



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS

1:00 PM, MONDAY, AUGUST 15, 2022

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

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

AGENDA

MEETING FORMAT: The Oregon legislature passed House Bill (HB) 2560, which requires that public meetings be accessible remotely, effective on January 1, 2022, with the exception of executive sessions. Public bodies must provide the public an opportunity to access and attend public meetings by phone, video, or other virtual means. Additionally, when in-person testimony, either oral or written is allowed at the meeting, then testimony must also be allowed electronically via, phone, video, email, or other electronic/virtual means.

Attendance/Participation options are described above. 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 noon on Tuesday will be included in the Citizen Input meeting record for topics that are not included on the Wednesday agenda.

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACTION ITEMS

1. **1:00 PM** Discussion Regarding Oregon Department of Transportation (ODOT) Noise Variance
2. **1:30 PM** Review of the State of the County Presentation

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.

3. Executive Session under ORS 192.660 (2) (a) Consideration of Employment
4. Executive Session under ORS 192.660 (2) (e) Real Property Negotiations

ADJOURN



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



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 15, 2022

SUBJECT: Board Work Session on Oregon Department of Transportation (ODOT) Noise Variance

BACKGROUND AND POLICY IMPLICATIONS:

The applicant requests approval of a noise permit to allow nighttime geotechnical drilling for proposed interchange retaining walls. The project will include:

- 1. Pavement coring;
2. Geotechnical drilling using a CME 75 Drill Rig; and
3. Soil sampling using an auto hammer and SPT sampler

Proposed location of work is on US Highway 97 from milepost (MP) 115.3 to MP 115.6, within the Unincorporated Community of Terrebonne, (see attached Location Map). Construction activities are expected to begin September 19, 2022, with a completion date of September 23, 2022. Construction is anticipated to begin at the south end of the project limits and proceed north towards the intersection of US 97 and Lower Bridge Way. Nighttime construction will occur from 10:00 p.m. to 7:00 a.m.

A public hearing will be conducted on August 24, 2022, for the proposed noise variance. Information on this public hearing can be found at:

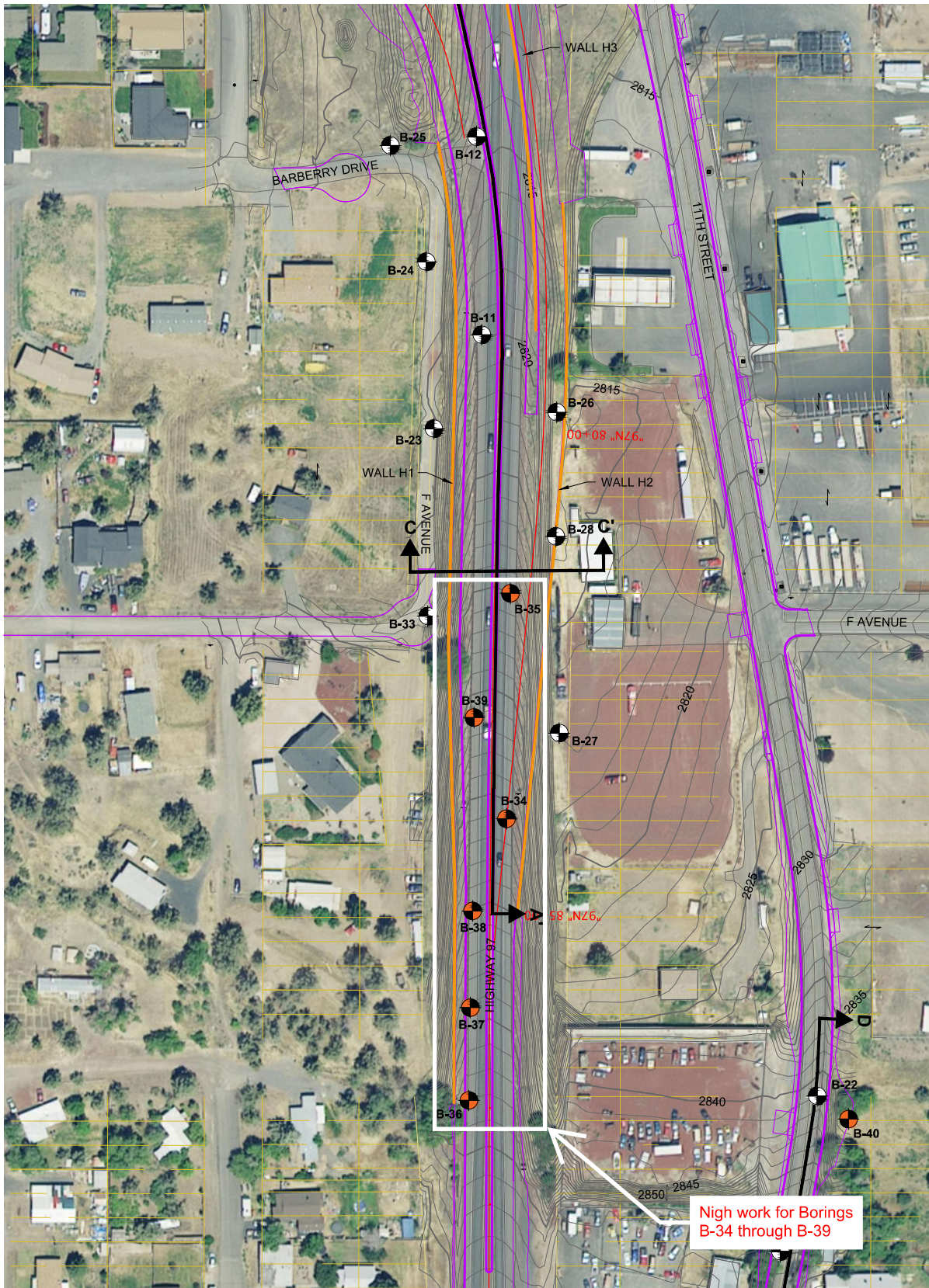
https://www.deschutes.org/cd/page/247-22-000555-v-odot-noise-variance

BUDGET IMPACTS:

None

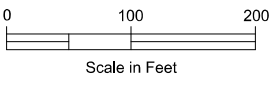
ATTENDANCE:

Rachel Vickers, Associate Planner



LEGEND

- B-01** Designation and Approximate Location of Boring
- INF-01** Designation and Approximate Location of Infiltration Test
- A** Location and Designation of Interpretive Subsurface Profile or Cross Section
- Proposed Retaining Wall
- B-17** Designation and Location of Proposed Boring



- NOTES**
1. Aerial imagery downloaded from ProjectWise on June 1, 2020.
 2. Base map, including locations of B-01 through B-16, from drawing S_K21162_e_bas_01.dgn, downloaded from ProjectWise on June 1, 2020.
 3. Proposed features from files downloaded from ProjectWise on March 8, 2022.

US97: Lower Bridge Way - NW 10th St. (Terrebonne) Sec. Deschutes County, Oregon

SITE AND EXPLORATION PLAN

March 2022 102804

SHANNON & WILSON, INC. Geotechnical and Environmental Consultants **FIG. 2**

FIG. 2 Sheet 2 of 4

REVIEWED

LEGAL COUNSEL

08/15/2022 Item #1.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

NOISE PERMIT

PURSUANT TO DESCHUTES COUNTY CODE (DCC) CHAPTER 8.08

LOCATION: US Highway 97 from milepost (MP) 115.3 to MP 115.6, within the Unincorporated Community of Terrebonne, (see attached Location Map).

FILE NUMBER: 247-22-000555-V

OWNER: Oregon Department of Transportation (ODOT)

PHONE: (541) 388-6180

PROJECT DESCRIPTION: The applicant requests approval of a noise permit to allow nighttime geotechnical drilling for proposed interchange retaining walls. The project will include:

- 1. Pavement coring;
- 2. Geotechnical drilling using a CME 75 Drill Rig; and
- 3. Soil sampling using an auto hammer and SPT sampler

DATES AND TIMES OF PROJECT: Construction activities are expected to begin September 19, 2022, with a completion date of September 23, 2022. Construction is anticipated to begin at the south end of the project limits and proceed north towards the intersection of US 97 and Lower Bridge Way. Nighttime construction will occur from 10:00 p.m. to 7:00 a.m.

FINDINGS: The Board of County Commissioners (“Board”) finds that a public necessity exists for granting this permit for construction hours between 10:00 p.m. and 7:00 a.m. The Board bases the findings on evidence in the record and testimony at the hearing. These findings include:

- 1. A need to increase safety and reduce crash rates by separating US 97 and Lower Bridge Way;
- 2. Improve safety for workers by completing work during periods of lowest traffic volume; and
- 3. A desire to conduct construction from 10:00 p.m. to 7:00 a.m. to minimize traffic delays, decrease the risk of construction related accidents on US Highway 97, and comply with freight mobility agreements.

CONDITIONS OF APPROVAL:

1. Construction activities may be conducted beginning September 19, 2022.
2. Fifteen days prior to commencing any construction activities, the Owner shall notify all property owners who testified at the public hearing for this permit of the dates and times the construction activities will occur.
3. This permit expires September 23, 2022.
4. THE APPROVED PERMIT SHALL BE RETAINED ON-SITE UNTIL THE PROJECT IS COMPLETE.
5. BY ACCEPTANCE OF THIS PERMIT, OWNER/OPERATOR CONSENT TO ALLOW BOTH COUNTY CODE ENFORCEMENT AND LAW ENFORCEMENT PERSONNEL TO COME ON THE PREMISES FOR WHICH THE PERMIT HAD BEEN GRANTED FOR THE PURPOSE OF INSPECTION AND ENFORCEMENT OF THE TERMS AND CONDITIONS OF THE PERMIT AND DCC 8.08, AND ANY OTHER APPLICABLE LAWS OR ORDINANCES.

Dated this _____ of _____, 2022

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ANTHONY DEBONE, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner

Exhibit A: Location Map