



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

1:00 PM, MONDAY, NOVEMBER 15, 2021

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

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

AGENDA

MEETING FORMAT

In response to the COVID-19 public health emergency, Oregon Governor Kate Brown issued Executive Order 20-16 (later enacted as part of HB 4212) directing government entities to utilize virtual meetings whenever possible and to take necessary measures to facilitate public participation in these virtual meetings. Since May 4, 2020, meetings and hearings of the Deschutes County Board of Commissioners have been conducted primarily in a virtual format. Effective June 30, 2021, COVID-based restrictions have been discontinued.

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

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

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACTION ITEMS

1. **1:00 pm** Consideration of Chair Signature of Document No. 2021-920, Notice of Intent to Award a contract for the Landfill Siting Consultant Services
2. **1:15 pm** Review of Preliminary Work Plan – Deschutes County Dark Skies Ordinance
3. **1:45 pm** Consideration of Approval of a Memorandum of Understanding with the City of Redmond related to use of the Redmond Wetlands Complex for disposal of future Terrebonne wastewater effluent.

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.

ADJOURN



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



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: November 15, 2021

SUBJECT: Notice of Intent to Award a contract for the Landfill Siting Consultant Services

RECOMMENDED MOTION:

Move approval of a Notice of Intent to Award the Landfill Siting Consultant Services Project to Parametrix, Inc.

BACKGROUND AND POLICY IMPLICATIONS:

In 2019, the Board of County Commissioners approved the County's Solid Waste Management Plan. One of the primary objectives identified in the Plan is the siting of a new landfill in Deschutes County to replace Knott Landfill which is projected to reach capacity in 2029. A Landfill Siting Group, consisting of representatives from County Administration and the Solid Waste, Community Development, Property Management, Facilities Management, IT and Legal Departments has been doing preliminary work for developing a site screening process for a new landfill and the effort is at a stage where outside consultant services are necessary to move forward with the site screening and public outreach effort.

A scope of work for the Landfill Siting Consultant Project was developed, which includes the following major tasks:

- Review and refine site screening criteria developed by the County to date*
- Apply site screening criteria to develop a short list of candidate sites for detailed evaluation*
- Facilitate and provide stakeholder and public outreach, input and communication*
- Review and develop pathway for State and local agency entitlement and permitting process*

In June, 2021, a Request for Qualifications was issued to develop a list of qualified firms for the Landfill Siting Consultant Project. Six firms submitted Statements of Qualifications and three firms were invited to provide presentations to the Landfill Siting Group in September, 2021. After presentations, the Landfill Siting Group developed a Request for Proposals which was released to the three short-listed firms as a final step in the selection process. Parametrix consistently received the highest scoring throughout the evaluation process and is being recommended for award of the contract. A copy of the scoring summary for the selection process is attached.

BUDGET IMPACTS:

The contract will be awarded in the amount of \$350,140. Funds for the project are included in the FY22 Operations Planning Fund.

ATTENDANCE:

Chad Centola, Interim Director of Solid Waste

Aggregate Scores		SoQ Score	Presentation Score	Proposal Score	Total Score	Rank
Reviewer	Firm					
Nick Lelack CDD #1	Parametrix	151	84	90	325	1
	HDR	153	78	89	320	2
	TetraTech	147	78	81	306	3
Lee Randal Facilities Mgmt #2	Parametrix	151	89	93	333	2
	HDR	161	86	87	334	1
	TetraTech	157	73	83	313	3
Chad Centola Solid Waste #3	Parametrix	154	81	94	329	1
	HDR	148	80	93	321	2
	TetraTech	152	74	93	319	3
Kristie Bollinger Property Mgmt #4	Parametrix	175	84	100	275	1
	HDR	175	0	80	255	3
	TetraTech	175	0	81	256	2
Tom Anderson Administration #5	Parametrix	164	88		252	1
	HDR	86	66		152	3
	TetraTech	106	75		181	2
Timm Schimke Solid Waste #6	Parametrix	155	75	81	311	1
	HDR	140	75	75	290	2
	TetraTech	98	61	76	235	3
Adam Smith Legal #7	Parametrix	21	65	67	153	2
	HDR	23	64	61	148	3
	TetraTech	25	71	69	165	1
Joe Sadony IT #8	Parametrix	0	85	60	145	3
	HDR	0	76	73	149	2
	TetraTech	0	68	86	154	1
TOTAL	Parametrix	971	567	585	2123	1.5
	HDR	886	525	558	1969	2.3
	TetraTech	860	500	569	1929	2.3

Notes: Kristie Bollinger's score was not included in presentation total scoring as she did not attend all 3 presentations. Tom Anderson retired prior to RFP Process.

November 15, 2021

Sent via email (dmiller@parametrix.com) & First Class Mail

RE: Project - Contract for Landfill Siting Consultant Services Project

NOTICE OF INTENT TO AWARD CONTRACT

On November 15, 2021, the Board of County Commissioners of Deschutes County, Oregon, considered proposals for the above-referenced project. The Board of County Commissioners] [County Department] determined that the successful proposer for the project was Parametrix, Inc. of Bremerton, Washington.

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) [specify 279B.135 for contracts other than public improvements or 279C.375 for public improvements]. A copy of this Notice is being provided to each firm or person that submitted a bid or proposal for the project. Any firm or person which believes that they are adversely affected or aggrieved by the intended award of contract set forth in this Notice may submit a written protest within seven (7) calendar days after the issuance of this Notice of Intent to Award Contract to the Board of County Commissioners of Deschutes County, Oregon, at Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703. **The seven (7) calendar day protest period will expire at 5:00 PM on Monday, November 22, 2021.**

Parametrix, Inc.
November 15, 2021
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Any protest must be in writing and specify any grounds upon which the protest is based. Please refer to Oregon Administrative Rules (OAR) 137-049-0450 for construction contracts or OAR 137-047-0740 for contracts other than construction. If a protest is filed, a hearing will be held at 10:00 a.m. on [Day], [Date], [Year] before the Board of County Commissioners of Deschutes County Oregon, acting as the Contract Review Board, in the Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703.

If no protest is filed within the protest period, this Notice of Intent to Award Contract becomes an Award of Contract without further action by the County unless the Board of County Commissioners for good cause, rescinds this Notice before the expiration of the protest period. The successful bidder or proposer on a Deschutes County project is required to execute four (4) copies of the Contract, which will be provided when the contract is negotiated. In addition to the execution of Contract, the contractor will be required to provide one or more certificates of insurance together with endorsements naming Deschutes County as an additional insured.

All contract copies will need to be returned to the County for execution. After all parties have signed the contract, a copy of the contract will be forwarded to you along with a notice to proceed.

If you have any questions regarding this Notice of Intent to Award Contract, or the procedures under which the County is proceeding, please contact Deschutes County Legal Counsel Bend, OR 97703, telephone (541) 388-6625 or FAX (541) 383-0496, or email to: david.doyle@deschutes.org.

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

Sincerely,

DESCHUTES COUNTY, OREGON

[Authorized signature]

cc w/enc: Transmitted by email and First Class Mail on November 15, 2021 to all Proposers (3 pages)
See attached List

Contract for Landfill Siting Consultant Services

Parametrix, Inc.
60 Washington Ave, Suite 390
Bremerton, WA 98337
dmiller@parametrix.com
Phone: (360) 377-0014

HDR, Inc.
404 SW Columbia, Suite 240
Bend, OR 97703
Ryan.Asman@hdrinc.com
Phone: (206) 276-9198

Tetra Tech, Inc.
21700 Copley Drive, Suite 200
Diamond Bar, CA 91756
Christine.Arbogast@tetrattech.com
Phone: (909) 860-7777



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Monday, November 15, 2021

SUBJECT: Review of Preliminary Work Plan – Deschutes County Dark Skies Ordinance

RECOMMENDED MOTION:

Move approval for staff to initiate an update to the County's Dark Skies Ordinance.

BACKGROUND AND POLICY IMPLICATIONS:

The Community Development Department seeks Board of County Commissioners' approval to initiate an update to the County's Dark Skies Ordinance.

BUDGET IMPACTS:

None

ATTENDANCE:

Tarik Rawlings, Associate Planner



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tarik Rawlings, Associate Planner
Peter Gutowsky, AICP, CDD Director

DATE: November 2, 2021

SUBJECT: Preliminary Work Plan – Deschutes County Dark Skies Ordinance

The Community Development Department (CDD) FY 2020-2021 and 2021-2022 Work Plans identify updating the Deschutes County Outdoor and Greenhouse Lighting Control Ordinance (aka Dark Skies Ordinance). The objective is to ensure that the unincorporated areas of Deschutes County continue to mitigate the potential effects of light pollution by exterior lighting standards with Dark Skies best practices and technologies. The benefits and impacts of the proposed Dark Skies ordinance are outlined below.

CDD has prepared a preliminary work plan outlining a process to update its Dark Sky Ordinance and seeks Board of County Commissioners (Board) input prior to initiation.

I. Background

Deschutes County’s Outdoor Lighting Ordinance was adopted in 1994.¹ The ordinance received broad-based support in testimony to the County Commissioners in 1994, and it continues to receive recognition today.² CDD produced a frequently asked questions factsheet, which is still distributed to customers.³ Ordinance 94-024 requires that:

- All private and commercial outdoor lighting fixtures installed after August 10, 1994 or replacing a fixture installed before that date 120 or brighter watt incandescent bulb (1,800 lumens) located in the unincorporated areas must be shielded by design or modification that directs light downward, and must limit direct line-of-sight of the fixture’s lamp to the property on which the fixture is installed.

There are exceptions:

- Motion-sensitive lights, which shine for not more than 20 minutes.

¹ Ordinance 94-024. https://s3-us-west-2.amazonaws.com/municipalcodeonline.com-new/deschutescounty/ordinances/documents/1620317553_1994-34738-Ordinance%20No.%2094-024%20Recorded%209_1_1994.pdf

² <https://www.darkskydefenders.org/blog/sunriver-designated-first-international-dark-sky-place-in-oregon>

³ https://www.deschutes.org/sites/default/files/fileattachments/community_development/page/781/outdoor_lighting_faq.pdf

- Decorative holiday lighting, which shines for not more than 45 days.
- See the text of the ordinance for other exemptions, which apply in certain circumstances.

II. Dark Skies Purpose and Concept

The International Dark-Sky Association currently lists over 50 US jurisdictions that have been designated as Dark Sky communities, parks, or reserves as of 2020.⁴ Support for the adoption of dark sky legislation has been expressed by policymakers, designers, public safety professionals, wildlife biologists, and land use planning entities across the country. A dark sky is one of many qualities that characterize rural areas in Oregon and set them apart from the state’s urban and suburban areas.

DCC Chapter 15.10, Outdoor Lighting Control, includes outdoor lighting criteria.⁵ These standards are subsequently incorporated by reference into eight (8) separate code sections within Title 18, County Zoning. Aside from the lighting criteria included in DCC Chapter 15.10, DCC contains standalone exterior lighting regulations within various zoning districts and combining zones (e.g. DCC Chapters 18.84, Landscape Management Combining Zone and 18.116, Supplementary Provisions, for example).

III. Work Plan and Timeline

Below is a phased approach to updating Deschutes County’s Dark Skies Ordinance, including estimated timelines.

Phase 1:

- **Preliminary Research**
(Ongoing – January 2022)
 - Explore causes of light pollution
 - Assess the benefits and impacts of dark skies best practices
 - Audit Deschutes County Development Code for existing exterior lighting standards
 - Review other Oregon jurisdictions’ exterior lighting codes and dark skies ordinances in an effort to gauge potential controversy or contentious elements that may arise in Deschutes County’s process
 - Review jurisdictional dark skies codes and policies outside of Oregon to further identify best practices
- **Dark Skies Panel**
(February 2022)
 - Assemble *Dark Skies Panel* to gauge collective concerns, feedback, and recommendations for revising Deschutes County’s Dark Skies Ordinance. Panelists could include representatives from partner agencies, CDD divisions, as well as dark skies experts from nonprofit or similar groups.
 - Hosted by the Planning Commission

⁴ <https://www.darksky.org/our-work/conservation/idsp/communities/>

⁵ https://deschutescounty.municipalcodeonline.com/book?type=ordinances#name=CHAPTER_15.10_OUTDOOR_LIGHTING_CONTROL

Phase 2:

- **Dark Skies Report**
(March 2022)
 - Draft an initial Dark Skies Report incorporating preliminary research, current Deschutes County exterior lighting standards, best practices from other jurisdictions, and recommendations from the Dark Skies Panel.
 - Present Dark Skies Report to the Planning Commission and Board
 - Receive Planning Commission input and Board direction to initiate legislative amendments

Phase 3:

- **Legislative Amendments**
(April – August 2022)
 - Initiate Text Amendments to DCC.
 - Planning Commission work session and public hearing
 - Board work session and public hearing
 - Consideration of an ordinance for adoption

IV. Next Steps

As noted above, staff seeks Board feedback and direction on the preliminary work plan outlined above including any recommendations for panel representatives, timeline goals, or individual phases or steps within the outlined process.



BOARD OF COMMISSIONERS

AGENDA REQUEST AND STAFF REPORT

MEETING DATE: November 15, 2021

SUBJECT: Consideration of Approval of a Memorandum of Understanding with the City of Redmond related to use of the Redmond Wetlands Complex for disposal of future Terrebonne wastewater effluent.

RECOMMENDED MOTION:

Move to approve Document #2021-922, a Memorandum of Understanding with the City of Redmond to enable creation of an Intergovernmental Agreement to allow for disposal of effluent from a future Terrebonne wastewater system in the City of Redmond Wetlands Complex.

BACKGROUND AND POLICY IMPLICATIONS:

Through the course of development of a wastewater system feasibility study for the community of Terrebonne, a preferred alternative has emerged in which system effluent is pumped to the City of Redmond's proposed Wetlands Complex located on Northwest Way, approximately 3 miles southwest of Terrebonne. To enable its use by the Terrebonne community, the City will need to provide capacity in what amounts to a 5% oversize over what is currently contemplated to meet the City's needs.

To enable this time sensitive opportunity to move forward, the City of Redmond and Deschutes County (acting on behalf of a future Terrebonne Sanitary District) will need to enter into an Intergovernmental Agreement (IGA) to outline parameters associated with payment of capital expense, rate setting methodology, and other wastewater related policies to enable the City to move forward with appropriate assurances to ensure that their ratepayers will not incur capital or operating expenses from a future Terrebonne system.

The attached Memorandum of Understanding sets collective expectations associated with each party and authorizes staff to proceed with negotiating and drafting the IGA to be presented prior to spring 2022.

BUDGET IMPACTS:

The Board has indicated a willingness to contribute up to \$1M in funds associated with the purchase of capacity in the Redmond Wetlands complex for the community of Terrebonne. The timing and source of funding will be identified in the future, and prior to any authorization of expense.

ATTENDANCE:

Chris Doty, Road Department

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is made and entered into by and between Deschutes County, a political subdivision of the State of Oregon, by and through its elected officials, hereinafter referred to as “County”, and City of Redmond, Oregon, an Oregon municipal corporation, by and through its elected officials, hereinafter referred to as “City,” all herein referred to individually or collectively as the “Party” or “Parties”.

RECITALS

1. Terrebonne is an unincorporated community located within northern Deschutes County. At present, the majority of Terrebonne does not have a community sanitary sewer collection, treatment, or disposal system. Sewage from public facilities, businesses, and residents is processed via individual on-site septic and drain field systems. Due to age and subsurface conditions, these systems are experiencing failure at a significant rate within the community.
2. County is currently preparing an update to a 1999 Wastewater Feasibility Study which evaluates sewage collection, treatment, and disposal options to address current, and anticipated, on-site system failures providing long-term stability for the community.
3. As the County is not a utility provider, the County is assisting the community with formation of a Sanitary District, as per applicable provisions within ORS 198 and 450. Due to issues of timing and decision points associated with the City’s Wetlands Complex Expansion Project (Redmond Wetlands Complex), which precedes the formation of a Sanitary District, the County’s role is that of representing the interests of a future Sanitary District in negotiations with the City and others.
4. The County’s evaluation to date indicates that installing a community-wide septic tank effluent pumping [STEP] system within unincorporated Terrebonne and discharging to City treatment facilities via a combined pressure sewer main is the preferred long-term solution. See Exhibit A. With initial assistance from County, the Sanitary District would be responsible for design, construction, operation, and maintenance of the STEP system.
5. City is a municipal corporation within the State of Oregon and Deschutes County. City is currently engaged in design to relocate and expand its sanitary sewer treatment facilities as part of the Wetlands Complex Expansion Project, which is located within the County at 5801 Northwest Way. See Exhibit B.
6. City and County are interested in further evaluating the feasibility of discharging septic tank effluent generated in Terrebonne directly to City’s expanded treatment facilities.

Deschutes County - City of Redmond
Memorandum of Understanding

- 7. Prior to April 2022, the City of Redmond is required to proceed with final design on the Redmond Wetlands Complex that does or does not include Terrebonne’s capacity.

NOW THEREFORE, the Parties agree as follows:

Parties will coordinate efforts to further evaluate and make recommendations regarding the viability of discharging septic tank effluent generated in Terrebonne directly to City’s expanded treatment facilities to include the following:

- 1. Parties will meet regularly, as determined necessary, and share project related information. Parties will define their respective roles and responsibilities for implementation of this MOU.
- 2. Coordinate phasing and timing of City and County projects including anticipated formation of a Sanitary District in Terrebonne.
- 3. City to include Terrebonne treatment capacity into the Redmond Wetlands Complex pre-design which is currently underway.
- 4. Prior to April 2022, the County and City will establish the funding requirements and sources to design and construct the additional capacity for Terrebonne into the Redmond Wetlands Complex.
- 5. Determine funding requirements, cost-share allocations, and funding sources:
 - a. Capital expenditures including reimbursements.
 - b. Operations and Maintenance.
 - c. Monthly rates.
 - d. System Development Charges and/or connection fees.
 - e. Loans, grants, American Rescue Plan Act [ARPA], etc.
- 6. System operation and governance.
 - a. Details related to a single-source connection to City treatment facilities
 - b. Flow measurement / metering requirements.
 - c. Pre-treatment requirements.
 - d. Waste stream monitoring.
 - e. Billing.

TERMS AND CONDITIONS

- 1. It is the intent of Parties to document in this MOU, the coordinated efforts regarding the viability of connecting a septic tank effluent pumping system serving unincorporated Terrebonne to City sanitary sewer treatment facilities.

Deschutes County - City of Redmond
Memorandum of Understanding

2. This MOU will become effective when all required signatures have been obtained and will remain in effect until this MOU is terminated by one or all Parties or is superseded by an Intergovernmental Agreement [IGA] subsequently approved by the Parties.
3. The terms of this MOU will not be waived, altered, modified, supplemented, or amended, in any manner whatsoever, except in writing by the Parties. It is understood that this MOU will be modified upon creation of a Sanitary District to replace the County with the Sanitary District where appropriate.
4. Parties intend that, if an impasse or disagreement among the Parties should occur on issues pertaining to the MOU, a collaborative resolution process will be initiated to resolve the difference. Notwithstanding the resolution process, the terms of this MOU may be terminated upon 30 days written notice by any or all Parties.
5. The foregoing Memorandum is a non-legally binding document. Notwithstanding the signing or delivery of the Memorandum, any past, present, or future actions; or approvals by any of the Parties based upon this Memorandum, and any of the Parties is under no legal obligation with respect to the intentions outlined above.
6. This MOU may be executed in several counterparts all of which when taken together will constitute one document for all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this MOU so executed will constitute an original.
7. Should Parties determine that discharging to City treatment facilities appears viable and acceptable pursuant to the collaborative process outlined in this MOU, Parties agree to further pursue a binding agreement in the form of an intergovernmental agreement [IGA] intended to further define, in detail, the specific terms and conditions by which Parties will continue to collaborate to achieve each Party's overall objectives.

SIGNATURE PAGE TO FOLLOW

Deschutes County - City of Redmond
Memorandum of Understanding

THE PARTIES, by execution of this MOU, hereby acknowledge that their signing representatives have read this MOU, understand it, and fully support it.

DESCHUTES COUNTY by and through its elected officials

By _____

Title _____

Date _____

Deschutes County Contact:

Chris Doty
Director of Public Works
61150 SE 27th Street
Bend, OR 97702
(541) 322-7105
chris.doty@deschutes.org

APPROVAL RECOMMENDED

By _____

Title _____

Date _____

City of Redmond by and through its elected officials

By _____

Title _____

Date _____

City of Redmond Contact:

Ryan Kirchner
Wastewater Division Manager
243 E. Antler Ave.
Redmond, OR 97756
(541) 504-5070
Ryan.kirchner@redmondoregon.gov

APPROVAL RECOMMENDED

By _____

Title _____

Date _____

EXHIBIT A

TERREBONNE WASTEWATER SYSTEM ALT 3 - STEP PUMP TO REDMOND WWTP

DATE: 10/19/2021

Parametrix

ENGINEERING, PLANNING, ENVIRONMENTAL SCIENCES

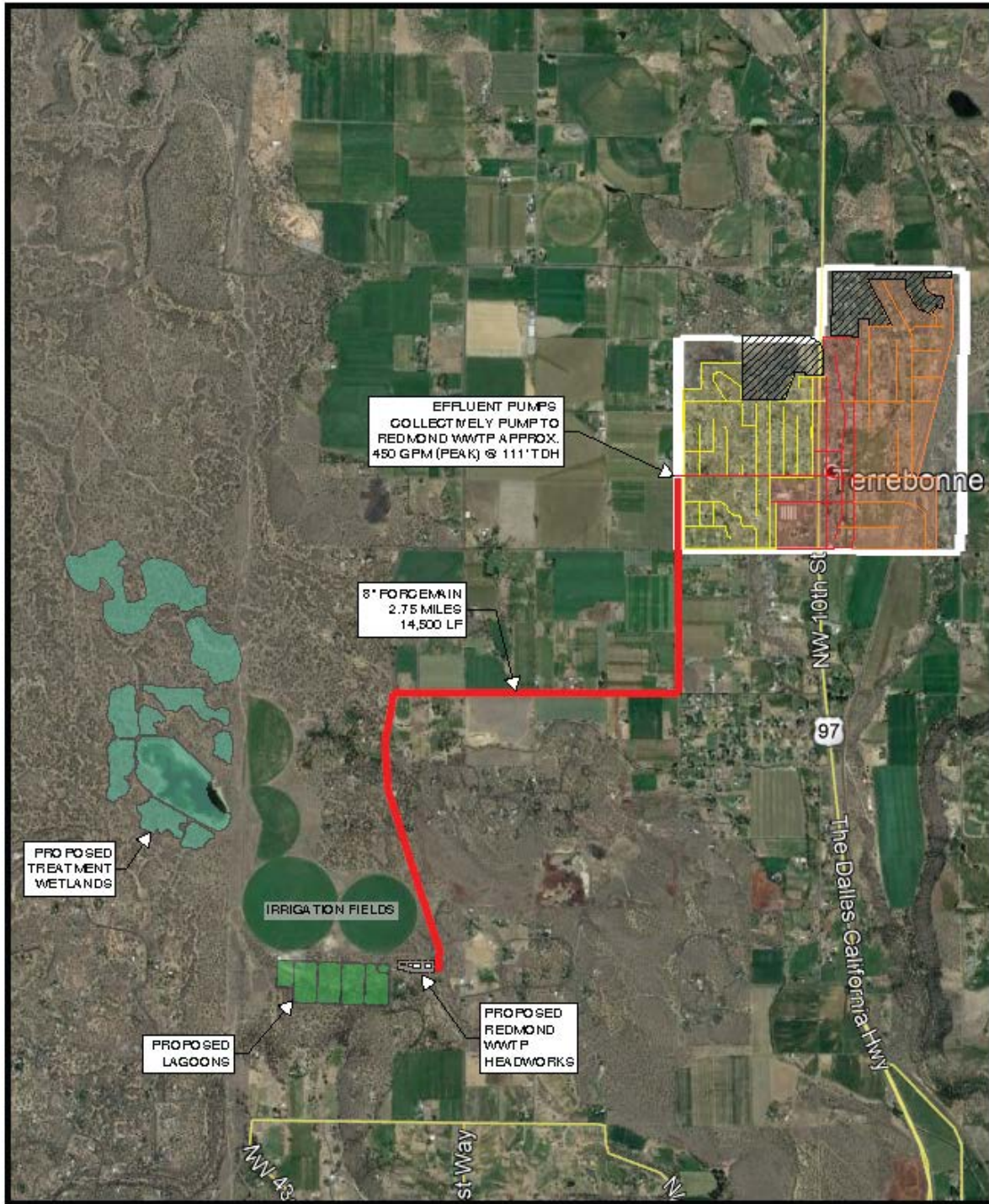
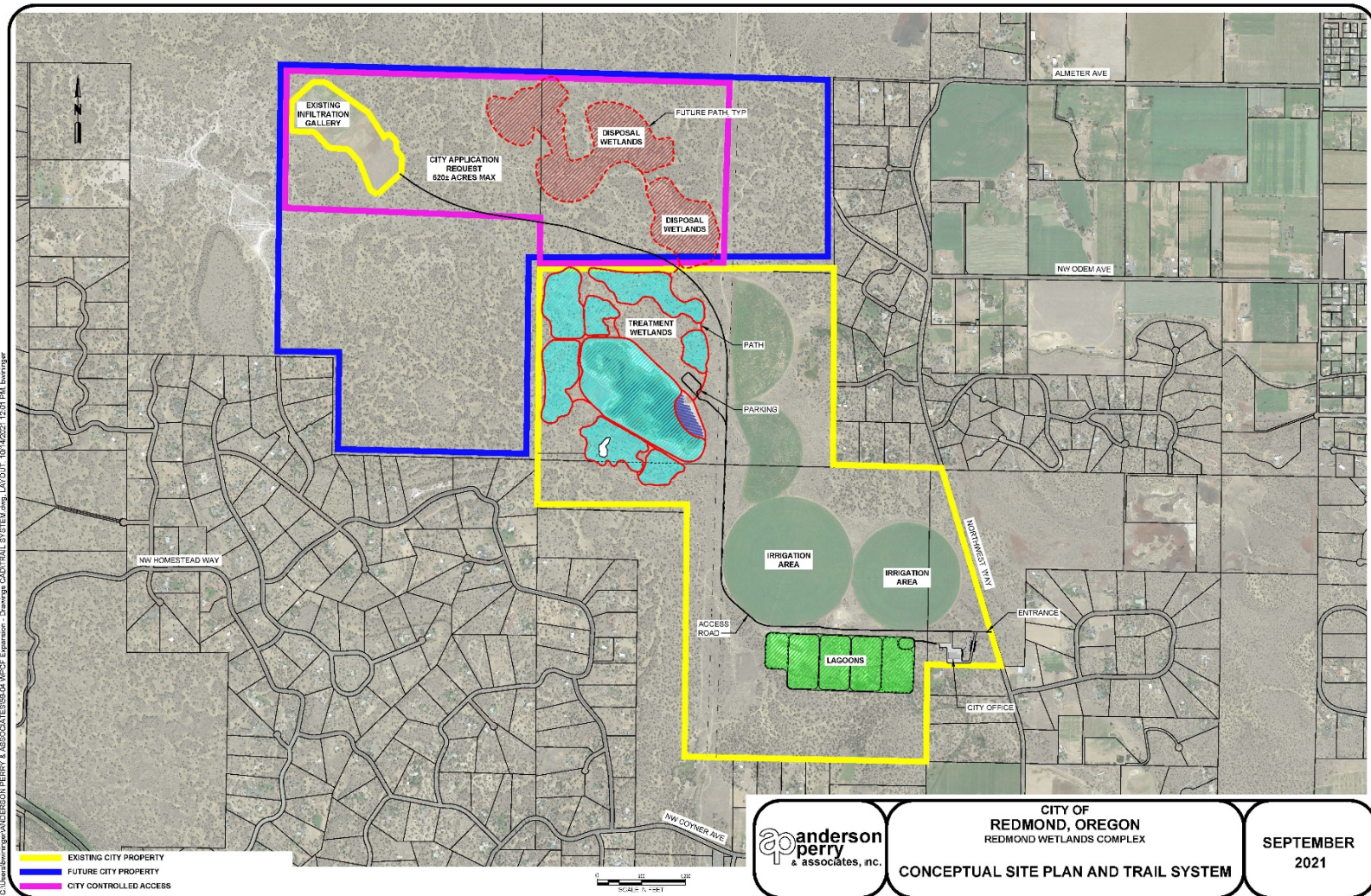


EXHIBIT B



C:\Users\thompson\OneDrive\Anderson Petry & Associates\35304\MSCF Expansion - Change Central System.dwg, LAYOUT - 10/14/2021 12:01 PM, thompson