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

**OUTDOOR MASS GATHERING PERMIT
DESCHUTES COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
BEND, OREGON 541/388-6575**

LOCATION: 21085 KNOTT ROAD, BEND, 97702

OWNER: DM STEVENSON RANCH LLC

TYPE, DATES & TIME OF EVENT: MUSIC FESTIVAL, JUNE 15, 2024 – JUNE 24, 2024, 9:00 AM TO 12:00 AM

OPERATOR: 4 PEAKS PRESENTS, LLC PHONE: 541-350-6474

1. PERMIT BECOMES NULL AND VOID IF EVENT OR GATHERING HAS NOT STARTED ON THE APPROVED DATE.
2. THE APPROVED PERMIT SHALL BE RETAINED ON-SITE UNTIL THE EVENT OR GATHERING IS COMPLETE.
3. BY ACCEPTANCE OF THIS PERMIT, OWNER OPERATOR CONSENT TO ALLOW LAW ENFORCEMENT, PUBLIC HEALTH AND FIRE CONTROL OFFICERS TO COME UPON THE PREMISES FOR WHICH THE PERMIT HAS/HAD BEEN GRANTED FOR THE PURPOSE OF INSPECTION AND ENFORCEMENT OF THE TERMS AND CONDITIONS OF THE PERMIT AS ALLOWED BY DCC 8.16, AND ANY OTHER APPLICABLE LAWS OR ORDINANCES.

FILE NUMBER (247-22-000675-OMG)

The Board of County Commissioners approves the 4 Peaks Presents, LLC application for an Outdoor Mass Gathering permit based upon the attached requirements incorporated by reference herein and subject to the following conditions.

CONDITIONS OF APPROVAL

1. Fourteen days prior to the event, 4 Peaks Presents, LLC (the “operator”), shall obtain and submit to the Community Development Director for approval a Special Events Insurance policy that provides general liability of \$1,000,000 per single claimant and incident and \$2,000,000 for all claimants arising from a single incident. The policies shall name Deschutes County, its officials, agents and employees as an additional insured on the endorsement. The policies shall provide payment of claims within the 180-day period after the scheduled termination of the event.
2. The total number of attendees authorized on-site at any time during the course of the event is 1,999. A 10% variance is allowed meaning that under no circumstances shall the total number of attendees (to include patrons, musicians, vendors, staff, and security) exceed 2,200 total persons at any time during the course of the event.
3. The operator shall keep reasonable counts of persons and vehicles entering the event.

4. The operator shall provide one toilet per every 100 attendees. The operator has contracted with Little Johns to provide the required facilities.
5. Hand washing facilities shall provide running water, adequate soap, and paper towels. The operator has contracted with Little Johns to provide the required facilities.
6. The operator shall provide waste collection and removal. The operator has contracted with Bend Garbage and Recycling to provide waste containers and removal services.
7. Thirty days prior to the event, the operator shall submit to the Community Development Director and County Health Director, copies of the operator's contracts for sanitation and waste collection and removal.
8. Drinking water shall be provided by Avion Water Supply. The water system shall meet all Drinking Water Program requirements.
9. Food service shall be provided by licensed vendors and restaurateurs. Each food vendor shall apply to the County Health Department for a temporary restaurant license at least one week in advance of the event.
10. The operator shall receive final approval by the Bend Fire Department after inspection no later than June 19, 2024.
11. All fire hydrants, fire sprinkler, and/or standpipe system connections are to remain readily visible, accessible, and unobstructed and shall be accessible with an unobstructed circumferential distance of three feet.
12. Fire and emergency access roads shall have an unobstructed width of not less than 20 feet and a vertical clearance of not less than 13 feet, 6 inches. Barricades shall be approved by the by the County prior to erecting. The emergency access roads shall remain open at all times.
13. Vendors cooking outdoors shall comply with the Bend Fire Department and the City of Bend "Open Cooking Concession Requirements."
14. Non-fixed food concession such as enclosed trailers, buses, and vans shall comply with the Bend Fire Department and the City of Bend "Non-Fixed Food Concession Requirements."
15. All tents, canopies, and temporary structures shall comply with the Bend Fire Department regulations.
16. Campfires, bonfires and other recreational open burning are prohibited.
17. The Outdoor Mass Gathering shall have at least one first aid station staffed by two adult individuals trained in first aid techniques for the duration of the event. The first aid station shall include an Automated External Defibrillator (AED) device with AED device trained staff. Ambulance service shall be provided by Bend Fire Station #303 located at 61080 Country Club Drive, approximately 2 miles from the event site, or the next available responding ambulance unit.
18. If the irrigation pond located on-site is less than 50 percent full one-week prior to the event, the operator shall provide a water truck at the event for fire suppression. The applicant shall ensure that the appropriate firefighting apparatus and equipment for utilizing any available water sources onsite, including the irrigation pond, can and will be provided should they be required. The effectiveness of any provided firefighting apparatus shall be confirmed by the Bend Fire Department.
19. Thirty days prior to the event, the operator shall submit to the Community Development Director, the names and qualifications for all individuals trained in first aid techniques and AED device trained staff for the duration of the event.
20. Security for the event will be provided by Howard Koff, with clearly marked security officers. Security will be in place at all times during the Outdoor Mass Gathering.
21. The operator shall provide one crowd control person for each 100 persons, expected or reasonably expected to be in attendance at any time during the Outdoor Mass Gathering.
22. Traffic control and crowd protection personnel shall show certification of training or experience acceptable to the County to conduct traffic and or crowd-control duties upon request from the County.
23. Thirty days prior to the event, the operator shall submit to the County Road Department and Senior Transportation Planner for review and approval a detailed traffic control plan that includes traffic control signs, sign location and spacing plan, traffic control personnel certification, and a site plan drawn to scale illustrating adequate space (75 feet) for stacking of vehicles.

- 24. Thirty days prior to the event, the operator shall submit to the Community Development Director and County Sheriff, the names and necessary background information for all traffic-control and crowd-control personnel to be utilized during the Outdoor Mass Gathering.
- 25. Operator shall adhere to the proposed site plan that shows the parking area during the course of the event.
- 26. This permit shall be posted in a conspicuous spot on the property during the course of the event.
- 27. The operator and/or property owner will provide access to the premises for inspection purposes by law enforcement, public health, and fire control officers based on the terms and conditions of the permit. If deficiencies are identified following an inspection, the inspector may return as often as needed until the deficiencies are cured. If the deficiencies are not cured or if the County determines that the deficiencies cannot be cured then the operator expressly consents that the County Sheriff is authorized to take any and all necessary actions to terminate the Outdoor Mass Gathering.
- 28. The burden of preserving order to the proposed event shall be with 4 Peaks Presents, LLC at all times.
- 29. All debris will be removed within 72 hours after the event termination. All temporary structures shall be removed within 3 weeks of event termination.
- 30. No person shall be permitted to bring alcohol onto the premises. This shall not apply to the sale and consumption of alcohol from a State of Oregon licensed facility located on the premise.
- 31. No narcotic or illegal/dangerous drug use will be permitted at the premises.
- 32. The operator shall meet the requirements of DCC 8.16.250, Public Safety.
- 33. Parking services will be provided by 4 Peaks Presents, LLC and will include a minimum of six traffic control/parking monitors for each shift.
- 34. The amplified music shall meet the requirements of DCC 8.16.290. A sound level in excess of 70 decibels prior to 10:00 p.m. and in excess of 50 decibels after 10:00 p.m. (as measured upon the A scale of a standard sound level meter on affected property from the property lines) shall constitute a violation of the Deschutes County Code.
- 35. The Outdoor Mass Gathering shall not be conducted, including set-up, placement, storage, staging, removal or similar action of any equipment, materials, structures, vehicles, supplies and so forth, in the unincorporated areas of the County within 1,000 feet of any residence between the hours of 12:01 a.m. and 9:00 a.m. The proposed late night music venue shall end at 12:00 a.m.
- 36. The applicant shall have access to the site no more than three days prior to June 15, 2024 (the first official day of the OMG permit) to accommodate deliveries and site preparation work (which includes removing rocks, brush, and grooming the grounds). Site preparation work shall be conducted between the hours of 9:00 a.m. and 7:00 p.m. and shall not include construction of any temporary structures associated with the Outdoor Mass Gathering. Thirty days prior to the event, the operator shall submit to the Community Development Director, all dates and specific activities associated with site preparation.

Dated this _____ of _____, 2023

BOARD OF COUNTY COMMISSIONERS

ANTHONY DEBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 31, 2023

SUBJECT: Notice of Intent to Award a contract for the Slurry Seal 2023 Project

RECOMMENDED MOTION:

Move approval of Board Chair signature of Document No. 2023-411, a Notice of Intent to Award a contract for the Slurry Seal 2023 project.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department prepared bid solicitation documents for the Slurry Seal 2023 project. The project scope of work includes application of an emulsified asphalt slurry seal coat on approximately 6.7 miles of County roads in the Woodside Ranch, Saddleback, and Hidden Valley subdivisions. The project was advertised in the Daily Journal of Commerce and The Bulletin on May 3, 2023. The Department opened bids at 2:00 P.M. on May 17, 2023.

Four (4) bids were received for this project. The bid results are as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>
VSS INTERNATIONAL, INC.	\$ 357,325.00
ONE WAY TRIGGER, LLC	\$ 424,609.90
DOOLITTLE CONSTRUCTION, LLC	\$ 442,442.00
PAVE NORTHWEST, INC.	\$ 443,408.35
Engineer's Estimate	\$ 425,065.48

This action issues a Notice of Intent to Award the contract to the apparent low bidder, VSS INTERNATIONAL, INC., and allows seven days for concerned parties to protest the award. If there is no protest within the seven-day period, the contract will be awarded to the apparent low bidder administratively. The bid tabulation, including the Engineer's estimate, is attached.

BUDGET IMPACTS:

A portion of the project cost is budgeted in the Road Capital Improvement Plan (CIP)

budget for Fiscal Year 2023. The remaining project cost will be included in the proposed Road CIP budget for Fiscal Year 2024.

ATTENDANCE:

Cody Smith, County Engineer/Assistant Road Department Director



BOARD OF COUNTY COMMISSIONERS

May 31, 2023

Posted on the Deschutes County, Oregon Bids and RFPs website at <http://www.deschutescounty.gov/rfps> prior to 5:00 PM on the date of this Notice.

Subject: **Notice of Intent to Award Contract**
Contract for Slurry Seal 2023

To Whom It May Concern:

On May 31, 2023, the Board of County Commissioners of Deschutes County, Oregon considered proposals for the above-referenced project. The Board of County Commissioners determined that the successful bidder for the project was VSS International, Inc., with a bid of Three Hundred Fifty Seven Thousand Three Hundred Twenty Five and 0/100 Dollars (\$357,325.00).

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) 279C.375. Any entity which believes that they are adversely affected or aggrieved by the intended award of contract set forth in this Notice may submit a written protest within seven (7) calendar days after the issuance of this Notice of Intent to Award Contract to the Board of County Commissioners of Deschutes County, Oregon, at Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703. **The seven (7) calendar day protest period will end at 5:00 PM on June 7, 2023.**

Any protest must be in writing and specify any grounds upon which the protest is based. Please refer to Oregon Administrative Rules (OAR) 137-047-0740. If a protest is filed within the protest period, a hearing will be held at a regularly-scheduled business meeting of the Board of County Commissioners of Deschutes County Oregon, acting as the Contract Review Board, in the Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703 within two (2) weeks of the end of the protest period.

If no protest is filed within the protest period, this Notice of Intent to Award Contract becomes an Award of Contract without further action by the County unless the Board of County Commissioners, for good cause, rescinds this Notice before the expiration of the protest period.

If you have any questions regarding this Notice of Intent to Award Contract or the procedures under which the County is proceeding, please contact Deschutes County Legal Counsel: telephone (541) 388-6625; FAX (541) 383-0496; or e-mail to david.doyle@deschutescounty.gov.

Be advised that if no protest is received within the stated time period, the County is authorized to process the contract administratively.

Sincerely,

Anthony DeBone, Chair

SLURRY SEAL 2023
 DESCHUTES COUNTY, OREGON
 PROJECT # W66132

BID RESULTS

BID OPENING : 2:00 PM 5/17/2023

				ENGINEER'S ESTIMATE		VSS INTERNATIONAL, INC. 3785 CHANNEL DRIVE WEST SACRAMENTO, CA 95691		ONE WAY TRIGGER LLC 5452 PARISH COURT SACRAMENTO, CA 95822	
ITEMS				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Mobilization	LS	1	\$15,000.00	\$15,000.00	\$7,028.95	\$7,028.95	\$45,000.00	\$45,000.00
2	Temporary Work Zone Traffic Control, Complete	LS	1	\$20,000.00	\$20,000.00	\$55,000.00	\$55,000.00	\$25,000.00	\$25,000.00
3	Slurry Seal, Type II, LM CQS-1H, Bend Maintenance Zone	SY	109,241	\$2.84	\$310,244.44	\$2.15	\$234,868.15	\$2.50	\$273,102.50
4	Slurry Seal, Type II, LM CQS-1H, Redmond Maintenance Zone	SY	28,106	\$2.84	\$79,821.04	\$2.15	\$60,427.90	\$2.90	\$81,507.40
				TOTAL =	\$425,065.48	TOTAL =	\$357,325.00	TOTAL =	\$424,609.90

SLURRY SEAL 2023
 DESCHUTES COUNTY, OREGON
 PROJECT # W66132

BID RESULTS

BID OPENING : 2:00 PM 5/17/2023

				ENGINEER'S ESTIMATE		DOOLITTLE CONSTRUCTION, LLC 15 BUSINESS PARKWAY SUITE 105 SACRAMENTO, CA 95828		PAVE NORTHWEST, INC. 92678 MARCOLA ROAD MARCOLA, OR 97454	
ITEMS				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	Mobilization	LS	1	\$15,000.00	\$15,000.00	\$43,207.15	\$43,207.15	\$18,000.00	\$18,000.00
2	Temporary Work Zone Traffic Control, Complete	LS	1	\$20,000.00	\$20,000.00	\$49,000.00	\$49,000.00	\$6,500.00	\$6,500.00
3	Slurry Seal, Type II, LM CQS-1H, Bend Maintenance Zone	SY	109,241	\$2.84	\$310,244.44	\$2.55	\$278,564.55	\$3.05	\$333,185.05
4	Slurry Seal, Type II, LM CQS-1H, Redmond Maintenance Zone	SY	28,106	\$2.84	\$79,821.04	\$2.55	\$71,670.30	\$3.05	\$85,723.30
				TOTAL =	\$425,065.48	TOTAL =	\$442,442.00	TOTAL =	\$443,408.35



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 31, 2023

SUBJECT: Acceptance of Trauma Informed Response Training Grant

RECOMMENDED MOTION:

Move approval of Chair signature on Document No. 2023-511 to accept a Trauma Informed Response Training Grant from the Department of Justice.

BACKGROUND AND POLICY IMPLICATIONS:

The Department of Justice partnered with Trauma Informed Oregon to adapt its Fundamentals of Trauma Informed Care for first responders to facilitate understanding of people who have experienced trauma, and provide informed assistance to them. The grant funds would be used to provide training for law enforcement, prosecutors, probation departments, and advocates about the impacts of trauma.

Deschutes County Sheriff's Office, Bend Police, Redmond Police, Parole and Probation along with the District Attorney's Office and Victims Assistance will send representatives to Train the Trainer for Trauma Informed Care. This will create local experts within our agencies to help drive policy changes and self-care initiatives.

Along with the above funding, this grant will also bring a week-long training for first responders in interview techniques of persons who have experienced trauma. This technique is called Forensic Experiential Trauma Interviewing.

BUDGET IMPACTS:

Grant funding will provide nine community partners the opportunity to attend the week-long Train the Trainer session of Trauma Informed Response in Salem. The funding will cover per diem, training and travel for each representative. Funding also supports costs of bringing that training to our own teams with costs allocated for trainings to be provided here in Deschutes County.

Funding will also provide all costs of bringing the week long FETI training to Oregon.

ATTENDANCE:

Ashley Beatty- Victims Assistance Program Manager



DEPARTMENT OF JUSTICE
CRIME VICTIM AND SURVIVOR SERVICES DIVISION

MEMORANDUM

DATE: May 15, 2023

TO: 2023-2025 Trauma Informed Response Training Funds State Grant Recipients

FROM: Kim Kennedy, Fund Coordinator

Attached is your agency's 2023-2025 Trauma Informed Response Training Funds State Grant Agreement. Please download the entire document and have your authorized official sign the following page:

- The final page of the Grant Agreement

Once the Grant Agreement is signed, please upload a copy of the signed Grant Agreement and Exhibits in the "Grantee Signed Grant Agreement" upload field on the "Grant Agreement Upload" page in your application in E-Grants. Once the documents are uploaded, you will need to **change the application status in CVSSD E-Grants to "Agreement Accepted"**.

Once the signed Grant Agreement has been uploaded in E-Grants, a copy of the Grant Agreement signed by both your authorized official and CVSSD Director Shannon Sivell will be uploaded into E-Grants and the status of your application will be changed to "Grant Awarded." You will find the uploaded copy of your grant agreement under the "Agreement Upload" form on the Forms Menu of your application.

If you have any questions regarding this Agreement, please contact Maria Ruiz Ceja, Grant Specialist, at Maria.RuizCeja@doj.state.or.us.



DEPARTMENT OF JUSTICE
Crime Victim and Survivor Services Division

**2023-2025 TRAUMA INFORMED RESPONSE TRAINING FUND
STATE GRANT AWARD COVER SHEET**

1. Applicant Agency's Name and Address: Deschutes County, acting by and through its District Attorney's Office 1164 NW Bond St. Bend, OR 97703-1913 Contact Name: Ashley Beatty Telephone: (541) 317-3186 E-mail: ashley.beatty@dcda.us	2. Special Conditions: This grant project is approved subject to such conditions or limitations as set forth the attached Grant Agreement. 3. Statutory Authority for Grant: House Bill 2575, (Reg. Sess. 2021)
4. Award Number: TIC-2023-DeschutesCo.DAVAP-00015	5. Award Date: July 1, 2023
6. Grantee Tax Identification Number: 93-6002292	7. Project Period: July 1, 2023 – June 30, 2025
	8. Total Grant Award Amount: \$89,039.00
9. Semi-Annual Narrative and Performance Measures Reports: January 31, 2024 July 20, 2024 January 31, 2025 July 20, 2025	10. Financial Reports Due Dates: October 31, 2023 January 31, 2024 April 30, 2024 July 20, 2024 October 31, 2024 January 31, 2025 April 30, 2025 July 20, 2025
This award is contingent upon the Grantee agreeing to the terms of award for the grant entitled "2023-2025 Trauma Informed Response Training Fund Grant Request for Applications for Awards". The grant agreement document must be signed by an authorized official in order to validate the acceptance of this award.	

**OREGON DEPARTMENT OF JUSTICE
TRAUMA INFORMED RESPONSE TRAINING FUND
STATE GRANT PROGRAM GRANT AGREEMENT
TIC-2023-DeschutesCo.DAVAP-00015**

BETWEEN: State of Oregon, acting by and through (Grantor)
its Department of Justice,
1162 Court St. NE
Salem, Oregon 97301-4096

AND: Deschutes County, acting by and through its District Attorney's Office (Grantee)
1164 NW Bond St.
Bend OR 97703-1913

PROJECT START DATE: July 1, 2023

GRANT AWARD PROVISIONS

**SECTION 1
LEGAL BASIS OF AWARD**

Section 1.01. Legal Basis of Award. Pursuant to House Bill (HB) 2575, § 1 (Reg. Sess., 2021), Grantor is authorized to enter into a grant agreement and to make an award, from funds received under the General Fund to Grantee for the purposes set forth herein.

Section 1.02. Agreement Parties. This Agreement, hereafter referred to as “Agreement”, is between Grantor and the forenamed Grantee.

Section 1.03. Effective Date. When all parties have duly executed this Agreement, and all necessary approvals have been obtained, this Agreement shall be effective, and have a Project start date of July 1, 2023.

Section 1.04. Agreement Documents. This Agreement includes the following documents listed in descending order of precedence and incorporated into this Agreement. In the event of a conflict between two or more of the documents comprising this Agreement, the language in the document with the highest precedence shall control.

- (a) This Agreement without any Exhibits.
- (b) Exhibit A SUBCONTRACTOR INSURANCE REQUIREMENTS
- (c) 2023-2025 Trauma Informed Response Training Fund State Grant Funds Request for Applications for Awards (“Trauma Informed Response Training Fund RFA”).
- (d) Grantee’s Trauma Informed Response Training Fund Application from the Trauma Informed Response Training Fund RFA to include the following:
 - i. Form A, Cover Page;
 - ii. Form B, Project Description (TIO Train the Trainer & Associated Training) if applicable;

- iii. Form C, Project Description (Develop Curriculum) if applicable;
- iv. Form D, Project Description (Hosting Training) if applicable;
- v. Form E, Project Description (Sending to Training) if applicable;
- vi. Form F, Training Program Goals;
- vii. Form G, MOUs, Contracts, and Subawards;
- viii. Form H, Attachments to Upload; and
- ix. Forms I - M, as applicable, the budget forms;

SECTION 2 GRANT AWARD

Section 2.01. Grant. In accordance with the terms and conditions of this Agreement, Grantor shall provide Grantee with the maximum not-to-exceed amount of **\$89,039.00** (the “Grant”), less any recovery of unspent funds, from the Fund(s) in the category(ies) outlined below to financially support and assist Grantee’s implementation of the Grantee’s Trauma Informed Response Training Fund Application, (as described in Section 1.04) from the Grantee’s Trauma Informed Response Training Fund Application, all of which are incorporated herein by this reference and collectively referred to as the “Project”.

Section 2.02. Grant Award. In accordance with the terms and conditions of this Agreement, Grantee shall implement the Trauma Informed Response Training Fund as described in the Project.

Section 2.03. Disbursement of Grant Money. Subject to Sections 2.04, 2.05, and 2.06, Grantor shall disburse the full award amount of Grant money to Grantee upon execution of this grant agreement.

Section 2.04. Conditions Precedent to Each Disbursement. Grantor’s obligation to disburse Grant money to Grantee pursuant to Section 2.03 is subject to satisfaction, with respect to each disbursement, of each of the following conditions precedent:

- (a) Grantor has received sufficient funding appropriations, limitations, allotments, or other expenditure authorizations to allow Grantor, in the reasonable exercise of its administrative discretion, to make the disbursement;
- (b) Grantor has received a copy of **Exhibit A**, Subcontractor Insurance Requirements, in the form attached hereto and incorporated herein by this reference, duly executed and delivered on behalf of Grantee by an authorized official of Grantee;
- (c) Grantee certifies insurance coverage in full force for the duration of this Agreement;
- (d) If Grantee expends \$750,000 or more in federal funds from all sources then Grantee has submitted the most recent single organization-wide audit conducted in accordance with the provisions of 2 CFR Part 200, Subpart F;
- (e) If Grantee does not claim an exemption from the Equal Employment Opportunity Plan (“EEOP”) requirement (Grantee is an educational, medical or non-profit institution or an Indian Tribe; or Grantee has less than 50 employees; or Grantee was awarded less than \$25,000 in federal U.S. Department of Justice funds), then Grantee has prepared, maintained on file, submitted to the Office

for Civil Rights for review (if receiving a single award of \$25,000 or more), and implemented an EEOB;

- (f) Grantee is current in all reporting requirements of all active CVSSD grants;
- (g) No default as described in Section 6.04 has occurred; and
- (h) Grantee's representations and warranties set forth in Section 4 are true and correct on the date of execution with the same effect as though made on the date of disbursement.

Section 2.05. Supplemental Grant Agreement Conditions. If Grantee fails to satisfy any of the following conditions, Grantor may withhold disbursement:

Must submit signed contracts prior to work being performed or costs paid on the contract.

Section 2.06. Grant Availability Termination. The availability of Grant money under this Agreement and Grantor's obligation to disburse Grant money pursuant to Section 2.03 shall end on **June 30, 2023** (the "Availability Termination Date"). Grantor will not disburse any Grant money after the Availability Termination Date. Unless extended or terminated earlier in accordance with its terms, this Agreement shall terminate when Grantor accepts Grantee's completed reports, as described in Section 5.05, or on **June 30, 2025**, whichever date occurs first, exclusive of financial and narrative reports which are due no later than July 20, 2025. Agreement termination shall not extinguish or prejudice Grantor's right to enforce this Agreement with respect to any default by Grantee that has not been cured.

SECTION 3 USES OF GRANT

Section 3.01. Eligible Uses of Grant. Grantee's use of the Grant money is limited to those expenditures necessary to implement the Project. All Grant money must be for expenses that are eligible under applicable federal and State of Oregon law, and as described in Enrolled House Bill 2575 (2021). Furthermore, Grantee's expenditure of Grant money must be in accordance with the Project Budget set forth in the Grantee's Trauma Informed Response Training Fund Application.

Section 3.02. Ineligible Uses of Grant. Notwithstanding Section 3.01, Grantee shall not use the Grant money for (i) indirect costs defined in 2 CFR 200.1 in excess of a federally-approved Negotiated Indirect Cost Rate, or in excess of ten percent (10%) if Grantee does not have a federally approved Negotiated Indirect Cost Rate, (ii) unallowable costs as listed in the Trauma Informed Response Training Fund RFA, (iii) services to persons other than those described in Section 5.09(a), (iv) for any purpose prohibited by any provision of this Agreement, or (v) to retire any debt or to reimburse any person or entity for expenditures made or expenses incurred prior to the date of this Agreement.

Section 3.03. Unexpended Grant Money. If any Grant money disbursed to Grantee, or any interest earned by Grantee on Grant money, is not expended by Grantee in accordance with this Agreement by the date this Agreement is terminated, Grantee may request an amendment to this Agreement to extend the Agreement Termination Date. Any amendment to this Agreement is subject to Grantor's discretion. If the Agreement Termination Date is extended, Grantee must comply with reporting requirements described in Section 5.05 until the grant money is expended or until the extended Agreement Termination Date, whichever is earlier.

SECTION 4 GRANTEE'S REPRESENTATIONS AND WARRANTIES

Grantee represents and warrants to Grantor as follows:

Section 4.01. Existence and Power. Grantee is a political subdivision of the State of Oregon. Grantee has full power and authority to transact the business in which it is engaged and full power, authority, and legal right to execute and deliver this Agreement and incur and perform its obligations hereunder.

Section 4.02. Authority, No Contravention. The making and performance by Grantee of this Agreement (a) have been duly authorized by all necessary action of Grantee, (b) do not and will not violate any provision of any applicable law, rule, or regulation or order of any court, regulatory commission, board or other administrative agency, any provision of Grantee's articles of incorporation or bylaws, or any provision of Grantee's charter or other organizational document and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Grantee is a party or by which Grantee or any of its properties are bound or affected.

Section 4.03. Binding Obligation. This Agreement has been duly authorized, executed and delivered on behalf of Grantee and constitutes the legal, valid, and binding obligation of Grantee, enforceable in accordance with its terms.

Section 4.04. Approvals. No authorization, consent, license, approval of, filing or registration with, or notification to, any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Grantee of this Agreement.

SECTION 5 GRANTEE'S OBLIGATIONS

Section 5.01. Project Commencement. Grantee shall cause the Project to be operational no later than 60 days from the date of this Agreement. If the Project is not operational by that date, Grantee must submit a letter to Grantor describing steps taken to initiate the Project, reasons for delay, and the expected Project starting date. If the Project is not operational within 90 days of the date of this Agreement, the Grantee must submit a second letter explaining the additional delay in implementation. The Grantor may, after reviewing the circumstances, consider the Grantee in default in accordance with Section 6.02 and may terminate the Agreement in accordance with Section 6.03.

Section 5.02. Project Completion. Grantee shall complete the Project no later than June 30, 2025 as described in Section 2.06, provided, however, that if the full amount of the Grant is not available because the condition set forth in Section 2.04(a) are not satisfied, Grantee shall not be required to complete the Project.

Section 5.03. Civil Rights.

- (a) Grantee shall comply with the following Oregon Department of Justice, Crime Victim and Survivor Services Division ("CVSSD") policies for addressing discrimination complaints:
 - (i) *Procedures for Responding to Discrimination Complaints from Employees of the Oregon Department of Justice, Crime Victim and Survivor Services Division's Subrecipients under U.S. Department of Justice Grant Programs*, available under Policies on Grantor's Civil Rights Requirements web page at <https://www.doj.state.or.us/crime-victims/for-grantees/civil-rights-requirements/>; and

- (ii) *Procedures for Responding to Discrimination Complaints from Clients, Customers, Program Participants, or Consumers of the Oregon Department of Justice, Crime Victim and Survivor Services Division and the Oregon Department of Justice, Crime Victim and Survivor Services Division Subrecipients* available under Policies on Grantor's Civil Rights Requirements web page at <https://www.doj.state.or.us/crime-victims/for-grantees/civil-rights-requirements/>.
- (b) Grantee shall complete and certify completion of civil rights training as described under Training on Grantor's Civil Rights Requirements web page available at <https://www.doj.state.or.us/crime-victims/for-grantees/civil-rights-requirements/>. Grantee shall conduct periodic training for Grantee employees on the procedures set forth in the policies referenced in subsection (b) of this Section.
- (c) Grantee shall prominently display at locations open to the public and shall include on publications, websites, posters and informational materials a notification that Grantee is prohibited from discriminating on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation, age or disability and the procedures for filing a complaint of discrimination as described in the "Civil Rights Fact Sheet" developed by Grantor and available under Notification Regarding Program Availability on Grantor's Civil Rights Requirements web page at <https://www.doj.state.or.us/crime-victims/for-grantees/civil-rights-requirements/>.

Section 5.04. Training Requirements.

Grantee shall attend all appropriate Grantor-sponsored training and fund-specific meetings unless specific written permission excusing attendance has been obtained from Grantor.

Section 5.05. Reporting Requirements.

- (a) Grantee shall submit the following reports as described in the Trauma Informed Response Training Fund Grant RFA:
- (i) Quarterly Financial Reports. Grantee shall provide Grantor with quarterly financial reports no later than 30 days after the end of the calendar quarters ending September 30, December 31, and March 31, and no later than July 20 for the calendar quarter ending June 30.
- (ii) Semi-Annual Narrative Reports. Grantee shall prepare and submit to Grantor semi-annual narrative reports no later than 30 days after the end of the calendar quarters ending December 31 and no later than July 20 for the calendar quarter ending June 30.
- (iii) Semi-Annual Performance Measures Reporting. Grantee shall prepare and submit to Grantor semi-annual performance measure reports to include required outputs and outcomes no later than 30 days after the calendar quarter ending December 31 and no later than July 20 for the calendar quarter ending June 30.

Section 5.06. Procurement Standards. Grantee shall follow the same policies and procedures it uses for procurement from any other state or federal funds. Grantee shall use its own procurement procedures and regulations, provided that the procurement conforms to applicable federal and state law and standards as noted in 2 CFR 200.317 through 2 CFR 200.327.

Section 5.07. Maintenance, Retention and Access to Records; Audits.

- (a) Maintenance and Retention of Records. Grantee agrees to maintain accounting and financial records in accordance with Generally Accepted Accounting Principles and the standards of the

Grants Financial Management Division and the Office of the Chief Financial Officer (“OCFO”) set forth in the most recent version of the Office of Justice Programs DOJ Grants Financial Guide, including 2 CFR Part 200, subpart F (if applicable), and 2 CFR Part 2800. All financial records, supporting documents, statistical records and all other records pertinent to this grant or agreements under this Grant shall be retained by the Grantee for a minimum of six years following termination or expiration of this Agreement for purposes of State of Oregon or federal examination and audit provided, however, that if there is any audit issue, dispute, claim or litigation relating to this Agreement or the Grant, Grantee shall retain and keep accessible the books of account and records until the audit issue, dispute, claim or litigation has been finally concluded or resolved. It is the responsibility of the Grantee to obtain a copy of the DOJ Grants Financial Guide from the OCFO available at <https://ojp.gov/financialguide/DOJ/index.htm> and apprise itself of all rules and regulations set forth.

- (b) Access to Records. Oregon Department of Justice/CVSSD, Oregon Secretary of State, the Office of the Comptroller, the General Accounting Office or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of Grantee and any contractors or subcontractors of Grantee, which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. The right of access is not limited to the required retention period but shall last as long as the records are retained.
- (c) Audits. Grantee shall comply, and require all subcontractors to comply, with applicable audit requirements and responsibilities set forth in this Agreement and applicable state or federal law. If Grantee expends \$750,000 or more in federal funds (from all sources) in its fiscal year, Grantee shall have a single organization-wide audit conducted in accordance with the provisions of 2 CFR Part 200, subpart F. Copies (electronic or URL address) of all audits must be submitted to CVSSD within 30 days of completion. If Grantee expends less \$750,000 in its fiscal, Grantee is exempt from federal audit requirements for that year. Records must be available for review or audit by appropriate officials as provided in subsection (b) of this Section.
- (d) Audit Costs. Audit costs for audits not required in accordance with 2 CFR Part 200, subpart F are unallowable. If Grantee did not expend \$750,000 or more in federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to this Grant.

Section 5.08. Compliance with Laws. Grantee shall comply with (and when required cause its subgrantees to comply with) all applicable federal, state, and local laws, regulations, executive orders and ordinances related to expenditure of the Grant money and the activities financed with the Grant money. Without limiting the generality of the foregoing, Grantee expressly agrees to comply with:

- (a) **Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq.** (prohibiting discrimination in programs or activities on the basis of race, color, and national origin) and the **Omnibus Crime Control and Safe Streets Act of 1968, as amended, 34 U.S.C. §10228(c)(1)** (prohibiting discrimination in employment practices or in programs and activities on the basis of race, color, religion, national origin, age, disability, and sex in the delivery of services).
 - (i) These laws prohibit discrimination on the basis of race, color, religion, national origin, age, disability, and sex in the delivery of services.
 - (ii) In the event a federal or state court, or a federal or state administrative agency, makes a finding of discrimination after a due process hearing on the grounds of race, color, national origin, sex, age, or disability against the Grantee, the Grantee shall forward a copy of the finding to the Oregon Department of Justice, CVSSD, 1162 Court Street N.E., Salem, OR 97301-4096 and

the Office for Civil Rights, OJP, U.S.D.O.J. 810 7th Street N.W., Washington D.C. 20531.

- (b) **Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et. Seq.** (prohibiting discrimination in employment practices or in programs and activities on the basis of disability).
- (c) **Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131** and ORS 659.425 (prohibiting discrimination in services, programs, and activities on the basis of disability), the **Age Discrimination Act of 1975, 42 U.S.C. § 6101-07** (prohibiting discrimination in programs and activities on the basis of age); and **Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et. seq.** (prohibiting discrimination in educational programs or activities on the basis of gender); as well as all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations. These laws prohibit discrimination on the basis of race, color, religion, national origin and sex in the delivery of services. In the event a federal or state court, or a federal or state administrative agency, makes a finding of discrimination after a due process hearing on the grounds of race, color, national origin, sex, age, or disability, against the Grantee, the Grantee shall forward a copy of the finding to the Oregon Department of Justice, Crime Victim and Survivor Services Division, 1162 Court Street N.E., Salem, Oregon 97301-4096.
- (d) **Services to Limited English-Proficient Persons (LEP)** which includes national origin discrimination on the basis of limited English proficiency. Grantee is required to take reasonable steps to ensure that LEP persons have meaningful access to its programs. Meaningful access may entail providing language assistance services, including interpretation and translation services, where necessary. Grantee is encouraged to consider the need for language services for LEP persons served or encountered both in developing its proposals and budgets and in conducting its programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. The U.S. Department of Justice (USDOJ) has issued guidance for grantees to assist them in complying with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov.
- (e) **Partnerships with Faith-Based and Other Neighborhood Organizations**, codified at 28 C.F.R. Part 38, and Executive Order 13279, regarding Equal Protection of the Laws for Faith-Based and Community Organizations (ensuring equal treatment for faith-based organizations and non-discrimination of beneficiaries on the basis of religious belief) ensures that no organization will be discriminated against in a USDOJ funded program on the basis of religion and that services are available to all regardless of religion. Executive Order 13279 ensures a level playing field for the participation of faith-based organizations as well as other community organizations.
- (f) The **Uniform Administrative Requirements, Cost Principles, and Audit Requirements** in 2 CFR Part 200, as adopted and supplemented by the United States Department of Justice in 2 CFR Part 2800.
- (g) Further, Grantee shall not retaliate against any individual for taking action or participating in action to secure rights protected by these laws and agrees to report any complaints, lawsuits, or findings from a federal or state court or a federal or state administrative agency to the Oregon Department of Justice, CVSSD, 1162 Court Street N.E., Salem, OR 97301-4096 and the Office for Civil Rights, OJP, U.S.D.O.J. 810 7th Street N.W., Washington D.C. 20531.

Section 5.09. Assurances. The Grantee assures that it will:

- (a) Utilize Grant funds according to approved budget;
- (b) Obtain prior approval from Grantor for:

1. Movement of funds
Movement of funds that total more than \$3,000 in the Personnel, Services and Supplies, or Other Services categories;
2. Adding a budget category or line item that did not exist in the original budget; or
3. Deleting an existing category.

(c) Comply with the terms of Enrolled House Bill 2575, § 1 (2021).

SECTION 6 TERMINATION AND DEFAULT

Section 6.01. Mutual Termination. This Agreement may be terminated by mutual consent of both parties.

Section 6.02. Termination by Either Party. Either party may terminate this Agreement, for any reason, upon 30 days advance written notice to the other party.

Section 6.03. Termination by Grantor. Grantor may terminate this Agreement effective immediately upon written notice to Grantee, or effective on such later date as may be established by Grantor in such notice, under any of the following circumstances: (a) Grantor fails to receive sufficient appropriations or other expenditure authorization to allow Grantor, in the reasonable exercise of its administrative discretion, to continue making payments under this Agreement, (b) Grantor fails to receive sufficient federal or state funds to allow Grantor, in the reasonable exercise of its administrative discretion, to continue making payments under this Agreement, (c) there is a change in federal or state laws, rules, regulations or guidelines so that the Project funded by this Agreement is no longer eligible for funding, or (d) grantee is in default.

Section 6.04. Default. Either party shall be in default under this Agreement upon the occurrence of any of the following events:

- (a) Either party shall be in default if either party fails to perform, observe or discharge any of its covenants, agreements or obligations contained herein or in any Exhibit attached hereto; or
- (b) Any representation, warranty or statement made by Grantee herein or in any documents or reports relied upon by Grantor to measure progress on the Project, the expenditure of Grant money or the performance by Grantee is untrue in any material respect when made; or
- (c) Grantee (i) applies for or consents to the appointment of, or the taking of possession by, a receiver, custodian, trustee, or liquidator of itself or of all of its property, (ii) admits in writing its inability, or is generally unable, to pay its debts as they become due, (iii) makes a general assignment for the benefit of its creditors, (iv) is adjudicated as bankrupt or insolvent, (v) commences a voluntary case under the federal Bankruptcy Code (as now or hereafter in effect), (vi) files a petition seeking to take advantage of any other law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts, (vii) fails to controvert in a timely and appropriate manner, or acquiesces in writing to, any petition filed against it in an involuntary case under the federal Bankruptcy Code (as now or hereafter in effect), or (viii) takes any action for the purpose of effecting any of the foregoing; or
- (d) A proceeding or case is commenced, without the application or consent of Grantee, in any court of competent jurisdiction, seeking (i) the liquidation, dissolution or winding-up, or the composition or readjustment of debts, of Grantee, (ii) the appointment of a trustee, receiver, custodian, liquidator, or the like of Grantee or of all or any substantial part of its assets, or (iii) similar relief in respect to Grantee under any law relating to bankruptcy, insolvency, reorganization, winding-

up, or composition or adjustment of debts, and such proceeding or case continues undismissed, or an order, judgment, or decree approving or ordering any of the foregoing is entered and continues unstayed and in effect for a period of sixty (60) consecutive days, or an order for relief against Grantee is entered in an involuntary case under the federal Bankruptcy Code (as now or hereafter in effect).

Section 6.05. Remedies Upon Default. If Grantee's default is not cured within fifteen (15) days of written notice thereof to Grantee from Grantor or such longer period as Grantor may authorize in its sole discretion, Grantor may pursue any remedies available under this Agreement, at law or in equity. Such remedies include, but are not limited to, termination of this Agreement, return of all or a portion of the Grant money, payment of interest earned on the Grant money, and declaration of ineligibility for the receipt of future ODSVS, VAWA, or VOCA awards. If, as a result of Grantee's default, Grantor demands return of all or a portion of the Grant money or payment of interest earned on the Grant money, Grantee may, at Grantee's option, satisfy such demand by paying to Grantor the amount demanded or permitting Grantor to recover the amount demanded by deducting that amount from future payments to Grantee from Grantor. If Grantee fails to repay the amount demanded within fifteen (15) days of the demand, Grantee shall be deemed to have elected the deduction option and Grantor may deduct the amount demanded from any future payment from Grantor to Grantee, including but not limited to, any payment to Grantee from Grantor under this Agreement and any payment to Grantee from Grantor under any other contract or agreement, present or future, between Grantor and Grantee.

SECTION 7 MISCELLANEOUS

Section 7.01. No Implied Waiver, Cumulative Remedies. The failure of Grantor to exercise, and any delay in exercising any right, power, or privilege under this Agreement shall not operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or privilege under this Agreement preclude any other or further exercise thereof or the exercise of any other such right, power, or privilege. The remedies provided herein are cumulative and not exclusive of any remedies provided by law.

Section 7.02. Governing Law; Venue; Consent to Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit, or proceeding (collectively, "Claim") between Grantor (and/or any other agency or department of the State of Oregon) and Grantee that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon. GRANTEE, BY EXECUTION OF THIS AGREEMENT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURT.

Section 7.03. Notices. Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, e-mail (with confirmation of delivery, either by return email or by demonstrating through other technological means that the email has been delivered to the intended email address), or mailing the same, postage prepaid to Recipient or Agency at the address or number set forth on page one of this Agreement. Any communication or notice so addressed and mailed by regular mail shall be deemed received and effective five days after the date of mailing. Any communication or notice delivered by e-mail shall be deemed received and effective on the date sent if sent during normal business hours of the receiving party and on the next business day if sent after normal business hours of the receiving party. Any communication or notice given by personal delivery shall be deemed effective when actually delivered to the addressee. This Section shall survive expiration or termination of this Agreement..

Section 7.04. Amendments. This Agreement may not be altered, modified, supplemented, or amended in

any manner except by written instrument signed by both parties or as described and certified through CVSSD E-Grants and no term of this Agreement may be waived unless the party against whom such waiver is sought to be enforced has given its waiver in writing. Such amendment, waiver, or consent shall be effective only in the specific instance and for the specific purpose given.

Section 7.05. Subcontracts, Successors and Assignments.

- (a) Grantee shall not enter into any Subawards, as defined in 2 CFR 200.1, for any of the Project activities required by this Agreement without Grantor's prior written consent. Grantee shall require any Subrecipients, as defined in 2 CFR 200.93, to comply in writing with the terms and conditions of this Agreement and provide the same assurances as the Grantee must in its use of grant funds. Grantor's consent to any Subaward shall not relieve Grantee of any of its duties or obligations under this Agreement.
- (b) Grantee shall not enter into any Contracts, as defined in 2 CFR 200.1, required by this Agreement without Grantor's prior written consent. Grantee shall comply with procurement standards as defined in Section 5.06 when selecting any subcontractor. Grantee shall require any subcontractor to comply in writing with the terms of an Independent Contractor Agreement as described in the [Minimally Recommended Elements for an Independent Contractor Agreement](https://www.doj.state.or.us/wp-content/uploads/2019/04/Minimally_recommended_elements_of_Independent_Contractor_Agreement.pdf) found at https://www.doj.state.or.us/wp-content/uploads/2019/04/Minimally_recommended_elements_of_Independent_Contractor_Agreement.pdf. Grantor's consent to any Contract shall not relieve Grantee of any of its duties or obligations under this Agreement.
- (c) This Agreement shall be binding upon and inure to the benefit of Grantor, Grantee, and their respective successors and assigns, except that Grantee may not assign or transfer its rights or obligations hereunder or any interest herein without the prior consent in writing of Grantor. Any such assignment or transfer, if approved, is subject to such conditions and provisions required by Grantor.
- (d) Subcontractor Insurance Requirements. Grantee shall require each of its first tier contractors that is not a unit of local government as defined in ORS 190.003, if any, to: i) obtain insurance complying with the requirements set forth in Exhibit A, attached hereto and incorporated by reference herein, before the contractor performs under the contract between Grantee and the contractor (the "Subcontract"), and ii) maintain such insurance in full force throughout the duration of the Subcontract. The insurance must be provided by an insurance company or entity that is authorized to transact the business of insurance and issue coverage in the State of Oregon and that is acceptable to Grantor. Grantee shall not authorize contractor to begin work under the Subcontract until the insurance is in full force. Thereafter, Grantee shall monitor continued compliance with the insurance requirements on an annual or more frequent basis. Grantee shall incorporate appropriate provisions in each Subcontract permitting it to enforce contractor compliance with the insurance requirements and shall take all reasonable steps to enforce such compliance. Examples of "reasonable steps" include issuing a stop work order (or the equivalent) until the insurance is in full force or terminating the Subcontract as permitted by the Subcontract, or pursuing legal action to enforce the insurance requirements. In no event shall Grantee permit a contractor to work under a Subcontract when the Grantee is aware that the contractor is not in compliance with the insurance requirements. As used in this section, a "first tier" contractor is a contractor with which the Grantee directly enters into a contract. It does not include a subcontractor with which the contractor enters into a contract.

Section 7.06. Entire Agreement. This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not

specified herein regarding this Agreement.

Section 7.07. Contribution and Indemnification.

- (a) Generally. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against a party (the "Notified Party") with respect to which the other party ("Other Party") may have liability, the Notified Party must promptly notify the Other Party in writing of the Third Party Claim and deliver to the Other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Either party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third Party Claim.
- (b) Third Party Claim; Grantor's Joint Liability. With respect to a Third Party Claim for which the Grantor is jointly liable with the Grantee (or would be if joined in the Third Party Claim), the Grantor shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Grantee in such proportion as is appropriate to reflect the relative fault of the Grantor on the one hand and of the Grantee on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Grantor on the one hand and of the Grantee on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Grantor's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the Grantor had sole liability in the proceeding.
- (c) Third Party Claim; Grantee's Joint Liability. With respect to a Third Party Claim for which the Grantee is jointly liable with the Grantor (or would be if joined in the Third Party Claim), the Grantee shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by the Grantor in such proportion as is appropriate to reflect the relative fault of the Grantee on the one hand and of the Grantor on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of the Grantee on the one hand and of the Grantor on the other hand shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. The Grantee's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.
- (d) Alternative Dispute Resolution. The parties should attempt in good faith to resolve any dispute arising out of this Agreement. This may be done at any management level, including at a level higher than persons directly responsible for administration of the Agreement. In addition, the parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
- (e) Indemnification by Subcontractors. Grantee shall take all reasonable steps to cause each of its contractors that are not a unit of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon and its officers, employees and agents

(“Indemnatee”) from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys’ fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Grantee’s contractor or any of the officers, agents, employees or subcontractors of the contractor (“Claims”). It is the specific intention of the parties that the Indemnatee shall, in all instances, except for Claims arising solely from the gross negligence or willful acts or omissions of the Indemnatee, be indemnified by the contractor from and against any and all Claims.

Section 7.08. False Claim Act. Grantee will refer to the Grantor any credible evidence that a principal, employee, agent, sub-grantee contractor, contractor or other person has submitted a false claim under the False Claims Act (31 USC 3729-3733; ORS 180.750-180.785) or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity or similar misconduct involving funds provided under this Grant Agreement.

Section 7.09. Time is of the Essence. Grantee agrees that time is of the essence with respect to all provisions of this Agreement that specify a time for performance. However, the foregoing shall not be construed to limit or deprive a party of the benefits of any grace or use period allowed in this Agreement.

Section 7.10. Survival. All provisions of this Agreement set forth in the following sections shall survive termination of this Agreement: Section 3.03, Unexpended Grant Money; Section 5.07, Maintenance, Retention and Access to Records; Audits; and Section 7, MISCELLANEOUS and any other provisions that by their terms are intended to survive.

Section 7.11. Counterparts. This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

Section 7.12. Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.

Section 7.13. Relationship of Parties. The parties agree and acknowledge that their relationship is that of independent contracting parties and neither party hereto shall be deemed an agent, partner, joint venturer or related entity of the other by reason of this Agreement.

Section 7.14. Headings. The section headings in this Agreement are included for convenience only, do not give full notice of the terms of any portion of this Agreement and are not relevant to the interpretation of any provision of this Agreement.

Section 7.15. No Third Party Beneficiaries. Grantor and Grantee are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the dates set forth below their respective signatures.



STATE OF OREGON

Acting by and through its Department of Justice

By: _____
Name: Shannon L. Sivell
Title: Director, Crime Victim and Survivor Services Division
Date: _____

AUTHORIZED AGENT FOR GRANTEE

By: _____
Name: _____
Title: _____
Date: _____

SUBCONTRACTOR INSURANCE REQUIREMENTS

A. REQUIRED INSURANCE. Subcontractor shall obtain at Subcontractor’s expense the insurance specified in this section prior to performing under this Agreement and shall maintain it in full force and at its own expense throughout the duration of this Agreement. Subcontractor shall obtain the following insurance from insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to Grantor.

i. **WORKERS COMPENSATION.** All employers, including Subcontractor, that employ subject workers, as defined in ORS 656.027, shall comply with ORS 656.017 and shall provide workers' compensation insurance coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2).

ii. **EMPLOYERS' LIABILITY.**

Required by Agency **Not required by Agency.**

If Subcontractor is a subject employer, as defined in ORS 656.023, Subcontractor shall obtain employers' liability insurance coverage.

iii. **PROFESSIONAL LIABILITY**

Required by Agency **Not required by Agency.**

If in the conduct and implementation of the Subcontract, Subcontractor provides professional advice or services, Subcontract shall obtain and maintain Professional Liability Insurance in a form and with coverages that are satisfactory to the State covering any damages caused by an error, omission or any negligent acts related to the professional services to be provided under this Agreement.

iv. **COMMERCIAL GENERAL LIABILITY.**

Required by Agency **Not required by Agency.**

Subcontractor shall obtain and maintain Commercial General Liability Insurance covering bodily injury, death, and property damage in a form and with coverages that are satisfactory to the State. This insurance shall include personal injury liability, products, and completed operations. Coverage shall be written on an occurrence basis.

v. **AUTOMOBILE LIABILITY INSURANCE: AUTOMOBILE LIABILITY.**

Required by Agency **Not required by Agency.**

If in the conduct and implementation of the Subcontract, Subcontractor provides transportation for or transports individuals in automobiles, Subcontractor shall obtain and maintain Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for “Commercial General Liability” and “Automobile Liability”).

B. ADDITIONAL INSURED. The Commercial General Liability insurance and Automobile Liability insurance required under this Agreement shall include the State of Oregon, its officers, employees and agents as Additional Insureds but only with respect to Subcontractor’s activities to be performed under this Agreement. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

C. "TAIL" COVERAGE. If any of the required professional liability insurance is on a "claims made" basis, Subcontractor shall either maintain either "tail" coverage or continuous "claims made" liability coverage, provided the effective date of the continuous "claims made" coverage is on or before the effective date of this Agreement, for a minimum of 24 months following Subcontractor's completion and Grantor's acceptance of all performance required under this Agreement. Notwithstanding the foregoing 24-month requirement, if Subcontractor elects to maintain "tail" coverage and if the maximum time period "tail" coverage reasonably available in the marketplace is less than the 24-month period described above, then Subcontractor shall maintain "tail" coverage for the maximum time period that "tail" coverage is reasonably available in the marketplace for the coverage required under this Agreement. Subcontractor shall provide to Grantee or Grantor, upon Grantee or Grantor's request, certification of the coverage required under this Exhibit F.

D. CERTIFICATE(S) OF INSURANCE. Subcontractor shall provide to Grantee Certificate(s) of Insurance for all required insurance before performance required under this Agreement. The Certificate(s) must specify all entities and individuals who are endorsed on the policy as Additional Insured (or Loss Payees). Subcontractor shall pay for all deductibles, self-insured retention and self-insurance, if any. **The Subcontractor shall immediately notify the Grantee of any material change in insurance coverage.**



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 31, 2023

SUBJECT: Finance Report for April 2023

ATTENDANCE:

Robert Tintle, Chief Financial Officer



MEMORANDUM

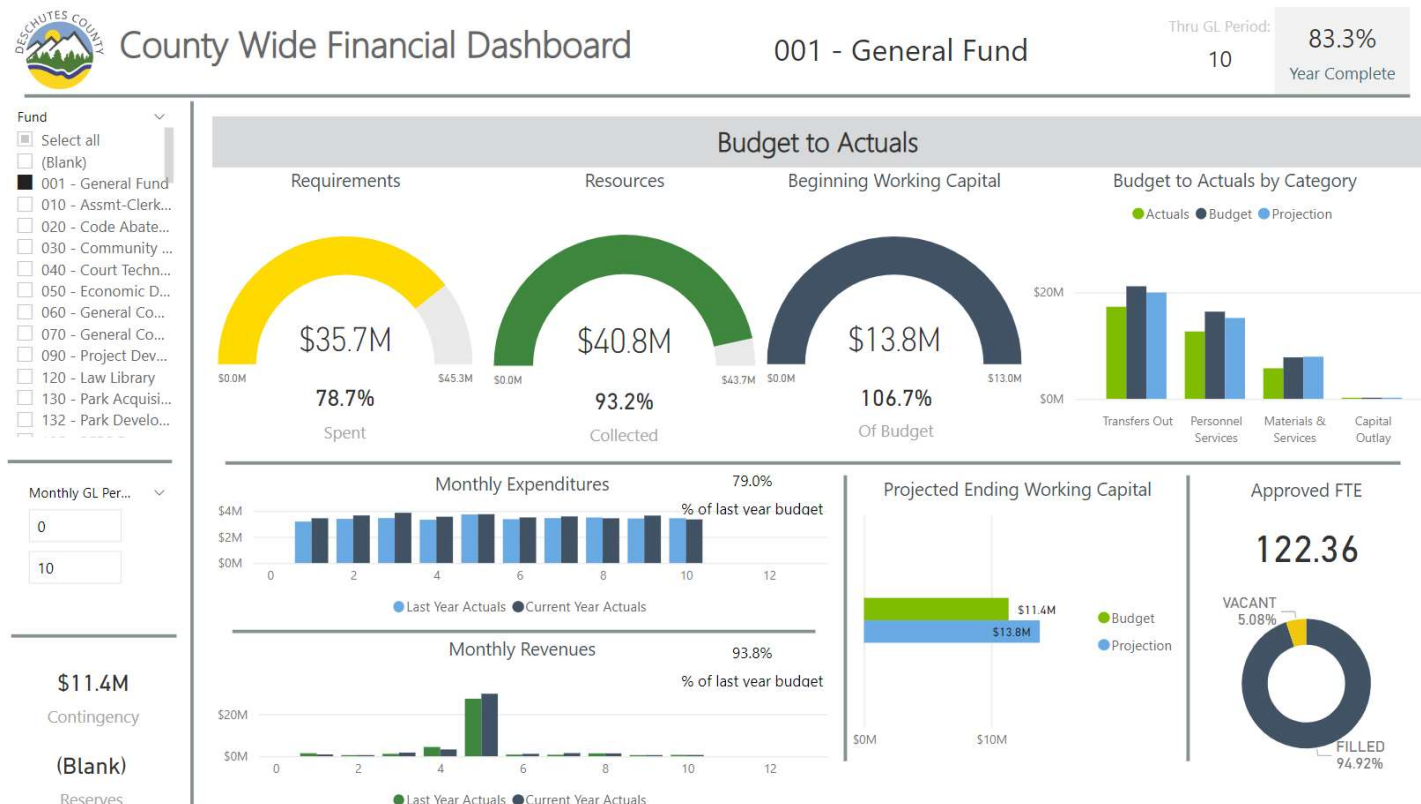
DATE: May 31, 2023
TO: Board of County Commissioners
FROM: Robert Tintle, Chief Financial Officer
SUBJECT: Finance Report for April 2023

Following is the unaudited monthly finance report for fiscal year to date (YTD) as of April 30, 2023.

Budget to Actuals Report

General Fund

- *Revenue* YTD in the General Fund is \$40.8M or 93.2% of budget. By comparison, last year revenue YTD was \$38.2M and 93.8% of budget.
- *Expenses* YTD are \$35.7M and 78.7% of budget. By comparison, last year expenses YTD were \$34.2M and 78.9% of budget.
- *Beginning Fund Balance* is \$13.8M or 106.7% of the budgeted \$12.9M beginning fund balance.



All Major Funds

On the attached pages you will find the Budget to Actuals Report for the County’s major funds with actual revenue and expense data compared to budget through April 30, 2023.

Position Control Summary

Position Control Summary FY23														
Org		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July - June Percent Unfilled
Assessor	Filled	33.26	31.00	32.00	31.00	31.00	33.26	32.26	32.26	32.26	32.26			
	Unfilled	2.00	4.26	3.26	4.26	4.26	2.00	3.00	3.00	3.00	3.00			9.09%
Clerk	Filled	9.48	9.48	10.48	10.48	10.48	10.48	10.48	9.48	9.48	10.48			
	Unfilled	1.00	1.00	-	-	-	-	1.00	1.00	1.00	-			3.82%
BOPTA	Filled	0.52	0.52	0.52	0.52	0.52	0.52	0.52	0.52	0.52	0.52			
	Unfilled	-	-	-	-	-	-	-	-	-	-			0.00%
DA	Filled	57.40	58.40	59.20	61.20	61.20	59.80	58.30	58.80	58.00	59.00			
	Unfilled	3.20	2.20	1.40	0.40	0.40	1.30	2.80	2.80	3.60	2.60			3.38%
Tax	Filled	5.50	5.50	6.50	6.50	6.50	6.50	6.50	6.50	6.50	5.50			
	Unfilled	1.00	1.00	-	-	-	-	-	-	-	1.00			4.62%
Veterans'	Filled	5.00	5.00	5.00	4.00	4.00	4.00	5.00	5.00	5.00	5.00			
	Unfilled	-	-	-	1.00	1.00	1.00	-	-	-	-			6.00%
Property Mgmt	Filled	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	3.00			
	Unfilled	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	-			30.00%
Total General Fund	Filled	113.16	111.90	115.70	115.70	115.70	116.56	115.06	114.56	113.76	115.76	-	-	
	Unfilled	8.20	9.46	5.66	6.66	6.66	5.30	6.80	7.80	8.60	6.60	-	-	5.88%
Justice Court	Filled	4.60	4.60	4.60	4.60	4.60	4.60	4.60	4.60	4.60	4.60			
	Unfilled	-	-	-	-	-	-	-	-	-	-			0.00%
Community Justice	Filled	45.20	45.20	45.90	44.90	44.90	45.90	45.90	45.90	47.00	45.00			
	Unfilled	2.70	2.70	2.00	3.00	3.00	2.00	2.00	2.00	2.00	4.00			5.28%
Sheriff	Filled	218.25	232.25	230.25	230.25	231.75	229.75	228.75	235.75	233.75	232.25			
	Unfilled	44.75	30.75	32.75	32.75	31.25	33.25	36.25	29.25	31.25	32.75			12.70%
Houseless Effort	Filled	-	-	1.00	1.00	1.00	1.00	1.00	1.00	1.00	2.00			
	Unfilled	2.00	2.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	-			55.00%
Health Svcs	Filled	355.80	357.50	368.30	371.30	374.55	380.20	380.10	383.30	383.95	376.10			
	Unfilled	49.55	47.85	48.25	46.25	44.25	39.60	39.70	38.50	37.85	44.70			10.47%
CDD	Filled	59.80	58.80	59.80	58.80	59.80	57.80	57.80	58.80	58.80	57.80			
	Unfilled	12.20	13.20	12.20	13.20	12.20	14.20	6.20	5.20	5.20	6.20			14.53%
Road	Filled	55.00	55.00	58.00	57.00	58.00	58.00	57.00	57.00	58.00	56.00			
	Unfilled	6.00	6.00	3.00	4.00	3.00	3.00	4.00	4.00	3.00	5.00			6.72%
Adult P&P	Filled	35.55	35.55	35.85	34.85	34.85	34.85	34.85	33.85	33.75	33.75			
	Unfilled	5.30	5.30	5.00	6.00	6.00	6.00	6.00	7.00	6.00	6.00			14.42%
Solid Waste	Filled	27.00	26.00	28.00	26.00	27.00	28.00	27.00	28.00	30.00	30.00			
	Unfilled	3.00	4.00	2.00	4.00	3.00	2.00	3.00	2.00	-	-			7.67%
Victims Assistance	Filled	8.00	8.00	8.00	8.50	8.50	8.50	7.50	7.50	7.50	7.50			
	Unfilled	-	-	-	-	-	-	1.00	2.00	2.00	2.00			8.09%
GIS Dedicated	Filled	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30	2.30			
	Unfilled	-	-	-	-	-	-	-	-	-	-			0.00%
Fair & Expo	Filled	9.75	9.75	9.75	10.75	10.75	10.75	10.75	11.75	11.75	11.75			
	Unfilled	3.75	3.75	3.75	2.75	2.75	2.75	2.75	1.75	1.75	1.75			20.37%
Natural Resource	Filled	1.00	-	-	-	2.00	2.00	2.00	2.00	2.00	2.00			
	Unfilled	1.00	2.00	2.00	2.00	-	-	-	-	-	-			35.00%
ISF - Facilities	Filled	20.75	21.75	20.75	21.75	21.75	19.75	19.75	21.75	23.75	23.75			
	Unfilled	4.25	3.25	4.25	3.25	3.25	5.25	5.25	3.25	1.25	1.25			13.80%
ISF - Admin	Filled	8.75	8.75	9.75	10.75	10.75	10.75	9.75	9.75	9.75	9.75			
	Unfilled	2.00	2.00	1.00	-	-	-	-	-	-	-			4.83%
ISF - BOCC	Filled	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00			
	Unfilled	-	-	-	-	-	-	-	-	-	-			0.00%
ISF - Finance	Filled	10.00	8.00	10.00	10.00	10.00	12.00	12.00	12.00	12.00	12.00			
	Unfilled	1.00	3.00	1.00	1.00	1.00	-	-	-	-	-			6.09%
ISF - Legal	Filled	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00	7.00			
	Unfilled	-	-	-	-	-	-	-	-	-	-			0.00%
ISF - HR	Filled	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00	9.00			
	Unfilled	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00			10.00%
ISF - IT	Filled	16.70	16.70	16.70	16.70	16.70	15.70	15.70	16.70	15.70	15.70			
	Unfilled	-	-	-	-	-	1.00	1.00	-	1.00	1.00			2.40%
ISF - Risk	Filled	2.25	2.25	2.25	2.25	2.25	2.25	3.25	3.25	3.25	3.25			
	Unfilled	-	-	-	-	-	-	-	-	-	-			0.00%
911	Filled	52.00	51.00	49.57	50.57	51.57	52.10	50.10	52.10	52.10	52.10			
	Unfilled	8.00	9.00	10.43	9.43	8.43	7.91	9.91	7.91	7.91	7.91			14.47%
Total:														
	Filled	1,064.86	1,074.30	1,095.47	1,096.97	1,107.72	1,111.76	1,104.16	1,120.86	1,123.71	1,112.36	-	-	
	Unfilled	154.70	145.26	135.29	136.29	126.79	124.26	125.86	112.66	109.81	120.16	-	-	
	Total	1,219.56	1,219.56	1,230.76	1,233.26	1,234.51	1,236.01	1,230.01	1,233.51	1,233.51	1,232.51	-	-	
	% Unfilled	12.68%	11.91%	10.99%	11.05%	10.27%	10.05%	10.23%	9.13%	8.90%	9.75%			10.49%

A Health Services -1.0 FTE



Budget to Actuals - Countywide Summary

All Departments

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%
	Budget	Actuals	%	Budget	Actuals	%		
001 - General Fund	40,504,168	40,047,506	99%	43,472,708	40,558,223	93%	42,822,464	99%
030 - Juvenile	901,143	1,007,843	112%	1,010,203	636,253	63%	1,069,608	106%
160/170 - TRT	12,578,435	13,029,089	104%	13,631,282	11,282,428	83%	13,163,535	97%
200 - American Rescue Fund	19,000,000	14,281,402	75%	105,186	26,751,643	999%	29,121,381	999%
220 - Justice Court	550,832	494,676	90%	525,032	422,161	80%	525,530	100%
255 - Sheriff's Office	44,947,745	45,776,980	102%	48,877,055	48,566,716	99%	49,328,721	101%
274 - Health Services	48,727,400	48,848,440	100%	57,787,985	52,080,990	90%	56,212,401	97%
295 - CDD	9,580,316	10,542,434	110%	11,675,519	7,649,652	66%	9,306,102	80%
325 - Road	22,629,649	24,768,506	109%	24,889,063	20,558,489	83%	25,574,669	103%
355 - Adult P&P	5,840,250	6,178,356	106%	6,134,018	6,107,717	100%	6,234,411	102%
465 - Road CIP	2,471,190	1,124,832	46%	1,943,063	283,791	15%	590,976	30%
610 - Solid Waste	13,350,600	13,930,834	104%	14,503,499	11,347,750	78%	13,813,001	95%
615 - Fair & Expo	1,395,724	1,779,723	128%	1,408,534	1,898,173	135%	2,136,785	152%
616 - Annual County Fair	1,560,500	1,922,671	123%	1,849,380	2,370,442	128%	2,379,297	129%
617 - Fair & Expo Capital Reserve	8,544	8,012	94%	7,414	132,528	999%	314,917	999%
618 - RV Park	517,524	584,713	113%	642,252	448,888	70%	519,865	81%
619 - RV Park Reserve	7,546	6,354	84%	6,298	18,072	287%	20,850	331%
670 - Risk Management	3,146,973	4,409,440	140%	3,311,477	2,797,374	84%	3,389,701	102%
675 - Health Benefits	23,027,177	25,070,639	109%	23,658,700	20,337,028	86%	24,545,395	104%
705 - 911	12,019,306	12,896,533	107%	13,744,678	12,762,109	93%	13,990,660	102%
999 - Other	50,071,869	34,055,652	68%	58,702,131	51,906,346	88%	57,012,878	97%
TOTAL RESOURCES	312,836,891	300,764,634	96%	327,885,478	318,916,771	97%	352,073,148	107%

REQUIREMENTS	Fiscal Year 2022			Fiscal Year 2023			Projection	%
	Budget	Actuals	%	Budget	Actuals	%		
001 - General Fund	21,298,809	19,383,248	91%	24,202,373	18,398,531	76%	23,145,707	96%
030 - Juvenile	7,496,355	6,674,328	89%	7,928,538	6,014,069	76%	7,450,705	94%
160/170 - TRT	4,010,388	3,826,539	95%	13,113,218	10,629,445	81%	11,939,381	91%
200 - American Rescue Fund	38,000,000	14,187,441	37%	23,129,361	11,760,031	51%	23,129,361	100%
220 - Justice Court	736,142	690,802	94%	731,183	607,128	83%	736,139	101%



Budget to Actuals - Countywide Summary

All Departments

FY23 YTD April 30, 2023 (unaudited)

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83.3%

Year Complete

255 - Sheriff's Office	54,162,360	51,382,461	95%	59,715,533	46,396,838	78%	59,075,830	99%
274 - Health Services	58,872,642	51,718,597	88%	70,979,127	50,450,953	71%	64,710,500	91%
295 - CDD	9,978,889	8,963,943	90%	11,233,304	7,683,772	68%	9,335,558	83%
325 - Road	15,024,128	13,771,124	92%	16,188,996	10,139,437	63%	15,486,410	96%
355 - Adult P&P	7,079,915	6,392,578	90%	7,575,910	5,495,450	73%	6,694,317	88%
465 - Road CIP	29,722,691	8,106,117	27%	28,387,166	14,617,459	51%	22,913,621	81%
610 - Solid Waste	9,709,991	8,792,122	91%	11,754,672	7,402,464	63%	11,008,024	94%
615 - Fair & Expo	2,504,877	2,626,480	105%	2,768,054	2,668,429	96%	3,114,313	113%
616 - Annual County Fair	1,468,131	1,352,783	92%	1,852,030	1,969,180	106%	2,059,945	111%
617 - Fair & Expo Capital Reserve	568,000	7,670	1%	870,000	208,706	24%	870,000	100%
618 - RV Park	552,188	466,135	84%	594,181	388,678	65%	505,887	85%
619 - RV Park Reserve	100,000	885	1%	100,000	5,532	6%	100,000	100%
670 - Risk Management	6,427,292	4,982,451	78%	5,887,806	2,387,770	41%	4,720,833	80%
675 - Health Benefits	29,424,393	29,294,027	100%	26,769,217	22,135,623	83%	30,097,473	112%
705 - 911	14,563,007	10,896,900	75%	17,709,497	10,691,638	60%	16,642,820	94%
999 - Other	86,872,890	41,149,853	47%	107,908,168	43,453,665	40%	97,607,097	90%
TOTAL REQUIREMENTS	398,573,088	284,666,484	71%	439,398,334	273,504,796	62%	411,343,921	94%



Budget to Actuals - Countywide Summary

All Departments

FY23 YTD April 30, 2023 (unaudited)

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83.3%

Year Complete

TRANSFERS	Fiscal Year 2022			Fiscal Year 2023			Projection	
	Budget	Actuals	%	Budget	Actuals	%		%
001 - General Fund	(21,952,604)	(21,807,006)	99%	(20,871,416)	(17,072,025)	82%	(19,698,572)	94%
030 - Juvenile	6,223,387	6,223,387	100%	6,452,997	5,377,490	83%	6,452,997	100%
160/170 - TRT	(6,024,574)	(5,916,413)	98%	(6,031,446)	(5,026,170)	83%	(5,964,179)	99%
220 - Justice Court	240,956	196,126	81%	263,217	219,340	83%	263,217	100%
255 - Sheriff's Office	3,500,737	3,501,246	100%	3,448,587	3,036,391	88%	3,448,587	100%
274 - Health Services	6,122,830	6,122,830	100%	8,007,942	5,771,812	72%	5,901,837	74%
295 - CDD	(270,622)	(1,159,207)	428%	(911,585)	(692,938)	76%	(821,579)	90%
325 - Road	(11,757,547)	(11,757,547)	100%	(12,330,136)	(12,330,136)	100%	(12,330,136)	100%
355 - Adult P&P	471,072	471,071	100%	267,532	189,670	71%	267,532	100%
465 - Road CIP	12,193,917	10,672,113	88%	14,230,313	9,778,721	69%	14,131,212	99%
610 - Solid Waste	(6,029,323)	(6,029,323)	100%	(5,299,665)	(3,051,630)	58%	(3,453,962)	65%
615 - Fair & Expo	962,736	918,804	95%	704,127	586,770	83%	657,039	93%
616 - Annual County Fair	(75,000)	(75,000)	100%	(156,706)	(130,580)	83%	(156,706)	100%
617 - Fair & Expo Capital Reserve	798,901	779,502	98%	1,149,827	958,170	83%	1,129,648	98%
618 - RV Park	47,958	47,958	100%	(81,566)	(41,310)	51%	(81,566)	100%
619 - RV Park Reserve	132,042	132,042	100%	261,750	217,970	83%	261,566	100%
670 - Risk Management	(3,500)	(3,500)	100%	(3,500)	(2,910)	83%	(3,500)	100%
705 - 911	-	-	0%	(59,900)	(59,900)	100%	(59,900)	100%
999 - Other	15,418,726	17,682,916	115%	10,159,373	12,341,265	121%	10,056,465	99%
TOTAL TRANSFERS	91	-	0	(800,255)	70,000	-	-	0%



Budget to Actuals - Countywide Summary

All Departments

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

ENDING FUND BALANCE	Fiscal Year 2022			Fiscal Year 2023			
	Budget	Actuals	%	Budget	Actuals	Projection	%
001 - General Fund	10,723,375	13,847,827	129%	11,374,637	18,935,495	13,826,013	122%
030 - Juvenile	596,681	1,522,125	255%	634,663	1,521,799	1,594,026	251%
160/170 - TRT	8,433,816	9,475,532	112%	4,000,000	5,102,344	4,735,507	118%
200 - American Rescue Fund	-	108,098	999%	-	15,039,803	6,100,118	999%
220 - Justice Court	55,646	-	0%	57,066	34,374	52,608	92%
255 - Sheriff's Office	12,160,633	15,162,285	125%	7,024,650	20,368,554	8,863,763	126%
274 - Health Services	6,011,534	13,942,649	232%	6,045,519	21,344,498	11,346,387	188%
295 - CDD	763,172	2,168,956	284%	1,627,134	1,441,899	1,317,921	81%
325 - Road	2,231,806	7,806,356	350%	2,262,898	5,895,273	5,564,479	246%
355 - Adult P&P	1,971,182	3,238,905	164%	1,925,640	4,040,842	3,046,531	158%
465 - Road CIP	5,316,460	27,223,832	512%	12,334,484	22,668,885	19,032,399	154%
610 - Solid Waste	583,520	3,066,662	526%	556,359	3,960,317	2,417,677	435%
615 - Fair & Expo	604,256	995,519	165%	315,960	812,033	675,031	214%
616 - Annual County Fair	17,369	385,854	999%	225,358	656,536	548,500	243%
617 - Fair & Expo Capital Reserve	1,341,108	1,809,440	135%	1,587,183	2,691,432	2,384,005	150%
618 - RV Park	13,294	166,536	999%	82,920	185,437	98,948	119%
619 - RV Park Reserve	824,054	1,191,937	145%	1,340,766	1,422,446	1,374,353	103%
670 - Risk Management	5,045,296	8,944,938	177%	5,107,351	9,351,633	7,610,306	149%
675 - Health Benefits	8,375,402	11,304,191	135%	8,815,139	9,505,596	5,752,112	65%
705 - 911	9,307,082	12,708,705	137%	8,926,080	14,719,275	9,996,645	112%
999 - Other	55,322,038	95,096,396	172%	56,673,214	119,103,855	68,408,384	121%
TOTAL FUND BALANCE	129,697,724	230,166,744	177%	130,917,021	278,802,326	174,745,713	133%



Budget to Actuals Report

General Fund - Fund 001

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Property Taxes - Current	32,410,716	32,791,880	101%	34,467,173	33,675,825	98%	34,378,087	100%	(89,086) A
Property Taxes - Prior	460,000	337,612	73%	301,000	280,122	93%	301,000	100%	-
Other General Revenues	2,689,926	2,880,344	107%	3,591,874	3,737,223	104%	3,811,369	106%	219,495 B
Assessor	987,411	886,514	90%	964,246	504,834	52%	964,246	100%	-
Clerk	2,741,215	2,225,591	81%	2,298,566	1,067,224	46%	1,298,566	56%	(1,000,000) C
BOPTA	14,588	13,216	91%	14,588	6,725	46%	14,588	100%	-
District Attorney	448,201	258,776	58%	1,183,942	1,042,878	88%	1,403,289	119%	219,347 D
Tax Office	341,004	321,554	94%	221,483	93,992	42%	221,483	100%	-
Veterans	259,107	182,018	70%	214,836	91,009	42%	214,836	100%	- E
Property Management	152,000	150,000	99%	215,000	58,391	27%	215,000	100%	- F
TOTAL RESOURCES	40,504,168	40,047,506	99%	43,472,708	40,558,223	93%	42,822,464	99%	(650,244)

REQUIREMENTS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Assessor	5,454,784	5,157,534	95%	5,910,478	4,355,418	74%	5,342,377	90%	568,101 G
Clerk	2,080,739	1,735,214	83%	2,432,710	1,695,805	70%	2,305,415	95%	127,295 H
BOPTA	82,911	77,147	93%	87,177	68,797	79%	86,906	100%	271
District Attorney	9,715,707	8,677,696	89%	10,979,839	8,623,863	79%	10,845,527	99%	134,312 I
Medical Examiner	242,652	241,582	100%	438,702	203,555	46%	438,702	100%	-
Tax Office	932,570	886,019	95%	905,262	708,434	78%	861,123	95%	44,139 H
Veterans	795,189	762,328	96%	809,390	590,945	73%	779,059	96%	30,331 H
Property Management	380,061	360,274	95%	508,359	311,238	61%	356,142	70%	152,217 H
Non-Departmental	1,614,196	1,485,453	92%	2,130,456	1,840,475	86%	2,130,456	100%	- J
TOTAL REQUIREMENTS	21,298,809	19,383,248	91%	24,202,373	18,398,531	76%	23,145,707	96%	1,056,666

TRANSFERS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfers In	260,000	260,000	100%	260,000	217,030	83%	260,439	100%	439 K
Transfers Out	(22,212,604)	(22,067,006)	99%	(21,131,416)	(17,289,055)	82%	(19,959,011)	94%	1,172,405 L
TOTAL TRANSFERS	(21,952,604)	(21,807,006)	99%	(20,871,416)	(17,072,025)	82%	(19,698,572)	94%	1,172,844

FUND BALANCE	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	13,470,620	14,990,575	111%	12,975,718	13,847,828	107%	13,847,828	107%	872,110
Resources over Requirements	19,205,359	20,664,258		19,270,335	22,159,692		19,676,757		406,422
Net Transfers - In (Out)	(21,952,604)	(21,807,006)		(20,871,416)	(17,072,025)		(19,698,572)		1,172,844
TOTAL FUND BALANCE	\$ 10,723,375	\$ 13,847,828	129%	\$ 11,374,637	\$ 18,935,495	166%	\$ 13,826,013	122%	\$2,451,376

- A** Current year taxes received primarily in November, February and May; actual FY22-23 TAV is 5.50% over FY21-22 vs. 5.55% budgeted
- B** PILT payment of \$500,000 received in July 2022; includes ~\$585K for a State Grant that will be passed through to NeighborImpact for domestic well assistance
- C** Recording fees expected to be lower than budget due to decreased loan origination volume from rising interest rates
- D** Recent budget adjustment to increase State grant funding which is expected to come in later this fiscal year
- E** Oregon Dept. of Veteran's Affairs grant reimbursed quarterly
- F** Interfund land-sale management revenue recorded at year-end
- G** Projected Personnel savings based on FY22/FY23 average vacancy rate of 7.9%
- H** Projected savings based on vacancy and other personnel cost reductions to date
- I** Projected Personnel savings based on FY22/FY23 average vacancy rate of 4.2%
- J** Includes \$100K loan to Alfalfa Fire District
- K** Repayment to General Fund from Finance Reserves for ERP Implementation
- L** Estimating Behavioral Health will return approximately \$1.2M of County General Funds in FY23



Budget to Actuals Report

Juvenile - Fund 030

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
OYA Basic & Diversion	432,044	500,765	116%	525,049	269,682	51%	525,049	100%	-
ODE Juvenile Crime Prev	100,517	117,184	117%	123,000	74,385	60%	107,720	88%	(15,280) A
Gen Fund-Crime Prevention	89,500	89,500	100%	89,500	-	0%	89,500	100%	-
Leases	88,000	89,154	101%	86,000	75,190	87%	90,228	105%	4,228 B
Inmate/Prisoner Housing	80,000	92,400	116%	55,000	103,650	188%	110,000	200%	55,000 C
DOC Unif Crime Fee/HB2712	49,339	50,462	102%	49,339	25,271	51%	43,271	88%	(6,068) D
Miscellaneous	7,500	29,113	388%	42,500	41,747	98%	45,000	106%	2,500 E
OJD Court Fac/Sec SB 1065	20,000	10,291	51%	15,000	10,008	67%	15,000	100%	-
Food Subsidy	12,000	11,380	95%	10,000	8,336	83%	10,000	100%	-
Contract Payments	8,000	9,947	124%	8,000	3,572	45%	5,000	63%	(3,000) F
Interest on Investments	14,243	7,647	54%	6,815	24,413	358%	28,840	423%	22,025 G
TOTAL RESOURCES	901,143	1,007,843	112%	1,010,203	636,253	63%	1,069,608	106%	59,405

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	6,082,895	5,411,118	89%	6,292,271	4,859,785	77%	5,867,866	93%
Materials and Services	1,363,409	1,249,983	92%	1,527,992	1,130,669	74%	1,474,564	97%	53,428 I
Capital Outlay	50,051	13,226	26%	108,275	23,615	22%	108,275	100%	-
TOTAL REQUIREMENTS	7,496,355	6,674,328	89%	7,928,538	6,014,069	76%	7,450,705	94%	477,833

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In- General Funds	6,304,397	6,304,397	100%	6,529,064	5,440,870	83%	6,529,064	100%
Transfers Out-Veh Reserve	(81,010)	(81,010)	100%	(76,067)	(63,380)	83%	(76,067)	100%	-
TOTAL TRANSFERS	6,223,387	6,223,387	100%	6,452,997	5,377,490	83%	6,452,997	100%	-

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	968,506	965,223	100%	1,100,001	1,522,125	138%	1,522,125	138%
Resources over Requirements	(6,595,212)	(5,666,485)		(6,918,335)	(5,377,816)		(6,381,097)		537,238
Net Transfers - In (Out)	6,223,387	6,223,387		6,452,997	5,377,490		6,452,997		-
TOTAL FUND BALANCE	\$ 596,681	\$ 1,522,125	255%	\$ 634,663	\$ 1,521,799	240%	\$ 1,594,026	251%	\$959,363

- A** Two year grant adjusted amount based on 2022 spending.
- B** New lease payment for JBarJ.
- C** Out of county utilization for last two months is higher than anticipated based on original projection. Can shift daily based on intake activity.
- D** Department of Corrections expecting a reduction in final payment.
- E** Expungement revenue higher than originally projected.
- F** Fewer contracted community service projects.
- G** Investment Income projected to come in higher than budget.
- H** Projected Personnel savings based on FY23 average vacancy rate of 5.2%
- I** Savings based on current expense trends for materials and services.



Budget to Actuals Report

TRT - Fund 160/170

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Room Taxes	12,519,987	12,977,205	104%	13,580,874	11,197,770	82%	13,060,154	96%	(520,720) A
Interest on Investments	58,448	51,884	89%	50,408	84,497	168%	103,220	205%	52,812 B
Miscellaneous	-	-		-	161		161		161
TOTAL RESOURCES	12,578,435	13,029,089	104%	13,631,282	11,282,428	83%	13,163,535	97%	(467,747)

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Grants & Contributions	-	-		5,600,000	4,600,000	82%	4,600,000	82%
COVA	3,660,659	3,512,891	96%	3,675,886	2,853,976	78%	3,528,818	96%	147,068 D
Interfund Charges	239,526	239,526	100%	3,574,573	2,978,811	83%	3,574,573	100%	- E
Administrative	15,203	9,365	62%	215,508	154,283	72%	188,739	88%	26,769
Software	95,000	64,758	68%	47,251	42,375	90%	47,251	100%	-
TOTAL REQUIREMENTS	4,010,388	3,826,539	95%	13,113,218	10,629,445	81%	11,939,381	91%	1,173,837

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfer Out - RV Park	(20,000)	(20,000)	100%	(20,000)	(16,660)	83%	(20,000)	100%
Transfer Out - Annual Fair	(75,000)	(75,000)	100%	(75,000)	(62,500)	83%	(75,000)	100%	-
Transfer Out - Justice Court	(240,956)	(196,126)	81%	(263,217)	(219,340)	83%	(263,217)	100%	-
Transfer Out - Health	(444,417)	(444,417)	100%	(418,417)	(348,680)	83%	(418,417)	100%	-
Transfer Out - F&E Reserve	(498,901)	(479,502)	96%	(501,683)	(418,060)	83%	(481,504)	96%	20,179 F
Transfer Out - F&E	(1,093,513)	(1,049,581)	96%	(1,101,342)	(917,780)	83%	(1,054,254)	96%	47,088 G
Transfer Out - Sheriff	(3,651,787)	(3,651,787)	100%	(3,651,787)	(3,043,150)	83%	(3,651,787)	100%	-
TOTAL TRANSFERS	(6,024,574)	(5,916,413)	98%	(6,031,446)	(5,026,170)	83%	(5,964,179)	99%	67,267

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	5,890,343	6,189,395	105%	9,513,382	9,475,532	100%	9,475,532	100%
Resources over Requirements	8,568,047	9,202,550		518,064	652,983		1,224,154		706,090
Net Transfers - In (Out)	(6,024,574)	(5,916,413)		(6,031,446)	(5,026,170)		(5,964,179)		67,267
TOTAL FUND BALANCE	\$ 8,433,816	\$ 9,475,532	112%	\$ 4,000,000	\$ 5,102,344	128%	\$ 4,735,507	118%	\$735,507

- A** Room Tax collections up 3% over last year versus 5.0% budget assumption
- B** Investment Income projected to come in higher than budget
- C** Includes contributions of \$4M to Sunriver Service District and \$600K to Deschutes Trail Coalition; \$1M budgeted for Mt. Bachelor will be paid in FY24
- D** Payments to COVA based on a percent of TRT collections
- E** Includes ~\$3.5M for Interfund Payments to the General County Reserve Fund
- F** The balance of the 1% F&E TRT is transferred to F&E reserves
- G** Transfer projected to be lower based on decreased Room Tax revenue



Budget to Actuals Report

ARPA – Fund 200

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance	
	Budget	Actuals	%	Budget	Actuals	%				
Interest on Investments	-	93,961		105,186	260,795	248%	319,460	304%	214,274	A
State & Local Coronavirus Fiscal Recovery Funds	19,000,000	14,187,441	75%	-	24,179,776		24,179,776		24,179,776	C
Local Assistance & Tribal Consistency	-	-		-	2,311,073		4,622,145		4,622,145	B
TOTAL RESOURCES	19,000,000	14,281,402	75%	105,186	26,751,643	999%	29,121,381	999%	29,016,195	

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance	
	Services to Disproportionately Impacted Communities	20,650,098	5,242,251	25%	15,394,824	9,091,412	59%	15,394,824	100%	-
Administrative	5,281,005	143,079	3%	4,317,328	142,451	3%	4,317,328	100%	-	E
Infrastructure	2,050,000	527,275	26%	1,634,710	682,526	42%	1,634,710	100%	-	F
Negative Economic Impacts	6,285,840	5,488,685	87%	899,577	927,155	103%	899,577	100%	-	G
Public Health	3,733,057	2,786,152	75%	882,922	916,486	104%	882,922	100%	-	H
TOTAL REQUIREMENTS	38,000,000	14,187,441	37%	23,129,361	11,760,031	51%	23,129,361	100%	-	

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	19,000,000	14,137	0%	23,024,175	108,098	0%	108,098	0%
Resources over Requirements	(19,000,000)	93,961		(23,024,175)	14,991,612		5,992,020		29,016,195
Net Transfers - In (Out)	-	-		-	-		-		-
TOTAL FUND BALANCE	-	\$ 108,098	999%	-	\$ 15,099,710	999%	\$ 6,100,118	999%	\$ 6,100,118

- A** Investment Income projected to come in higher than budget
- B** A budget adjustment for additional Local Assistance & Tribal Consistency funds is forthcoming
- C** The revenue received in FY22, but unspent at 06.30.22, was recorded as Deferred Revenue and recognized in FY23
- D** Includes \$6.77M in childcare/early education funding, \$6.9M in housing support for unhoused persons and over \$7.3M in affordable housing projects
- E** Administration holds the balance of the ARPA funds, as well as an approved Management Analyst for ARPA reporting and administration
- F** Consists of modernization of irrigation systems, Terrebonne wastewater system, and a regional broadband infrastructure needs and assessment
- G** Majority of funding is for food programs, \$2.5 million in small business assistance and additional funding for Ronald McDonald House and an Apprenticeship jobs program
- H** Approved ARPA funding consists of Isolation Motel Liability Insurance, COVID-19 testing done by Dr. Young, UV sanitizer for the jail to prevent COVID-19 in congregate settings and various Health Services expenses such as temporary staffing costs to support the COVID-19 response



Budget to Actuals Report

Justice Court - Fund 220

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Court Fines & Fees	550,000	494,265	90%	525,000	421,768	80%	525,000	100%	-
Interest on Investments	95	45	48%	32	394	999%	530	999%	498 ^A
Miscellaneous	737	365	50%	-	-	-	-	-	-
TOTAL RESOURCES	550,832	494,676	90%	525,032	422,161	80%	525,530	100%	498

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	577,209	541,792	94%	569,648	480,146	84%	574,604	101%
Materials and Services	158,933	149,011	94%	161,535	126,981	79%	161,535	100%	- ^B
TOTAL REQUIREMENTS	736,142	690,802	94%	731,183	607,128	83%	736,139	101%	(4,956)

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In - TRT	240,956	196,126	81%	263,217	219,340	83%	263,217	100%
TOTAL TRANSFERS	240,956	196,126	81%	263,217	219,340	83%	263,217	100%	-

Resources over Requirements	(185,310)	(196,126)		(206,151)	(184,966)		(210,609)		(4,458)
Net Transfers - In (Out)	240,956	196,126		263,217	219,340		263,217		-
TOTAL □	\$ 55,646	-	0%	\$ 57,066	\$ 34,374	60%	\$ 52,608	92%	(\$4,458)

- ^A Investment Income projected to come in higher than budget
- ^B One time yearly software maintenance fee paid in July for entire fiscal year



Budget to Actuals Report

Sheriff's Office - Fund 255

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
LED #1 Property Tax Current	28,448,529	28,828,746	101%	30,282,049	29,643,266	98%	30,239,651	100%	(42,398) A
LED #2 Property Tax Current	11,813,562	11,962,302	101%	13,400,541	13,047,426	97%	13,313,046	99%	(87,495) B
Sheriff's Office Revenues	3,993,964	4,407,029	110%	4,607,630	5,230,927	114%	4,946,564	107%	338,934 C
LED #1 Property Tax Prior	330,000	288,862	88%	330,000	233,946	71%	330,000	100%	-
LED #2 Property Tax Prior	145,000	118,145	81%	145,000	96,625	67%	145,000	100%	-
LED #1 Interest	147,416	96,152	65%	89,119	249,842	280%	285,500	320%	196,381 C
LED #2 Interest	69,274	24,356	35%	22,716	64,682	285%	68,960	304%	46,244 D
LED #2 Foreclosed Properties	-	15,070	-	-	-	-	-	-	-
LED #1 Foreclosed Properties	-	36,317	-	-	-	-	-	-	-
TOTAL RESOURCES	44,947,745	45,776,980	102%	48,877,055	48,566,716	99%	49,328,721	101%	451,666

REQUIREMENTS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Digital Forensics	-	-	-	808,610	663,812	82%	789,644	98%	18,966
Concealed Handgun Licenses	-	-	-	335,044	274,727	82%	326,804	98%	8,240
Rickard Ranch	-	-	-	264,871	147,337	56%	264,871	100%	-
Sheriff's Services	4,002,499	4,208,992	105%	5,863,885	4,167,479	71%	5,172,145	88%	691,740
Civil/Special Units	1,154,204	1,112,473	96%	1,168,300	923,786	79%	1,082,781	93%	85,519
Automotive/Communications	3,576,342	3,738,777	105%	4,005,888	2,901,551	72%	3,902,719	97%	103,169
Detective	3,029,130	3,013,632	99%	3,583,825	3,311,928	92%	3,941,343	110%	(357,518)
Patrol	14,015,461	13,440,565	96%	14,640,315	11,554,141	79%	14,696,309	100%	(55,994)
Records	1,025,023	735,218	72%	944,493	554,069	59%	693,695	73%	250,798
Adult Jail	21,033,697	18,807,184	89%	22,069,320	16,840,299	76%	21,662,166	98%	407,154 E
Court Security	444,617	431,758	97%	424,769	449,372	106%	538,116	127%	(113,347)
Emergency Services	789,912	543,303	69%	829,997	431,079	52%	642,989	77%	187,008
Special Services	1,775,588	2,053,196	116%	2,047,792	1,905,929	93%	2,429,126	119%	(381,334)
Training	1,626,207	1,786,439	110%	1,907,588	1,526,821	80%	1,901,401	100%	6,187
Other Law Enforcement	1,389,684	1,510,925	109%	820,836	744,507	91%	1,031,721	126%	(210,885)
Non - Departmental	299,998	-	0%	-	-	0%	-	100%	-
TOTAL REQUIREMENTS	54,162,360	51,382,461	95%	59,715,533	46,396,838	78%	59,075,830	99%	639,703

TRANSFERS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfer In - TRT	3,651,787	3,651,787	100%	3,651,787	3,043,150	83%	3,651,787	100%	-
Transfer In - General Fund	121,950	121,950	100%	70,000	58,330	83%	70,000	100%	-
Transfers Out - Debt Service	(273,000)	(272,491)	100%	(273,200)	(65,089)	24%	(273,200)	100%	-
TOTAL TRANSFERS	3,500,737	3,501,246	100%	3,448,587	3,036,391	88%	3,448,587	100%	-

FUND BALANCE	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	17,874,511	17,266,520	97%	14,414,541	15,162,285	105%	15,162,285	105%	747,744
Resources over Requirements	(9,214,615)	(5,605,481)	-	(10,838,478)	2,169,878	-	(9,747,109)	-	1,091,369
Net Transfers - In (Out)	3,500,737	3,501,246	100%	3,448,587	3,036,391	88%	3,448,587	100%	-
TOTAL FUND BALANCE	\$ 12,160,633	\$ 15,162,285	125%	\$ 7,024,650	\$ 20,368,554	290%	\$ 8,863,763	126%	\$ 1,839,113

Note: Vacant positions are driving projected department savings, with other fluctuations causing projected budget overages

- A** Current year taxes received primarily in November, February and May; actual FY22-23 TAV is 5.50% over FY21-22 vs. 5.55% budgeted
- B** Current year taxes received primarily in November, February and May; actual FY22-23 TAV is 4.79% over FY21-22 vs. 5.45% budgeted
- C** Investment Income projected to come in higher than budget
- D** Investment Income projected to come in higher than budget
- E** Savings due to vacant positions



Budget to Actuals Report

Health Services - Fund 274

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
State Grant	17,641,302	16,634,837	94%	22,223,536	20,387,390	92%	19,211,226	86%	(3,012,310)
OHP Capitation	8,947,837	11,776,144	132%	12,882,624	11,058,341	86%	12,115,681	94%	(766,943)
State Miscellaneous	4,129,465	3,518,729	85%	8,901,719	6,701,693	75%	7,977,029	90%	(924,690)
OHP Fee for Service	3,627,151	4,032,343	111%	3,232,620	3,666,470	113%	5,008,538	155%	1,775,918
Federal Grants	4,303,483	4,090,251	95%	2,615,634	1,858,001	71%	2,631,378	101%	15,744
Local Grants	1,936,838	3,350,227	173%	2,332,031	2,163,950	93%	1,999,640	86%	(332,391)
Environmental Health Fees	1,086,019	1,213,172	112%	1,238,499	1,237,484	100%	1,351,193	109%	112,694
Other	884,036	866,362	98%	1,169,317	1,832,941	157%	2,094,011	179%	924,694
State - Medicaid/Medicare	843,050	777,348	92%	807,530	896,582	111%	1,074,793	133%	267,263
Patient Fees	468,415	538,392	115%	615,644	546,819	89%	667,857	108%	52,213
Medicaid	1,014,100	750,524	74%	430,863	543,669	126%	652,490	151%	221,627
State - Medicare	172,200	194,470	113%	337,614	170,286	50%	204,442	61%	(133,172)
Vital Records	280,000	342,960	122%	300,000	275,080	92%	321,274	107%	21,274
Liquor Revenue	157,000	199,100	127%	177,574	109,997	62%	177,574	100%	-
Divorce Filing Fees	173,030	178,331	103%	173,030	63,178	37%	63,178	37%	(109,852)
Interfund Contract- Gen Fund	127,000	127,000	100%	127,000	127,000	100%	127,000	100%	-
State Shared- Family Planning	152,634	118,228	77%	125,000	115,610	92%	154,147	123%	29,147
Interest on Investments	156,549	101,438	65%	97,750	326,499	334%	380,950	390%	283,200
CCBHC Grant	2,627,291	38,587	1%	-	-	-	-	-	-
TOTAL RESOURCES	48,727,400	48,848,440	100%	57,787,985	52,080,990	90%	56,212,401	97%	(1,575,584)

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Administration Allocation	-	-	999%	-	-	0%	-	0%
Personnel Services	43,994,358	39,393,426	90%	50,658,752	39,343,766	78%	47,565,667	94%	3,093,085
Materials and Services	14,721,284	12,243,043	83%	19,862,800	10,750,808	54%	16,706,476	84%	3,156,325
Capital Outlay	157,000	82,128	52%	457,575	356,379	78%	438,357	96%	19,218
TOTAL REQUIREMENTS	58,872,642	51,718,597	88%	70,979,127	50,450,953	71%	64,710,500	91%	6,268,627

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In- General Fund	5,909,168	5,909,168	100%	6,608,245	5,506,780	83%	5,435,840	82%
Transfers In- OHP Mental Health	-	-	-	1,473,586	368,382	25%	539,886	37%	(933,700)
Transfers In - TRT	444,417	444,417	100%	418,417	348,680	83%	418,417	100%	-
Transfers Out	(230,755)	(230,755)	100%	(492,306)	(452,030)	92%	(492,306)	100%	-
TOTAL TRANSFERS	6,122,830	6,122,830	100%	8,007,942	5,771,812	72%	5,901,837	74%	(2,106,105)

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	10,033,946	10,689,975	107%	11,228,719	13,942,649	124%	13,942,649	124%
Resources over Requirements	(10,145,242)	(2,870,157)	-	(13,191,142)	1,630,037	-	(8,498,099)	-	4,693,043
Net Transfers - In (Out)	6,122,830	6,122,830	100%	8,007,942	5,771,812	72%	5,901,837	74%	(2,106,105)
TOTAL FUND BALANCE	\$ 6,011,534	\$ 13,942,649	232%	\$ 6,045,519	\$ 21,344,498	353%	\$ 11,346,387	188%	\$ 5,300,868



Budget to Actuals Report

Health Services - Admin - Fund 274

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Federal Grants	1,438,843	1,183,981	82%	454,405	423,371	93%	747,892	165%	293,487
State Grant	769,319	493,270	64%	379,180	397,027	105%	149,747	39%	(229,433)
OHP Capitation	-	436,443		367,074	342,044	93%	367,074	100%	-
Other	9,200	12,146	132%	160,495	157,027	98%	162,949	102%	2,454
Interest on Investments	156,549	101,438	65%	97,750	326,499	334%	380,950	390%	283,200
CCBHC Grant	486,804	6,938	1%	-	-		-		-
Patient Fees	-	1,124		-	-		-		-
TOTAL RESOURCES	2,860,715	2,235,340	78%	1,458,904	1,645,968	113%	1,808,612	124%	349,708

REQUIREMENTS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Personnel Services	6,904,224	5,832,219	84%	6,738,820	4,917,082	73%	6,059,397	90%	679,423
Materials and Services	6,580,649	6,134,705	93%	7,010,683	5,509,937	79%	7,104,110	101%	(93,427)
Administration Allocation	(10,188,902)	(10,188,901)	100%	(11,228,846)	(5,530,452)	49%	(11,228,846)	100%	-
TOTAL REQUIREMENTS	3,295,971	1,778,023	54%	2,520,656	4,896,567	194%	1,934,661	77%	585,996

TRANSFERS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfers In- OHP Mental Health	-	-		80,771	20,190	25%	-	0%	(80,771)
Transfers Out	(219,794)	(219,794)	100%	(230,635)	(192,190)	83%	(230,635)	100%	-
TOTAL TRANSFERS	(219,794)	(219,794)	100%	(149,864)	(172,000)	115%	(230,635)	154%	(80,771)

FUND BALANCE	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	3,552,000	3,769,942	106%	3,884,332	4,007,465	103%	4,007,465	103%	123,133
Resources over Requirements	(435,256)	457,317		(1,061,752)	(3,250,599)		(126,049)		935,704
Net Transfers - In (Out)	(219,794)	(219,794)		(149,864)	(172,000)		(230,635)		(80,771)
TOTAL FUND BALANCE	\$ 2,896,950	\$ 4,007,465	138%	\$ 2,672,716	\$ 584,866	22%	\$ 3,650,782	137%	\$978,066

- A** Projection includes unbudgeted FEMA carryforward from FY22 for vaccine clinics and outreach.
- B** Projected revenue is less than actuals received because the projection excludes unearned revenue.
- C** Personnel projections based on year to date vacancy savings and assume 3% moving forward.
- D** Transfers In from OHP Mental Health Reserves will occur at end of year. No funds are currently projected to be transferred to Admin Services.



Budget to Actuals Report

Health Services - Behavioral Health - Fund 274

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
State Grant	11,907,014	12,160,202	102%	15,718,843	14,840,849	94%	12,690,322	81%	(3,028,521) A
OHP Capitation	8,947,837	11,339,701	127%	12,515,550	10,716,296	86%	11,748,607	94%	(766,943) B
State Miscellaneous	1,934,643	1,712,171	89%	8,027,373	6,383,525	80%	7,289,862	91%	(737,511)
OHP Fee for Service	3,627,151	4,009,351	111%	3,214,360	3,642,888	113%	4,979,275	155%	1,764,915 B
Federal Grants	2,725,623	2,781,433	102%	2,017,169	1,326,496	66%	1,717,942	85%	(299,227)
Local Grants	1,093,055	1,378,335	126%	1,475,139	1,216,078	82%	1,248,502	85%	(226,637) C
Other	682,180	668,038	98%	719,670	601,134	84%	720,571	100%	901
Patient Fees	372,115	431,526	116%	519,344	432,823	83%	517,998	100%	(1,346)
Medicaid	1,014,100	750,524	74%	430,863	543,669	126%	652,490	151%	221,627
State - Medicare	172,200	194,470	113%	337,614	170,286	50%	204,442	61%	(133,172)
Liquor Revenue	157,000	199,100	127%	177,574	109,997	62%	177,574	100%	-
Divorce Filing Fees	173,030	178,331	103%	173,030	63,178	37%	63,178	37%	(109,852) D
Interfund Contract- Gen Fund	127,000	127,000	100%	127,000	127,000	100%	127,000	100%	-
CCBHC Grant	2,140,487	31,649	1%	-	-	-	-	-	-
TOTAL RESOURCES	35,073,435	35,961,830	103%	45,453,529	40,174,217	88%	42,137,763	93%	(3,315,766)

REQUIREMENTS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Administration Allocation	7,523,855	7,523,855	100%	8,265,132	4,088,436	49%	8,265,132	100%	-
Personnel Services	26,606,065	24,513,386	92%	32,453,031	25,706,206	79%	30,833,200	95%	1,619,831 E
Materials and Services	4,882,963	3,690,305	76%	10,220,652	3,857,700	38%	6,836,094	67%	3,384,557
Capital Outlay	80,000	54,752	68%	225,443	167,104	74%	210,281	93%	15,162
TOTAL REQUIREMENTS	39,092,883	35,782,298	92%	51,164,258	33,819,446	66%	46,144,707	90%	5,019,551

TRANSFERS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfers In- General Fund	2,278,087	2,278,087	100%	2,231,439	1,859,490	83%	1,227,695	55%	(1,003,744) F
Transfers In- OHP Mental Health	-	-	-	1,392,815	348,192	25%	539,886	39%	(852,929) G
Transfers Out	(10,961)	(10,961)	100%	(152,921)	(151,090)	99%	(152,921)	100%	-
TOTAL TRANSFERS	2,267,126	2,267,126	100%	3,471,333	2,056,592	59%	1,614,660	47%	(1,856,673)

FUND BALANCE	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	3,612,014	3,870,664	107%	4,788,795	6,317,144	132%	6,317,144	132%	1,528,349
Resources over Requirements	(4,019,448)	179,532	-	(5,710,729)	6,354,771	-	(4,006,944)	-	1,703,785
Net Transfers - In (Out)	2,267,126	2,267,126	100%	3,471,333	2,056,592	59%	1,614,660	-	(1,856,673)
TOTAL FUND BALANCE	\$ 1,859,692	\$ 6,317,322	340%	\$ 2,549,399	\$ 14,728,507	578%	\$ 3,924,859	154%	\$1,375,460

- A** Increase of \$1.1M related to new funds for Aid & Assist (\$431K), a cost of living adjustment (\$358K), and carryforward revenue from FY22 (\$455k). Projected revenue is less than actuals received because the projection excludes unearned revenue.
- B** A new System of Care wraparound payment was budgeted as part of OHP Capitation, but is coming in as OHP Fee for Service.
- C** Projected revenue is less than actuals received because the projection excludes unearned revenue.
- D** Mediation Program will no longer be managed within Health Services, so funds are transferred out of Health Services
- E** Personnel projections based on year to date vacancy savings and assume 10% moving forward.
- F** Estimating Behavioral Health will return approximately \$1M return of County General Funds in FY23.
- G** Transfers In from OHP Mental Health Reserves will occur at end of year. Fewer funds are currently projected to be transferred to Behavioral Health than budgeted.



Budget to Actuals Report

Health Services - Public Health - Fund 274

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
State Grant	4,964,969	3,981,365	80%	6,125,513	5,149,515	84%	6,371,157	104%	245,644
Environmental Health Fees	1,086,019	1,213,172	112%	1,238,499	1,237,484	100%	1,351,193	109%	112,694
State Miscellaneous	2,194,822	1,806,557	82%	874,346	318,168	36%	687,167	79%	(187,179)
Local Grants	843,783	1,971,892	234%	856,892	947,872	111%	751,138	88%	(105,754)
State - Medicaid/Medicare	843,050	777,348	92%	807,530	896,582	111%	1,074,793	133%	267,263
Vital Records	280,000	342,960	122%	300,000	275,080	92%	321,274	107%	21,274
Other	192,656	186,177	97%	289,152	1,074,780	372%	1,210,491	419%	921,339
Federal Grants	139,017	124,837	90%	144,060	108,134	75%	165,544	115%	21,484
State Shared- Family Planning	152,634	118,228	77%	125,000	115,610	92%	154,147	123%	29,147
Patient Fees	96,300	105,742	110%	96,300	113,997	118%	149,859	156%	53,559
OHP Fee for Service	-	22,993		18,260	23,582	129%	29,263	160%	11,003
TOTAL RESOURCES	10,793,250	10,651,270	99%	10,875,552	10,260,804	94%	12,266,026	113%	1,390,474

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Administration Allocation	2,665,047	2,665,046	100%	2,963,714	1,442,016	49%	2,963,714	100%	-
Personnel Services	10,484,069	9,047,822	86%	11,466,901	8,720,478	76%	10,673,070	93%	793,831
Materials and Services	3,257,672	2,418,033	74%	2,631,466	1,383,171	53%	2,766,272	105%	(134,806)
Capital Outlay	77,000	27,376	36%	232,132	189,275	82%	228,076	98%	4,056
TOTAL REQUIREMENTS	16,483,788	14,158,277	86%	17,294,213	11,734,939	68%	16,631,132	96%	663,081

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Transfers In- General Fund	3,631,081	3,631,081	100%	4,376,806	3,647,290	83%	4,208,145	96%	(168,661)
Transfers In - TRT	444,417	444,417	100%	418,417	348,680	83%	418,417	100%	-
Transfers Out	-	-		(108,750)	(108,750)	100%	(108,750)	100%	-
TOTAL TRANSFERS	4,075,498	4,075,498	100%	4,686,473	3,887,220	83%	4,517,812	96%	(168,661)

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Beginning Fund Balance	2,869,932	3,049,370	106%	2,555,592	3,618,039	142%	3,618,039	142%	1,062,447
Resources over Requirements	(5,690,538)	(3,507,006)		(6,418,661)	(1,474,135)		(4,365,106)		2,053,555
Net Transfers - In (Out)	4,075,498	4,075,498		4,686,473	3,887,220		4,517,812		(168,661)
TOTAL FUND BALANCE	\$ 1,254,892	\$ 3,617,861	288%	\$ 823,404	\$ 6,031,125	732%	\$ 3,770,745	458%	\$2,947,341

- A** Carryforward of unbudgeted funds are related to vacancies in COVID Team and Public Health Modernization; Includes additional funds for Problem Gambling
- B** Projected revenue is less than actuals received because the projection excludes unearned revenue.
- C** Carryforward from FY22 of appx. \$40K for Living Well and Diabetes Prevention Programs, as well as reclassifying \$60K from Jefferson County for disease investigation. Projected revenue is less than actuals received because the projection excludes unearned revenue.
- D** Medicaid revenue trending more than budgeted for the Family Support Services - Nurse Home Visiting Programs
- E** Revenue over budget is related to receipt of additional Opioid Settlement funds for years 1-3 of two settlements. Currently the resources are not obligated, and will fall to fund balance.
- F** Personnel projections based on year to date vacancy savings and assume 6% moving forward.
- G** Increase in expenditures related to additional funds in Prevention Services, including Tobacco Prevention, Diabetes Prevention, and Alcohol and Drug Prevention. Also includes estimated isolation motel expenses and increase MAC/TCM match amounts.
- H** Due to Health Officer vacancy, anticipate returning associated County General Fund (\$168K).



Budget to Actuals Report

Community Development - Fund 295

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Admin - Operations	138,716	153,688	111%	153,445	126,195	82%	154,095	100%	650
Code Compliance	842,906	995,865	118%	1,171,592	754,503	64%	920,467	79%	(251,125) A
Building Safety	3,819,940	4,325,818	113%	4,821,160	3,349,334	69%	4,088,100	85%	(733,060) A
Electrical	914,750	979,129	107%	1,022,005	622,467	61%	758,005	74%	(264,000) A
Onsite Wastewater	1,056,678	983,462	93%	1,017,678	578,149	57%	704,073	69%	(313,605) A
Current Planning	1,980,521	2,223,570	112%	2,425,334	1,564,549	65%	1,898,184	78%	(527,150) A
Long Range Planning	826,806	880,902	107%	1,064,305	654,455	61%	783,178	74%	(281,127) A
TOTAL RESOURCES	9,580,316	10,542,434	110%	11,675,519	7,649,652	66%	9,306,102	80%	(2,369,417)

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Admin - Operations	3,137,795	2,960,981	94%	3,432,980	2,527,811	74%	3,035,185	88%
Code Compliance	617,012	618,343	100%	805,614	592,466	74%	707,286	88%	98,328 B
Building Safety	2,284,444	2,022,820	89%	2,538,721	1,531,783	60%	1,849,250	73%	689,471 B
Electrical	556,531	553,223	99%	641,837	438,676	68%	532,945	83%	108,892 B
Onsite Wastewater	765,935	643,079	84%	753,369	609,308	81%	730,019	97%	23,350
Current Planning	1,769,333	1,589,882	90%	2,062,044	1,267,620	61%	1,567,634	76%	494,410 B
Long Range Planning	847,839	575,615	68%	998,739	716,109	72%	913,239	91%	85,500
TOTAL REQUIREMENTS	9,978,889	8,963,943	90%	11,233,304	7,683,772	68%	9,335,558	83%	1,897,746

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In - General Fund	290,000	170,661	59%	160,000	113,874	71%	160,000	100%
Transfers In - CDD Electrical Reserve	-	-	-	-	85,000	-	115,981	-	115,981 D
Transfers Out	(99,360)	(99,360)	100%	(112,619)	(93,820)	83%	(112,619)	100%	-
Transfers Out - CDD Reserve	(461,262)	(1,230,508)	267%	(958,966)	(797,992)	83%	(984,941)	103%	(25,975) E
TOTAL TRANSFERS	(270,622)	(1,159,207)	428%	(911,585)	(692,938)	76%	(821,579)	90%	90,006

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	1,432,367	1,749,673	122%	2,096,504	2,168,956	103%	2,168,956	103%
Resources over Requirements	(398,573)	1,578,491	-	442,215	(34,119)	-	(29,456)	-	(471,671)
Net Transfers - In (Out)	(270,622)	(1,159,207)	-	(911,585)	(692,938)	-	(821,579)	-	90,006
TOTAL FUND BALANCE	\$ 763,172	\$ 2,168,956	284%	\$ 1,627,134	\$ 1,441,899	89%	\$ 1,317,921	81%	(\$309,213)

- A** YTD revenue collection is lower than anticipated due to application volume decrease
- B** Projections reflect unfilled positions
- C** \$40K to Current Planning will be transferred as needed
- D** Transfer in from reserves anticipated due to revenue collection less than anticipated
- E** Transfer out projection increased due to reduced expenditures related to unfilled FTE



Budget to Actuals Report

Road - Fund 325

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Motor Vehicle Revenue	17,485,000	19,740,504	113%	19,483,147	17,145,648	88%	20,103,788	103%	620,641 A
Federal - PILT Payment	2,096,751	2,195,918	105%	2,200,000	2,239,616	102%	2,239,616	102%	39,616 B
Other Inter-fund Services	1,221,632	1,254,413	103%	1,311,901	370,688	28%	1,300,901	99%	(11,000)
Forest Receipts	627,207	792,420	126%	882,502	-	0%	-	0%	(882,502)
Sale of Equip & Material	449,150	341,833	76%	426,000	340,482	80%	467,192	110%	41,192
Cities-Bend/Red/Sis/La Pine	560,000	155,269	28%	403,731	266,129	66%	399,488	99%	(4,243)
Miscellaneous	67,340	68,747	102%	77,610	56,867	73%	84,410	109%	6,800
Interest on Investments	59,109	55,083	93%	54,172	89,499	165%	103,110	190%	48,938 C
Mineral Lease Royalties	60,000	148,267	247%	50,000	17,422	35%	50,000	100%	-
Federal Reimbursements	-	-	-	-	7,641	-	7,641	-	7,641
State Miscellaneous	-	-	-	-	20,000	-	20,000	-	20,000
Revenue Not Assigned	-	-	-	-	-	-	792,322	-	792,322
Assessment Payments (P&I)	3,460	16,052	464%	-	4,497	-	6,200	-	6,200 D
TOTAL RESOURCES	22,629,649	24,768,506	109%	24,889,063	20,558,489	83%	25,574,669	103%	685,606

REQUIREMENTS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Personnel Services	6,916,229	6,751,810	98%	7,802,271	5,965,010	76%	7,309,479	94%	492,792 E
Materials and Services	7,843,400	6,877,560	88%	8,246,700	4,080,962	49%	8,039,823	97%	206,877
Capital Outlay	264,500	141,754	54%	140,025	93,464	67%	137,109	98%	2,917
TOTAL REQUIREMENTS	15,024,128	13,771,124	92%	16,188,996	10,139,437	63%	15,486,410	96%	702,585

TRANSFERS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfers Out	(11,757,547)	(11,757,547)	100%	(12,330,136)	(12,330,136)	100%	(12,330,136)	100%	-
TOTAL TRANSFERS	(11,757,547)	(11,757,547)	100%	(12,330,136)	(12,330,136)	100%	(12,330,136)	100%	-

FUND BALANCE	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	6,383,832	8,566,521	134%	5,892,967	7,806,356	132%	7,806,356	132%	1,913,390
Resources over Requirements	7,605,521	10,997,382	-	8,700,067	10,419,052	-	10,088,259	-	1,388,191
Net Transfers - In (Out)	(11,757,547)	(11,757,547)	-	(12,330,136)	(12,330,136)	-	(12,330,136)	-	-
TOTAL FUND BALANCE	\$ 2,231,806	\$ 7,806,356	350%	\$ 2,262,898	\$ 5,895,273	261%	\$ 5,564,479	246%	\$3,301,581

- A** Updated fall projection per AOC/CRP
- B** Actual payment higher than budget
- C** Investment Income projected to come in higher than budget
- D** Updated based on YTD actuals trending higher than budgeted
- E** Projected Personnel savings based on FY23 average vacancy rate of 6.8%



Budget to Actuals Report

Adult P&P - Fund 355

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
DOC Grant in Aid SB 1145	4,202,885	4,734,453	113%	4,734,453	4,734,453	100%	4,734,453	100%	-
CJC Justice Reinvestment	781,597	892,038	114%	892,038	943,172	106%	943,172	106%	51,134 A
DOC Measure 57	255,545	244,606	96%	244,606	271,606	111%	271,606	111%	27,000 B
State Miscellaneous	138,000	96,068	70%	123,453	61,637	50%	120,000	97%	(3,453) C
Interfund- Sheriff	50,000	55,000	110%	50,000	41,667	83%	50,000	100%	-
Gen Fund/Crime Prevention	50,000	50,000	100%	50,000	-	0%	50,000	100%	-
Oregon BOPPPS	24,281	20,318	84%	20,318	-	0%	-	0%	(20,318) D
Interest on Investments	45,193	19,125	42%	18,151	54,195	299%	63,680	351%	45,529 E
Electronic Monitoring Fee	2,500	280	11%	500	889	178%	1,000	200%	500 F
Miscellaneous	500	3,904	781%	500	99	20%	500	100%	-
DOC-Family Sentence Alt	118,250	58,958	50%	-	-	-	-	-	-
Probation Work Crew Fees	1,500	-	0%	-	-	-	-	-	-
Probation Supervision Fees	170,000	3,606	2%	-	-	-	-	-	-
TOTAL RESOURCES	5,840,250	6,178,356	106%	6,134,018	6,107,717	100%	6,234,411	102%	100,393

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	5,379,503	4,864,354	90%	5,683,822	4,084,400	72%	4,852,339	85%
Materials and Services	1,700,412	1,528,224	90%	1,883,614	1,402,575	74%	1,833,503	97%	50,111 H
Capital Outlay	-	-	-	8,475	8,475	100%	8,475	100%	-
TOTAL REQUIREMENTS	7,079,915	6,392,578	90%	7,575,910	5,495,450	73%	6,694,317	88%	881,594

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In- General Funds	662,046	662,045	100%	536,369	446,960	83%	536,369	100%
Transfer to Vehicle Maint	(190,974)	(190,974)	100%	(69,277)	(57,730)	83%	(69,277)	100%	-
Transfers Out	-	-	-	(199,560)	(199,560)	100%	(199,560)	100%	-
TOTAL TRANSFERS	471,072	471,071	100%	267,532	189,670	71%	267,532	100%	-

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	2,739,775	2,982,055	109%	3,100,000	3,238,905	104%	3,238,905	104%
Resources over Requirements	(1,239,665)	(214,221)	-	(1,441,892)	612,267	-	(459,905)	-	981,987
Net Transfers - In (Out)	471,072	471,071	-	267,532	189,670	-	267,532	-	-
TOTAL FUND BALANCE	\$ 1,971,182	\$ 3,238,905	164%	\$ 1,925,640	\$ 4,040,842	210%	\$ 3,046,531	158%	\$1,120,891

- A** Received additional JRI funding for training, equity plan, and community engagement.
- B** DOC has increased funds for M57. Deschutes County received an additional \$27K for housing and curriculum training.
- C** Close out of Adult Treatment Court. No longer accepting new clients.
- D** Hearings officer agreement with board of supervision is payment in even year. Payment will come next year.
- E** Investment Income projected to come in higher than budget
- F** Received additional electronic monitoring restitution payments.
- G** Projected Personnel savings based on FY23 average vacancy rate of 13.9%
- H** Adult Treatment Court Closure and based on other expense trends.



Budget to Actuals Report

Road CIP - Fund 465

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
State Miscellaneous	2,191,461	1,000,000	46%	1,818,500	-	0%	267,106	15%	(1,551,394) A
Interest on Investments	279,729	124,832	45%	124,563	283,791	228%	323,870	260%	199,307 B
TOTAL RESOURCES	2,471,190	1,124,832	46%	1,943,063	283,791	15%	590,976	30%	(1,352,087)

REQUIREMENTS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Materials and Services	109,870	109,870	100%	127,640	106,367	83%	127,640	100%	-
Capital Outlay	29,612,821	7,996,247	27%	28,259,526	14,511,092	51%	22,785,981	81%	5,473,545
TOTAL REQUIREMENTS	29,722,691	8,106,117	27%	28,387,166	14,617,459	51%	22,913,621	81%	5,473,545

TRANSFERS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfers In	12,193,917	10,672,113	88%	14,230,313	9,778,721	69%	14,131,212	99%	(99,101)
TOTAL TRANSFERS	12,193,917	10,672,113	88%	14,230,313	9,778,721	69%	14,131,212	99%	(99,101)

FUND BALANCE	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	20,374,044	23,533,004	116%	24,548,274	27,223,832	111%	27,223,832	111%	2,675,558
Resources over Requirements	(27,251,501)	(6,981,285)		(26,444,103)	(14,333,668)		(22,322,645)		4,121,458
Net Transfers - In (Out)	12,193,917	10,672,113		14,230,313	9,778,721		14,131,212		(99,101)
TOTAL FUND BALANCE	\$ 5,316,460	\$ 27,223,832	512%	\$ 12,334,484	\$ 22,668,885	184%	\$ 19,032,399	154%	\$ 6,697,915

- A** \$1M was budgeted in FY23, but received in FY22
- B** Investment Income projected to come in higher than budget



Budget to Actuals Report

Road CIP (Fund 465) - Capital Outlay Summary by Project

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Completed

	Fiscal Year 2022			Fiscal Year 2023					
	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
Terrebonne Refinement Plan	\$ 10,000,000	\$ -		\$ 7,319,310	\$ 2,200,000	30%	\$ 2,200,000	30%	\$ 5,119,310
US 20 at Tumalo	6,700,000	-		6,700,000	6,700,000	100%	6,700,000	100%	-A
Tumalo Road / Tumalo Place	-	67,998		-	-		-		-
Old Bend Rdm/Tumalo Rd Inter	-	16,907		-	-		-		-
NE Negus and 17TH	2,363,532	2,142,875	91%	-	-		-		-
Hunnel Rd: Loco Rd to Tumalo Rd	2,168,940	637,975	29%	4,265,216	1,329,573	31%	4,017,815	94%	247,401
Transportation System Plan Update	108,510	86,081	79%	-	41,196		77,100		(77,100)
Gribbling Rd Bridge	279,575	1,110	0%	818,500	90,360	11%	267,106	33%	551,394
Terrebonne Wastewater Feasibility St.	-	35,130		-	-		-		-
Rickard Rd: Groff Rd to US 20	1,716,142	1,391,051	81%	-	-		-		-
Paving Powell Butte Hwy	931,140	1,319,374	142%	-	-		-		-
Smith Rock Way Bridge Replace	505,000	1,869	0%	985,000	79,505	8%	256,699	26%	728,301
Deschutes Mkt Rd/Hamehook Round	671,000	208,367	31%	1,663,000	463,481	28%	2,305,294	139%	(642,294)
Paving Cottonwood: Us 97 To BSNF RR	618,144	499,075	81%	-	-		-		-
Paving Desch Mkt Rd: Yeoman Hamehook	310,838	-	0%	443,000	-	0%	-	0%	443,000
Paving Alfalfa Mkt Rd: Mp 4 Dodds	265,000	2,638	1%	1,200,000	1,788,826	149%	1,788,826	149%	(588,826)
Paving Of Hamby Rd: Us 20 To Butler	200,000	1,912	1%	333,000	999,285	300%	999,286	300%	(666,286)
Powell Butte Hwy/Butler Market RB	150,000	38,562	26%	785,000	167,927	21%	306,153	39%	478,847
Wilcox Ave Bridge #2171-03 Replacement	100,000	-	0%	160,000	-	0%	-	0%	160,000
US 20: Tumalo Multi-Use Path Crossing	1,250,000	1,200,000	96%	-	-		-		-
Highway Warning Systems 2021	-	69,536		-	-		-		-
Tumalo Wastewater Feasibility Study	-	219		-	-		-		-
Paving Tumalo Rd/Deschutes Mkt Rd	-	1,640		246,000	32,693	13%	32,693	13%	213,308
Slurry Seal 2022	-	1,148		-	337,183		337,183		(337,183)
Paving of Rosland Rd: US 20 to Draf	-	-		380,000	856	0%	393,000	103%	(13,000)
Intersection Safety Improvements	-	-		150,000	-	0%	-	0%	150,000
Hamehook Rd Bridge #16181 Rehabilitation	-	-		96,500	227	0%	40,000	41%	56,500
NW Lower Bridge Way: 43rd St to Holmes Rd	-	-		100,000	155	0%	60,000	60%	40,000
Northwest Way: NW Coyner Ave to NW Altmeter Wy	-	-		815,000	-	0%	815,000	100%	-
Slurry Seal 2023	-	-		300,000	-	0%	300,000	100%	-
Terrebonne Wastewater System Phase 1	-	-		1,000,000	-	0%	-	0%	1,000,000 B
Tumalo Reservoir Rd: OB Riley to Sisemore Rd	-	-		100,000	-	0%	35,000	35%	65,000
Local Road Pavement Preservation	-	-		200,000	-	0%	-	0%	200,000 C
Paving Butler Market - Hamehook to Powell Butte	-	-		-	-		1,000,000		-
Old Bend Rdm Hwy - US 20 to Tumalo	-	-		-	-		500,000		-
FY 22 Guardrail Improvements	100,000	114,378	114%	-	-		-		-
FY 23 Guardrail Improvements	-	-		150,000	-	0%	75,000	50%	75,000
Redmond District Local Roads	500,000	-	0%	-	-		-		-C
Bend District Local Roads	500,000	-	0%	-	-		-		-C
Sidewalk Ramp Improvements	75,000	156,557	209%	50,000	182,670	365%	182,670	365%	(132,670)
Signage Improvements	100,000	1,843	2%	-	97,156		97,156		(97,156)
TOTAL CAPITAL OUTLAY	\$ 29,612,821	\$ 7,996,247	27%	\$ 28,259,526	14,511,092	51%	\$ 22,785,981	81%	\$ 6,973,546

A Budgeted in FY 22 in project US 20: Cook Ave/OB Riley Rd (Tumalo)

B This project will be moved to FY 24

C These projects were re-named to Local Road Pavement Preservation



Budget to Actuals Report

Solid Waste - Fund 610

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Franchise Disposal Fees	7,124,000	6,891,500	97%	7,210,000	5,837,296	81%	7,000,000	97%	(210,000) A
Private Disposal Fees	2,827,000	3,191,189	113%	3,337,000	2,335,759	70%	3,020,000	91%	(317,000) A
Commercial Disp. Fee	2,686,000	3,075,123	114%	3,234,000	2,417,137	75%	2,900,000	90%	(334,000) A
Franchise 3% Fees	290,000	337,878	117%	305,000	316,805	104%	350,000	115%	45,000 B
Yard Debris	300,000	268,060	89%	290,000	227,600	78%	290,000	100%	- C
Miscellaneous	55,000	88,470	161%	70,000	111,085	159%	140,000	200%	70,000 D
Interest on Investments	41,599	27,916	67%	30,498	34,228	112%	36,000	118%	5,502 E
Special Waste	15,000	37,718	251%	15,000	62,039	414%	70,000	467%	55,000 F
Recyclables	12,000	12,980	108%	12,000	5,799	48%	7,000	58%	(5,000) G
Leases	1	1	100%	1	1	100%	1	100%	-
TOTAL RESOURCES	13,350,600	13,930,834	104%	14,503,499	11,347,750	78%	13,813,001	95%	(690,498)

REQUIREMENTS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Personnel Services	2,754,132	2,694,834	98%	3,277,684	2,492,014	76%	3,186,927	97%	90,757
Materials and Services	5,651,103	5,192,786	92%	6,473,358	4,019,636	62%	5,927,467	92%	545,891 H
Capital Outlay	53,141	76,304	144%	264,000	145,229	55%	154,000	58%	110,000 I
Debt Service	1,251,615	828,197	66%	1,739,630	745,586	43%	1,739,630	100%	-
TOTAL REQUIREMENTS	9,709,991	8,792,122	91%	11,754,672	7,402,464	63%	11,008,024	94%	746,648

TRANSFERS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
SW Capital & Equipment Reserve	(6,029,323)	(6,029,323)	100%	(5,299,665)	(3,051,630)	58%	(3,453,962)	65%	1,845,703 J
TOTAL TRANSFERS	(6,029,323)	(6,029,323)	100%	(5,299,665)	(3,051,630)	58%	(3,453,962)	65%	1,845,703

FUND BALANCE	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	2,972,234	3,957,273	133%	3,107,198	3,066,662	99%	3,066,662	99%	(40,535)
Resources over Requirements	3,640,609	5,138,712		2,748,827	3,945,285		2,804,977		56,150
Net Transfers - In (Out)	(6,029,323)	(6,029,323)		(5,299,665)	(3,051,630)		(3,453,962)		1,845,703
TOTAL FUND BALANCE	\$ 583,520	\$ 3,066,662	526%	\$ 556,359	\$ 3,960,317	712%	\$ 2,417,677	435%	\$1,861,318

- A** Total disposal fee projections reflect management's best estimate of revenues to be collected. With the completion of some large disposal projects such as the Stevens Ranch Section 11 and decrease in general private usage, YTD total disposal volumes have tapered and are projected to be ~2% less than the prior year end.
- B** Annual fees due April 15, 2023; received year-to-date monthly installments from Republic and the annual payment from Cascade Disposal
- C** Revenue is seasonal with higher utilization in summer months
- D** Proceeds from cell 9 rock excavation have positively impacted miscellaneous revenue
- E** Investment Income projected to come in higher than budget
- F** Revenue source is unpredictable and dependent on special clean-up projects of contaminated soil and asbestos (i.e. gas station remediation)
- G** Recycling material values have dropped
- H** Projecting to spend less than anticipated due to the timing of services (waste characterization study, mulch grinding, etc.), adding Site Attendants versus using temporary labor, environmental and general repair and maintenance costs.
- I** Supplier delays and project postponements for the fencing, pick-up, and Negus kiosks move costs to early next fiscal year; Negus push box included in the purchase of the loader in Fund 614
- J** Projection reflects a reduction to the Fund 613 Capital Projects contribution in FY23 to offset reduced revenues and ensure adequate coverage for FY24 requirements.



Budget to Actuals Report

Fair & Expo - Fund 615

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Events Revenue	578,000	786,724	136%	745,759	768,187	103%	861,000	115%	115,241
Food & Beverage	513,500	792,639	154%	415,000	939,564	226%	1,007,000	243%	592,000
Rights & Signage	105,000	38,192	36%	105,000	81,184	77%	124,000	118%	19,000
Storage	77,500	46,525	60%	65,000	44,667	69%	46,000	71%	(19,000)
Horse Stall Rental	71,500	66,636	93%	49,000	44,625	91%	68,000	139%	19,000
Camping Fee	19,500	11,675	60%	20,000	3,475	17%	11,000	55%	(9,000)
Interest on Investments	474	5,301	999%	5,221	13,158	252%	15,630	299%	10,409
Miscellaneous	250	2,032	813%	3,554	3,313	93%	4,155	117%	601
Interfund Payment	30,000	30,000	100%	-	-	-	-	-	-
TOTAL RESOURCES	1,395,724	1,779,723	128%	1,408,534	1,898,173	135%	2,136,785	152%	728,251

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	1,118,980	1,129,821	101%	1,256,902	1,041,616	83%	1,177,175	94%
Personnel Services - F&B	181,593	200,062	110%	170,247	73,847	43%	107,867	63%	62,380
Materials and Services	818,804	852,050	104%	965,684	929,159	96%	1,116,000	116%	(150,316)
Materials and Services - F&B	282,500	342,748	121%	273,950	566,757	207%	612,000	223%	(338,050)
Debt Service	103,000	101,799	99%	101,270	57,050	56%	101,270	100%	-
TOTAL REQUIREMENTS	2,504,877	2,626,480	105%	2,768,054	2,668,429	96%	3,114,313	113%	(346,259)

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In - Room Tax	1,093,513	1,049,581	96%	1,101,342	917,780	83%	1,054,254	96%
Transfers In - Park Fund	30,000	30,000	100%	30,000	25,000	83%	30,000	100%	-
Transfers In - County Fair	150,000	150,000	100%	-	-	-	-	-	-
Transfers Out	(310,777)	(310,777)	100%	(427,215)	(356,010)	83%	(427,215)	100%	-
TOTAL TRANSFERS	962,736	918,804	95%	704,127	586,770	83%	657,039	93%	(47,088)

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	750,673	923,473	123%	971,352	995,519	102%	995,519	102%
Resources over Requirements	(1,109,153)	(846,757)	-	(1,359,520)	(770,256)	-	(977,528)	-	381,992
Net Transfers - In (Out)	962,736	918,804	-	704,127	586,770	-	657,039	-	(47,088)
TOTAL FUND BALANCE	\$ 604,256	\$ 995,519	165%	\$ 315,960	\$ 812,033	257%	\$ 675,031	214%	\$359,071

- A** Investment Income projected to come in higher than budget
- B** Projected Personnel savings based on FY23 average vacancy rate of 20%
- C** Projected Personnel based on vacancy savings to date
- D** Transfers expected to be higher than budget due to increased Room Tax revenue



Budget to Actuals Report

Annual County Fair - Fund 616

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Gate Receipts	550,000	738,029	134%	710,000	782,364	110%	782,424	110%	72,424
Concessions and Catering	385,000	526,737	137%	505,000	815,458	161%	815,461	161%	310,461
Carnival	330,000	415,716	126%	385,000	433,682	113%	433,682	113%	48,682
Commercial Exhibitors	110,000	86,200	78%	80,000	117,100	146%	117,100	146%	37,100
Fair Sponsorship	83,500	51,035	61%	61,000	105,680	173%	109,370	179%	48,370
State Grant	52,000	53,167	102%	53,167	53,167	100%	53,167	100%	-
Rodeo	20,000	24,050	120%	24,000	28,890	120%	30,970	129%	6,970
R/V Camping/Horse Stall Rental	25,500	19,815	78%	20,000	17,520	88%	17,520	88%	(2,480)
Livestock Entry Fees	4,500	-	0%	5,000	1,925	39%	2,169	43%	(2,831)
Merchandise Sales	-	5,239		3,500	3,245	93%	3,245	93%	(255)
Interest on Investments	-	2,683		2,713	11,411	421%	14,190	523%	11,477 ^A
TOTAL RESOURCES	1,560,500	1,922,671	123%	1,849,380	2,370,442	128%	2,379,297	129%	529,917

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	155,959	36,681	24%	169,445	153,020	90%	182,360	108%
Materials and Services	1,312,172	1,316,102	100%	1,682,585	1,816,160	108%	1,877,585	112%	(195,000)
TOTAL REQUIREMENTS	1,468,131	1,352,783	92%	1,852,030	1,969,180	106%	2,059,945	111%	(207,915)

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfer In - TRT 1%	75,000	75,000	100%	75,000	62,500	83%	75,000	100%
Transfer Out - Fair & Expo	(150,000)	(150,000)	100%	-	-		-		-
Transfers Out	-	-		(231,706)	(193,080)	83%	(231,706)	100%	-
TOTAL TRANSFERS	(75,000)	(75,000)	100%	(156,706)	(130,580)	83%	(156,706)	100%	-

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	-	(109,033)	999%	384,715	385,854	100%	385,854	100%
Resources over Requirements	92,369	569,888		(2,650)	401,262		319,352		322,002
Net Transfers - In (Out)	(75,000)	(75,000)		(156,706)	(130,580)		(156,706)		-
TOTAL FUND BALANCE	\$ 17,369	\$ 385,854	999%	\$ 225,358	\$ 656,536	291%	\$ 548,500	243%	\$ 323,142

^A Investment Income projected to come in higher than budget



Budget to Actuals Report

Annual County Fair - Fund 616

	Fair 2022	Fair 2023 Actuals to Date	2023 Projection
RESOURCES			
Gate Receipts	\$ 782,364	\$ -	\$ 775,000
Carnival	433,682	-	430,000
Commercial Exhibitors	436,292	-	433,200
Livestock Entry Fees	1,925	-	2,000
R/V Camping/Horse Stall Rental	17,392	-	17,250
Merchandise Sales	3,245	-	2,500
Concessions and Catering	497,366	-	475,000
Fair Sponsorship	126,300	4,910	69,735
TOTAL FAIR REVENUES	\$ 2,298,566	\$ 4,910	\$ 2,204,685
OTHER RESOURCES			
State Grant	53,167	-	53,167
Interest	5,794	4,094	12,140
Miscellaneous	-	-	-
TOTAL RESOURCES	\$ 2,357,526	\$ 9,004	\$ 2,269,992
REQUIREMENTS			
Personnel	102,763	59,258	142,464
Materials & Services	1,722,703	50,111	1,968,458
TOTAL REQUIREMENTS	\$ 1,825,466	\$ 109,369	\$ 2,110,922
TRANSFERS			
Transfer In - TRT 1%	68,750	25,000	75,000
Transfer Out - F&E Reserve	(96,540)	(77,232)	(308,928)
Transfer Out - Fair & Expo	-	-	-
TOTAL TRANSFERS	\$ (27,790)	\$ (52,232)	\$ (233,928)
Net Fair	\$ 504,270	\$ (152,597)	\$ (74,858)
Beginning Fund Balance on Jan 1	\$ 448,151	\$ 952,421	\$ 952,421
Ending Balance	\$ 952,421	\$ 799,824	\$ 877,563



Budget to Actuals Report

Fair & Expo Capital Reserve - Fund 617

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Interest on Investments	8,544	8,012	94%	7,414	32,528	439%	37,140	501%	29,726
Local Government Payments	-	-		-	100,000		277,777		277,777
TOTAL RESOURCES	8,544	8,012	94%	7,414	132,528	999%	314,917	999%	307,503

REQUIREMENTS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Materials and Services	180,000	8,564	5%	220,000	52,783	24%	220,000	100%	-
Capital Outlay	388,000	(894)	0%	650,000	155,923	24%	650,000	100%	-
TOTAL REQUIREMENTS	568,000	7,670	1%	870,000	208,706	24%	870,000	100%	-

TRANSFERS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfers In - TRT 1%	498,901	479,502	96%	501,683	418,060	83%	481,504	96%	(20,179)
Transfers In - Fair & Expo	300,000	300,000	100%	416,437	347,030	83%	416,437	100%	-
Transfers In - Annual County Fair	-	-		231,706	193,080	83%	231,706	100%	-
TOTAL TRANSFERS	798,901	779,502	98%	1,149,827	958,170	83%	1,129,648	98%	(20,179)

FUND BALANCE	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	1,101,663	1,029,596	93%	1,299,942	1,809,440	139%	1,809,440	139%	509,498
Resources over Requirements	(559,456)	342		(862,586)	(76,178)		(555,083)		307,503
Net Transfers - In (Out)	798,901	779,502		1,149,827	958,170		1,129,648		(20,179)
TOTAL FUND BALANCE	\$ 1,341,108	\$ 1,809,440	135%	\$ 1,587,183	\$ 2,691,432	170%	\$ 2,384,005	150%	\$796,822

- A** Investment Income projected to come in higher than budget
- B** Awarded a grant for 278k which will help offset the budgeted HVAC replacement expenses
- C** Capital Outlay appropriations are a placeholder should viable projects be recommended and approved for construction
- D** Transfers expected to be lower than budget due to decreased Room Tax revenue



Budget to Actuals Report

RV Park - Fund 618

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
RV Park Fees < 31 Days	495,000	551,683	111%	605,000	422,674	70%	485,212	80%	(119,788) A
Cancellation Fees	-	15,725		14,000	6,435	46%	11,830	85%	(2,170)
RV Park Fees > 30 Days	10,500	8,499	81%	13,000	10,249	79%	11,000	85%	(2,000) B
Washer / Dryer	5,000	3,476	70%	4,200	4,162	99%	5,061	121%	861
Miscellaneous	2,500	3,731	149%	3,750	1,984	53%	2,522	67%	(1,228)
Vending Machines	2,500	1,021	41%	1,750	1,052	60%	1,500	86%	(250)
Interest on Investments	2,024	578	29%	552	2,332	423%	2,740	496%	2,188 C
TOTAL RESOURCES	517,524	584,713	113%	642,252	448,888	70%	519,865	81%	(122,387)

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Personnel Services	19,456	1,643	8%	111,153	63,673	57%	84,397	76%
Materials and Services	310,805	242,863	78%	259,755	159,471	61%	198,217	76%	61,538
Debt Service	221,927	221,629	100%	223,273	165,533	74%	223,273	100%	-
TOTAL REQUIREMENTS	552,188	466,135	84%	594,181	388,678	65%	505,887	85%	88,294

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers In - Park Fund	160,000	160,000	100%	160,000	160,000	100%	160,000	100%
Transfers In - TRT Fund	20,000	20,000	100%	20,000	16,660	83%	20,000	100%	-
Transfer Out - RV Reserve	(132,042)	(132,042)	100%	(261,566)	(217,970)	83%	(261,566)	100%	-
TOTAL TRANSFERS	47,958	47,958	100%	(81,566)	(41,310)	51%	(81,566)	100%	-

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	-	-		116,415	166,536	143%	166,536	143%
Resources over Requirements	(34,664)	118,578		48,071	60,211		13,978		(34,093)
Net Transfers - In (Out)	47,958	47,958		(81,566)	(41,310)		(81,566)		-
TOTAL FUND BALANCE	\$ 13,294	\$ 166,536	999%	\$ 82,920	\$ 185,437	224%	\$ 98,948	119%	\$16,028

- A** Expecting less volume due to higher fuel prices and economic concerns
- B** Expecting less volume due to new RV park in Redmond offering stays longer than 45 days
- C** Investment Income projected to come in higher than budget
- D** Projected Personnel based on vacancy savings to date



Budget to Actuals Report

RV Park Reserve - Fund 619

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Interest on Investments	7,546	6,354	84%	6,298	18,072	287%	20,850	331%	14,552
TOTAL RESOURCES	7,546	6,354	84%	6,298	18,072	287%	20,850	331%	14,552

REQUIREMENTS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Capital Outlay	100,000	885	1%	100,000	5,532	6%	100,000	100%	-
TOTAL REQUIREMENTS	100,000	885	1%	100,000	5,532	6%	100,000	100%	-

TRANSFERS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Transfer In - RV Park Ops	132,042	132,042	100%	261,750	217,970	83%	261,566	100%	(184)
TOTAL TRANSFERS	132,042	132,042	100%	261,750	217,970	83%	261,566	100%	(184)

FUND BALANCE	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Beginning Fund Balance	784,466	1,054,426	134%	1,172,718	1,191,937	102%	1,191,937	102%	19,219
Resources over Requirements	(92,454)	5,469		(93,702)	12,539		(79,150)		14,552
Net Transfers - In (Out)	132,042	132,042		261,750	217,970		261,566		(184)
TOTAL FUND BALANCE	\$ 824,054	\$ 1,191,937	145%	\$ 1,340,766	\$ 1,422,446	106%	\$ 1,374,353	103%	\$33,587

A Investment Income projected to come in higher than budget

B Capital Outlay appropriations are a placeholder



Budget to Actuals Report

Risk Management - Fund 670

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Workers' Compensation	1,120,766	1,164,543	104%	1,234,761	1,021,775	83%	1,234,761	100%	-
General Liability	944,278	940,773	100%	892,681	743,901	83%	892,681	100%	-
Unemployment	323,572	334,147	103%	430,179	338,525	79%	430,179	100%	A
Property Damage	393,546	409,593	104%	419,566	349,638	83%	419,566	100%	-
Vehicle	227,700	227,700	100%	248,764	207,303	83%	248,764	100%	-
Interest on Investments	101,111	50,142	50%	49,346	125,470	254%	145,570	295%	96,224
Claims Reimbursement	25,000	1,280,876	999%	25,000	6,476	26%	15,000	60%	(10,000)
Skid Car Training	10,000	-	0%	10,000	3,251	33%	4,000	20%	(8,000)
Process Fee- Events/ Parades	1,000	1,485	149%	1,000	1,035	104%	1,100	100%	-
Miscellaneous	-	180		180	-	0%	180	100%	-
TOTAL RESOURCES	3,146,973	4,409,440	140%	3,311,477	2,797,374	84%	3,389,701	102%	78,224

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	General Liability	3,600,000	2,706,359	75%	3,000,000	414,093	14%	1,500,000	50%
Workers' Compensation	1,580,000	953,365	60%	1,580,000	1,211,548	77%	2,000,000	127%	(420,000)
Insurance Administration	547,047	491,393	90%	607,558	486,920	80%	620,833	102%	(13,275)
Property Damage	300,245	604,926	201%	300,248	99,298	33%	200,000	67%	100,248
Vehicle	200,000	137,356	69%	200,000	175,910	88%	200,000	100%	-
Unemployment	200,000	89,053	45%	200,000	-	0%	200,000	100%	-
TOTAL REQUIREMENTS	6,427,292	4,982,451	78%	5,887,806	2,387,770	41%	4,720,833	80%	1,166,973

TRANSFERS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Transfers Out - Vehicle Replacement	(3,500)	(3,500)	100%	(3,500)	(2,910)	83%	(3,500)	100%
TOTAL TRANSFERS	(3,500)	(3,500)	100%	(3,500)	(2,910)	83%	(3,500)	100%	-

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	8,329,115	9,521,450	114%	7,687,180	8,944,938	116%	8,944,938	116%
Resources over Requirements	(3,280,319)	(573,012)		(2,576,329)	409,605		(1,331,132)		1,245,197
Net Transfers - In (Out)	(3,500)	(3,500)		(3,500)	(2,910)		(3,500)		-
TOTAL FUND BALANCE	\$ 5,045,296	\$ 8,944,938	177%	\$ 5,107,351	\$ 9,351,633	183%	\$ 7,610,306	149%	\$2,502,955

- A** Unemployment collected on first \$25K of employee's salary in fiscal year
- B** Investment Income projected to come in higher than budget
- C** Skid Car training resuming; there will be revenue from public participation
- D** Claims are trending lower than budget
- E** Claims are trending higher than budget
- F** FY22 had abnormally high property damage; anticipating less in FY23



Budget to Actuals Report

Health Benefits - Fund 675

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance
	Budget	Actuals	%	Budget	Actuals	%			
Internal Premium Charges	18,767,900	19,164,548	102%	19,908,221	16,487,541	83%	19,913,842	100%	5,621
COIC Premiums	1,589,000	1,255,305	79%	1,547,778	1,481,842	96%	1,768,795	114%	221,017
Employee Co-Pay	1,200,000	1,238,034	103%	1,282,015	1,035,449	81%	1,247,416	97%	(34,599)
Retiree / COBRA Premiums	1,060,000	1,438,217	136%	595,000	663,657	112%	988,174	166%	393,174
Prescription Rebates	128,000	396,119	309%	175,000	403,780	231%	480,000	183%	145,000 A
Interest on Investments	200,277	90,816	45%	95,686	155,542	163%	187,030	195%	91,344 B
Claims Reimbursement & Other	82,000	1,487,600	999%	55,000	109,217	199%	120,138	218%	65,138
TOTAL RESOURCES	23,027,177	25,070,639	109%	23,658,700	20,337,028	86%	24,545,395	104%	886,695

REQUIREMENTS	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Health Benefits	25,140,847	24,583,764	98%	21,597,563	18,427,847	85%	24,890,813	115%
Deschutes On-Site Pharmacy	2,970,575	3,381,197	114%	3,779,608	2,699,694	71%	3,781,941	100%	(2,333) C
Deschutes On-Site Clinic	1,141,829	1,190,855	104%	1,212,497	885,963	73%	1,254,180	103%	(41,683) C
Wellness	171,142	138,211	81%	179,549	122,118	68%	170,539	95%	9,010 C
TOTAL REQUIREMENTS	29,424,393	29,294,027	100%	26,769,217	22,135,623	83%	30,097,473	112%	(3,328,256)

FUND BALANCE	Budget	Actuals	%	Budget	Actuals	%	Projection	%	\$ Variance
	Beginning Fund Balance	14,772,618	15,527,580	105%	11,925,656	11,304,191	95%	11,304,191	95%
Resources over Requirements	(6,397,216)	(4,223,389)		(3,110,517)	(1,798,595)		(5,552,078)		(2,441,561)
Net Transfers - In (Out)	-	-		-	-		-		-
TOTAL FUND BALANCE	\$ 8,375,402	\$ 11,304,191	135%	\$ 8,815,139	\$ 9,505,596	108%	\$ 5,752,112	65%	(\$3,063,027)

- A** Budget estimate is based on claims which are difficult to predict
- B** Investment Income projected to come in higher than budget
- C** Amounts are paid 1 month in arrears



Budget to Actuals Report

911 - Fund 705 and 710

FY23 YTD April 30, 2023 (unaudited)

05/31/2023 Item #10.

83.3%
Year Complete

RESOURCES	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance	
	Budget	Actuals	%	Budget	Actuals	%				
Property Taxes - Current Yr	9,803,579	9,931,743	101%	10,402,834	10,214,874	98%	10,421,062	100%	18,228	A
Telephone User Tax	1,106,750	1,815,283	164%	1,668,000	920,835	55%	1,668,000	100%	-	B
State Reimbursement	60,000	123,282	205%	810,000	607,177	75%	810,000	100%	-	C
Police RMS User Fees	236,576	237,221	100%	237,221	244,437	103%	244,437	103%	7,216	D
Contract Payments	147,956	157,552	106%	153,292	150,434	98%	153,292	100%	-	
User Fee	233,576	140,986	60%	140,445	122,383	87%	140,445	100%	-	
Data Network Reimbursement	162,000	244,799	151%	120,874	155,825	129%	165,985	137%	45,111	
Property Taxes - Prior Yr	115,000	92,601	81%	80,000	76,575	96%	80,000	100%	-	
Interest on Investments	96,867	69,988	72%	67,515	202,404	300%	235,120	348%	167,605	E
Property Taxes - Jefferson Co.	38,344	37,525	98%	39,497	37,230	94%	39,497	100%	-	
Miscellaneous	18,658	45,553	244%	25,000	29,935	120%	32,822	131%	7,822	
TOTAL RESOURCES	12,019,306	12,896,533	107%	13,744,678	12,762,109	93%	13,990,660	102%	245,982	

REQUIREMENTS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance	
	Budget	Actuals	%	Budget	Actuals	%				
Expenditures	-	-	-	64,754	-	0%	-	0%	64,754	
Personnel Services	8,005,795	7,462,327	93%	8,606,196	6,368,352	74%	7,479,619	87%	1,126,577	F
Materials and Services	3,582,212	2,915,749	81%	4,088,201	2,662,425	65%	4,088,201	100%	-	
Capital Outlay	2,975,000	518,824	17%	4,950,346	1,660,862	34%	5,075,000	103%	(124,654)	
TOTAL REQUIREMENTS	14,563,007	10,896,900	75%	17,709,497	10,691,638	60%	16,642,820	94%	1,066,677	

TRANSFERS	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance	
	Budget	Actuals	%	Budget	Actuals	%				
Transfers In	4,804,813	4,804,813	100%	1,750,000	1,750,000	100%	1,750,000	100%	-	
Transfers Out	(4,804,813)	(4,804,813)	100%	(1,809,900)	(1,809,900)	100%	(1,809,900)	100%	-	
TOTAL TRANSFERS	-	-	0%	(59,900)	(59,900)	100%	(59,900)	100%	-	

FUND BALANCE	Fiscal Year 2022			Fiscal Year 2023			Projection	%	\$ Variance	
	Budget	Actuals	%	Budget	Actuals	%				
Beginning Fund Balance	11,850,783	10,709,072	90%	12,950,799	12,708,705	98%	12,708,705	98%	(242,094)	
Resources over Requirements	(2,543,701)	1,999,633		(3,964,819)	2,070,471		(2,652,160)		1,312,659	
Net Transfers - In (Out)	-	-		(59,900)	(59,900)		(59,900)		-	
TOTAL FUND BALANCE	\$ 9,307,082	\$ 12,708,705	137%	\$ 8,926,080	\$ 14,719,275	165%	\$ 9,996,645	112%	\$ 1,070,565	

- A** Current year taxes received primarily in November, February and May; actual FY22-23 TAV is 5.50% over FY21-22 vs. 5.55% budgeted
- B** Telephone tax payments are received quarterly
- C** State GIS reimbursements are received quarterly
- D** Invoices are mailed in the Spring
- E** Investment Income projected to come in higher than budget
- F** Projected Personnel savings based on FY23 average vacancy rate of 15%



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 31, 2023

SUBJECT: Select eligible grantee for the 2023-25 Oregon Community Dispute Resolution Grant Program

RECOMMENDED MOTION:

Move approval of Community Solutions as grantee for 2023-25 Oregon Community Dispute Resolution Grant Program.

BACKGROUND AND POLICY IMPLICATIONS:

Every two years, the University of Oregon School of Law's Oregon Office for Community Dispute Resolution (OOCDR) makes grants available to eligible applicants for the purpose of providing mediation services. Grant applications are solicited through a publicly advertised process coordinated by OOCDR in partnership with Oregon counties. The Deschutes County Board of Commissioners adopted Resolution 2023-016 on March 22, 2023 (attached) stating intent to participate and engage in the selection process.

Following adoption of the resolution, staff advertised the availability of funds and solicited applications. In response, the County and OOCDR received an application from Community Solutions, a local non-profit mediation, facilitation, and dispute resolution education provider. The OOCDR has determined that Community Solutions meets the criteria for an eligible grantee to receive funds. Therefore, upon receipt of notification from the Deschutes County Board of Commissioners, the OOCDR will directly enter into an agreement with Community Solutions for the 2023-25 biennium.

BUDGET IMPACTS:

None. The OOCDR will enter into a grant agreement with Community Solutions and disburse funds directly to the selected grantee.

ATTENDANCE:

Stephanie Robinson, Administrative Analyst

May 3, 2023

Deschutes County Board of Commissioners
Re: 2023-2025 Grant Eligibility Notification
County(ies): Deschutes, Crook & Jefferson

Dear Stephanie Robinson,

The Oregon Office for Community Dispute Resolution (OOCDR) has completed its review of the applications submitted for your county to receive funding under ORS Chapter 36 and University of Oregon policy.

I am pleased to inform you that **Community Solutions of Central Oregon** is qualified as an eligible applicant to receive grant funds from this office. Grants are subject to authorization and appropriation of funding by the Oregon Legislative Assembly for the 2023-2025 biennium.

Next steps for your county: Please inform OOCDR which of the above organizations has been selected to receive grant funds to support community dispute resolution services in your county by no later than June 16, 2023.

As soon as the legislature makes final funding determinations for this office, I will work with the School of Law Dean and University Contracting to finalize the grant award contracts with selected grant recipients as efficiently as possible.

Thank you, and your county colleagues, for participating in the selection process for community dispute resolution funds for your county.

Questions? Please ask!

Best,



Patrick Sponsler, MPA
OOCDR Administrator

REVIEWED
mm
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution in the Matter of Participation in
Funding Activities of the Oregon Office for
Community Dispute Resolution

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RESOLUTION NO. 2023-016

WHEREAS, the Deschutes County Board of Commissioners believes that the settlement of disputes by mediation may lead to more long-lasting and mutually satisfactory agreements; and

WHEREAS, mediation may reduce the need for time-consuming and costly litigation; and

WHEREAS, the Oregon Legislature has charged the University of Oregon on behalf of the University of Oregon School of Law (Grantor) with the responsibility to foster the development of community mediation programs by making grant monies available to participating Counties; and

WHEREAS, any County wishing to participate must formally notify Grantor of its intent to participate; now, therefore,

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

Section 1. Deschutes County hereby notifies Grantor of its desire to be a participant in the expenditure of funds for community dispute resolution programs within Deschutes County and agrees to engage in a selection process and to select as funding recipients those entities both qualified by the standards and guidelines adopted by Grantor and capable of and willing to provide community dispute resolution services according to the rules adopted by Grantor.

Section 2. This resolution shall take effect upon its adoption by Deschutes County.

Dated this 22nd of March, 2023

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Anthony DeBONE

ANTHONY DeBONE, Chair

Patti Adair

PATTI ADAIR, Vice Chair

Phil Chang

PHIL CHANG, Commissioner

ATTEST:

Sage Powers

Recording Secretary



February 1, 2023

Deschutes County Board of Commissioners
1300 N.W. Wall Street, Suite 200
Bend, OR. 97701

Dear Anthony DeBone,

This is an invitation for your County to participate in the selection process for the **2023-2025 Community Dispute Resolution Program (CDRP) Grant Funds** pursuant to ORS 36.160.

Assuming funding for 2023-2025 is reauthorized by the 2023 Legislature at the same level as the prior biennium, grant funds for your county will be approximately \$45,907.00 for the period July 1, 2023 - June 30, 2025. The funding for these grants is currently derived from an appropriation from the general fund for the purpose of providing dispute resolution services in counties and will be allocated per University of Oregon policy I.034.02.

Below and attached the same email as this letter is all of the information necessary to proceed with the Request for Application (RFA) process.

The first step in the local selection process is the County's adoption of a resolution to participate. ORS 36.160 requires that a County notify the Oregon Office for Community Dispute Resolution (OOCDR) of its intent to participate in the selection process to award grant funds. A sample county resolution is provided in the enclosed RFA packet. Upon your County's adoption of the resolution, please send a copy to the OOCDR. Following is the timeline for the 2023-2025 grant process:

- March 31, 2023 County Commission adopts a resolution confirming its desire to participate in the process (sample attached).
- April 1, 2023 County advertises a notice of availability of grant funds and announces the application process (sample of notice included). The County and Grantor make RFA packet available to interested applicants.
- April 29, 2023 Applications must be **received** by 5:00 p.m. at the County's address and at Grantor's email address. Late applications may not be considered.
- May 19, 2023 Additional information requested by Dean due in at the County and the offices of Grantor.
- May 30, 2023 Grantor issues notices of eligibility to applicants and County.
- June 5, 2023 Any appeals from applicants determined ineligible by the Grantor must be **received** by 5:00 pm.

Oregon Office for Community Dispute Resolution
1515 Agate St. Eugene, OR. 97403
541-346-1623 | uoregon.edu

June 16, 2023 County Commission selects grantee(s) and notifies Grantor of selection.

June 30, 2023 Grantor enters into Grant Agreement with the grantee(s).

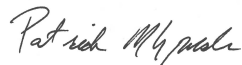
According to University of Oregon policy, each County Commission needs to designate a County dispute resolution program coordinator. OOCDR staff provides technical assistance and advice to this County staff person to make sure the process runs as smoothly as possible. If you have received this letter and are not the County's dispute resolution program coordinator, please forward these materials to the proper person.

OOCDR encourages collaboration in all phases of the grantee selection process. In some Counties there will be only one interested and qualified applicant. However, if your County receives applications from more than one qualified applicant, we encourage you to have conversations with all applicants to determine whether there are ways for them to work together to best provide dispute resolution services in your County.

You may elect to opt out of the selection process if you desire. In that case, the Dean of the University of Oregon School of Law will assume the county's role in the process. If this is your choice, please provide OOCDR with a written notice to opt out by March 31, 2023.

Questions? Please ask! Thank you in advance for your support.

Best,



Patrick Sponsler, MPA
sponsler@uoregon.edu
OOCDR Administrator



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: May 31, 2023

SUBJECT: FY23 Q3 Service Partner Work Plan Updates

RECOMMENDED MOTION:

N/A

BACKGROUND AND POLICY IMPLICATIONS:

Each year, the Board of County Commissioners allocates video lottery funds to thirteen service partner organizations. Each service partner agrees to provide the services set forth in an annual work plan, drafted in partnership with the county. After submitting a quarterly work plan update to demonstrate their work plan service goals are on target, service partners receive their quarterly grant award.

In Q3, two organizations did not meet their quarterly work plan goals and staff seeks board direction on issuing the Q3 grant award.

Healthy Beginnings: Due to a vacancy in the screening program manager role, Healthy Beginnings has completed 148 of 475 pre-school or development/behavior screenings for children, ages 0-6. In Q3, 65 children were screened, compared to 27 in Q2 and 56 in Q1.

Latino Community Association: Cumulative percentage of outcomes for these activities are below desired work plan outcome, although reporting can be delayed.

- Clients who gain affordable health insurance or wraparound support at 85%, with goal of 95%
- Legal clients who receive their service goal at 83%, with goal of 95%
- Clients passing the citizenship exam at 71% with goal of 90%

Options staff are proposing include:

- 1) Invite organizations to present at a future board meeting and hold Q3 payment pending those presentations.
- 2) Hold Q3 payment and revisit it after receiving Q4 work plan service goals report and ascertaining if work plan goals are met.
- 3) Issue Q3 payment and continue to carefully monitor work plan service goals in Q4.

BUDGET IMPACTS:

Planned expenditures are included in FY23 Video Lottery (Fund 165) budget.

ATTENDANCE:

Stephanie Robinson, Administrative Analyst