



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

10:00 AM, WEDNESDAY, FEBRUARY 15, 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 the public meeting portal at www.deschutes.org/meetings. To view the meeting via Zoom, see below.

Citizen Input: The public may comment on any meeting topic that is not on the current agenda. To provide citizen input, submit an email to citizeninput@deschutes.org or leave a voice message at 541-385-1734. Citizen input received by noon on Tuesday will be included in the meeting record for topics that are not on the Wednesday agenda.

If 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/3h3oqdD.
- 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. To be timely, citizen input must be received by noon on Tuesday in order to be included in the meeting record.*

CONSENT AGENDA

1. Authorize the County Administrator to sign a Termination of Improvement Agreement specific to property neighboring the Windhaven Park Phase 1 subdivision in Redmond
2. Consideration of Board Signature on letters making appointments to the Deschutes River Mitigation & Enhancement Committee
3. Consideration of Board Signature on letters appointing Jay Patrick and Chris Piper, and reappointing James Lewis for service on the Central Oregon Intergovernmental Council's Board of Directors
4. Consideration of Board Signature on letters thanking Katy Brooks and Ron Osmundson for service on the Central Oregon Intergovernmental Council Board of Directors
5. Consideration of Board Signature on letters appointing Brian Durbin and James Wood for service on the Investment Advisory Committee
6. Approval of minutes of the February 3, 2023 Legislative Update meeting
7. Approval of the January 25 and 30, 2023 BOCC meeting minutes

ACTION ITEMS

8. **10:05 AM** Consideration of a recommendation from the Solid Waste Advisory Committee relative to the implementation of FAA Advisory Circular 150/5200-33C recognizing a 5-mile public-use airport exclusion zone for the siting of landfills, and discussion of siting a new solid waste facility
9. **10:20 AM** Notice of Intent to Award 2023 Qualified Pool of Fuels Reduction Contractors
10. **10:25 AM** Presentation from the Deschutes Trail Coalition on its Stewardship Grants

- [11.](#) **10:45 AM** Presentation of Workforce Housing Proposal
- [12.](#) **11:00 AM** Consideration of an order to extend the open record period for the Board's review of two appeals of a modification request to the Thornburgh Resort
- [13.](#) **11:10 AM** Public Hearing on 2023 Housekeeping Amendments to Deschutes County Code
- [14.](#) **11:40 AM** Public Hearing: Amateur/HAM Radio Facility Amendments
- [15.](#) **12:10 PM** Resolution No. 2023-011, allocating \$95,950 of contingency within video lottery to mid-year projects and priorities
- [16.](#) **12:15 PM** Certified Local Government (CLG) Grant Application – Permission to Proceed

LUNCH RECESS

- [17.](#) **1:00 PM** Camping Feasibility Study Proposals

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.

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

ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 15, 2023

SUBJECT: Authorize the County Administrator to sign a Termination of Improvement Agreement specific to property neighboring the Windhaven Park Phase 1 subdivision in Redmond

RECOMMENDED MOTION:

Move to authorize the County Administrator to sign the necessary documents terminating an Improvement Agreement specific to property at 1950 NE 2nd St., Redmond.

BACKGROUND AND POLICY IMPLICATIONS:

On July 5, 2022, Richard Boyles applied for an Improvement Agreement (File No. 247-22-000544-IA) to remove the current Improvement Agreement language from the title of property at 1950 NE 2nd Street, Redmond. The property is identified on County Assessor's Map 15-13-03CC as Tax Lot 200. The request to terminate the Improvement Agreement is being made as all conditions have been satisfied.

BUDGET IMPACTS:

None

ATTENDANCE:

Nathaniel Miller - Associate Planner
Jacob Ripper - Principal Planner



COMMUNITY DEVELOPMENT

MEMORANDUM

To: Board of County Commissioners

From: Nathaniel Miller, Associate Planner

Date: February 15, 2023

Re: Request for an Improvement Agreement termination specific to a neighboring property of the Windhaven Park Phase 1 subdivision (Deschutes County File No. 247-22-000544-IA).

Subject Property

The property is identified as 1950 NE 2nd Street, Redmond and is further identified on County Assessor's Map 15-13-03CC as tax lot 200.

Background

The applicant requests the termination of the Improvement Agreement associated with the Windhaven Park Phase 1 subdivision specific to the subject property. At the time of the subdivision approval in 1996, the properties were within Deschutes County jurisdiction. The property, and the Windhaven Park Phase 1 subdivision, are now within the City of Redmond.

During the review, (land use file No. TP-96-864), the property was a part of a larger unit of land in which areas were subdivided. The subdivision approval included an Improvement Agreement for infrastructure development as a condition of approval. The improvements were completed and the improvement bond was released on June 27, 2019. The platted lots in the subdivision are now separate and geographically distinct, however, the legal association with the Improvement Agreement remains with the subject property.

The Improvement Agreement continues to encumber the property as there was no termination clause embedded within the contract. The owner has applied for an Improvement Agreement as the permit process by which the termination can be presented to the Board of County Commissioners and lawfully removed from the title of the property.

Next Steps

There is one *Request for Termination of Improvement Agreement* before the Board for signature. Upon recording of the termination, the chain of title can be revised to disassociate the original Improvement Agreement currently associated with the Windhaven Park Phase 1 subdivision.

*Enclosures: Improvement Agreement for TP-96-864
Request for Termination of Improvement Agreement
Location Map
Recorded Release*

96-46580

REVIEWED
02/15/2023 Item #1.
LEGAL COUNSEL

432 - 2477

IMPROVEMENT AGREEMENT

This Agreement, relating to the installation of required improvements to be constructed as required in the conditions of approval of TP-96-864 hereinafter referred to as "Subdivision," made and entered into this 19th day of December, 1996, by and between DESCHUTES COUNTY, OREGON, a political subdivision of the State of Oregon, hereinafter referred to as "County"; and Windance Development, Inc., an Oregon corporation, hereinafter referred to as "Developer,"

WITNESSETH:

WHEREAS, Developer is the subdivider of Subdivision; and

WHEREAS, the improvements within and required by the Subdivision have not been completed; and

WHEREAS, Developer intends to file a final subdivision plat prior to the completion of the required improvements; and

WHEREAS, Deschutes County Code Section 17.24.120 provides that Developer may, in lieu of completing required improvements prior to filing the final plat, enter into an agreement with the County for the completion of the required improvements and provide a good and sufficient form of security, consistent with Deschutes County Code Section 17.24.130, to provide for the completion of the required improvements; now, therefore,

IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES above mentioned, for and in consideration of the mutual promises hereinafter stated, as follows:

- 1. The real property subject to this Agreement is described as:

That portion of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Three (3), Township Fifteen (15) South, Range Thirteen (13) East of the Willamette Meridian, Deschutes County, Oregon, lying West of the Westerly line of the Oregon Trunk Railway.

EXCEPTING THEREFROM a tract of land in the Southwest corner of said described premises, bounded as follows: Beginning at the Southwest Corner of said Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4); thence running North along the section line, a distance of 44 rods; thence Southeasterly in a straight line to a point on the South line of said Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), which point is 11 rods East of the point of beginning, thence West to the point of beginning. ALSO EXCEPTING the South five (5) feet deeded to Deschutes County, March 2 That portion of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section Three (3), Township Fifteen (15) South, Range Thirteen (13) East of the Willamette Meridian, Deschutes County, Oregon, lying West of the Westerly line of the

AFTER RECORDING, RETURN TO:
WINDANCE DEVELOPMENT, INC.
175 S.E. WINDANCE COURT
BEND, OR 97702

Oregon Trunk Railway. March 23, 1979, in Book 295, Page 600, Deed Records of Deschutes County, Oregon ALSO EXCEPTING the North Canal Blvd.

2. Developer shall install and complete all improvements described in Exhibit "A", attached hereto and by this reference incorporated herein as required by Conditions of Approval for File #TP-96-864 on or before 19 December, 1997. Additionally, Developer shall repair all existing and constructed facilities, within and without the subdivision, damaged during any such installation, on or before 19 December, 1997.
3. If the improvements required under Section 2 herein are not completed by the completion date established by Section 2 herein, County may contract to have the required improvements installed and completed, and call upon Developer's security and any assets of Developer to recover from Developer the full cost and expense of completing said required improvements, together with court costs and attorney's fees necessary to collect said amounts.
4. Developer shall restore any monument erected or used for the purpose of designating a survey marker or boundary of any town, tract, plat or parcel of land which monument is broken, damaged, removed or destroyed, during the course of work provided for or anticipated by this Agreement, whether intentional or otherwise, by the Developer or Developer's agents, employees or independent contractors.
5. Developer shall pay to County the actual costs incurred in the inspection of the completed improvements.
6. The Developer's security shall consist of an improvements performance bond, No. #4298125 in a form approved by the Deschutes County Legal Counsel, naming County as obligee, in the amount of Three Hundred Six Thousand, Six Hundred Twenty-four and no/100 (\$306,624.00) with a bond term of no less than two (2) years beyond the completion date established by Section 2 herein. Release of the security will require authorization by the Deschutes County Community Development Department, once improvements have been inspected and approved by County. Improvements required to be completed under this Agreement and covered by Developer's security are shown in Exhibit "A", attached hereto and by this reference incorporated herein.
7. This Agreement is contingent upon the recording of the final plat.
8. County may draw upon Developer's security upon default of this Agreement for any and all costs and expenses anticipated to be incurred by County, as determined by the County, in the

WINDANCE DEVELOPMENT

TP-96-864

Page 2

completion of the required improvements of Subdivision. If the amount drawn from Developer's security is less than the costs and expenses anticipated to be incurred, or actually incurred, by the County, Developer shall be liable to County for the difference.

9. The security shall be released by County upon request by Developer: within ninety (90) days after the completion, inspection and approval of the improvements required to be constructed by Developer under this Agreement. Developer shall provide proof that no lien has been filed against the improvements prior to requesting release of the security.

10. In accordance with Deschutes County Code Section 17.24.120(B), no building permit may be issued for any lot or parcel of Subdivision until all required improvements are completed, inspected and approved by County. One (1) building permit may be released for the original lot provided the appropriate approval has been granted by the County or the City of Redmond under the Intergovernmental Agreement between the jurisdictions.

11. The existence of this Agreement shall be noted upon the final plat by reference to the recording book and page numbers.

12. The original of this Agreement shall be recorded with the Deschutes County Clerk and shall be a condition and covenant that shall run with the land and be binding upon the Subdivision real property. It is the intent of the parties that the provisions of this Agreement shall be binding upon the parties, their successors, heirs, executors, administrators, and assigns, or any other party deriving any right, title or interest in or to the Subdivision real property, including any person who holds such interest as security for the payment of any obligation, including the Mortgagee or other secured party in actual possession of said real property by foreclosure or otherwise or any person taking title from such security holder.

13. It is agreed by and between the parties that Developer is not carrying out a function on behalf of the County, and County does not have the right of direction or control of the manner in which Developer completes performance under this Agreement or exercise any control over the activities of the Developer.

14. County is not, by virtue of this Agreement, a partner or joint venturer with Developer in connection with Developer's subdivision, and shall have no obligation with respect to Developer's debts or any other liabilities of each and every nature.

15. Developer shall be responsible for any and all injury to any and all persons or property caused directly or indirectly by reason of any and all activities by Developer in the performance of this Agreement; and further agrees to indemnify, save harmless and defend the County, its officers, agents and employees from and against all claims, suits, actions, damages, costs, losses

WINDANCE DEVELOPMENT

TP-96-864

Page 3

DEVELOPER:

Windance Development, Inc., an Oregon corporation

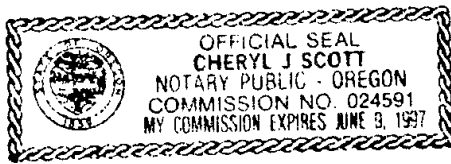
Vicky L. Anderson President

Vicky L. Anderson, President

STATE OF Oregon)

County of Deschutes) ss.

SUBSCRIBED AND SWORN to before me this 19 day of ^{December}~~November~~, 1996.
as



Cheryl J. Scott
Notary Public for Oregon
My Commission Expires: 6-9-97

WINDANCE DEVELOPMENT
TP-96-864
Page 5



EXHIBIT "A"

432

02/15/2023 Item #1.

CITY OF REDMOND

DESCHUTES COUNTY, OREGON

P.O. BOX 726
REDMOND, OREGON 97756
(541) 548-2148
FAX (541) 548-0706

AIRPORT 548-6059
COMMUNITY DEVELOPMENT 548-2149
BUILDING 923-8397
PUBLIC WORKS 548-6068

Vicky Anderson
Windance Development, Inc.
175 SE Windance Ct.
Bend, OR 97708

September 13, 1996

Re: **Windhaven Park Subdivision Phase 1, TP96-864, Tax Map 15-13-3, Tax Lot 1500**
Construction Cost Estimate/Performance Bond

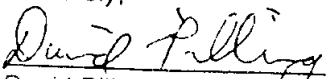
Vicky:

The cost estimate for the improvements required for **Windhaven Park Phase 1, TP96-864** is as follows and is based on the average unit cost for street, water & sewer line construction that the City has historically paid :

ITEM	QUANTITY	UNIT COST	TOTAL
1. NE 2nd St. - 36 ft. wide local street w/curbs, sidewalks, storm drainage, turnaround & tapers	914 LF	130.00/LF	\$ 118,820.00
2. 8 inch Water Main	960 LF	40.00/LF	\$ 38,400.00
3. Fire Hydrants	3 EA	1,500.00/EA	\$ 4,500.00
4. 8 inch Combination Fire/Water Service	9 EA	1,500.00/EA	\$ 13,500.00
5. 8 inch San. Sewer Main	1051 LF	50.00/LF	\$ 52,550.00
6. Sewer Manholes	3 EA	1,500.00/EA	\$ 4,500.00
7. Sewer Services, 6 inch	9 EA	800.00/EA	\$ 7,200.00
8. 12 inch Irrigation Line & Junction Boxes	535 LF	30.00/LF	\$ 16,050.00
SUB-TOTAL			\$255,520.00
Redmond Code 8.2245(2) + 20%			\$51,104.00
TOTAL			\$306,624.00

If there are any questions, please call at (541) 548-6068.

Sincerely,


David Pilling, S.Eng.Tech.
City of Redmond Public Works Dept.

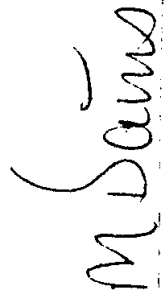
cc Dick Leaver
Tim Brown, Anderson Eng. & Surveying
Andy Osborn, Public Works Dept
Ron Fuchs, Community Development
Dave Reeves, Finance Dept

STATE OF OREGON)
COUNTY OF DISCHUTES) SS.

MARY SUE PENHOLLOW, COUNTY CLERK AND
RECORDER OF CONVEYANCES, IN AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY:

96 DEC 20 AM 9:07

MARY SUE PENHOLLOW
COUNTY CLERK

BY:  DEPUTY
NO. **96-46580** FEE **30-**
DISCHUTES COUNTY OFFICIAL RECORDS

**REQUEST FOR TERMINATION
OF IMPROVEMENT AGREEMENT**

Redport, LLC, an Oregon limited liability company (“Redport”) hereby requests that the 1996 Improvement Agreement described in numbered paragraph 1 below be terminated and released of record with respect to the Redport Property defined below in numbered paragraph 5:

1. Windance Development, Inc., an Oregon corporation (“Windance”), as Developer, and Deschutes County, Oregon, a political subdivision of the State of Oregon, as County, entered into an Improvement Agreement dated December 19, 1996, recorded December 20, 1996, Instrument No. 96-46580, Deschutes County Official Records (“1996 Improvement Agreement”).

2. The stated purpose of the 1996 Improvement Agreement was to allow Windance to record the plat for certain real property known as Windhaven Park Subdivision Phase 1, comprised of what is currently County Assessor’s map and Tax Lot Nos. 151303CC00700, 00800, 00900, and 01000 (“Windhaven Phase 1”) before completing certain improvements to the property as required by the County’s conditions of approval for Windhaven Phase 1 in TP-96-864.

3. The improvements described on Exhibit A to the 1996 Improvement Agreement (“Required Improvements”) were required by Section 2 of the 1996 Improvement Agreement to be completed on or before December 19, 1997.

4. Pursuant to Sections 6, 9, and 10 of the 1996 Improvement Agreement, the Required Improvements on Windhaven Phase 1 were inspected and approved, Building permits were issued, and Windance’s improvement performance bond No. #4298125 was released.

5. Pursuant to Section 12 of the 1996 Improvement Agreement, the 1996 Improvement Agreement was recorded in the Official Records of Deschutes County as a condition and covenant running with the land. However, when the 1996 Improvement Agreement was recorded (prior to the recordation of the Windhaven plat), Windhaven Phase 1 was part of a larger tract of land that included the Windhaven Phase 1 tax lots identified in numbered paragraph 2 above, as well as property commonly known as County Assessors Map and Tax Lot No. 151303CC00200 now owned by Redport (“Redport Property”), so the 1996 Improvement Agreement remains as an encumbrance on the Redport Property. The legal description of the Redport Property is attached as Exhibit A and a copy of the County Assessor’s Map showing the Windance Phase 1 tax lots and the Redport Property tax lots is attached as Exhibit B.

6. In connection with the proposed sale of the Property, the prospective buyer (who will submit its own plans for development of the Redport Property) has objected to the encumbrance of the 1996 Improvement Agreement as a lien on the Redport Property (which, as pointed out above in numbered paragraph 1, is not part of Windance Phase 1); the currently undeveloped Redport Property will not be able to be sold and developed with the 1996 Improvement Agreement encumbering title to the Redport Property.

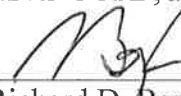
[signature on next page]

Dated: June ___, 2022

REDPORT, LLC, an Oregon limited liability company

By: ARACHNA, LLC, an Oregon limited liability company, Manager

By: SYCAN B CORP, an Oregon corporation, Manager

By: 
Richard D. Boyles, President

ATTACHMENTS:

- Exhibit A: Legal Description of Redport Property
- Exhibit B: County Assessor's Map showing Windance Phase 1 and Redport tax lots

EXHIBIT A

Legal Description of Redport Property (Assessor's Map & Tax Lot No. 151303CC0200)

That portion of the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon, lying West of the Westerly line of the Oregon Trunk Railway.

EXCEPTING THEREFROM a tract of land in the Southwest corner of said described premises bounded as follows:

Beginning at the Southwest corner of said Southwest quarter of the Southwest quarter; thence running North along the Section line, a distance of 44 rods; thence Southeasterly in a straight line to a point on the South line of said Southwest quarter of the Southwest quarter, which point is 11 rods East of the Point of Beginning; thence West to the Point of Beginning.

ALSO EXCEPTING the South five feet deeded to Deschutes County, March 23, 1979, in Book 295, Page 600, Deed Records of Deschutes County, Oregon.

ALSO EXCEPTING the North Canal Blvd.

ALSO EXCEPTING WINDHAVEN PARK, PHASE 1, Deschutes County, Oregon.

ALSO EXCEPTING THEREFROM that portion of the above described property appropriated for public purposes by Stipulated General Judgment in Circuit Court Case 05CV0008MA, and described as follows.

PARCEL 1 - Fee

A parcel of land lying in the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon and being a portion of that property described in that Bargain and Sale Deed to James R. Schmit, Lawrence J. Hix, and Marsha L. Hix, recorded August 28,2001, in Volume 2001, Page 42250, Deschutes County Records; the said parcel being that portion of said property included in a strip of land 9.144 meters in width, lying on the Northerly and Easterly side of the "2nd" center line which center line is described as follows:

Beginning at Engineer's center line Station "2nd" 1+000.00, said station being 278.319 meters North and 3.266 meters West of the Southwest corner of Section 3, Township 15 South, Range 13 East, Willamette Meridian; thence North 80°07'42" East, 117.001 meters; thence on a 7.620 meter radius curve right (the long chord of which bears South 51°18'22" East, 11.426 meters) 12.918 meters; thence South 02°44'26" East, 230.081 meters to Engineer's center line Station "2nd" 1+360.000.

ALSO, that portion of said property lying on the Southerly and Westerly said of the "2nd" center line and Northerly and Easterly of the following described line:

Beginning at a point opposite and 9.144 meters Southerly of Engineer's Station "2nd" 1+000.000 on the "2nd" center line; thence Easterly in a straight line to a point opposite and 9.144 meters Southerly of Engineer's Station "2nd" 1+115.275 on said center line; thence Southerly parallel with and 9.144 meters Westerly of said center line to the Northeast corner of Lot 5, WINDHAVEN PARK, PHASE I, Deschutes County, Oregon.

EXCEPT therefrom Lot 5, WINDHAVEN PARK, PHASE I, Deschutes County, Oregon. Bearings are based upon the Oregon Coordinate System of 1983 (1991 adjustment), South Zone. ALSO EXCEPT therefrom that property described in that Warranty Deed to the State of Oregon by and through its Department of Transportation recorded August 22, 2003 in Volume 2003, Page 57606, Deschutes County Records.

PARCEL 2 - Fee

A parcel of land lying in the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Bargain and Sale Deed to James R. Schmit, Lawrence J. Hix and Marsha L. Hix, recorded August 28, 2001, in Volume 2001, Page 42250, Deschutes County Records; the said parcel being that portion of said property lying Easterly of the following described line:

Beginning at a point opposite and 24.500 meters Westerly of Engineer's Station 5+509.000 on the center line of relocated The Dalles-California Highway; thence Southerly in the straight line to a point opposite and 29.100 meters Westerly of Engineer's Station 5+628.000 on said center line which center line is described as follows:

Beginning at Engineer's center line Station 5+440.000, said station being 469.757 meters North and 199.490 meters East of the Southwest corner of Section 3, Township 15 South, Range 13 East, Willamette Meridian; thence South 04°47'43" West, 360.000 meters to Engineer's center line Station 5+800.000. Bearings are based upon the Oregon Coordinate System of 1983 (1991 adjustment), South Zone.

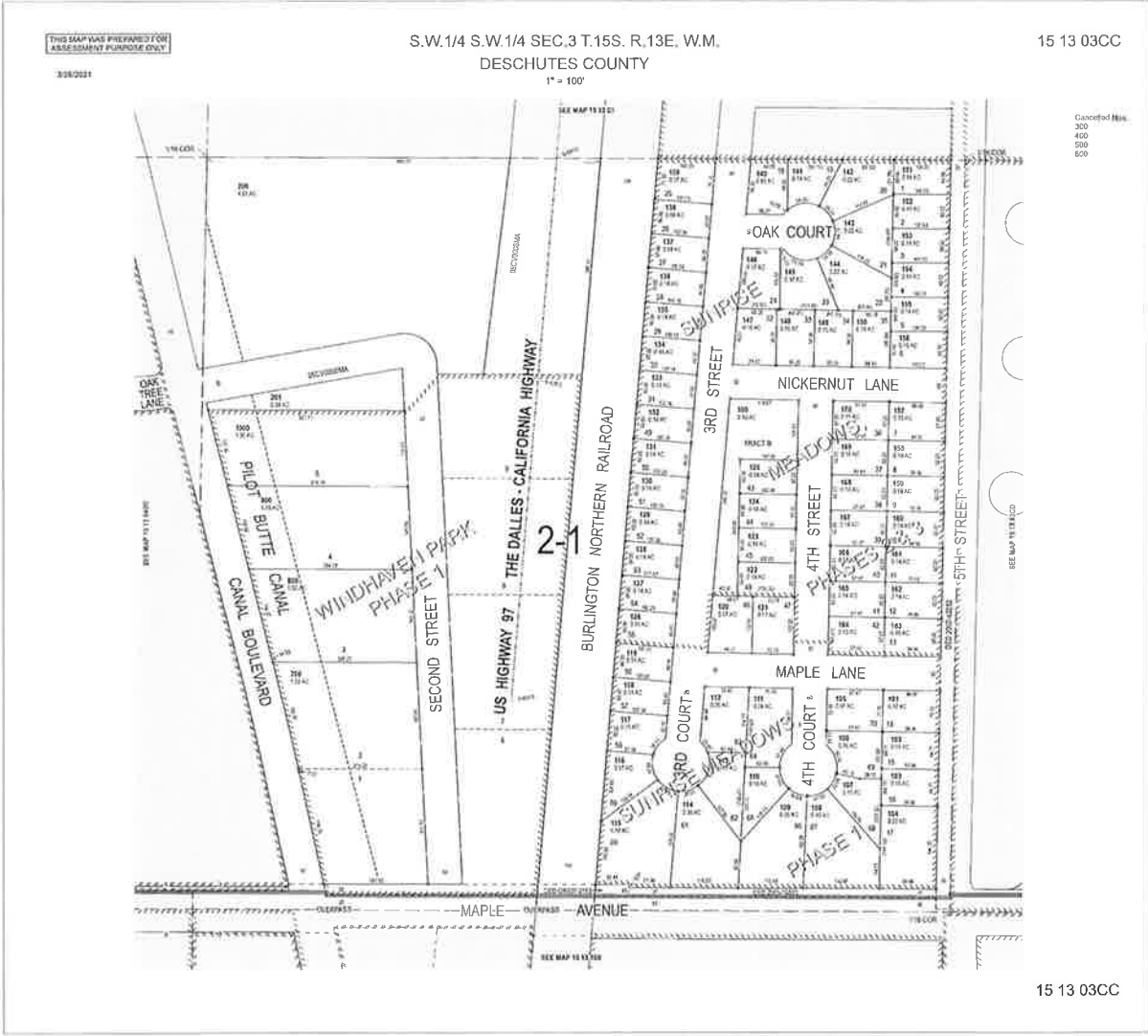
EXCEPT therefrom that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded August 22, 2003 in Volume 2003, Page 57606, Deschutes County Records.

PARCEL 3 - Fee

A parcel of land lying in the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Bargain and Sale Deed to James R. Schmit, Lawrence J. Hix and Marsha L. Hix, recorded August 28, 2001, in Volume 2001, Page 42250, Deschutes County Records; the said parcel being that portion of said property lying Southerly of and adjoining Parcel 1, and Northerly of Lot 5, WINDHAVEN PARK, PHASE I, Deschutes County, Oregon.

EXHIBIT A

County Assessor's Map Showing Windance Phase 1 Tax Lots 700, 800, 900, and 01000 and Redport Property Tax Lot 200



RECORDING REQUESTED BY
AND AFTER RECORDING
RETURN TO:
Patricia L. Chapman
Gleaves Swearingen LLP
975 Oak Street, Suite 800
Eugene, Oregon 97401

TERMINATION OF IMPROVEMENT AGREEMENT

REFERENCE IS HEREBY MADE to that certain Improvement Agreement (“Improvement Agreement”) between Windance Development, Inc., an Oregon corporation (“Windance”), as Developer, and Deschutes County, Oregon, a political subdivision of the State of Oregon, as County, dated December 19, 1996, recorded December 20, 1996, Instrument No. 96-46580, Deschutes County Official Records.

REFERENCE IS ALSO HEREBY MADE to the fact that Redport, LLC, an Oregon limited liability company (“Redport”) is the successor in interest to Windance with respect to that portion of the real property encumbered by the Improvement Agreement that is more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

NOW THEREFORE, Deschutes County and Redport agree that the Improvement Agreement is terminated and released of record with respect to the real property described on Exhibit A attached hereto and incorporated herein by this reference..

COUNTY: DESCHUTES COUNTY, OREGON

Signature

STATE OF OREGON)
County of Deschutes) ss.

This instrument was acknowledged before me on _____, 2022 by _____ as Representative of Deschutes County, Oregon.


Notary Public for Oregon
My Commission Expires: _____

DEVELOPER:

REDPORT, LLC,
an Oregon limited liability company

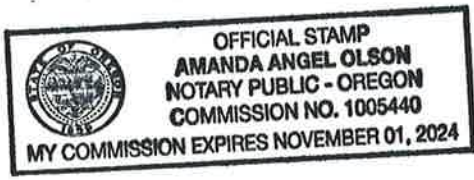
By: ARACHNA, LLC,
an Oregon limited liability company,
Manager

SYCAN B CORP, an Oregon corporation
BY: Richard D. Boyles President



STATE OF OREGON)
County of Lane) ss.

This instrument was acknowledged before me on June 27, 2022 by Richard D. Boyles, President of SYCAN B CORP., as Manager of ARACHNA, LLC, as managing member of REDPORT, LLC.




Notary Public for Oregon
My Commission Expires: 11-1-24

EXHIBIT "A"

Legal Description- -Assessor's Map & Tax Lot No. 151303CC0200

That portion of the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East of the Willamette Meridian, Deschutes County, Oregon, lying West of the Westerly line of the Oregon Trunk Railway.

EXCEPTING THEREFROM a tract of land in the Southwest corner of said described premises bounded as follows:

Beginning at the Southwest corner of said Southwest quarter of the Southwest quarter; thence running North along the Section line, a distance of 44 rods; thence Southeasterly in a straight line to a point on the South line of said Southwest quarter of the Southwest quarter, which point is 11 rods East of the Point of Beginning; thence West to the Point of Beginning.

ALSO EXCEPTING the South five feet deeded to Deschutes County, March 23, 1979, in Book 295, Page 600, Deed Records of Deschutes County, Oregon.

ALSO EXCEPTING the North Canal Blvd.

ALSO EXCEPTING WINDHAVEN PARK, PHASE 1, Deschutes County, Oregon.

ALSO EXCEPTING THEREFROM that portion of the above described property appropriated for public purposes by Stipulated General Judgment in Circuit Court Case 05CV0008MA, and described as follows.

PARCEL 1 - Fee

A parcel of land lying in the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon and being a portion of that property described in that Bargain and Sale Deed to James R. Schmit, Lawrence J. Hix, and Marsha L. Hix, recorded August 28,2001, in Volume 2001, Page 42250, Deschutes County Records; the said parcel being that portion of said property included in a strip of land 9.144 meters in width, lying on the Northerly and Easterly side of the "2nd" center line which center line is described as follows:

Beginning at Engineer's center line Station "2nd" 1+000.00, said station being 278.319 meters North and 3.266 meters West of the Southwest corner of Section 3, Township 15 South, Range 13 East, Willamette Meridian; thence North 80°07'42" East, 117.001 meters; thence on a 7.620 meter radius curve right (the long chord of which bears South 51°18'22" East, 11.426 meters) 12.918 meters; thence South 02°44'26" East, 230.081 meters to Engineer's center line Station "2nd" 1+360.000.

ALSO, that portion of said property lying on the Southerly and Westerly said of the "2nd" center line and Northerly and Easterly of the following described line:

Beginning at a point opposite and 9.144 meters Southerly of Engineer's Station "2nd" 1+000.000 on the "2nd" center line; thence Easterly in a straight line to a point opposite and 9.144 meters Southerly of Engineer's Station "2nd" 1+115.275 on said center line; thence Southerly parallel with and 9.144 meters Westerly of said center line to the Northeast corner of Lot 5, WINDHAVEN PARK, PHASE I, Deschutes County, Oregon.

EXCEPT therefrom Lot 5, WINDHAVEN PARK, PHASE I, Deschutes County, Oregon. Bearings are based upon the Oregon Coordinate System of 1983 (1991 adjustment), South Zone. ALSO EXCEPT therefrom that property described in that Warranty Deed to the State of Oregon by and through its Department of Transportation recorded August 22, 2003 in Volume 2003, Page 57606, Deschutes County Records.

PARCEL 2 - Fee

A parcel of land lying in the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Bargain and Sale Deed to James R. Schmit, Lawrence J. Hix and Marsha L. Hix, recorded August 28, 2001, in Volume 2001, Page 42250, Deschutes County Records; the said parcel being that portion of said property lying Easterly of the following described line:

Beginning at a point opposite and 24.500 meters Westerly of Engineer's Station 5+509.000 on the center line of relocated The Dalles-California Highway; thence Southerly in the straight line to a point opposite and 29.100 meters Westerly of Engineer's Station 5+628.000 on said center line which center line is described as follows:

Beginning at Engineer's center line Station 5+440.000, said station being 469.757 meters North and 199.490 meters East of the Southwest corner of Section 3, Township 15 South, Range 13 East, Willamette Meridian; thence South 04°47'43" West, 360.000 meters to Engineer's center line Station 5+800.000. Bearings are based upon the Oregon Coordinate System of 1983 (1991 adjustment), South Zone.

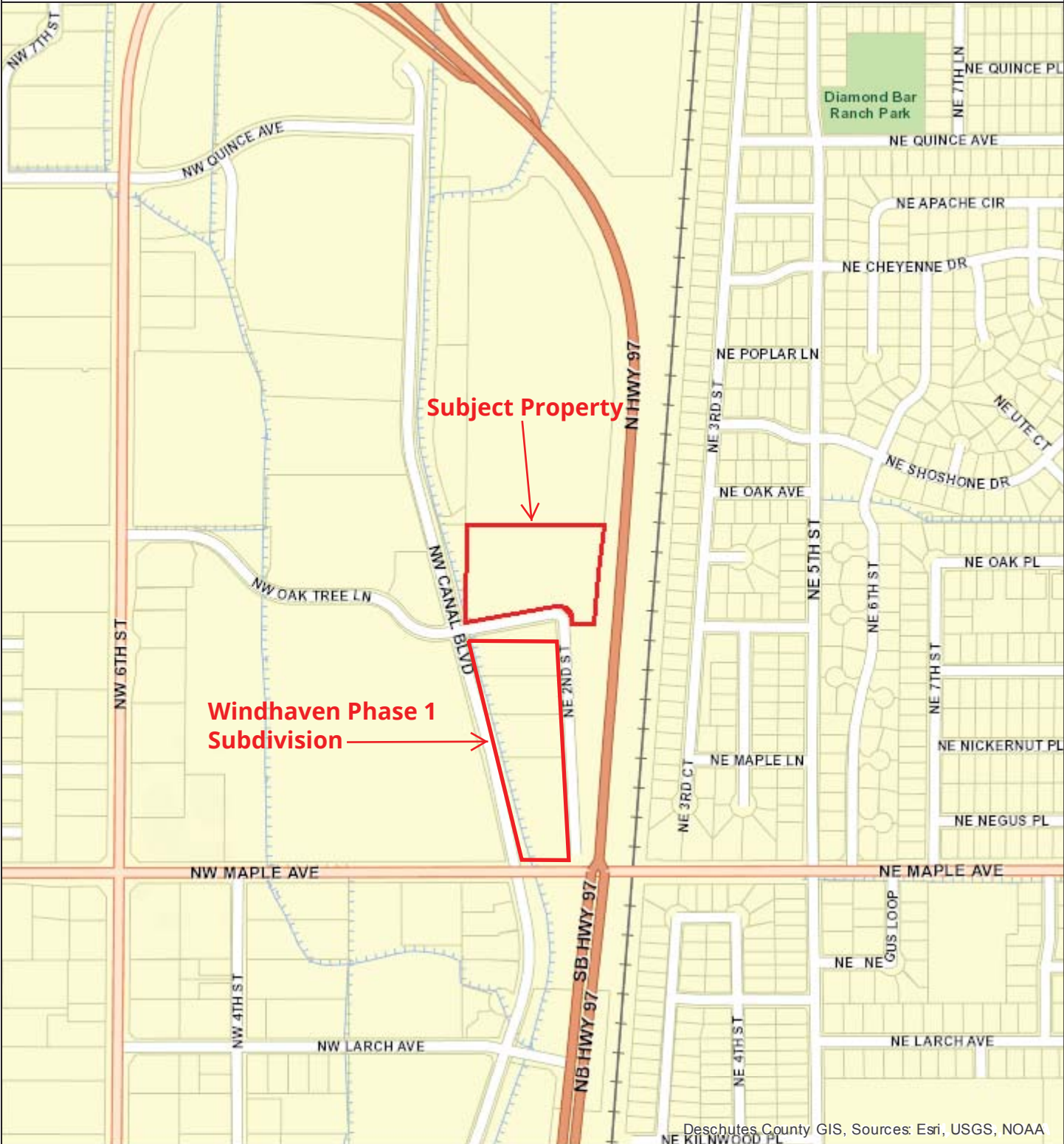
EXCEPT therefrom that property described in that Warranty Deed to the State of Oregon, by and through its Department of Transportation, recorded August 22, 2003 in Volume 2003, Page 57606, Deschutes County Records.

PARCEL 3 - Fee

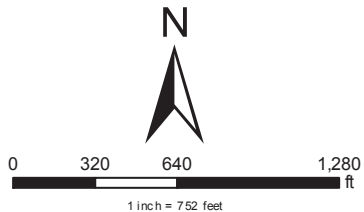
A parcel of land lying in the Southwest quarter of the Southwest quarter of Section 3, Township 15 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Bargain and Sale Deed to James R. Schmit, Lawrence J. Hix and Marsha L. Hix, recorded August 28, 2001, in Volume 2001, Page 42250, Deschutes County Records; the said parcel being that portion of said property lying Southerly of and adjoining Parcel 1, and Northerly of Lot 5, WINDHAVEN PARK, PHASE I, Deschutes County, Oregon.

File: 247-22-000544-IA

1950 NE 2nd Street, Redmond, OR



Date: 1/30/2023



After recording return to:
City Recorder's Office
City of Redmond
411 SW 9th St.
Redmond, OR 97756

Deschutes County Official Records **2019-22187**
D-IPPS
Stn=1 BN **06/27/2019 02:29 PM**
\$10.00 \$11.00 \$10.00 \$61.00 \$6.00 **\$98.00**

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Nancy Blankenship - County Clerk

**RELEASE OF CITY OF REDMOND
AGREEMENT TO PARTICIPATE IN THE FORMATION OF A
LOCAL IMPROVEMENT DISTRICT**

THE CITY OF REDMOND hereby releases the Agreements to Participate in the Formation of a Local Improvement District between the City of Redmond and Windance Development, Inc. The Agreements were originally recorded on October 17, 1996, in Volume 1996, Page 38573 (426-1071), and November 12, 1996, in Volume 1996, Page 41643 (428-2732), of the Deschutes County Official Records for the following described property:

Exhibit A Attached (Both agreements use the same property description)

DATED June 27, 2019.

THE CITY OF REDMOND

By *Keith Witcosky*
Keith Witcosky, City Manager

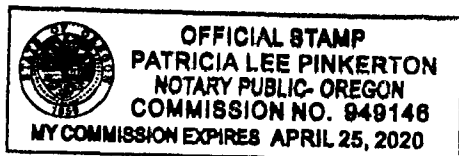
State of Oregon
County of Deschutes

On 6/27/ 2019, Keith Witcosky, Redmond City Manager personally appeared before me,

- who is personally known to me
- whose identity I proved on the basis of _____
- whose identity I proved on the oath/affirmation of _____, a credible witness

to be the signer of the above document, and he acknowledged that he signed it.

Patricia Lee Pinkerton
Notary Public



428 - 2733

EXHIBIT A

LEGAL DESCRIPTION
WINDHAVEN PARK, PHASE 1

A PARCEL OF LAND LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 3, TOWNSHIP 15 SOUTH, RANGE 13 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD LOCATED ON THE NORTH RIGHT-OF-WAY OF NEGUS WAY AND ALSO LOCATED ON THE EASTERLY RIGHT-OF-WAY OF CANAL BLVD., SAID POINT OF BEGINNING BEARS N83°40'46"E - 234.49 FEET FROM THE SW CORNER OF SECTION 3, T15S, R13E, W.M.; THENCE, FROM SAID POINT OF BEGINNING, N12°37'56"W - 220.24 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO A 5/8" IRON ROD; THENCE FOLLOWING THE ARC OF A 5759.58 FEET RADIUS CURVE TO THE LEFT A DISTANCE OF 214.51 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO A 5/8" IRON ROD (THE LONG CHORD OF WHICH BEARS N13°41'33"W - 214.50 FEET); THENCE N14°45'26"W - 442.23 FEET ALONG SAID EASTERLY RIGHT-OF-WAY TO A 5/8" IRON ROD; THENCE N90°00'00"E - 341.71 FEET TO A 5/8" IRON ROD; THENCE N41°14'01"E - 85.67 FEET TO A 5/8" IRON ROD; THENCE N90°00'00"E - 251.14 FEET TO A 5/8" IRON ROD LOCATED ON THE WESTERLY RIGHT-OF-WAY OF THE BURLINGTON NORTHERN RAILROAD; THENCE S04°21'36"W - 916.74 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO A 5/8" IRON ROD LOCATED ON THE NORTH RIGHT-OF-WAY OF NEGUS WAY; THENCE S89°47'59"W - 368.05 FEET ALONG SAID NORTH RIGHT-OF-WAY TO THE POINT OF BEGINNING.

PARCEL CONTAINS 10.217 ACRES SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAY OF RECORD PERTAINING TO THE ABOVE DESCRIBED LANDS.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 15, 2023

SUBJECT: Deschutes River Mitigation & Enhancement Committee - Appointments

RECOMMENDED MOTION:

Move approval of the Deschutes River Mitigation and Enhancement Committee-recommended member appointments for 3-year terms as detailed in the staff memo.

BACKGROUND AND POLICY IMPLICATIONS:

The Deschutes River Mitigation & Enhancement (M&E) Committee has seven voting members appointed to three-year terms by the Deschutes County Board of County Commissioners. One (1) member with an expiring term recently expressed interest in reappointment. The M&E Committee also nominates Doug Watson to serve on the committee as a representative of Central Oregon Irrigation District (COID) and Jason Wilcox as a fisheries expert from the Ochoco and Deschutes National Forests to fill two recent vacancies on the committee.

BUDGET IMPACTS:

None

ATTENDANCE:

Tarik Rawlings, Associate Planner



MEMORANDUM

TO: Deschutes County Board of County Commissioners (Board)

FROM: Tarik Rawlings, Associate Planner
Will Groves, Planning Manager

DATE: February 2, 2023

SUBJECT: Deschutes River Mitigation and Enhancement Committee / Appointments

The Deschutes River Mitigation & Enhancement (M & E) Committee has seven voting members appointed to three-year terms by the Deschutes County Board of Commissioners. The M & E Committee is made up of representative stakeholders, including: conservation organizations, fishery experts, members at large and COID. One (1) member (Kate Fitzpatrick, Committee Chair) with a term set to expire on February 28, 2023 has expressed a desire to be reappointed. Committee positions currently held by Craig Horrell of Central Oregon Irrigation District (COID), and William Seitz (fisheries expertise) are set to expire on February 28, 2023 and these positions require new appointments. The M & E Committee nominated Doug Watson, COID Director of Hydro Operations, and Jason Wilcox, Forest Fisheries Biologist for Ochoco and Deschutes National Forests, to fill the vacant positions designated for a COID representative and fisheries expertise, respectively.

I. BACKGROUND

In order to mitigate for its siphon hydropower project located upstream from Bill Healy Bridge in Bend, the Central Oregon Irrigation District (COID) signed an agreement with the Oregon Department of Fish and Wildlife (ODFW) on March 31, 1987. The agreement was a requirement of a County conditional use permit (CU-87-2). The goal of the agreement is to ensure that no net loss of fish, wildlife, habitats, or recreational opportunities result from construction and operation of the hydropower project. To help accomplish the goal of the agreement, managers created the Deschutes River M & E Program.

The program sets general priorities for habitat mitigation and enhancement activities based on location within the upper Deschutes River. These priorities have been further refined to target key fish spawning and rearing areas and adult fish holding areas. Other program goals are described in the M & E Program Plan¹. The Program is consistent with other regional and statewide plans, such as the ODFW Upper Deschutes Subbasin Fish Management Plan and the Oregon Conservation Strategy. COID is required to use a portion of the revenues generated by the power plant for enhancing river habitat and water conservation improvements in the upper Deschutes basin. The M & E Committee oversees approximately \$90,000/year of funding and reviews plans developed and submitted by ODFW. The

¹ <https://www.deschutescounty.gov/cd/page/deschutes-river-mitigation-and-enhancement-committee>

program has funded and built over 60 separate fish habitat and bank stabilization projects in the upper Deschutes River basin since 1989, in addition to several feasibility studies and monitoring projects.

II. COMMITTEE MEMBERSHIP

The following tables describe the current and proposed membership of the M&E Committee. As noted above, staff recommends the Board reappoint Kate Fitzpatrick to a three-year term (February 28, 2026), appoint Doug Watson to a three-year term (February 28, 2026), and appoint Jason Wilcox to a three-year term (February 28, 2026).

Voting Members		
Kate Fitzpatrick - Chair	Conservation Organization - Deschutes River Conservancy	<i>Reappointment requested</i>
Patrick Griffiths	Member at Large - City of Bend Utility Department Water Resources Manager	<i>Term ends: February 28, 2025</i>
Doug Watson	COID - Director of Hydro Operations	<i>Requested for appointment</i>
Ted Wise	Member at Large - ODFW	<i>Term ends: February 28, 2025</i>
Shaun Pigott	Fisheries Expertise - Trout Unlimited	<i>Term ends: February 28, 2025</i>
Jason Wilcox	Fisheries Expertise - Forest Fisheries Biologist USFS	<i>Requested for appointment</i>
Kris Knight	Conservation Organization - Upper Deschutes Watershed Council	<i>Term ends: February 28, 2025</i>

Non-voting Members	
Jackson Morgan	Department of State Lands
Sam Vanlaningham	Oregon Water Resources Department
Jason Gritzner	U.S. Forest Service
Tarik Rawlings	Deschutes County - CDD

Oregon Department of Fish and Wildlife Member	
Jerry George	ODFW M & E Coordinator

III. STAFF RECOMMENDATION

Staff recommends the Board reappoint Kate Fitzpatrick to a three-year term (February 28, 2026), appoint Doug Watson to a three-year term (February 28, 2026), and appoint Jason Wilcox to a three-year term (February 28, 2026). Additionally, staff recommends the Board issue letters expressing gratitude to the two (2) outgoing committee members, in line with past Board practices.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 15, 2023

SUBJECT: Consideration of a recommendation from the Solid Waste Advisory Committee relative to the implementation of FAA Advisory Circular 150/5200-33C recognizing a 5-mile public-use airport exclusion zone for the siting of landfills, and discussion of siting a new solid waste facility

RECOMMENDED MOTION:

Motion to approve a recommendation from the Solid Waste Advisory Committee to recognize the FAA recommended 5-mile radius around the Redmond and Bend airports as a requirement for purposes of screening and selecting candidate sites for the County's Solid Waste Management Facility.

BACKGROUND AND POLICY IMPLICATIONS:

On January 25, 2023, the Board of County Commissioners gave direction to staff to convene a special meeting of the SWAC to review Federal Department of Aviation (FAA) Advisory Circular 150/5200-33C, with regards to a recommendation in the advisory that prohibits the siting of landfills within a 5-mile radius of a public-use airport.

The SWAC convened on Tuesday, February 7 to discuss the FAA Advisory and the impacts the 5-mile restriction would have on three sites that have been identified as candidates for the new Solid Waste Management Facility. Staff also presented a summary of discussions with management from the Redmond and Bend airports and their positions that no new landfills be sited within a 5-mile radius of their facilities. Recognizing the 5-mile restriction would eliminate three candidate sites from consideration, one in Redmond (near the Negus Transfer Station), and two east of Bend (Central Oregon Irrigation District property off Bear Creek Road and a site on County-owned property off Rickard Road).

Public comment specific to the FAA Advisory was received at the meeting and those that spoke to the FAA Advisory and recognizing the 5-mile radius as a requirement were in support of that position.

A motion was presented and unanimously passed by the SWAC members present recommending the Board of County Commissioners consider the recommendation in FAA Advisory Circular 150/5200-33C that landfills not be sited within 5-miles of public use

airports be considered a requirement for the purposes of screening and selecting candidate sites for the County's Solid Waste Management Facility.

Solid Waste Facility Site Screening Update

In June 2022, the Board of County Commissioners approved the Site Selection Criteria (SSC) Technical Memorandum, which established the process and methodology for evaluating and identifying candidate sites for a new facility to replace Knott Landfill, which is anticipated to reach capacity in 2029. That process focuses on three primary criteria topics:

- Site Characteristics/Engineering
- Natural Environments
- Land Use

After approval of the SSC, the Solid Waste Department, the Parametrix team (consultants for the facility siting project) and the SWAC began an effort to evaluate candidate sites throughout the County using the broad site screening criteria, methodology, and scoring matrix specified in the SSC Memorandum. That process includes the following primary steps:

1. Identifying exclusionary areas where candidate sites could not be considered due to factors such as city limits and urban growth boundaries, land use zoning, and federally mandated siting restrictions.
2. Identifying broad areas of interest that were not impacted by the exclusionary areas.
3. Identification of 31 potential sites throughout the County that were identified for broad screening analysis.
4. Further screening of the preliminarily identified sites which resulted in a list of 12 potential candidate sites for consideration in the focused screening process specified in the SSC. Thirteen sites were originally identified and one was eliminated as the property owner reached out and indicated he did not want to sell his property.

In December 2022, the broad area screening results and an overview of the process and scoring were presented to the SWAC. At the same time, letters were sent to property owners of candidate sites and owners of properties adjacent to the candidate sites. After the release of the candidate site list, comments began to be submitted in opposition to several of the sites on the candidate list.

The January SWAC meeting was formatted to provide a brief update on the site screening work underway and an overview of comments received to date. The majority of the meeting time was reserved to receive comments from the public.

Summary of Comments Received

As of Wednesday, February 6, we have received 661 submittals of comments in opposition to several of the candidate sites. The attached table provides a numerical tally categorizing the nature of opposition comments received on specific sites. Also attached are Word Cloud charts which provide a visual representation of the numerical distribution of comments received for 6 of the current candidate sites. It should be noted that numerous

comments were received that did not address specific sites. With many of the non-site specific comments, it could be inferred that the comments were directed to all sites east of the Central Oregon Badlands.

Status of Candidate Sites

Several of the sites have been dropped from further consideration at this time. Those site include the following:

Site	Reason
151300-Negus/Redmond	FAA 5-mile radius restriction ¹⁾
181300-COID/Bear Creek	FAA 5-mile radius restriction ¹⁾
181315-County/Rickard	FAA 5-mile radius restriction ¹⁾
191400-2400 Millican West	Property owner declined to sell
191600-West Butte	Property owner declined to sell

¹⁾ Assumes Board approved the SWAC recommendation to recognize FAA 5-mile restriction.

There are two privately owned candidate sites whose owners have not responded to inquiries. Staff has sent follow-up letters requesting a response.

Outreach

Staff exchanged several emails and phone calls with FAA representatives and met with the Oregon Department of Aviation to ensure there was a full understanding related to airports and landfill siting.

Staff and the Parametrix team have held preliminary meetings with the Oregon Department of Fish and Wildlife and the US Department of Fish and Game. The team will continue to interface with these agencies throughout the siting process.

Meetings are pending with Pine Mountain Observatory and the Oregon Natural Desert Association to discuss the project.

Early in the process, staff introduced the facility siting effort and process to the Central Oregon Conservation Network and provided a follow-up presentation to the group on February 14.

While the facility siting team has reached out to the tribal councils, we have yet to hear back from any of them at this time.

The facility siting team will host an open house in April to share information with the community about the site evaluation process efforts to date and steps that will be taken moving forward with the Solid Waste Management Facility siting project.

Next Steps

Solid Waste and the Parametrix team anticipates presenting the results of the focused site screening effort at the SWAC meeting on March 21. The SWAC will be provided with

relevant information on the scoring and ranking of the sites will be developed with input from the SWAC.

Staff will return to the Board for a work session on the results of the focused site screening and solicit input and direction on the results of both the scoring and ranking. At that time, the Board could consider modifications to the scoring criteria for the next phase in the site screening process to address some of the policy issues that have come up during the process to date and comments received.

Bureau of Land Management Parcels

Early in the facility siting process, the former County Administrator and Director of Solid Waste met with staff of the Bureau of Land Management (BLM) to explore the possibility of acquiring BLM land for the County’s landfill needs. The outcome of that meeting was that the County would not pursue BLM land as the location/size of parcels identified for disposal by BLM were not suitable and the timelines for acquisition were not viable considering the anticipated closure for Knott Landfill.

During the current effort, Department and Parametrix staff reviewed BLM parcels that were classified as Zone 3 (tenured for disposal) and it was determined that those parcels were either in exclusion areas identified through the SSC effort, or were too small or improperly shaped to warrant consideration. Additionally, staff contacted BLM with an inquiry as to confirm the time required for land exchange or conveyance process should we identify a BLM parcel or parcels that have potential. The response from BLM was that it can take six to over 10 years to go through the acquisition process, which does not work with the timeline we are facing for securing a new site.

Staff has been working with Commissioner Chang to identify potential BLM parcels that may suit the needs of the County for a new facility. Commissioner Chang has been working with elected federal representatives on the possibility for making desirable BLM land more readily available on a compressed schedule that would meet the County’s needs for property. If successful, parcels that have the potential for use will be included in the site evaluation process that is underway.

BUDGET IMPACTS:

None

ATTENDANCE:

- Chad Centola, Director of Solid Waste
- Tim Brownell, Incoming Director of Solid Waste
- Dwight Miller, Project Manager, Parametrix

Summary of Comments Submitted 12/15/22-2/6/23		181300 COID	181315 Rickard	191400-200 Moon Pit	191400-3300 201500-300 Millican	191400-2400 Golden Basin
Total Parties Submitting Comments		124	127	219	221	217
General Dissent		111	47	13	8	12
Zoning	Wildlife Zoning	0	1	205	205	205
	Landfill Overlay	1	0	0	0	0
	Zoning General	40	6	0	8	0
Property	Residence Impacts	110	72	0	0	0
	Property Value	91	62	0	1	0
	Health	100	62	0	1	0
Transportation	Truck Access Route	7	5	1	0	0
	Self Haul Distance	1	0	1	10	0
	Traffic	113	44	1	9	0
	Haul Distance	1	4	0	3	0
Wildlife	Wildlife (general)	110	31	205	218	205
	Raven Impact	0	1	11	20	11
	Sage Grouse	0	3	216	226	216
	Eagles, other raptors	103	5	216	225	216
	Antelope	85	2	216	205	216
	Bats	0	2	0	20	0
	Deer	100	12	216	205	216
	Elk			205	205	205
	Cougar			205	205	205
Rodent Problems	0	7	0	2	0	
Recreation	Recreation (general)	4	8	205	215	205
	Paragliders	0	0	0	8	0
	OHV	0	1	0	8	0
	Shooting	0	0	0	0	0
	Hiking	3	4	0	8	0
	Horses	17	5	0	8	0
	Biking	2	3	0	0	0
Environmental Impacts	Litter	52	14	1	10	0
	Air	19	41	0	11	0
	Groundwater	110	47	0	21	0
	Noise	106	45	11	21	11
	Light	86	25	11	9	11
	Odor	93	30	0	8	0
	Visual	1	4	0	8	0
	Snow/Ice	0	0	0	0	0
	Dust	0	12	0	0	0
Wind	0	2	0	0	0	
Engineering	Floodplain	0	0	0	8	0
	Topography	1	0	0	8	0
	Soils	1	0	0	12	0
Other	Badlands Impact	91	2	218	20	11
	Pine Mtn Observatory	1	1	11	8	11
	Cultural Resources	17	0	0	0	0
	Growth	1	11	0	0	0
	Vectors (Birds, Rats)	0	5	0	1	0
	Airports	104	3	0	1	0
	Wildfire Concerns	86	3	0	0	0
	Selection Process	2	7	0	0	0
	Communications Concerns	15	6	0	0	0
School	1	1	0	0	0	

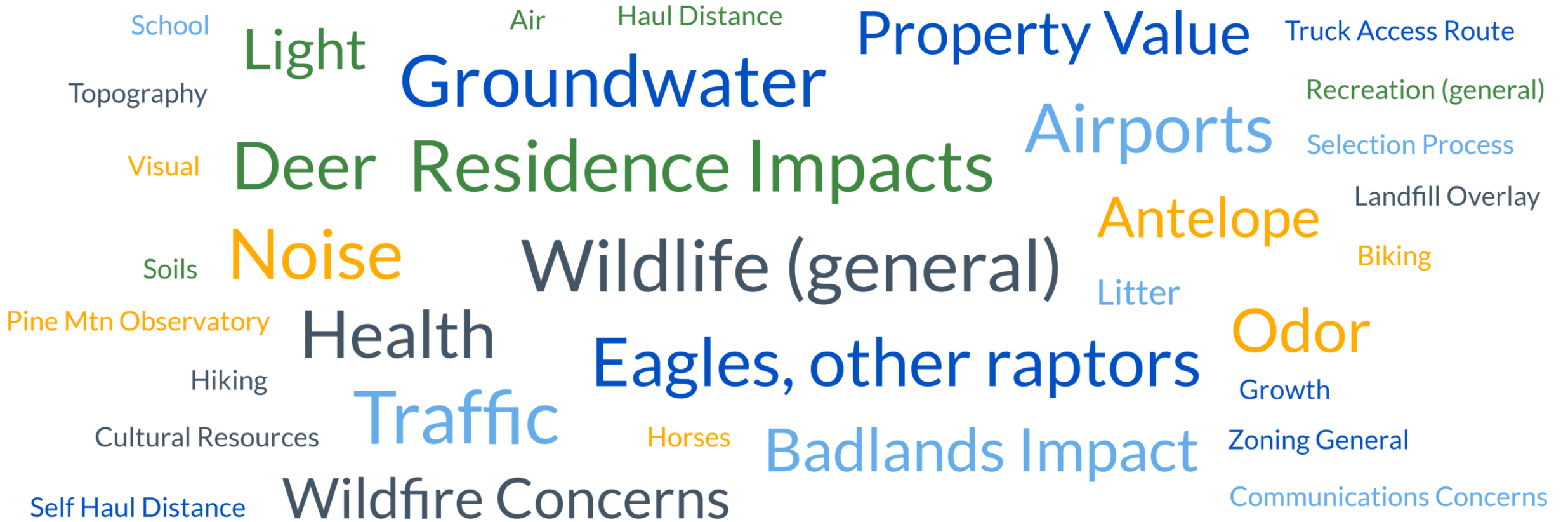


Combined Topics- through February 6, 2023

Communications Concerns Residence Impacts Noise Wildfire Concerns OHV
 Truck Access Route Wildlife Zoning Antelope Airports Hiking
 Soils Dust Air Recreation (general) Badlands Impact Rodent Problems
 Pine Mtn Observatory Eagles, other raptors Light Vectors (Birds, Rats)
 Selection Process Traffic Odor Growth Biking
 Topography Property Value Deer Wildlife (general) Cultural Resources
 Hanggliders Paragliders Litter Self Haul Distance
 Visual Horses Groundwater Cougar Sage Grouse Zoning General
 Haul Distance Health Elk Bats Raven Impact Floodplain



COLD Site- 181300





Rickard Road Site- 181315

Wildfire Concerns

Litter

Communications Concerns

Bats

Rodent Problems

Traffic Noise

Odor

Selection Process

Pine Mtn Observatory

Wind

Horses

Property Value

Light

Eagles, other raptors

Sage Grouse

Growth

Haul Distance

Airports

Residence Impacts

Biking

Badlands Impact

Antelope

Wildlife Zoning

Recreation (general)

Groundwater

Air

Vectors (Birds, Rats)

School

Hiking

Dust

Wildlife (general)

Health

Zoning General

Raven Impact

OHV

Visual

Deer

Truck Access Route



Moon Pit Site-191400-200

Elk

Cougar

Pine Mtn Observatory

Antelope

Sage Grouse

Recreation (general)

Deer

Eagles, other raptors

Wildlife Zoning

Wildlife (general)

Badlands Impact

Noise

Raven Impact

Light



Golden Basin Site- 191400-2400

Sage Grouse Light Noise Deer
Wildlife Zoning **Wildlife (general)**
EIK **Eagles, other raptors**
 Cougar **Recreation (general)**
Antelope Raven Impact **Badlands Impact** Pine Mtn Observatory



Millican Sites- 191400-3300 & 201500-300

Hiking
 Litter
 Rodent Problems
 Soils
 Floodplain
 Light
 Bats
 Hanggliders
 Paragliders
 Haul Distance
 OHV
 Noise
 Air
 Groundwater
 Badlands Impact
 Sage Grouse
 Antelope
 Wildlife (general)
 Deer
 Eagles, other raptors
 Elk
 Recreation (general)
 Cougar
 Wildlife Zoning
 Raven Impact
 Self Haul Distance
 Topography
 Pine Mtn Observatory
 Zoning General
 Traffic
 Horses
 Visual
 Odor



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 15, 2023

SUBJECT: Notice of Intent to Award 2023 Qualified Pool of Fuels Reduction Contractors

RECOMMENDED MOTION:

Move approval of Chair signature of Document 2023-178, Notice of Intent to Award the 2023 Qualified Pool of Fuel Reduction Contractors.

BACKGROUND AND POLICY IMPLICATIONS:

Each year, Deschutes County issues a Request for Proposals for a pool of fuel reduction contractors. The pool identifies contractors who are interested in bidding on fuel reduction projects throughout the year. Once projects are identified, having the contractor pool already established allows for quicker turnaround of bids and contract awards.

BUDGET IMPACTS:

None–no contracts are awarded until specific projects are identified and bid out.

ATTENDANCE:

Kevin Moriarty, County Forester



February 15, 2022

Document # 2023-178

Sent via First Class Mail**NOTICE OF INTENT TO AWARD CONTRACT**

On February 3, 2023, the Deschutes County Forester considered proposals for selection of a qualified pool of providers for Fuels Treatment Services, pursuant to Deschutes County Code Chapter 2.37.130. Fuels Treatment Services consist of the following categories: 1) Chainsaw thinning, pruning and ladder fuel removal 2) Chipping, 3) Mowing, 4) Tub/horizontal grinding and 5) Fuels removal.

Attached to this Notice on Exhibit A is a summary of the proposers and the particular services that the Forester has recommended be placed in a qualified pool for selection within the 2023 calendar year to perform such services on various work sites to be identified by the Forester.

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) 279B.135, Oregon Administrative Rule (OAR) 137-047-0610 and Deschutes County Code 2.37.

A copy of this Notice is being provided to each firm or person that submitted a proposal for this qualified pool. Any firm or person who believes that they are adversely affected or aggrieved may submit to the Board of County Commissioners of Deschutes County, Oregon, 1300 NW Wall Street, Suite 206, Bend, Oregon 97703, a written protest within seven (7) days after the issuance of this Notice of Intent to Award. The seven (7) day protest period will expire at 5:00 PM Pacific time on February 22, 2023.

Any protest must be in writing and specify any grounds upon which the protest is based. If no protest is filed within the protest period, this Notice of Intent to Award becomes an Award of Contract without further action unless, for good cause, this Notice is rescinded by the County before the expiration of the protest period.

The selected proposers will execute a retainer agreement, provided by the County. The Forester is hereby authorized to execute such retainer agreements with the proposers (contractors) and the associated services set forth on Exhibit A. Under the terms of the retainer agreement contractors' names will be placed on a list. At such time as the Forester identifies a Work Site and the need for fuels treatment services for which a contractor has been identified, Forester will negotiate with a contractor from the list for a personal services contract. As part of the execution of such contract, the contractor will be required to provide a certificate of insurance.

If you have any questions regarding this Notice of Intent to Award Contract, the selection methodology or the procedures under which the County is proceeding, please contact Kevin Moriarty, County Forester, 61150 SE 27th Street, Bend, Oregon 97702. Telephone (541) 322-7117.

Sincerely,

Tony DeBone, Chair, Deschutes County Board of Commissioners

DESCHUTES COUNTY DOCUMENT SUMMARY

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

Please complete all sections **above** the Official Review line.

Date:

Department:

Contractor/Supplier/Consultant Name:

Contractor Contact:

Contractor Phone #:

Type of Document: Notice of Intent to Award, Document No. 2023-178

Goods and/or Services: none

Background & History:

Each year Deschutes County issues an RFP for a pool of fuel reduction contractors. The contractor pool identifies contractors who are interested in bidding on fuel reduction projects throughout the year. Once projects are identified the contractor pool allows for quicker turnaround of bids and contract awards.

Agreement Starting Date:

Ending Date:

Annual Value or Total Payment:

Insurance Certificate Received (check box)

Insurance Expiration Date:

Check all that apply:

RFP, Solicitation or Bid Process

Informal quotes (<\$150K)

Exempt from RFP, Solicitation or Bid Process (specify – see DCC §2.37)

Funding Source: (Included in current budget? Yes No

If **No**, has budget amendment been submitted? Yes No

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

Special conditions attached to this grant:

Deadlines for reporting to the grantor:

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

Contact information for the person responsible for grant compliance:

Name:

Phone #:

Departmental Contact and Title: Kevin Moriarty Phone #: 541-322-7117

Department Director Approval: _____
Signature Date

Distribution of Document: Who gets the original document and/or copies after it has been signed? Include complete information if the document is to be mailed.

- Summitt Forests Inc.
- Spring River Tree Service
- FCO INC. dba Fagen Trees and Chips
- Urban tree Forests
- 4 Brothers Tree Service
- Revelle Fire and Felling LLC
- PatRick Environmental Inc.
- Applied Forestry
- Sisters Forest Products
- Three Rivers Tree Service Inc
- Woodland Rehab and Restoration
- Simply Arbor Tree Care Inc.

Official Review:

County Signature Required (check one):

- BOCC (if \$150,000 or more) – BOARD AGENDA Item
- County Administrator (if \$25,000 but under \$150,000)
- Department Director - Health (if under \$50,000)
- Department Head/Director (if under \$25,000)

Legal Review _____ Date _____

Document Number 2023-178



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 15, 2023

SUBJECT: Presentation from the Deschutes Trail Coalition on its Stewardship Grants

BACKGROUND AND POLICY IMPLICATIONS:

The Deschutes Trail Coalition will announce the awards from its Stewardship Grant program which is funded by TRT revenues. These awards are used to fund trail or trail-related infrastructure projects throughout the County. Eligible projects include trail maintenance and construction, trailhead amenity improvements, restoration projects adjacent to heavily-used trails, and educational materials to promote sustainable trail etiquette.

BUDGET IMPACTS:

NA

ATTENDANCE:

Jana Johnson, Executive Director



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 15, 2023

SUBJECT: Presentation of Workforce Housing Proposal

BACKGROUND AND POLICY IMPLICATIONS:

Cheri Helt will report on Deschutes County's housing needs, particularly as these apply to persons making between 80% and 120% of average media income (AMI). Ms. Helt will present a proposal to establish a Housing Trust Fund to provide 66 workforce homes per year, partially funded by unallocated Transient Room Tax (TRT) revenues. The homes would remain affordable to qualified employees for 30 years by deed restriction. Ms. Helt's proposal is attached.

BUDGET IMPACTS:

\$2 million from unallocated TRT Revenues.

ATTENDANCE:

Cheri Helt

Deschutes County Housing Trust Fund Policy Proposal

Deschutes County Board of County Commissioners

February 15, 2023

CURRENT HOUSING NEED:

Deschutes Co needs **55,887 total homes by 2040**

Deschutes Co needs **11,412 homes for 80 - 120% AMI in the next twenty years¹**

- 2022 Deschutes Co 80 - 120% AMI for a family of 4 = \$71,900 - \$107,880
- Purchase price affordable to this income range = \$315,587 - \$473,513

Workforce Housing Homeownership Opportunity to support our Deschutes County workforce:

- Food service and accommodation employee (average salary \$35,914)
- Bend-LaPine SD employees (average salary: \$42,734)
- St. Charles employee (average salary: \$50,500)
- Bright Wood Corporation employee (average salary: \$45,557)
- Minimum wage employee (approximately \$28,080)

REQUEST:

HOUSING TRUST FUND

Funded by Deschutes County's Unallocated Transit Room Tax dollars at \$2 million.

Provides a \$30K Developer Credit per workforce home upon closing to offset high cost of market prohibitive conditions, incentivizing free market development. Home must be built in the County within the price range allowable for buyers within 80-120% of AMI

- Will fund 66 workforce homes per year, which will remain affordable to Deschutes Co. employees for 30 years by deed restriction. This investment of taxpayer dollars equates to 1 thousand dollars a year for 30 years of dedicated workforce housing.

PROGRAM REQUIREMENTS

1. Guaranteed by a 30-year deed restriction, which would be recorded at closing.
2. Qualifying Family Income is between 80 - 120% adjusted annually for area median income as defined by HUD and home sales price is in alignment with income requirements.

¹ *[RHNA Technical Report Final Revised \(oregon.gov\)](#) (page 59)

3. Qualifying home price cannot exceed more than 30% of a qualifying monthly income (including Principle, Interest, Tax, and Insurance).
4. Required to currently be employed in Deschutes County (copy of employees pay stub required).
5. Must be a primary residence.
6. You are a U.S. citizen or have permanent resident alien status (required for applicant(s) only).
7. Home (Single family or Middle Housing) that meets all planning and building code requirements and constructed in Deschutes County can qualify.
8. At closing of each deed-restricted home that meets all eligible requirements will be issued \$30K to the builder/developer fulfilling a public private partnership to offset the high cost and prohibitive market conditions of building workforce housing from the Housing Trust Fund until the initial \$2 million fund is depleted.
9. When homeowners sell their home they can only sell the home for a maximum increase of 1% per year, capping out at 7% while continuing to meet the 80 - 120% AMI deed restriction allowing the home to remain affordable to the workforce for 30 years, and the homeowner to generate income for their next home this will be on the deed restrictions.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 15, 2023

SUBJECT: Consideration of an order to extend the open record period for the Board's review of two appeals of a modification request to the Thornburgh Resort.

RECOMMENDED MOTIONS:

Move approval of Order 2023-008, extending the open record period for Appeal Nos. 247-22-000984-A & 247-23-000003-A.

Or

No action.

BACKGROUND AND POLICY IMPLICATIONS:

At the public hearing held on February 1, 2023, the Board established that any party can request an extension of the post-hearing open record period associated with the Board's review of two appeals associated with a modification request for the Thornburgh Destination Resort (ref. Appeal Nos. 247-22-000984-A & 247-23-000003-A). The Board further established that any extension requests must be received by the Deschutes County Planning Division no later than Monday, February 13, 2023 at 4pm. In addition, the applicant agreed to notify staff, no later than Tuesday, February 14, 2023 at 4pm, whether an extension of the 150-day clock is requested.

At the Board's meeting on February 15, 2023, staff will notify the Board whether any parties have requested an extension of the open record period and if the applicant has requested an extension of the 150-day land use clock. If any open record period extension requests are received, staff will ask the Board if the open record period will continue as established at the public hearing held on February 1, 2023 or if the deadlines will be amended.

BUDGET IMPACTS:

None

ATTENDANCE:

Caroline House, Senior Planner
Anthony Raguine, Principal Planner

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Extending the Post-Hearing Open *
Record Period for Appeal Nos. 247-22- * ORDER NO. 2023-008
000984-A & 247-23-000003-A *

WHEREAS, the Board of County Commissioners ("Board") is the hearings body for a Land Use Action Hearing on Appeal from the Hearings Officer (ref. Appeal Nos. 247-22-000984-A & 247-23-000003-A) pursuant to Deschutes County Code ("DCC") Chapter 22.32; and

WHEREAS, DCC 22.24.140(B) allows the Board to leave the record open; and

WHEREAS, the Board finds it is necessary to leave the record open to afford all parties sufficient time to respond to the issues raised on appeal; now, therefore,

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

Section 1. The record be left open to accept new evidence and testimony until _____, _____, 2023 at 4PM pursuant to DCC 22.24.140(B).

Section 2. The record be left open to accept rebuttal evidence and testimony until _____, _____, 2023 at 4PM pursuant to DCC 22.24.140(B).

Section 3. The record be left open to accept the Applicant's final legal argument until _____, _____, 2023 at 4PM pursuant to DCC 22.24.140(B)

Section 4. The 150-day clock shall be extended by _____ days.

Section 5. Staff shall give written notice to the parties that the record is being left open as established in this Order.

DATED this ____ day of _____, 2023.

BOARD OF COUNTY COMMISSIONERS

ANTHONY DEBONE, Chair

ATTEST:

PATTI ADAIR, Vice Chair

Recording Secretary

PHIL CHANG, Commissioner



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 15, 2023

SUBJECT: Public Hearing on 2023 Housekeeping Amendments to Deschutes County Code

BACKGROUND AND POLICY IMPLICATIONS:

The Planning Division regularly amends Deschutes County Code and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public. This process, commonly referred to as “housekeeping,” also incorporates updates from rulemaking at the state level through amendments to Oregon Revised Statutes and Oregon Administrative Rules, and allows for less substantive code changes to continue efficient County operations.

The Board of County Commissioners will conduct a public hearing on February 15, 2023 to consider staff-initiated housekeeping amendments (file no. 247-22-000922-TA). The Planning Commission reviewed the proposed legislative amendments at a public hearing on January 26, 2023 and formulated recommendations to the Board.

BUDGET IMPACTS:

None

ATTENDANCE:

Kyle Collins, Associate Planner



MEMORANDUM

TO: Deschutes County Board of County Commissioners

FROM: Kyle Collins, Associate Planner

DATE: February 7, 2023

SUBJECT: 2023 Housekeeping Amendments – Work Session

The Board of County Commissioners (Board) will conduct a public hearing on February 15, 2023 at 9:00 A.M. at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms to consider housekeeping amendments (file no. 247-22-000922-TA). The Board conducted a work session in preparation for this public hearing on February 13, 2023¹. Attached to this memorandum are the proposed text amendments and a staff report summarizing the changes. Within the proposed amendments, added language is shown underlined and deleted shown as ~~striketrough~~. The public hearing will be conducted in-person, electronically, and by phone.²

The record is available for inspection at the Planning Division and at the following website: <https://www.deschutes.org/cd/page/2023-housekeeping-text-amendments>.

I. BACKGROUND

The Planning Division regularly amends Deschutes County Code (DCC) and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public. This process, commonly referred to as housekeeping, also incorporates updates from rulemaking at the state level through amendments to Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). The last time Deschutes County adopted housekeeping amendments occurred in December 2021 and January 2022.³

¹ See Board of County Commissioners February 13, 2023 Agenda for more information: <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-84>

² See Board of County Commissioners February 15, 2023 Agenda for more information: <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-80>

³ Ordinances 2021-013 and 2021-014.

II. OVERVIEW OF AMENDMENTS

The proposed text amendments will affect the following chapters of the Deschutes County Code and the Comprehensive Plan:

Title 17, Subdivisions

Chapter 17.24. FINAL PLAT

Title 18, County Zoning

Chapter 18.04. TITLE, PURPOSE AND DEFINITIONS

Chapter 18.16. EXCLUSIVE FARM USE ZONES

Chapter 18.32. MULTIPLE USE AGRICULTURAL ZONE; MUA

Chapter 18.36. FOREST USE ZONE; F-1

Chapter 18.40. FOREST USE ZONE; F-2

Chapter 18.48. OPEN SPACE AND CONSERVATION ZONE; OS AND C

Chapter 18.60. RURAL RESIDENTIAL ZONE; RR-10

Chapter 18.61. URBAN UNINCORPORATED COMMUNITY ZONE; LA PINE

Chapter 18.65. RURAL SERVICE CENTER; UNINCOPORATED COMMUNITY ZONE

Chapter 18.76. AIRPORT DEVELOPMENT ZONE; A-D

Chapter 18.80. AIRPORT SAFETY COMBINING ZONE; A-S

Chapter 18.96. FLOOD PLAIN ZONE; FP

Chapter 18.100. RURAL INDUSTRIAL ZONE; R-I

Chapter 18.108. URBAN UNINCORPORATED COMMUNITY ZONE; SUNRIVER

Chapter 18.116. SUPPLEMENTARY PROVISIONS

Chapter 18.124. SITE PLAN REVIEW

Title 22, Deschutes County Development Procedures Ordinances

Chapter 22.04. INTRODUCTION AND DEFINITIONS

Title 23, Deschutes County Comprehensive Plan

Chapter 23.01. COMPREHENSIVE PLAN

Deschutes County Comprehensive Plan

Chapter 5. SUPPLEMENTAL SECTIONS

III. TRANSPORTATION ANALYSIS

Senior Transportation Planner Peter Russell reviewed the application and findings concerning Statewide Land Use Planning Goal 12 and the Transportation Planning Rule, and provided the following comments:

"I have reviewed all of the exhibits for potential Transportation Planning Rule (TPR) effects. If the proposed use generates less traffic than other uses already allowed outright in the zone, then by definition there is no adverse effect and thus the amendment complies with the TPR. Conditionally allowed uses are typically not assessed for TPR compliance as there are

subsequent land use review processes required, such as site plan review and the County's traffic study requirements.

In the zones where a land disposal site is a conditional use, there are no TPR findings needed for the reason stated above as the use will go through subsequent land use review and typically other conditional uses generate more traffic as they are more intense uses.

In the three instances where a land disposal site is an outright permitted use (DCC 18.36 (F-1; 18.40 (F-2); and 18.108 (Sunriver Forest)), the use must be auxiliary to the forest use. To me, that means subordinate which typically means less traffic than the primary use, which again would be TPR compliant.

In terms of RVs as permanent residence, the trip assumption is still the same as it's a single-family residence. Whether stick-built or a manufactured home or an RV, the home site will generate the same number of trips. Again, there would not be an adverse effect and thus the amendment complies with the TPR."

IV. AGENCY COMMENTS

As of the submission date of this memorandum (February 7, 2023), the following section summarizes written comments which have been received from agency partners:

Deanna Wright, Department of Land Conservation and Development, National Flood Insurance Program Coordinator:

- Received feedback regarding necessary changes to the temporary RV residency code provisions in designated floodplain areas to maintain compliance with the mandated standards of the National Flood Insurance Program (NFIP)
- Changes to the proposed amendments were made based on NFIP standards

Randy Scheid, Deschutes County Building Official:

- Request to prohibit permanent additions (such as cabanas, ramadas, etc.) to temporary use structures, including manufactured homes used as medical hardship dwellings
- Permanent, fixed additions can challenge removal of temporary residences when they are required to be moved offsite
- Proposed amendments currently limit permanent additions to RVs utilized as temporary residences following past practice and DCC provisions
- Additional limitations for manufactured homes likely constitute policy decisions at a County level and move beyond standard housekeeping

V. PUBLIC COMMENTS

As of the submission date of this memorandum (February 7, 2023), the following section summarizes written comments which have been received from members of the public:

Dianne Lozito and Nunzie Gould:

- Received comments concerning the Lynch and Roberts Store Advertisement, a listed cultural and historic resource as part of the County's Goal 5 inventory
- County should ensure that the correct location for the listed resource is entered into the Comprehensive Plan
- The current amendments include a correction to the listed location for the Lynch and Roberts Store Advertisement in the Comprehensive Plan

VI. PLANNING COMMISSION REVIEW

The Planning Commission held a work session on this item on January 12, 2023, followed by a public hearing on January 26, 2023⁴. No written comments were received and no parties testified during the hearing. The Planning Commission closed the oral and written portions of the hearing on January 26, 2023 and voted to unanimously to recommend approval of the proposed amendments during the same meeting.

VII. NEXT STEPS

At the conclusion of the public hearing, the Board may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain; or
- Close the hearing, and commence deliberations.

Attachments

- 1) Ordinance 2023-001 (Non-Emergency) with Corresponding Exhibits

⁴ See Planning Commission January 26, 2023 Agenda for more information: <https://www.deschutes.org/bc-pc/page/planning-commission-32>

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 17, Subdivision and *
Partition Ordinance, Title 18, Zoning Ordinance, * ORDINANCE NO. 2023-001
Title 22, Procedures Ordinance of the Deschutes *
County Code, and Title 23, Deschutes County
Comprehensive Plan to Incorporate Changes to State
Law, and Provide Clarification of Existing
Regulations, Procedures, and Policies.

WHEREAS, the Deschutes County Community Development Department (CDD) initiated amendments (Planning Division File No. 247-22-000922-TA) to the Deschutes County Code (“DCC”), Chapter 17.24 – Final Plat, Chapter 18.04 – Purpose and Definitions, Chapter 18.16 – Exclusive Farm Use Zones, Chapter 18.32 – Multiple Use Agricultural Zone MUA, Chapter 18.36 – Forest Use Zone F1, Chapter 18.40 – Forest Use Zone F2, Chapter 18.48 – Open Space and Conservation Zone OS&C, Chapter 18.60 – Rural Residential Zone RR-10, Chapter 18.61 – Urban Unincorporated Community Zone La Pine, Chapter 18.65 – Rural Service Center Unincorporated Community Zone, Chapter 18.76 – Airport Development Zone A-D, Chapter 18.80 – Airport Safety Combining Zone AS, Chapter 18.96 – Flood Plain Zone FP, Chapter 18.100 – Rural Industrial Zone R-I, Chapter 18.108 – Urban Unincorporated Community Zone Sunriver, Chapter 18.116 – Supplementary Provisions, Chapter 18.124 – Site Plan Review, Chapter 22.04 – Introductions and Definitions, and Title 23 – Deschutes County Comprehensive Plan Chapter 5; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed amendments on January 26, 2023, and subsequently forwarded a recommendation of Approval to the Deschutes County Board of County Commissioners (“Board”); and

WHEREAS, the Board considered this matter after a duly noticed public hearing on February 15, 2023, and concluded that the public will benefit from the proposed changes to the Deschutes County Comprehensive Plan Title 23 and Deschutes County Code Chapter Titles 17, 18, and 22; now, therefore,

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

Section 1. AMENDMENT. DCC 17.24 is amended to read as described in Exhibit “A,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. AMENDMENT. DCC 18.04 is amended to read as described in Exhibit “B,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 3. AMENDMENT. DCC 18.16 is amended to read as described in Exhibit “C,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 4. AMENDMENT. DCC 18.32 is amended to read as described in Exhibit “D,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 5. AMENDMENT. DCC 18.36 is amended to read as described in Exhibit “E,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 6. AMENDMENT. DCC 18.40 is amended to read as described in Exhibit “F,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 7. AMENDMENT. DCC 18.48 is amended to read as described in Exhibit “G,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 8. AMENDMENT. DCC 18.60 is amended to read as described in Exhibit “H,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 9. AMENDMENT. DCC 18.61 is amended to read as described in Exhibit “I,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 10. AMENDMENT. DCC 18.65 is amended to read as described in Exhibit “J,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 11. AMENDMENT. DCC 18.76 is amended to read as described in Exhibit “K,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 12. AMENDMENT. DCC 18.80 is amended to read as described in Exhibit “L,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 13. AMENDMENT. DCC 18.96 is amended to read as described in Exhibit “M,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 14. AMENDMENT. DCC 18.100 is amended to read as described in Exhibit “N,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 15. AMENDMENT. DCC 18.108 is amended to read as described in Exhibit “O,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 16. AMENDMENT. DCC 18.116 is amended to read as described in Exhibit “P,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 17. AMENDMENT. DCC 18.124 is amended to read as described in Exhibit “Q,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 18. AMENDMENT. DCC 22.04 is amended to read as described in Exhibit “R,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 19. AMENDMENT. DCC 23.01 is amended to read as described in Exhibit “S,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 20. AMENDMENT. Deschutes County Comprehensive Plan, Section 5.9, Cultural and Historic Resources, is amended to read as described in Exhibit “T,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 20. AMENDMENT. Deschutes County Comprehensive Plan, Section 5.12, Legislative History, is amended to read as described in Exhibit “U,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 21. FINDINGS. The Board adopts as its findings Exhibit “V”, attached and incorporated by reference herein.

///

Dated this _____ of _____, 20__

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DeBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner

Date of 1st Reading: ____ day of _____, 2023.

Date of 2nd Reading: ____ day of _____, 2023.

Commissioner	Record of Adoption Vote			
	Yes	No	Abstained	Excused
Anthony DeBone	_____			
Phil Chang	_____			
Patti Adair	_____			

Effective date: ____ day of _____, 2023.

ATTEST

Recording Secretary



**BOARD OF
COMMISSIONERS**

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 15, 2023

SUBJECT: Public Hearing: Amateur/HAM Radio Facility Amendments

RECOMMENDED MOTION:

Hold a public hearing to gather testimony on draft amendments to streamline and clarify the review process for Amateur (HAM) Radio facilities.

BACKGROUND AND POLICY IMPLICATIONS:

The Board will conduct a public hearing on February 15, 2023, concerning legislative amendments to streamline and clarify the review process for Amateur (HAM) Radio facilities (file no. 247-22-000912-TA). The full record is available at the project website: <https://www.deschutes.org/cd/page/247-22-000912-ta-amateur-ham-radio-text-amendments>

BUDGET IMPACTS:

None

ATTENDANCE:

Nicole Mardell, Senior Planner



MEMORANDUM

TO: Deschutes County Board of County Commissioners (“Board”)

FROM: Nicole Mardell, AICP, Senior Planner

DATE: February 8, 2023

SUBJECT: Public Hearing - Amateur/HAM Radio Facility Amendments

The Board of County Commissioners (Board) will hold a public hearing on February 15, 2023, during its regularly scheduled meeting at the Deschutes Services Center, 1300 Wall Street, Barnes and Sawyer rooms, concerning amendments relating to amateur radio facilities.

Staff submitted a 35-day Post Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development (DLCD) on November 28, 2022. Staff presented the proposed amendments to the Planning Commission at a work session on December 8, 2022¹. The initial public hearing was held on January 12, 2023², at which time the Planning Commission closed the oral and written record. The Planning Commission then deliberated on January 24, 2023, and recommended approval of the proposed amendments as drafted by staff. Staff presented the proposed amendments to the Board at a work session on February 13, 2023.

The record, which contains all memoranda, notices, and project materials is available for inspection on the project website:

<https://www.deschutes.org/cd/page/247-22-000912-ta-amateur-ham-radio-text-amendments>

Attached to this memorandum are the proposed text amendments and findings. Within the proposed amendments, added language is shown underlines and deleted language is shown as ~~strikethrough~~.

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-23>

² <https://www.deschutes.org/bc-pc/page/planning-commission-31>

I. BACKGROUND

In 2008, the Deschutes County Board of County Commissioners adopted Ordinance 2008-007, establishing regulations for amateur radio facilities. The Board opted to apply the same regulations for any facility regardless of height and opted to except these facilities from the height limitations of the underlying zoning district.

In 2021 during the Community Development Department's annual work plan input process, the Board of County Commissioners and the County's Planning Division received testimony from a HAM/amateur radio operator expressing concern regarding the onerous requirements to establish smaller scale amateur radio facilities (under 70 feet), including a requirement to provide written demonstrations of compliance from Federal Aviation Administration (FAA), Oregon Department of Aviation (ODAV), and Federal Communications Commission (FCC). Due to the scope of review authority, operators often found that these agencies were not able to provide written determinations for small-scale facilities outside of airport and airport overlay zones, which led to a conflict with the County's code provisions.

Operators were instead seeking a pathway to simplify establishment of facilities under 70 feet, while still maintaining regulations for larger scale facilities that may have significant aesthetic impacts to surrounding properties and require written compliance from FAA, ODA, and FCC.

Staff also notes that ORS 221.295 limits restrictions on amateur radio facilities that are 70 feet or lower to those that are clearly linked to health, safety, or aesthetic objective. This results from FCC ruling in PRB-1 (codified in 47 CFR Part 97). Therefore, the County has limited authority to apply unnecessary regulations to amateur radio facilities outside of those directly addressing a health, safety, or aesthetic issue.

II. PROPOSAL

In coordination with the Deschutes County Building Division, Oregon Department of Aviation, and HAM radio operators, staff has drafted the revisions to DCC section 18.116.290 in Attachment 1. In summary, the amendments provide the following revisions:

- General cleanup of language and organization
- Cross-references requirement from 18.120.040(A)(1) that limits height to 30 feet in Airport Safety (AS), Airport Development (AD), and Landscape Management (LM) zones for clarity.
- Added two tiers of regulations based on height:
 - For facilities under 70 feet
 - Streamline review process – allowed as outright permitted accessory use

- No formal determination of written compliance from FAA, ODAV, FCC
- Maintains aesthetic and setback requirements
- For facilities between 70 and 200 feet
 - Explicitly requires land use review
 - Maintains requirement for coordination with FAA, ODAV, FCC
 - Maintains aesthetic and setback requirements

The applicant, in this case Deschutes County Community Development, has provided findings as an attachment which summarizes the amendments and demonstrates compliance with the Statewide Planning Goals, and applicable policies of the Deschutes County Comprehensive Plan.

III. PLANNING COMMISSION REVIEW

The Planning Commission held a work session on this item on December 8, 2022, followed by a public hearing on January 12, 2023. No written comments were received, and two parties testified during the hearing. One party expressed support for the amendments with general questions regarding height limitations in the Airport Safety and Airport Development Zones. Another party expressed opposition to the amendments, noting concern regarding the impact of facilities on view corridors and view sheds and questions regarding applicability of building permit review.

The Planning Commission closed the oral and written portions of the hearing on January 12, 2023³ and voted to unanimously to recommend approval of the proposed amendments at their subsequent meeting on January 24, 2023⁴.

IV. NEXT STEPS

At the conclusion of the public hearing, the Board may:

- Continue the hearing to a date certain;
- Close the hearing and leave the written record open to a date certain; or
- Close the hearing and commence deliberations.

Attachments:

1. Proposed Text Amendments – DCC Chapter 18.116.290
2. Proposed Findings
3. Draft Ordinance 2023-004

³ <https://www.deschutes.org/bc-pc/page/planning-commission-31>

⁴ <https://www.deschutes.org/bc-pc/page/planning-commission-32>

Attachment 1: Proposed Text Amendments

~~Removed~~

New

18.116.290 Amateur Radio Facilities

- A. Amateur radio facilities shall meet the following criteria:
1. Antenna support structures, including guy wires and anchors shall be located outside of the required front, rear and side yard setbacks;
 2. Metal structures shall have a galvanized finish, or flat or matte silver, or flat or matte gray in color;
 3. Amateur radio facilities shall not include attached signage, symbols, or decorations, lighted or otherwise, other than required unlighted signage for safety or regulatory purposes;
 4. The property owner shall obtain a valid building permit if required from the Deschutes County Community Development Department, Building Safety Division.
 5. If located in AS, AD, or LM zones, height of towers is limited to 30 feet per 18.120.040.
- B. Amateur radio facilities up to 70 feet in height are allowed outright in any zone as an accessory use if the provisions of subsection (A) and (B)(1) are otherwise met.
1. FCC License. The property owner shall obtain a current, valid FCC Amateur Radio License for the operation of amateur (“Ham”) radio services in the name of the property owner.
- C. Amateur radio facilities over 70 feet in height, up to 200 feet maximum height, are subject to the requirements under subsection (A) and (C)(1)(2), and any conditions of land use approval.
- ~~5-1.~~ 1. Compliance with Federal and State Regulations
- a. The property owner shall demonstrate compliance with applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and Oregon Department of Aviation (ODA) restrictions if applicable.
 - ~~b.~~ Compliance may be demonstrated by submitting copies of the FCC’s, FAA’s, and ODA’s written determination to the Deschutes County Community Development Department, ~~Building Safety Division at time of application for a building permit; and~~
- ~~6-2.~~ 2. FCC License
- a. The property owner shall provide documentation of a current, valid FCC Amateur Radio License for the operation of amateur (“Ham”) radio services in the name of property owner.
 - b. Compliance may be demonstrated by submitting a copy of the property owner’s Amateur Radio License to the Deschutes County Community Development Department, ~~Building Safety Division at time of application for a building permit.~~

(Ord. 2022-xx, Ord. 2008-007 §2, 2008)

Attachment 2: Proposed Findings 247-22-000912-TA

FINDINGS

I. PROPOSAL

This is a legislative text amendment to Deschutes County Code (DCC), Title 18, County Zoning. The primary purpose of the amendments is to streamline the review process for certain Amateur Radio (HAM Radio) facilities.

Section 18.116.290, the code section regulating Amateur Radio Facilities, currently contains unclear language regarding the type of land use review application needed and requires written statements of compliance from Oregon Department of Aviation (ODAV), Federal Communications Commission (FCC), and Federal Aviation Administration (FAA), which are often difficult to acquire for smaller facilities.

Staff is proposing the following revisions to clarify the land use process and requirements for these facilities:

- General cleanup of language and organization
- Cross-references requirement from 18.120.040(A)(1) that limits height to 30 feet in Airport Safety (AS), Airport Development (AD), and Landscape Management (LM) zones for clarity.
- Added two tiers of regulations based on height
 - For facilities under 70 feet
 - Streamline review process – allowed as outright permitted accessory use
 - No formal determination of written compliance from FAA, ODAV, FCC
 - Maintains aesthetic and setback requirements
 - For facilities between 70 and 200 feet
 - Explicitly requires land use review
 - Maintains requirement for coordination with FAA, ODAV, FCC
 - Maintains aesthetic and setback requirements

II. BACKGROUND

In 2008, the Deschutes County Board of County Commissioners adopted Ordinance 2008-007, establishing regulations for amateur radio facilities. The Board opted to apply the same regulations for any facility regardless of height and opted to except these facilities from the height limitations of the underlying zoning district¹.

In 2021 during the Community Development Department’s annual work plan development, the Board of County Commissioners and the County’s Planning Division received testimony from HAM/amateur radio operators expressing concern regarding the onerous requirements to establish

¹ DCC 18.120.040(A)(1) Building Height Exceptions

smaller scale amateur radio facilities (under 70 feet), including a requirement to provide written demonstrations of compliance from FAA, ODAV, and FCC. Due to the scope of review authority, operators often found that these agencies were not able to provide written determinations of small-scale facilities outside of airport and airport overlay zones, which led to a conflict with the County's code provisions.

Operators were instead seeking a pathway to simplify establishment of facilities under 70 feet, while still maintaining regulations for larger scale facilities that may have aesthetic impacts to surrounding properties.

Staff also notes that ORS 221.295 limits restrictions on amateur radio facilities that are 70 feet or lower to those that are clearly linked to a health, safety, or aesthetic objective. This results from FCC ruling in PRB-1 (codified in 47 CFR Part 97). Therefore, the County has limited authority to apply unnecessary regulations to amateur radio facilities outside of those directly addressing a health, safety, or aesthetic issue.

III. REVIEW CRITERIA

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

IV. FINDINGS

CHAPTER 22.12, LEGISLATIVE PROCEDURES

Section 22.12.010.

Hearing Required

FINDING: This criterion will be met because a public hearing was held before the Deschutes County Planning Commission on January 12, 2023 and Board of County Commissioners on February 15, 2023.

Section 22.12.020, Notice

Notice

A. Published Notice

- 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.***
- 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.***

FINDING: This criterion will be met as notice was published in the Bend Bulletin newspaper for the Planning Commission public hearing on December 27, 2022, and the Board of County Commissioners’ public hearing on February 15, 2023.

B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.

FINDING: Posted notice was determined by the Planning Director not to be necessary.

C. Individual notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.

FINDING: Given the proposed legislative amendments do not apply to any specific property, no individual notices were sent.

D. Media notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.

FINDING: Notice was provided to the County public information official for wider media distribution. This criterion is met.

Section 22.12.030 Initiation of Legislative Changes.

A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of County Commissioners.

FINDING: The application was initiated by the Deschutes County Planning Division at the direction of the Board of County Commissioners, and has received a fee waiver. This criterion is met.

Section 22.12.040. Hearings Body

- A. The following shall serve as hearings or review body for legislative changes in this order:**
 - 1. The Planning Commission.**
 - 2. The Board of County Commissioners.**
- B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.**

FINDING: The Deschutes County Planning Commission held the initial public hearing on January 12, 2023. The Board then held a public hearing on February 15, 2023. These criteria are met.

Section 22.12.050 Final Decision

All legislative changes shall be adopted by ordinance

FINDING: The proposed legislative changes will be implemented by Ordinance No. [number TBD] upon approval and adoption by the Board of County Commissioners. This criterion will be met.

A. Statewide Planning Goals and Guidelines

Goal 1: Citizen Involvement: The amendments do not propose any changes to the County's citizen involvement program. Notice of the proposed amendments were provided to the *Bulletin* for each public hearing.

Goal 2: Land Use Planning: This goal is met because ORS 197.610 allows local governments to initiate post acknowledgments plan amendments (PAPA). An Oregon Land Conservation and Development Department 35-day notice was initiated on November 28, 2022. The Planning Commission held a public hearing on January 12, 2023 and the Board of County Commissioners held a public hearing on February 15, 2023. This Findings document provides the adequate factual basis for the amendments.

Goal 3: Agricultural Lands: The proposed amendments are to clarify existing requirements for amateur radio facilities. Staff is streamlining requirements for facilities under 70 feet while maintaining the current requirements for facilities over 70 feet up to 200 feet. As noted above, ORS 221.295 limits a local government's authority to regulate towers outside of concerns related to health, safety, or aesthetics. Adverse impacts to farming practices are not anticipated under these amendments and no such impacts have been identified in the record. Oregon Revised Statute and Rule do not contain specific requirements for amateur/HAM radio facilities under 200 feet in exclusive farm use zones. The amendments are consistent with Goal 3.

Goal 4: Forest Lands: The proposed amendments are to clarify existing requirements for amateur radio facilities. Staff is streamlining requirements for facilities under 70 feet while maintaining the current requirements for facilities over 70 feet up to 200 feet. As noted above, ORS 221.295 limits a local government's authority to regulate towers outside of concerns related to health, safety, or aesthetics. Adverse impacts to forestry practices are not anticipated under these amendments and no such impacts have been identified in the record. Oregon Revised Statute and Rule do not contain specific requirements for amateur/HAM radio facilities under 200 feet in forest zones. The amendments are consistent with Goal 4.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources: Goal 5 is to protect natural resources and conserve scenic and historical areas and open spaces. OAR 660-023-0250(3) states that local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. The proposed amendment is not seeking to change any requirements in the Wildlife Area overlay zone which protects inventoried wildlife resources. The height exemption currently in 18.120.040(A)(1) does not allow for a facility over 30 feet in the County's Landscape

Management Overlay Zone. This zone protects scenic resources through additional aesthetic requirements. The code provision will remain unchanged. Staff finds that the amendments are consistent with Goal 5.

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

Goal 7: Areas Subject to Natural Disasters and Hazards: The proposed text amendments do not propose to change the County's Plan or implementing regulations regarding natural disasters and hazards; therefore, they comply. Additionally, amateur radio facilities and operators may be of use during times of emergency response and loss of standard means of communication.

Goal 8: Recreational Needs: The text amendments do not propose to change the County's Plan or implementing regulations regarding recreational needs; therefore, they are in compliance.

Goal 9: Economic Development: Goal 9 and its implementing regulations focus on economic analysis and economic development planning required in urban Comprehensive Plans to ensure there is adequate land available to realize economic growth and development opportunities. The proposed amendments apply to rural lands and do not propose to amend the Comprehensive Plan. Compliance is met.

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

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

Goal 12: Transportation: Goal 12 is to provide and encourage a safe, convenient and economic transportation system. The proposed text amendments will not change the functional classification of any existing or planned transportation facility or standards implementing a functional classification system. Compliance with Goal 14 is met.

Goal 13: Energy Conservation: The proposed text amendments do not propose to change the County's Plan or implementing regulations regarding energy conservation. Therefore, compliance with Goal 13 is established.

Goal 14: Urbanization: The proposed text amendments do not propose to change the County's Plan or implementing regulations regarding urbanization. Therefore, compliance with Goal 14 is established.

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

D. Deschutes County Comprehensive Plan

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

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

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code
Title 18, Chapter 18.116.290, to Streamline
Establishment of Amateur Radio Facilities.

*
*
*
*
*

ORDINANCE NO. 2023-004

WHEREAS, the Board of County Commissioners directed Deschutes County Community Development Department staff to initiate amendments (Planning Division File No. 247-22-000912-TA) to Deschutes County Code Title 18, Chapter 116.290, Amateur Radio Facilities; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed amendments on January 13 and January 26, 2023 and forwarded to the Deschutes County Board of County Commissioners (“Board”) a unanimous recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on February 15, 2023 and concluded that the public will benefit from the proposed changes to the Deschutes County Code Title 18; now, therefore,

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

Section 1. AMENDMENT. Chapter 18.116.290, Amateur Radio Facilities, is amended to read as described in Exhibit “A”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strike through~~.

///

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

Dated this _____ of _____, 2023

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHILIP CHANG

Date of 1st Reading: _____ day of _____, 2023.

Date of 2nd Reading: _____ day of _____, 2023.

Record of Adoption Vote:

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

Effective date: _____ day of _____, 2023.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 15, 2023

SUBJECT: Resolution No. 2023-011, allocating \$95,950 of contingency within video lottery to mid-year projects and priorities

RECOMMENDED MOTION:

Move approval of Resolution No. 2023-011, allocating \$95,950 of contingency within video lottery to mid-year projects and priorities in the video lottery fund.

BACKGROUND AND POLICY IMPLICATIONS:

Each year, the Board of Commissioners reviews anticipated revenue from the County's portion of video lottery proceeds for the upcoming fiscal year and develops an expenditure plan that has historically included funding for economic development activities, various projects, support for other organizations, and grant programs. These expenditures were included in the FY23 budget.

Unallocated video lottery proceeds may be used to fund projects throughout the year, as requested by the Commissioners. This year, additional projects and priorities include:

- Sunriver/La Pine Economic Development Program annual luncheon- \$1,000
Arts & Culture grant program increase- \$17,950
Sisters Area Chamber of Commerce- \$75,000
Discretionary grants fundraising activities- \$2,000

BUDGET IMPACTS:

Increasing appropriations in Video Lottery Fund by \$95,950 and decreasing contingency by \$95,950 within Video Lottery Fund for additional projects in FY23.

ATTENDANCE:

Stephanie Robinson, Administrative Services
Laura Skundrick, Finance

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,
OREGON

A Resolution to Increase Appropriations *
Within the 2022-23 Deschutes County Budget * RESOLUTION NO. 2023-011
*

WHEREAS, Administrative staff presented to the Board of County Commissioners on 04/13/22 with regards to allocating Video Lottery funds for priority items. The Board of Commissioners have since identified additional priority items and requested the use of video lottery contingency, and

WHEREAS, ORS 294.463 allows the transfer of Contingency within a fund when authorized by resolution of the governing body, and

WHEREAS, ORS 294.463 allows transfers between appropriation categories within a fund when authorized by resolution of the governing body, and

WHEREAS, it is necessary to increase appropriations by \$95,950 within the Video Lottery Fund and decrease contingency by \$95,950 within the Video Lottery Funds, now, therefore;

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

Section 1. That the following expenditures be budgeted in the 2022-23 County Budget:

<u>Video Lottery Fund</u>	
Program Expense	\$ 95,950
Contingency	\$ (95,950)

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

DATED this _____ day of February, 2023.

BOARD OF COUNTY COMMISSIONERS OF
DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

ATTEST:

PATTI ADAIR, Vice-Chair

Recording Secretary

PHIL CHANG, Commissioner



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 15, 2023

SUBJECT: Certified Local Government (CLG) Grant Application – Permission to Proceed

RECOMMENDED MOTION:

Move to authorize staff to apply for a 2023-2024 Certified Local Government grant in the amount of \$5,500.

BACKGROUND AND POLICY IMPLICATIONS:

The attached memorandum provides an overview of the Certified Local Government (CLG) program and requests support to apply for a 2023-2024 CLG grant in the amount of \$5,500. The grant application deadline is February 24, 2023. If approved by the State Historic Preservation Office (SHPO), grant funds will be distributed in April. All CLG funded projects must be completed by August 31, 2024.

BUDGET IMPACTS:

Staff anticipates a \$5,500 grant request, with a 1:1 match to be provided largely by in-kind staff time.

ATTENDANCE:

Tanya Saltzman, Senior Planner



MEMORANDUM

DATE: February 8, 2023

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, AICP, Senior Planner

RE: Certified Local Government Grant Application – Permission to Proceed

REQUEST

This memorandum provides an overview of the Certified Local Government (CLG) program and requests support to apply for a 2023-2024 CLG grant in the amount of \$5,500.¹ The grant application deadline is February 24, 2023. If approved by the State Historic Preservation Office (SHPO), grant funds will be distributed in April. All CLG funded projects must be completed by August 31, 2024.

OVERVIEW

Every twenty-four months, SHPO offers matching grants to jurisdictions that have been “certified” as historic preservation partners with both state and federal governments. Since 1986 Deschutes County has been a CLG and is therefore eligible for grant funding. Over several grant cycles, our historic preservation program identified historic resources, offset costs associated with staffing the Historic Landmarks Commission (HLC), educated the public, and preserved historic structures.

The CLG grant is non-competitive, which assures that all CLGs throughout the state benefit. Maximum awards will be in the range of \$13,500 - \$15,000 for each 17-month grant, with the County providing a 1:1 match. State and federal requirements regulate the CLG grant, including project budget, timeline, inspections and audits, reports, billings, and consultant standards. As mentioned above, Deschutes County has been a recipient of CLG funds for decades. CDD staff relies on the professional input and direction of the HLC, an appointed body that provides technical expertise on historic and cultural resource issues for the rural county and the City of Sisters.

City of Sisters Project

The City of Sisters has historically been an active participant in the CLG grant program, given its historic resources as a small city and the resulting options for tangible projects that are grant-

¹ As prescribed in County Policy GA-20.

eligible. For instance, last grant cycle, Sisters utilized a consultant to create a StoryMap of the city's historic properties, among other tasks.

When asked to prioritize and identify a potential budget for this year, planning staff from Sisters indicated that their anticipated capacity allows them to select the following project:

- Downtown Building Hardening Program (to mitigate wildfire concerns) – Hire a Historic Preservation consultant to come up with an acceptable building materials list that is fire resistant, yet historically sensitive. *\$5000 consultant cost. County staff anticipates staff time to administer this project as well.*

Deschutes County Projects

HLC Commissioners indicated support for public education (including mailers to owners of historic properties), preservation month activities, and commissioner trainings, specifically membership in the National Alliance of Preservation Commissions for the group, which would provide access to educational materials such as webinars as well as other resources. Staff notes that the Deschutes County Historical Society will hold a meeting with regional and local preservation stakeholders on February 8 to discuss Preservation Month opportunities, but at the time of writing, no specific activities for Preservation Month or general education have been identified.

Adding to the list of potential projects, a Redmond HLC commissioner recently reached out to County staff regarding modifying the County's DIAL online property information system to include historic districts. This could potentially be expanded to the rest of the County and could include not just districts, but properties or other related designations. Staff notes that there has been similar discussion in recent County HLC meetings about including more information in DIAL. Planning staff can work with County IT staff and representatives from Redmond and other jurisdictions to craft an approach to including historic district information on the website, which would be helpful to citizens looking to purchase, alter, or research property in Deschutes County.

Staff notes that for many of the types of general activities commissioners have expressed interest in—many of them coordination or support roles—these might not necessarily lead to concrete projects that would be appropriate for grant funding, but instead focus on general communication and outreach already within the purview of the Commission. For this reason, this cycle's grant request will not be for the full amount offered by SHPO.

Summary of Projects

On February 6, 2023, the HLC identified the following projects that could be completed by August 31, 2024. These projects are a mix of direct costs (such as consultants) and in-kind staff time that would satisfy the grant's match requirements. Staff anticipates a \$5,500 grant request.

- Sisters Building Hardening Program
- County Historic Properties Mailer
- Update to DIAL web platform
- Review and compliance (HLC administration; coordination with other agencies such as Archeological Society; potential open house as follow up to mailer)

- Grant administration
- Preservation Month (TBD)
- HLC membership to National Alliance of Preservation Commissions (<https://www.napcommissions.org/>)

In addition, the CLG grant can offset staffing the HLC.

If the Board supports pursuing a CLG grant, staff will coordinate with the HLC to finalize the application by the February 24, 2023 deadline.

Attachment:

Grant Application Request



Grant Application Request

Date:

- 1. Name of Grant: Certified Local Government (CLG) Grant
- 2. Deschutes County contact: Tanya Saltzman, Senior Planner
- 3. Funding Agency: State Historic Preservation Office (SHPO)
- 4. Grant Amount: \$5,500
- 5. Does the grant require matching funds? Yes No

If yes, how much are the required matching funds and what funds does the department plan to use for matching funds?
 This grant requires a 1:1 match; CDD will provide \$5,500 in matching funds--primarily comprised of staff time--from its long range advance planning fees.

- 6. Grant duration: April 2023 - August 31, 2024
- 7. Grant application deadline: February 24, 2023
- 8. Grant description: This grant provides funds for projects related to historic preservation.
- 9. Requested budget (please provide additional line item details under the broad categories listed below):

	Amount Requested
Personnel Services	
Materials and Services	
Capital	
Total	please see below

10. If the grant request includes FTEs, please fill out the table below.

Position Title	Limited duration or regular position?	FTEs	Notes
n/a			

11. Other information:

This grant application will offer a number of projects (listed below) to be performed with grant funds and the match from CDD. These projects are a mix of direct costs (such as consultants) and in-kind staff time that will satisfy the grant's match requirements. It is anticipated that the bulk of the matching funds will be provided through staff time. Projects are as follows:

- Sisters Building Hardening Program
- County Historic Properties Mailer
- Update to DIAL web platform
- Review and compliance (HLC administration; coordination with other agencies such as Archeological Society; potential open house as follow up to mailer)
- Grant administration
- Preservation Month (TBD)
- HLC membership to National Alliance of Preservation Commissions



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: February 15, 2023

SUBJECT: Camping Feasibility Study Proposals

BACKGROUND AND POLICY IMPLICATIONS:

The County issued a Request for Proposal (RFP) for a qualified consultant to perform a Camping Feasibility Study for development of private or public RV parks and campgrounds, along with support amenities and infrastructure.

On January 30, the Board reviewed the proposals and scoring sheets and agreed to interview the firms which submitted the top three proposals. On February 1, the Board narrowed the focus of the study to three properties: Thompson Road, Drafter Road (La Pine), and Crooked River Ranch.

ECONorthwest, CHMGS, and Cranes have been invited to present their proposals to the Board on February 15. Each firm will spend 15-20 minutes presenting its proposal and be available to answer questions for an additional 20-25 minutes.

ECONorthwest has been invited to go before the Board at approximately 1:00 pm.

CHMGS has been invited to go before the Board at approximately 1:45 pm.

Cranes has been invited to go before the Board at approximately 2:30 pm.

Staff seeks next steps from the Board that could include:

1. Staff can return at a later date if the Board is not prepared to make a decision on February 15.
2. The Board can make an award based on the evaluation committee's scores and the presentations and interviews.

BUDGET IMPACTS:

The cost to implement the RFP has not been included in the current budget. Proposals range from \$65,000 to \$311,300.

ATTENDANCE:

Jen Patterson, Strategic Initiatives Manager