



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, AUGUST 23, 2023

Barnes Sawyer Rooms - Deschutes Services Building - 1300 NW Wall Street - Bend
(541) 388-6570 | www.deschutes.org

AGENDA

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

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

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

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

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

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



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, call (541) 388-6572 or email brenda.fritsvold@deschutes.org.

Time estimates: The times listed on agenda items are estimates only. Generally, items will be heard in sequential order and items, including public hearings, may be heard before or after their listed times.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

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

CONSENT AGENDA

1. Approval of Resolution No. 2023-049 regarding right-of-way acquisitions for construction of road improvements on Powell Butte Highway and Butler Market Road
2. Approval of Behavioral Health Sponsorship for Oregon Recovers
3. Authorizing the extension of the Criminal Justice Commission's Restorative Justice grant to December 31, 2024
4. Consideration of Board Signature on letter reappointing Jeff Swan for service on the Black Butte Ranch County Service District Managing Board.
5. Consideration of Board Signature on letter reappointing Rosemary Norton for service on the Black Butte Ranch Service District's Budget Committee.
6. Consideration of Board Signature on letter thanking Steve Strang for eight years of service on the Deschutes County Public Health Advisory Board.
7. Approval of the minutes of the July 24, 2023 BOCC meeting

ACTION ITEMS

8. **9:10 AM** Public Hearing on the proposed conveyance of property on Drafter Road in La Pine to Foundation for Affordable Housing
9. **9:25 AM** Request for Proposals from Deschutes County Community Justice Department for New Shelter and Housing Units for Male Justice-Involved Individuals
10. **9:35 AM** Deliberations: Repeal of the Conventional Housing Combining Zone

11. **9:50 AM** Oregon Department of Fish and Wildlife Mule Deer Presentation
12. **10:35 AM** ARPA Updates and Funding Considerations
13. **11:20 AM** Deliberations on a request to vacate a portion of Schibel Road
14. **11:35 AM** Deliberations of Hearings Officer decision on initiation of use involving a marijuana production facility in the 26200 block of Willard Road
15. **12:05 PM** Second reading of an ordinance amending Deschutes County Code relative to camping and other sleeping associated activity on public property

LUNCH RECESS

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.

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

ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 23, 2023

SUBJECT: Approval of Resolution No. 2023-049 regarding right-of-way acquisitions for construction of road improvements on Powell Butte Highway and Butler Market Road

RECOMMENDED MOTION: Move approval of Resolution No. 2023-049.

BACKGROUND AND POLICY IMPLICATIONS: Deschutes County Road Department is preparing plans and specifications for the Powell Butte Highway/Butler Market Road Roundabout project. The project construction plans are complete, and project right of way needs have been identified. General information notices regarding right of way acquisitions have be mailed to affected adjacent property owners.

Adoption of Resolution No. 2023-049 will memorialize the public necessity for the project and proposed right of way acquisitions and will authorize Road Department and Legal Department to negotiate with the owners of adjoining properties for the property interests required for the project. All resulting purchase agreements and conveyance instruments will be presented to the Board of County Commissioners for acceptance upon completing negotiations.

BUDGET IMPACTS: Right of way acquisition costs are included in the Road Capital Fund budget for Fiscal Year 2024. Road Department will present purchase agreements and conveyance instruments to Board of County Commissioners upon completing negotiations with property owners.

ATTENDANCE: Cody Smith, County Engineer/Assistant Road Department Director

REVIEWED

LEGAL COUNSEL

08/23/2023 Item #1.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution to Acquire Right of Way for Construction of Road Improvements for Powell Butte Highway and Butler Market Road

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RESOLUTION NO. 2023-049

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

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

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

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

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

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

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

Dated this _____ day of _____, 20____.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

ATTEST:

PATTI ADAIR, Vice Chair

Recording Secretary

PHIL CHANG, Commissioner

Exhibit "A"

LEGAL DESCRIPTION

CWE-01

April 28, 2023

Page 1 OF 1

RIGHT OF WAY DEDICATION

A tract of land, being a portion of that property described in Document Number 2021-68988 Deschutes County Official Records, located in the Northeast one-quarter of the Northeast one-quarter of Section 19, Township 17 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

All of that property described in said Document Number 2021-68988 falling north and east of the following line:

Beginning at a point on the centerline of Bend – Prineville Market Road No.14 ("B") at station 101+92.84;

Thence, North 11°41'15" West a distance of 148.46 feet to the west Right-of-Way of Bend – Prineville Market Road No.14 ("B");

Thence, continuing North 11°41'15" West a distance of 92.04 feet;

Thence, North 00°01'47" West a distance of 264.47 feet;

Thence, North 27°40'55" West a distance of 186.85 feet;

Thence, North 47°10'19" West a distance of 201.87 feet;

Thence, North 70°32'52" West a distance of 298.43 feet to a point on the south Right-of-Way of Butler Market Road No.5, said point being 30.00 feet right of Butler Market Road No.5 ("A" - Main) centerline station 289+74.37.

Thence, continuing North 70°32'52" West a distance of 89.22 feet to the centerline of Butler Market Road No.5 ("A" – Main) at station 288+90.35.

Contains 78,955 square feet more or less.

Bearings and road centerline stationing are based on CS21027, Deschutes County Survey Records.

See the attached Exhibit "B", entitled "RIGHT-OF-WAY DEDICATION", which is made a part hereof.

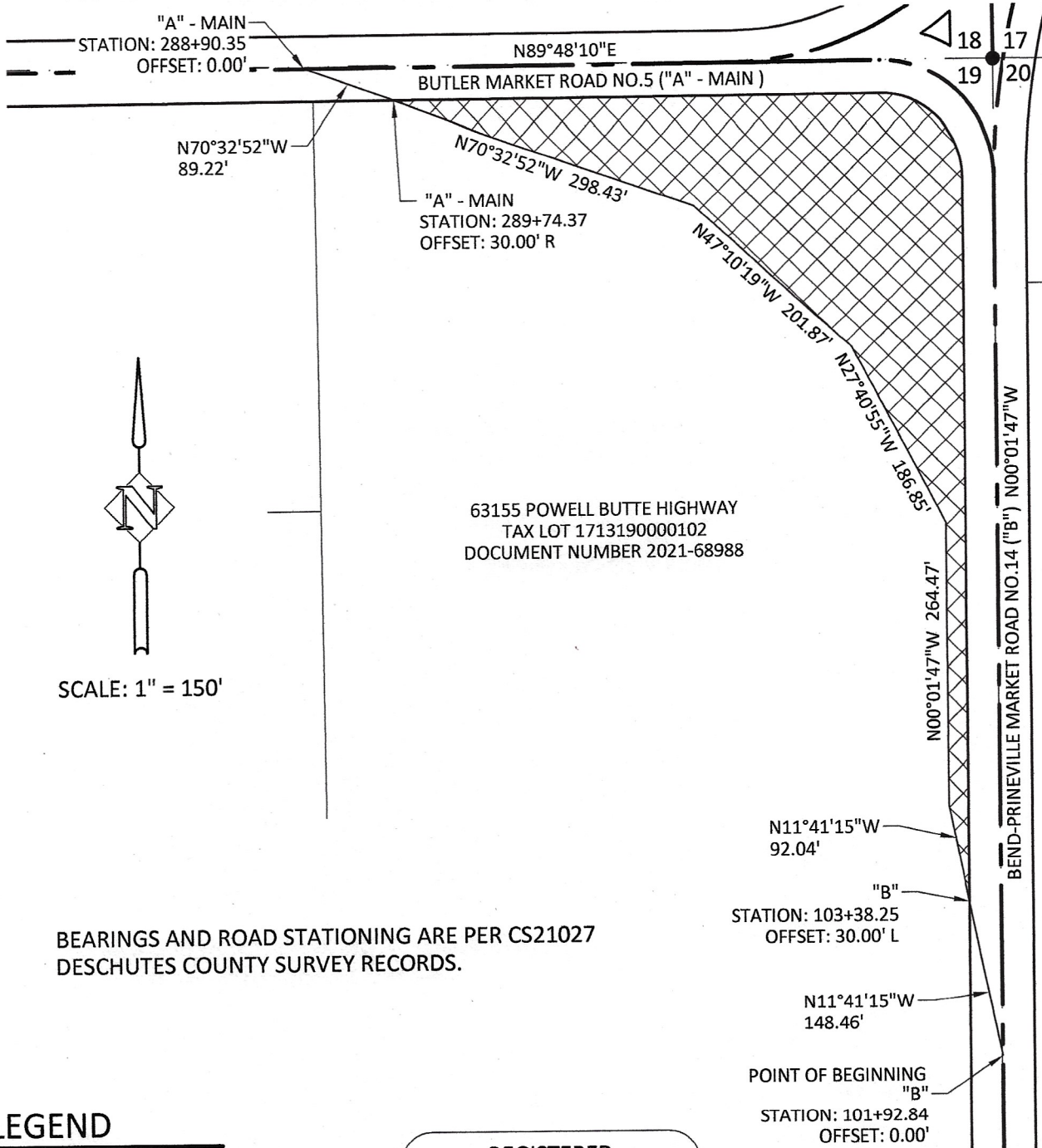
REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
Nov. 08, 2010
JOHN TAYLOR HAGLUND
55022PLS

RENEWS: 6-30-25

RIGHT-OF-WAY DEDICATION

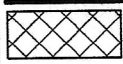

LOCATED IN THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 19,
TOWNSHIP 17 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON



63155 POWELL BUTTE HIGHWAY
TAX LOT 1713190000102
DOCUMENT NUMBER 2021-68988

BEARINGS AND ROAD STATIONING ARE PER CS21027
DESCHUTES COUNTY SURVEY RECORDS.

LEGEND

-  RIGHT-OF-WAY DEDICATION
± 78,995 SQUARE FEET (1.81 ACRES)
-  - FOUND MONUMENT PER CS21027

SEE ATTACHED LEGAL DESCRIPTION
EXHIBIT A.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

J. Taylor Haglund
OREGON
NOVEMBER 08, 2010
JOHN TAYLOR HAGLUND
55022

RENEWS: 6-30-2025

 **Harper
Houf Peterson
Righellis Inc.**

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS
250 NW Franklin Avenue, Suite 404, Bend, OR 97703
phone: 541.318.1161 www.hhpr.com fax: 541.318.1141

CWE-01 CLG 4/28/2023 SHEET 1 OF 1

LEGAL DESCRIPTION

CWE-01

April 28, 2023

Page 1 OF 1

RIGHT OF WAY DEDICATION

A tract of land, being a portion of that property described in Document Number 2018-01199 Deschutes County Official Records, located in the Southeast one-quarter of the Southeast one-quarter of Section 18, Township 17 South, Range 13 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

All of that property described in said Document Number 2018-01199 falling south and east of the following line:

Beginning at a point on the centerline of Butler Market Road No.5 ("A" - Main) alignment at station 293+68.69;

Thence, North 00°00'35" West a distance of 31.19 feet to the north Right-of-Way of Butler Market Road No.5 ("A" - Main);

Thence, continuing North 00°00'35" West a distance of 65.52 feet;

Thence, North 31°12'33" East a distance of 253.27 feet to a point on the west Right-of-Way of Powell Butte Highway, said point being 40.00 feet left of Powell Butte Highway ("C") centerline station 4+44.97;

Thence, continuing North 31°12'33" East a distance of 77.17 feet to a point on the centerline of Powell Butte Highway ("C") at station 5+10.97, said centerline also being the east line of Section 18;

Contains 18,595 square feet more or less.

Bearings and road centerline stationing are based on CS21027, Deschutes County Survey Records.

See the attached Exhibit "B", entitled "RIGHT-OF-WAY DEDICATION", which is made a part hereof.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
Nov. 08, 2010
JOHN TAYLOR HAGLUND
55022PLS

RENEWS: 6-30-25

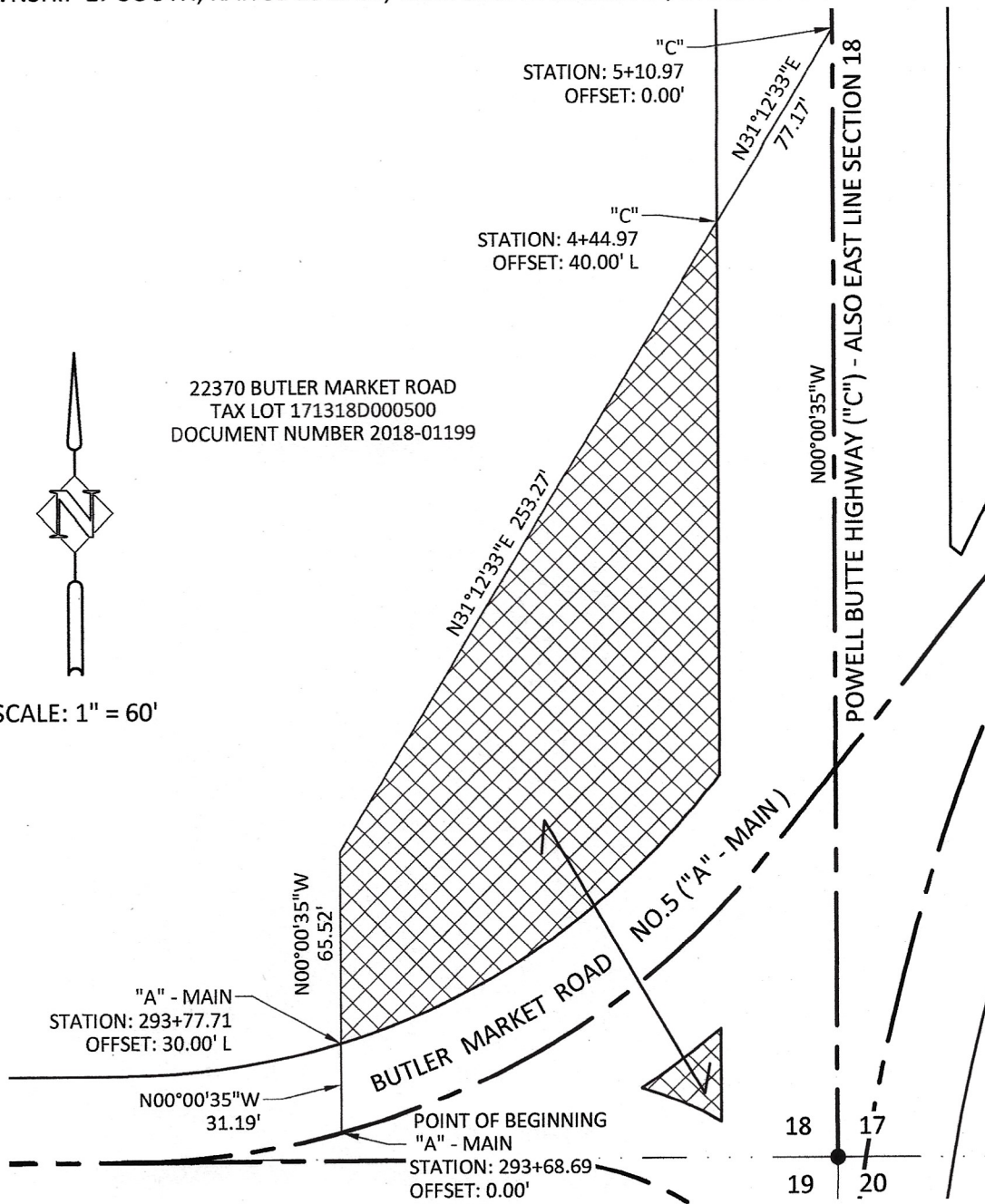
RIGHT-OF-WAY DEDICATION

LOCATED IN THE SOUTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 18,
TOWNSHIP 17 SOUTH, RANGE 13 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON



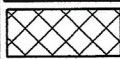

22370 BUTLER MARKET ROAD
TAX LOT 171318D000500
DOCUMENT NUMBER 2018-01199

SCALE: 1" = 60'



BEARINGS AND ROAD STATIONING
ARE PER CS21027 DESCHUTES
COUNTY SURVEY RECORDS.

LEGEND

-  RIGHT-OF-WAY DEDICATION
± 18,595 SQUARE FEET (0.43 ACRES)
-  - FOUND MONUMENT PER CS21027

SEE ATTACHED LEGAL DESCRIPTION
EXHIBIT A

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]
OREGON
NOVEMBER 08, 2010
JOHN TAYLOR HAGLUND
55022

RENEWS: 6-30-2025

 **Harper
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CWE-01 CLG 4/28/2023 SHEET 1 OF 1



AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 23, 2023

SUBJECT: Behavioral Health Sponsorship for Oregon Recovers

RECOMMENDED MOTION:

Move approval of \$1500 sponsorship for Oregon Recovers Movement.

BACKGROUND AND POLICY IMPLICATIONS:

Oregon Recovers is a state-wide coalition comprised of people in recovery and their allies that unite to transform Oregon healthcare to ensure prevention, treatment, and recovery support services for Oregonians with addiction. Oregon Recovers advocates for the development and implementation of comprehensive addiction recovery plans that are guided by quantifiable goals and performance metrics and identifies and secures revenue to implement Oregon’s inclusive alcohol and drug policy.

Deschutes County Behavioral Health would like to sponsor Oregon Recovers through their largest fundraiser that is happening locally in Bend on September 9th. We feel our presence and logo would be important to demonstrate our commitment to the recovery movement in Central Oregon.

BUDGET IMPACTS:

\$1500 from Behavioral Health administrative funds, which is supported through program indirect charges and OHP capitation.

ATTENDANCE:

Holly Harris, Behavioral Health Director



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 23, 2023

SUBJECT: Authorize the extension of the Criminal Justice Commission’s Restorative Justice grant to December 31, 2024

RECOMMENDED MOTION:

Move to approve accepting the no-cost extension of the Criminal Justice Commission’s Restorative Justice grant.

BACKGROUND AND POLICY IMPLICATIONS:

The District Attorney’s Office in partnership with local community-based organizations received grant funding in fall 2022 from the CJC to implement the Emerging Adult Program (EAP). The funding provided was within the State’s 2022-2023 biennium budget, which meant that all grant activity needed to conclude by the end of the 2023 calendar year. The grant program; however, was supposed to support initiatives for a full two years. We requested and received a no-cost extension from CJC allowing us to use change the end date of the program from December 31, 2023 to December 31, 2024 in order to meet the goals outlined within our original program plan.

The grant is covering Phase II of the EAP, which provides a restorative justice opportunity to 50 young adults cited for a crime in Deschutes County. The grant funds support 1.5 FTEs within the DA’s Office, 1.9 FTEs at our partner organizations, and provide financial resources that can be used to assist the young adult offenders (responsible parties) and their victims (harmed parties) to help them achieve stability and to be in a better place for future success.

To date, we have enrolled 27 responsible parties -- two have graduated, 2 have been revoked, and 23 remain active and in good standing. Continuing the grant until the end of 2024 will allow us to provide this opportunity to the full 50 young adults and begin the process to track the longer-term impact of the program on recidivism.

BUDGET IMPACTS:

The two-year grant request was for \$1.147,721 with the majority of the funding being allocated for personnel and contracts with our partner non-profits (Community Solutions of Central Oregon and Thrive Central Oregon).

The grant was projected in the DA Office’s FY24 Budget, and the entire grant amount has already been distributed to the County. The remaining grant funds, approximately \$400,000, are being transferred from FY23 to FY24.

ATTENDANCE:

Kathleen Meehan Coop, Management Analyst

CRIMINAL JUSTICE COMMISSION
RESTORATIVE JUSTICE GRANT PROGRAM
GRANT AGREEMENT # RJ-23-08
AMENDMENT # 2

This is Amendment No. 2 to Grant Agreement No. RJ-23-08 (“Agreement”) between the **State of Oregon**, acting by and through the Criminal Justice Commission (“CJC”), and Deschutes County District Attorney’s Office (“Grantee”).

1. Effective Date. This Agreement shall become effective on the date that it is fully executed and approved as required by applicable law.
2. Amendment to Agreement. The Agreement is hereby amended as follows:

A. The Project End Date in Exhibit A (Project Description and Budget) is amended and restated as follows:

Project End Date: December 31, 2024

3. Counterparts. This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. Original Agreement. Except as expressly amended above, all other terms and conditions of original Agreement remain in full force and effect. By its execution of this Amendment, Grantee certifies to CJC that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

The signatures of the parties follow on the next page.

Restorative Justice Grant Program
Grant No. RJ-23-08
Amendment No. 2

THE PARTIES, by executing this Agreement, acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

Approved by Grantee


Signature of Grantee 08/16/2023
Date

Kathleen Meehan Coop Management Analyst
Name & Title

931197742 OR 0502098-8
Federal Tax ID Number State Tax ID Number

Approved by Criminal Justice Commission

Kenneth Sanchagrín, Executive Director Date

Approved for Legal Sufficiency:

By email from AAG Sam Zeigler dated 11/22/22



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 23, 2023

SUBJECT: Public Hearing on the proposed conveyance of property on Drafter Road in La Pine to Foundation for Affordable Housing

RECOMMENDED MOTION:

First, hold a public hearing. Thereafter, move approval of Board Order No. 2023-034 authorizing the conveyance of property at 52721, 52711, and 52695 Drafter Road, La Pine, to Foundation for Affordable Housing, and authorize the Deschutes County Property Manager to execute the associated documents.

BACKGROUND AND POLICY IMPLICATIONS:

In 1987, Deschutes County acquired multiple properties on Drafter Road in La Pine through the tax foreclosure process for nonpayment of property taxes. Three of the properties included were:

- 1. 1.06 acres known as Map and Tax Lot 211036AA00700 located at 52721 Drafter Road; real market value by the Deschutes County Assessor's Office \$10,940
2. 1.09 acres known as Map and Tax Lot 211036AA00800 located at 52711 Drafter Road; real market value by the Deschutes County Assessor's Office \$10,940
3. 1.12 acres known as Map and Tax Lot 211036AD00100 located at 52695 Drafter Road; real market value by the Deschutes County Assessor's Office \$00

Foundation for Affordable Housing (FFAH) , a nonprofit organization that specializes in the development of affordable housing, submitted a proposal to purchase said properties for \$500,000 for the development of affordable housing. The proposal included a high-level conceptual plan for roughly 124 multifamily units to serve low-income seniors and those that qualify accordingly. It is anticipated the phase I development would start late 2024 and would provide roughly 50 to 80 units reserved for seniors 55 and older. Phase II would follow in 1-2 years and would provide an additional +/- 40 units. Amenities include a playground, open spaces and outdoor common areas.

Recently, FFAH met with City of La Pine staff to discuss the feasibility of this project. If was determined that FFAH would need to complete a traffic impact analysis to determine the number of daily trips to ensure projections align accordingly. After the purchase and sale

agreement is executed, FFAH will proceed with the required traffic study and other due diligence.

Highlights of the offer include:

- \$500,000 purchase price (\$152,905/acre)
- 90-day due diligence period, with one option to extend 45-days
- \$10,000 earnest money paid to escrow when the purchase and sale agreement is executed
- \$5,000 additional earnest money paid if buyer exercises 45-day extension
- Closing anticipated approximately one week from time buyer removes contingencies

Oregon Revised Statute (ORS) 271.330 grants political subdivisions express power to relinquish the title to any of the political subdivision's property to a qualifying nonprofit corporation for the purpose of providing low income housing. Additionally, the ORS requires advertisement in a newspaper of general circulation for two successive weeks indicating the intent to transfer the property and setting the time and place of a public hearing; the advertising requirement has been met. After the public hearing is held and objections are heard, the Board of County Commissioners may proceed with the transfer. The property will be conveyed subject to restriction for use as affordable housing.

BUDGET IMPACTS:

\$500,000 gross proceeds

ATTENDANCE:

Kristie Bollinger, Property Manager

REVIEWED

LEGAL COUNSEL

08/23/2023 Item #8.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Designating the Deschutes County
Property Manager, Kristie Bollinger as the
Deschutes County Representative for the Purpose
of Signing Documentation to Complete the Sale
of County-Owned Property Located at 52721,
52711, and 52695 Drafter Road, La Pine, Oregon,
97739

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ORDER NO. 2023-034

WHEREAS, the Board of County Commissioners of Deschutes County has authorized the conveyance of property consisting of 1.06-acres located at 52721 Drafter Road known as Map and Tax Lot 211036AA00700; and 1.09-acres located at 52711 Drafter Road known as Map and Tax Lot 211036AA00800; and 1.12-acres located at 52695 Drafter Road known as Map and Tax Lot 211036AD00100, La Pine, Oregon, 97739 to Foundation for Affordable Housing, a nonprofit that specializes in affordable housing; and

WHEREAS, Deschutes County received a proposal from Foundation for Affordable Housing (FFAH) to purchase said property for Five Hundred Thousand (\$500,000) Dollars; and

WHEREAS, FFAH intends to develop said property to provide approximately 124 multifamily units to serve low-income seniors and those that qualify; now, THEREFORE,

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

Section 1. The Deschutes County Property Manager, Kristie Bollinger is designated as the Deschutes County representative for the purpose of signing the necessary documents to complete the sale of property consisting of 1.06-acres located at 52721 Drafter Road known as Map and Tax Lot 211036AA00700; and 1.09-acres located at 52711 Drafter Road known as Map and Tax Lot 211036AA00800; and 1.12-acres located at 52695 Drafter Road known as Map and Tax Lot 211036AD00100, La Pine, Oregon, 97739

SIGNATURES ON FOLLOWING PAGE

Dated this _____ of _____, 2023

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

PHIL CHANG, Vice Chair

ATTEST:

Recording Secretary

PATTI ADAIR, Commissioner



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 23, 2023

SUBJECT: Request for Proposals from Deschutes County Community Justice Department for New Shelter and Housing Units for Male Justice Involved Individuals

RECOMMENDED MOTION:

Move to authorize staff to issue Document NO. 2023-751, a Request for Proposals for a new shelter and housing units for male justice-involved individuals

BACKGROUND AND POLICY IMPLICATIONS:

Adult P&P received approval from the Board on May 17, 2023 to apply for funding made possible through Oregon Emergency Order 23-02 to create short-term shelter and longer-term housing options through public-private partnership for up to 24 individuals within this population annually. Adult P&P's project proposal was approved on May 31, 2023. The board signed off on the COIC's Intergovernmental Agreement (Doc 2023-690) on July 26th, 2023. We are now seeking board approval to release a request for proposals (RFP) to start the competitive procurement process to select a provider.

Adult P&P will select a provider through a competitive RFP process as outlined in Doc 2023-751. Proposals will be due in late September. The department will utilize the end of September and early October to review the submissions and create a review panel who will score the proposals. Once a final recommendation has been made the department will come back before the board to get approval to issue an intent to award and begin the process to enter into a contract with the provider.

The target population for this project includes male clients that have a no contact with minor restriction or whom have to register as a sex offender. The department will work with the provider to locate an appropriate and acceptable property, and developing program protocols, criteria and requirements. The provider will purchase the property and manage the program with an on-site housing manager. The provider will hold the deed and title, be responsible for maintenance and repair, and may utilize equity from the purchase for operational costs or property maintenance. Clients served through the housing portion of the program will pay rent directly to the provider. Adult P&P will provide administrative support, manage the pass-through grant funds, and provide support to the provider with

P&P Officer home visits at the property and case management with the housing manager.

Adult P&P was awarded \$ 1,078,518 to purchase through a private provider a multi-purpose, 4+ bedroom property in Deschutes County to both rehouse and to shelter individuals who have conditions that restrict their proximity to minors and/or are required to register as a sexual offender. Funds would be primarily passed through to the private provider for one-time costs, such as acquisition of the property, renovations, start-up costs, etc.

Many challenging contingencies and requirements will need to be met for the program to succeed. We will work with the provider and seek legal and BOCC input along the process. At this time, funding must be spent no later than January 10, 2024.

BUDGET IMPACTS:

\$1,078,518 grant. Majority of funds will be passed through to a community organization/provider.

ATTENDANCE:

Deevy Holcomb, Director Deschutes County Community Justice
Trevor Stephens, Community Justice Business Manager
Nicoli Brower, Administrative Analyst Adult Parole and Probation

DESCHUTES COUNTY COMMUNITY JUSTICE DEPARTMENT

REQUEST FOR PROPOSALS FOR

New Shelter and Housing Units for Male Justice Involved Individuals

Deschutes County Document #2023-751

Proposed RFP Release Date: August 25, 2023

Deschutes County, a political subdivision of the State of Oregon, acting by and through the Deschutes County Community Justice Department, Adult Parole and Probation Division ("Deschutes County"), is releasing this competitive solicitation to secure a provider to offer Housing for clients with restrictive conditions (hereinafter referred to as "Services" and detailed further in Section 5, "Scope of Services"). Services shall be provided either through a private provider or a group of providers who through an agreement or memorandum of understanding serve together as a consortium in order to offer services.

NOTE: All proposals submitted in response to this Request for Proposal (RFP) shall become the property of Deschutes County and may be utilized in any manner and for any purpose by Deschutes County. Be advised that proposals and all documents submitted in response to this RFP are subject to public disclosure as required by applicable state and/or federal laws. If you intend to submit any information with your proposal which you believe is confidential, proprietary or otherwise protected from public disclosure (trade secret, etc.), you must separately bind and clearly identify all such material. The cover page of the separate binding must be red, and the header or footer for each page must provide as follows: "Not Subject to Public Disclosure." Where authorized by law, and at its sole discretion, Deschutes County will endeavor to resist disclosure of properly identified portions of the proposals.

- The proposal must be submitted by email to Adult Parole and Probation: Trevor.Stephens@deschutes.org.
The proposal must be submitted in PDF or Microsoft Word format.

Proposals must be received no later than 12:00 pm, on Wednesday, September 27, 2023 ("Due Date") to be eligible for consideration. Deschutes County retains full discretion to accept or deny any late submissions. All costs associated with preparing and submitting a proposal is solely the responsibility of the proposer. This solicitation does not obligate Deschutes County to select any single proposer and Deschutes County reserves the right to cancel the procurement, reject any and all proposals, to retain all proposal materials in accordance with ORS 279B.100, and to use any material included in the proposal regardless of whether it is selected. Proposal documents will not be returned to provider at the end of the process and will be disposed of in accordance with any records retention requirements based on grant requirements and state and/or federal laws.

- Questions concerning the proposal process may be directed no later than September 6, 2023 at 12:00pm to Trevor Stephens via email to Trevor.Stephens@deschutes.org.
If you would like to receive the response to any and all questions received please send Trevor.Stephens@deschutes.org an email requesting to be added to the list. Otherwise only those who have emailed questions will receive the response.

1. INTRODUCTION

The purpose of this Request for Proposal (RFP) is to execute a contract with a community provider for the purpose of providing housing to justice-involved individuals who identify as men and are on supervision in Deschutes County. The primary target population for these services are individuals with conditions that restrict their proximity to minors or who have to register as a sex offender.

Contingent upon approval by the Deschutes County Purchasing Agent, Deschutes County intends to award one (1) contract to the provider whose proposal is determined to be the most responsive to the requirements of this RFP. The term of the resulting contract is estimated to begin on or about November 1, 2023 and terminate December 31, 2034. This is currently planned to be a reimbursement-based contract and funds shall be reimbursed for actual expenses incurred. However, County is open to modification of this in order to facilitate the purchase of the property used for these services. Contracted entities will receive (contingent on approved budget) reimbursement for funds to:

- Purchase a house/building or renovate an existing property.

- Initial startup operations of the shelter and housing services.
- Purchase and install a security system.
- Purchase initial furniture and furnishing.

Deschutes County estimates that yearly this project should provide at least eight (8) shelter beds at any given time and at least two (2) longer term beds that may be used as permanent housing units at any given time. We anticipate the program to annually serve 15-25 shelter bed clients and 2-4 longer term/housing unit clients.

Services must be provided in accordance with all applicable rules, regulations, and policies as specified by federal, state, and county guidelines, including but not limited to, Oregon Administrative Rules (OAR) 309-019-0100 through OAR 309-019-0220.

The estimated amount of funds available for this contract is as follows (there is some flexibility with these funds in terms of how they are allocated):

- Property/Building Acquisition \$850,000.00
- Furniture and Fixtures \$30,000.00
- Security System \$20,000.00
- Initial Operation Start-Up Employee Expense \$100,000.00
- Other Support and Expenses \$78,518

Total Estimated Available: \$1,078,518

However, this amount is based on grant funding and may fluctuate depending on grant approval and budget allocation.

Deschutes County is the grant, contract, and fiscal intermediary for these funds. Deschutes County shall contract with appropriate service agencies to provide service for clients on supervision.

Ideally, the Provider selected will provide most, if not all, the Services outlined in section 5, "Scope of Work", of this RFP either through their agency or by a consortium (consortium is an agreement, combination, or group formed to undertake a common enterprise beyond the resources of any one member).

Reimbursement for Services is based upon County's approval of Contractor's submission of applicable/required documentation. Funding for Services is contingent upon the Governor's Emergency Order 23-02.

2. GENERAL SUMMARY AND OVERVIEW

Approximately 10% of the Adult Parole & Probation (Adult P&P) supervised population experiences unsheltered homelessness or chronically cycle between low barrier and transitional housing and unsheltered homelessness. Within this population we consistently supervise 25-30 men who do not qualify for high barrier, treatment and other subsidized housing or shelter supports due to the nature of their supervision conditions, which either prohibit their proximity to minors, or require them to register as sexual offenders. This population experiences chronic and acute homelessness. This in turn exacerbates their real and perceived public safety risk as it makes clients hard for P&P Officers to locate and support. These individuals also tend to be perpetually reliant on expensive emergency public safety and health resources.

In the past Adult P&P has accessed county- or privately-provided facilities for this priority public safety population, but has had no dedicated facility since 2019. Instead, P&P Officers rely on expensive short-term motel stays for individuals being released from prison without alternative approved housing. When motel stays become prohibitively expensive, clients remain homeless and staff constantly troubleshoot emergencies and risks therein, and work with varying degrees of success with local shelter providers to create safety protocols for when this population has incidental contact with co-located families and people under 18.

Adult P&P was awarded \$1,078,518 to purchase, through a private provider, a multi-purpose, multi-bedroom property in Deschutes County to both rehouse and to shelter individuals who have conditions that restrict their proximity to minors and/or are required to register as a sexual offender. Funds would be primarily passed through to the private provider for one-time costs, such as acquisition of the property, renovations, start-up costs, etc.

Adult P&P will select a provider through this RFP process and provide assistance to the provider in locating an appropriate and acceptable property, and developing program protocols, criteria and requirements. The provider would purchase the property and manage the program with an on-site housing manager. The provider will hold the deed and title, be responsible

for maintenance and repair, and may utilize equity from the purchase for operational costs or property maintenance. A restrictive covenant will be placed on the property and will run with the property until December 31, 2034. Individuals served through the housing portion of the program will pay rent directly to the provider. Adult P&P will provide administrative support, manage the pass-through grant funds, and provide support to the provider with P&P Officer home visits at the property and case management with the housing manager.

MISSION AND GOALS:

The mission of Deschutes County Adult Parole and Probation is to protect the public, repair harm, hold clients accountable and facilitate pro-social thinking. In doing this we work to balance behavior change and public safety in the work we do with our clients.

The goal of this partnership will be to establish an option in Deschutes County for clients on supervision for whom we consistently have a hard time finding safe and stable housing.

The goals of the project are to:

1. Find and secure a long term acceptable house or building in Deschutes County to offer shelter and housing services for clients with supervision restrictions.
2. Create an environment and setting that promotes stability and behavior change for clients.
3. Reduce the fiscal impact on community agencies by promoting self-sufficiency and prosocial behavior.
4. Enhance public safety by providing a safe and managed housing options for clients on supervision with restrictive conditions.

TARGET POPULATION:

The target population is Deschutes County residents, eighteen (18) years of age or older, who:

1. Identify as male.
2. Currently are on supervision with Deschutes County Parole and Probation.
3. Preference must be given for individuals with minor contact restrictions as a part of their supervision or who have to register as a sex offender.
4. Provider cannot have any restriction that prohibit any sex offense related offense types or sex offender level restrictions. Some clients will have registration requirements using the address of the home and community notification requirements. The provider must work with client and community to ensure that these are made.
5. Provider will prioritize referrals from Parole and Probation for individuals who are;
 - Veterans
 - Medically Vulnerable
 - Identify as Black, Indigenous, Latinx, Asian and/or People Of Color (BILAPOC)

PROGRAM PRICIPLES AND GUIDELINES:

- Must adopt clear, consistent, fair, transparent, and accessible program policies.
- Must be person-centered and provide housing first case management supports.
 - A person-centered case management approach ensures that the person who has experienced homelessness has a major say in identifying goals and service needs, and that there is shared accountability. Case management must focus on housing assessment, placement and housing stability.
- Must agree to abide by low-barrier principles
 - Low barrier means a program that does not require any of the following for an individual to participate in one of the programs: (i) criminal background checks, (ii) credit checks or income verification, (iii) (treatment or other) program participation, (iv) sobriety, or (v) identification.
 - Low Barrier programs may enforce safety requirements for self, staff, place, and/or others.
 - Individuals on supervision may have requirements as part of their supervision in terms of treatment program participation or sobriety, but that cannot be a requirement of admission or participation in these funded shelter and housing services.
 - Low barrier does not prohibit the selected provider and Adult P&P from creating, monitoring and enforcing house rules that for example, may include no alcohol or drugs or usage on property; or no violent behaviors etc.
- Must support individual choice and self-determination.
- Must be oriented to help all individuals stabilize and work to find potential stable housing options.
- Must collaborate with other community-based organizations and public agency partners to bring to bear options and opportunities for individuals to participate in ancillary support services and activities that will support in bringing stability to their shelter or housing status.

DEFINITIONS

- Housing Beds
 - Single occupancy room with access to shared common spaces. More long term orientation.
- Shelter Beds
 - Dormitory style beds with multiple clients in a room that have access to shared common spaces. More short term orientation.

ADMINISTRATIVE SUPPORT:

Adult Parole and Probation will provide administrative support and grant oversight.

COMMUNITY CORRECTIONS SUPPORT:

Parole & Probation Officers will refer eligible individuals, work in partnership with provider and assist with case management and supervision based on each individual’s supervision plan and needs. Together we seek to mitigate emergency and urgent sheltering needs of this population, provide options for long-term housing in a safe and supportive environment, and offer robust case management and service opportunities for residents as they complete their community supervision requirements and get back on their feet, rebuild lives and become productive community members.

DATA TRACKING/DATA COLLECTION:

Provider will be required to submit a monthly narrative update report outlining milestones, success measures, outcomes, obstacles, and impacts of the project for the first year of the contract. After the 1st year reporting would likely move to quarterly and the format may change with input from all parties.

Provider is able and will enter all appropriate and necessary data into Homeless Management Information System ("HMIS") at the time of client intake, if applicable, or at such other times required, or require subcontractors providing the Services for which funding has been provided under this Agreement to enter. If provider is unable to enter directly into the system they will provide this information monthly to Adult Parole and Probation for entry.

Provider will be required to report client level data, such as the number of persons served and their demographic information, in a Homeless Management Information System (HMIS). HMIS is an electronic data collection system that facilitates the collection of information on persons who are homeless or at risk of becoming homeless and is managed and operated locally.

Provider shall provide additional reports as needed and shall cooperatively attend meetings as reasonably requested. Reports and meetings will be based on grant requirements.

4. PERIOD OF SERVICE

A contract is expected to be awarded for the period **November 1, 2023 and terminate December 31, 2034.**

5. SCOPE OF SERVICES

The selected provider will provide most, if not all, the Services outlined below either through their agency or by a consortium. All Services are to be aligned with Fair Housing State and Federal Laws as they pertain to congregate housing providers.

1. Secure and Purchase a Building or House in Deschutes County

Provider will be responsible for locating and purchasing a residence or building to be used to provide housing services. House must have at least 2 rooms that can be used by individuals for housing units beds (suitable for single occupancy, 1-2 rooms that can be used for dorm style shelter style beds for at least 8 people, two full bathrooms and a full kitchen.
2. Provide eight (8) shelter beds at all times to be used by Parole and Probation clients.
 - A. Shelter style beds can be dormitory style with multiple clients in a room that have access to shared common spaces.
 - B. Client utilizing shelter beds may include individuals in any of the following housing situations;
 - i. Stability (1 to 90 days): Individuals who have independent housing options and acceptable personal networks in the near-term but require short-term shelter while those plans are finalized
 - ii. Transition (1-180 days): Individuals transitioning to community from prison/jail with no current independent and acceptable shelter options, but who have an ultimate plan/capability for independent housing or acceptable personal networks.
3. Provide two (2) housing unit beds at all times to be used by Parole and Probation clients.
 - A. Housing Units Beds are long term oriented with no specific time restrictions for the client. Client will have their own room with a locking door, and access to bathroom and full use of common areas.

- B. Client utilizing housing unit beds may include individuals in any of the following housing situations;
 - i. Individuals with limited income insufficient for private rental or housing market and no independent or acceptable other shelter options or personal networks who may require long-term residence.
- 4. Provide housing stability services that includes housing readiness, short-term goal setting around housing, long term housing plans and additional support to help clients find long term stable housing.
- 5. Provide onsite housing management at least 40 hours a week. Preference will be for a live in onsite manager, but we are also open to other options. If house does not have live in onsite manager staff must visit the house at least 5 days a week to include at least Saturday or Sunday.
- 6. County is open to working with a contractor who would like to utilize a location they currently occupy or own (I.E. utilize acquisition funds for remodeling or paying off property). However, same restrictions as outlined in 6. REAL PROPERTY RESTRICTIVE COVENANTS will apply. If used for a property already owned by the provider the property cannot already be providing housing or shelter beds. These funds must be used to increase capacity of beds available in Deschutes County. County is also open to working with a contractor who would like to utilize acquisition funds to help purchase a property that costs more than the allocated acquisitions funds as described above. However, same restrictions as outlined in 6. REAL PROPERTY RESTRICTIVE COVENANTS will apply.
- 7. Preference will be given to providers who can also provide staff that are certified recovery mentors (Recovery Mentors) or who have lived experience with successfully navigating Parole & Probation supervision (however, staff may not currently be on active supervision status).
- 8. Preference will be given to providers who offer ancillary support services that program residents may voluntarily or through their supervision conditions seek, including but not limited to.
 - i. Homelessness prevention, mitigation and transition
 - ii. Sex offender therapy.
 - iii. Cognitive behavioral therapy.
 - iv. Interventions that promote general health and well-being: (i.e. smoking cessation, sexual and reproductive health, yoga, acupuncture);
 - v. Assistance in applying for health insurance and public assistance as needed;
 - vi. Mentor and alumni groups;
 - vii. Substance abuse disorder treatment.
 - viii. Mental and or behavioral health treatment.
- 9. Performance Measures and Outcomes.
 Provider will be required to create and update policies and procedures for operations of this program. This will include but not limited to a referral process, house rules, cleaning requirements, notification processes, data tracking, reporting, and invoicing. These will be designed in consultation with Adult Parole and Probation and must be approved by Adult Parole and Probation before any client(s) move into housing.

6. REAL PROPERTY RESTRICTIVE COVENANTS

Provider will be required at their expense to place a Declaration of Restrictive Covenants on the real property purchased with grant funds. The covenants must restrict use of the property to housing and services as agreed to. The restrictive use period runs from December 31, 2024 to December 31, 2034. Within the Restrictive Use Period, Recipient may not transfer, repurpose, sell, assign, bequeath, or dispose of any interest in the Facilities or the underlying real property to any person, entity or other assignee, without obtaining the prior written consent of County. County may condition any such consent on the agreement of the transferee to assume all obligations of Recipient under this Agreement for the duration of the Restrictive Use Period.

At the end of the Restrictive Use Period provider is able to have free use of the real property.

7. INSTRUCTIONS AND CONDITIONS

Proposals must be signed by an authorized representative. Proposals drafted by a consortium shall include a Memorandum of Understanding (MOU) signed by individuals of each entity choosing to participate. Proposals without an original authorized signature will be rejected.

This RFP does not commit Deschutes County to award a contract or to pay any associated cost. The proposal preparation cost is solely the responsibility of the Provider. All proposals submitted in response to this Request for Proposal (RFP) shall become the property of Deschutes County and may be utilized in any manner and for any purpose by Deschutes County. Be advised that proposals and all documents submitted in response to this RFP are subject to public disclosure

as required by applicable state and/or federal laws. If you intend to submit any information with your proposal which you believe is confidential, proprietary or otherwise protected from public disclosure (trade secret, etc.), you must separately bind and clearly identify all such material. The cover page of the separate binding must be red, and the header or footer for each page must provide as follows: "Not Subject to Public Disclosure." Where authorized by law, and at its sole discretion, Deschutes County will endeavor to resist disclosure of properly identified portions of the proposals.

Proposals should not include personal identifier information in resumes or other documents such as social security numbers, dates of birth, criminal clearance documents, etc. Deschutes County shall not in any way be liable or responsible for the disclosure of any such records.

Any proposal may be rejected if it is conditional, incomplete, or deviates from specifications in this RFP. By submitting a proposal, the Provider agrees to meet all the requirements set forth in the RFP, unless specific exceptions are noted in Attachment 3 (Executive Summary). Deschutes County reserves the right to accept any part of the proposal and not be obligated in any way to accept those parts that do not meet with the approval of Deschutes County. Deschutes County reserves the right to waive, at its discretion, any procedural irregularity, immaterial defect or other impropriety not warranting rejection of the proposal. Any waiver will not excuse a Provider from full compliance if awarded a contract. Reasons for rejecting any proposal will be supplied to the Provider.

Deschutes County, in its sole discretion, reserves the right to modify or cancel this RFP in whole or in part. If modification or cancellation is determined to be in the County's best interest, all Providers will be notified in writing of the specific reasons for such modification or cancellation.

Deschutes County reserves the right to seek additional proposals beyond the final submission date, if, in Deschutes County's sole discretion, the proposals received do not meet with the approval of Deschutes County.

Proposals must be valid for a minimum of one hundred eighty (180) days from the due date of this RFP.

8. TENTATIVE SCHEDULE OF EVENTS

Providers must follow the instructions and conditions detailed in this RFP. Proposals that do not conform may be excluded from further review.

Deschutes County anticipates that it will announce the results of this RFP process by the end of October 2023. Deschutes County and the selected Provider will then negotiate terms and sign a legally-binding contract. Proposals must be submitted as described above no later than 12:00 pm, on September 25, 2023 ("Due Date"). Proposals received after that time will be considered late and acceptance will be at sole discretion of Deschutes County.

Proposals will not be opened publically. A list of competing providers can be requested 48 hours after submission deadline. A register of all proposals received will be prepared and available for public inspection after a contract is awarded.

August 25 th , 2023	Request for Proposals is released.
September 6 th , 2023	Proposal questions submitted by email. Submit by 12:00pm.
By 5:00pm on September 11 th , 2023	Answers to submitted questions released.
September 27th, 2023	Proposals are due. Must be received before 12:00pm PST
Late September and early October	Proposals scored and narrowed to top three.
First and Second Week of October	Interviews are conducted with top three ranking candidates, if needed.
Third Week of October	Recommendation of selected candidate is forwarded to the Deschutes County Board of County Commissioners. Board considers selection and issuance of Notice of Intent to Award.
November 2023	Contract for services is developed and signed.
November 2023	Contracted services commence.

9. ACCEPTANCE OR REJECTION PROPOSALS

In awarding a contract, Deschutes County will accept and consider the proposal or proposals which, in the estimation of Deschutes County, will best serve the interests of Deschutes County and our clients. Deschutes County reserves the right to award a contract to the Provider whose proposal is most advantageous to Deschutes County based upon the evaluation process and evaluation criteria contained within this RFP. Deschutes County reserves the right to accept or reject any or all proposals. Any proposal which Deschutes County judges to be incomplete or nonconforming may be rejected. Any evidence of collusion between providers may constitute a cause for rejection of any proposals so affected.

10. EQUITY AND INCLUSION

In the provision of all services, Deschutes County values fairness, equity, inclusion, accessibility, diversity and transparency. Provider should work to ensure that participants have access to culturally responsive supervision, treatment and resources based on self-defined racial and ethnic identity, gender identity, sexual orientation and other identities that support each person’s resilience, integrity, wellness and success.

11. SELECTION PROCESS

All proposals will initially be screened by a selection of staff (“review panel”) determined by the Community Justice Department. All proposals submitted by the RFP due date will be subject to a standard review process. An initial review of each proposal will be conducted by the review panel to determine if it is complete, in the required format, and in compliance with all requirements of this RFP. Failure to meet any of these requirements may result in a rejected proposal.

Each proposal that passes the initial review will be evaluated and scored by the review panel. The process may include a panel interview with the County. The review panel will evaluate and score each proposal on the basis of a 100 point scale, using the assigned weights listed below.

Evaluation Criteria	Value
Service Delivery	25 Points
Knowledge, Experience, and Expertise	25 Points
Human-Center Focus and Understanding of Low Barrier	10 Points
Collaboration and Community Awareness	10 Points
Financial Creativity	20 Points
Performance Measures and Deliverables.	10 Points
Total points available	100 Points

Narrative responses to each section of the application, any required attachments and the completed budget forms will be reviewed to determine compliance with the requested information and the feasibility and reasonableness of proposed program design, cost, and expected outcomes. Each evaluation criterion is described in full in Attachment 5.

12. AWARD AND COMMENCEMENT OF WORK

Recommendation for award is contingent upon successful negotiation of the contract and resolution of any protests. The successful Provider shall be required to sign the negotiated contract, which will be in the form and content as approved by Deschutes County.

The final authority to award a contract rests solely with the Deschutes County. The successful Provider shall not be allowed to begin work under any negotiated contract until such time as the contract has been approved and executed by Deschutes County. The successful Provider must agree to all terms, insurance coverage provisions, and conditions of the contract with Deschutes County.

If only one proposal is received and it is deemed that such proposal meets requirements for funding, Deschutes County reserves the option to award such entity a contract on a sole-source basis. In the event no proposals are received, or proposals received do not meet requirements for funding under this RFP Deschutes County may designate another qualified entity to operate the program on a sole-source basis. If revisions or additional information to this RFP become necessary, Deschutes County will post the addenda or supplements on the Deschutes County website.

As referenced in Attachment 2 of this RFP, the selected Provider will need to submit evidence of the following insurance requirements prior to execution of the contract:

1. Commercial General Liability "occurrence" coverage, naming **Deschutes County, the State of Oregon, and its officers, agents, employees and volunteers as an additional insured**, in the minimum amount of \$2,000,000 combined single limit (CSL) bodily injury & property damage each occurrence and \$4,000,000 aggregate, including personal injury, broad form property damage, products/completed operations, broad form blanket contractual and \$50,000 fire legal liability.
2. Professional Liability coverage in the minimum amount of \$1,000,000 combined each occurrence and \$2,000,000 aggregate, for damages caused by error, omission, or negligent acts related to professional services provided under the contract. The policy must provide extended reporting period coverage, sometimes referred to as "tail coverage" for claims made within two (2) years after the contract work is completed.
3. Commercial Automobile Liability coverage in the minimum amount of \$2,000,000 CSL bodily injury & property damage, including owned, non-owned, and hired automobiles. Also to include Uninsured/Underinsured Motorists coverage in the minimum amount of \$100,000 when there are owned vehicles. Contractor must have on file evidence of auto insurance in the minimum amount of \$100,000 CSL bodily injury & property damage for all employees and volunteers associated with the contract.
4. Workers' Compensation coverage, including a Waiver of Subrogation in full compliance with Oregon statutory requirements, for all employees of Contractor and Employer's Liability in the minimum amount of \$500,000.

Misrepresentation during the procurement or contracting process in order to secure the contract will disqualify a bidder or contractor from further consideration in the procurement or contracting process. Failure to comply with contract requirements once a contract has been awarded will constitute a material breach of the contract and may result in the suspension or termination of the affected contract and debarment from future Deschutes County contracting opportunities for a period not to exceed three (3) years. Other penalties may also apply.

As applicable, the selected Provider shall also submit to Deschutes County prior to contract award the following documents:

- Articles of Incorporation or business license;
- Grievance procedures for participants;
- Handicapped Access Survey;
- Verification of credentials, including education qualifications and professional licenses/certifications, as applicable.

14. SUBMISSION PACKAGE

Applications submitted in response to this RFP must include the items and be in the order as listed below. All of the items combined comprise your completed Application pursuant to this RFP.

1. Copy of signed Proposal Response Form (form should be e-mailed to Trevor Stephens prior to Due Date upon Provider's consideration of participating in this RFP) - **Attachment 1**
2. Signed Acknowledgement of Insurance Requirements – **Attachment 2**
3. Executive Summary: Please complete as directed. **Attachment 3**
4. Narrative Section: Prepare a written response that fully addresses each of the evaluation criteria listed. The narrative must be typed in 12-point font, one-inch margins, 8½" x 11", paginated, on white paper. Narrative section is limited to twenty (20) pages, one-sided. **Attachment 4**
5. Consortium's MOU, (if applicable).

It is the responsibility of the Provider to ensure the proposal is submitted via email by the time and date as specified.

To be considered for this RFP, all proposals submitted must be received no later than 12:00 pm on September 27, 2023 ("Due Date") with one complete application package with signature by email to Trevor.Stephens@deschutes.org. Deschutes County reserves sole discretion to accept or reject any late proposals.

15. ASSIGNMENT

Neither the resultant contract nor any of the requirements, rights, or privileges demanded by it may be sold, assigned, sublet, contracted, or transferred by the Contractor without the express written consent of the County. The granting or withholding of such consent shall be at the County's sole discretion.

16. CLARIFICATION OF RESPONSES

The County or its agents reserve the right to obtain clarification of any point in a Proposer's Proposal or to obtain additional information necessary to properly evaluate a particular Proposal. Failure of a Proposer to answer the request for additional information or clarification could result in rejection of the Proposer's response.

and/or Proposal.

17. COLLUSION

A Proposer submitting a Proposal hereby certifies that no officer, agent, or employee of the County has a pecuniary interest in the submitted Proposal; that the Proposal is made in good faith without fraud, collusion, or connection of any kind with any other Proposer; the Proposer is competing solely in its own behalf without connection with, or obligation to, any undisclosed person or firm.

18. DISPUTES

In case of any doubt or differences of opinions as to the items or service to be furnished hereunder, or the interpretation of the provisions of the Request for Proposal, the decision of the County shall be final and binding upon all parties.

19. LOBBYING

Commencing with the issuance of this RFP, Proposers or others acting on their behalf are cautioned not to undertake any activities or actions to promote their proposals. Proposers or others acting on their behalf shall not make direct or indirect (through others) contact with members of the Deschutes County Board of Commissioners, County staff, or others to promote its proposals. Violation of this requirement may, in County's sole discretion, be grounds for disqualifying the Proposer from further consideration.

20. NON-DISCRIMINATION IN EMPLOYMENT

The successful Provider's attention is directed to the provisions of Oregon Revised Statutes, Chapter 659, and prohibiting discrimination in employment.

21. PROPOSAL NOT A CONTRACT

Neither this Request for Proposals nor responses to it constitute a contract between the County and the Proposer. The County reserves the right to negotiate specific contract terms with the selected Proposer.

22. VERBAL STATEMENTS NOT BINDING

Statements made by County representatives concerning this Request for Proposal are not binding upon the County unless confirmed in writing by a duly authorized employee/official.

23. STATE AND FEDERAL LAW COMPLIANCE

Provider must comply with all applicable requirements of federal and state civil rights law and rehabilitation statutes. As applicable, the successful Provider agrees to comply with all applicable provisions of the County and Oregon public contracting law.

Attachment 1

DESCHUTES COUNTY COMMUNITY JUSTICE DEPARTMENT

REQUEST FOR PROPOSALS FOR

Proposal Response Form

Submit by e-mail to: trevor.stephens@deschutes.org

A signature on this form acknowledges that the proposed provider is hereby submitting a proposal in response to Deschutes County's Request for Proposal. Submitting this form ensures the Provider will be included in any communications regarding addendums to the RFP or questions being responded to prior to RFP Due Date.

Authorized Signature: _____

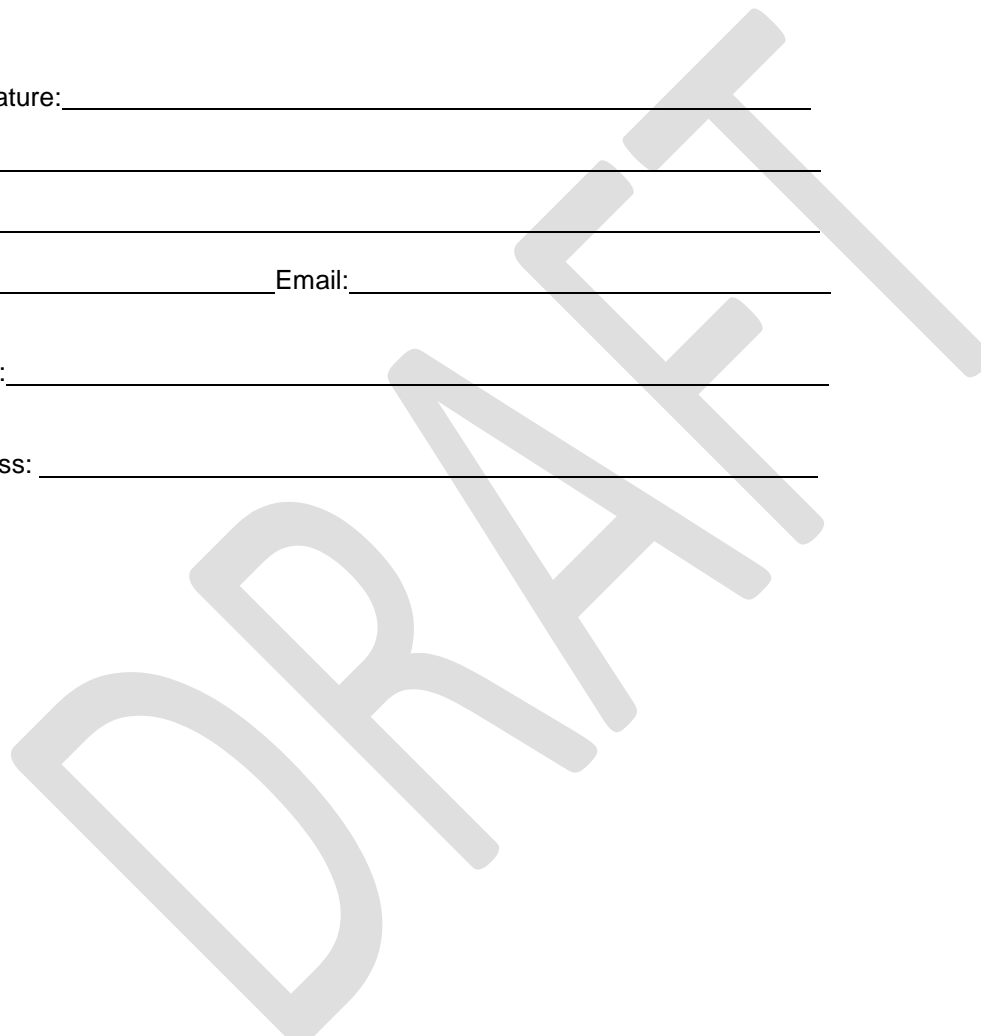
Contact Name: _____

Title: _____

Phone: _____ Email: _____

Company Name: _____

Company Address: _____



Attachment 2 - ACKNOWLEDGEMENT OF INSURANCE REQUIREMENTS

Contractor shall at all times maintain in force at Contractor's expense, each insurance noted below. Insurance coverage must apply on a primary or non-contributory basis. All insurance policies, except Professional Liability, shall be written on an occurrence basis and be in effect for the term of the contract. Policies written on a "claims made" basis must be approved and authorized by Deschutes County.

Workers Compensation insurance in compliance with ORS 656.017, requiring contractor and all subcontractors to provide workers' compensation coverage for all subject workers, or provide certification of exempt status. Worker's Compensation Insurance to cover claims made under Worker's Compensation, disability benefit or any other employee benefit laws, including statutory limits in any state of operation with Coverage B Employer's Liability coverage all at the statutory limits. . In the absence of statutory limits the limits of said Employers liability coverage shall be not less than \$500,000 each accident, disease and each employee. This insurance must be endorsed with a waiver of subrogation endorsement, waiving the insured's right of subrogation against County.

Professional Liability insurance with an occurrence combined single limit of not less than:

- | | |
|---|---|
| Per Occurrence limit | Annual Aggregate limit |
| <input checked="" type="checkbox"/> \$1,000,000 | <input checked="" type="checkbox"/> \$2,000,000 |
| <input type="checkbox"/> \$2,000,000 | <input type="checkbox"/> \$4,000,000 |
| <input type="checkbox"/> \$3,000,000 | <input type="checkbox"/> \$5,000,000 |

Professional Liability insurance covers damages caused by error, omission, or negligent acts related to professional services provided under the contract. The policy must provide extended reporting period coverage, sometimes referred to as "tail coverage" for claims made within two years after the contract work is completed.

- Required by County Not required by County (one box must be checked)

Commercial General Liability insurance with a combined single limit of not less than:

- | | |
|---|---|
| <u>Per Single Claimant and Incident</u> | <u>All Claimants Arising from Single Incident</u> |
| <input type="checkbox"/> \$1,000,000 | <input type="checkbox"/> \$2,000,000 |
| <input checked="" type="checkbox"/> \$2,000,000 | <input checked="" type="checkbox"/> \$4,000,000 |
| <input type="checkbox"/> \$3,000,000 | <input type="checkbox"/> \$5,000,000 |

Commercial General Liability insurance includes coverage for personal injury, bodily injury, advertising injury, property damage, premises, operations, products, completed operations and contractual liability. The insurance coverages provided for herein must be endorsed as primary and non-contributory to any insurance of County, its officers, employees or agents. Each such policy obtained by contractor shall provide that the insurer shall defend any suit against the named insured and the additional insureds, their officers, agents, or employees, even if such suit is frivolous or fraudulent. Such insurance shall provide County with the right, but not the obligation, to engage its own attorney for the purpose of defending any legal action against County, its officers, agents, or employees, and that contractor shall indemnify County for costs and expenses, including reasonable attorneys' fees, incurred or arising out of the defense of such action.

The policy shall be endorsed to name *Deschutes County, the State of Oregon, their officers, agents, employees and volunteers as an additional insured*. The additional insured endorsement shall not include declarations that reduce any per occurrence or aggregate insurance limit. The contractor shall provide additional coverage based on any outstanding claim(s) made against policy limits to ensure that minimum insurance limits required by the County are maintained. Construction contracts may include aggregate limits that apply on a "per location" or "per project" basis. The additional insurance protection shall extend equal protection to County as to contractor or subcontractors and shall not be limited to vicarious liability only or any similar limitation. To the extent any aspect of this Paragraph shall be deemed unenforceable, then the additional insurance protection to County shall be narrowed to the maximum amount of protection allowed by law.

- Required by County Not required by County (One box must be checked)

Automobile Liability insurance with a combined single limit of not less than:

Per Occurrence

\$500,000

\$1,000,000

\$2,000,000

Automobile Liability insurance includes coverage for bodily injury and property damage resulting from operation of a motor vehicle. Commercial Automobile Liability Insurance shall provide coverage for any motor vehicle (symbol 1 on some insurance certificates) driven by or on behalf of Contractor during the course of providing services under this contract. Commercial Automobile Liability is required for contractors that own business vehicles registered to the business. Examples include: plumbers, electricians or construction contractors. An Example of an acceptable personal automobile policy is a contractor who is a sole proprietor that does not own vehicles registered to the business.

Required by County Not required by County (one box must be checked)

Additional Requirements. Contractor shall pay all deductibles and self-insured retentions. A cross-liability clause or separation of insured's condition must be included in all commercial general liability policies required by the contract. Contractor's coverage will be primary in the event of loss.

Certificate of Insurance Required. Contractor shall furnish a current Certificate of Insurance to the County with the signed contract. Contractor shall notify the County in writing at least thirty (30) days in advance of any cancellation, termination, material change, or reduction of limits of the insurance coverage. The Certificate shall also state the deductible or, if applicable, the self-insured retention level. Contractor shall be responsible for any deductible or self-insured retention.

I certify that I acknowledge the above insurance information as a requirement to enter into a contract with Deschutes County. I also certify that I carry the required insurance limits as stated in this Exhibit or can, if selected as a result of this RFP, obtain the required insurance and provide proof of the required insurance certificates prior to signature and execution of the contract.

Signature: _____ Date: _____

Printed Name and Title: _____

Attachment 3 – EXECUTIVE SUMMARY (if consortium, please fill one out for each business entity).

1. Proposer's Legal Name

Firm Name	
Address	
Telephone	

2. Briefly summarize your program design:

3. Chief Executive Contact

Name of Chief Executive	
Title	
Telephone	
E-mail Address	

4. Primary Application Contact

Name of Primary Contact	
Title	
Telephone	
E-mail Address	

5. Legal Status Information

Federal Employer Tax Identification or Social Security Number	
Oregon Tax I.D. Number	

An unsigned proposal will be rejected

I certify that the information provided in this proposal is true and correct to the best of my knowledge and that I have been duly authorized by Provider's governing body or other authority to file this proposal. This proposal is submitted as firm and fixed offer valid for one hundred twenty (180) days of the submission date.

Signature: _____

Date: _____

Printed Name and Title: _____

Attachment 4 – Response (Please complete the questions below and attach documents to your response as necessary to provide answer to the following questions. The score for each question is provided at end of questions.

Attachment 4 can be no longer than 20 pages so please limit answers accordingly to ensure it remains within 20 pages.

<p>1. Please describe the structure and philosophy within which you would operate the housing program as outlined in RFP documents if you were awarded the contract. The answer should demonstrate your agency’s experience, knowledge and ability to administer the housing program as described above. The answer should demonstrate the agency’s understanding of the population served and the complex and dynamic issues facing clients on supervision who have no minor contact restrictions or who are required to register as a sex offender.</p>
<p> </p>
<p>2. Please describe any past experience your agency has working with justice-involved individuals, including individuals who have restrictive contact conditions or who are required to register as a sex offender.</p>
<p> </p>
<p>3. Please explain in detail your agency’s experience in locating an acceptable property for the services as described in the RFP. What have you done in the past? What has worked well? What areas do you anticipate will be challenging?</p>
<p> </p>
<p>4. Please describe what process you will use to find a location in Central Oregon. Outline any challenges you anticipate and any strategies you will use to mitigate those. Outline any community notification or feedback process that you will incorporate. Please ensure your process includes accounting for any restrictions that the population may have in terms of distance from locations where minors are located or gather. While not all individuals will meet criteria for strict residential requirements, some may, and the county will only approve property locations that are not near to locations where children are the primary occupants or users (includes, but is not limited to, public and private elementary and secondary schools and licensed childcare centers). Please review ORS 144.641, 144.642, 144.644, and any other applicable laws.</p>
<p> </p>

<p>5. Imagine you have found the perfect location for the house you are heading in to sign the papers to complete the purchase. You receive a phone call from an angry neighbor who has learned about the house. What would you tell the neighbor and how would you handle this?</p>
<p>6. Where do you anticipate will be the best location for this house in Deschutes County? Do you have any potential properties in mind?</p>
<p>7. How do you propose to utilize the acquisition funds? Will you buy a new property or will you be seeking permission to utilize something that you already own or something that costs more than the current allocation described above?</p>
<p>8. What do you anticipate being the biggest challenging in finding a location to purchase?</p>
<p>9. What type of staffing/management arrangement are you proposing with this house? Please describe in detail. If a live-in manager will be onsite please describe the requirements for that position and how they will be compensated for those duties. If there will be no live-in manager on site please make sure to clearly outline a schedule that shows at least 40 hours of contact with the house 5 days a week include Sat and/or Sun.</p>
<p>10. The grant provides initial funds to purchase the house, furnish it, and provide initial startup costs. It does not include funds for operational expenses year to year. How do you propose funding the operations of this service each year? At the end of the 10-year restrictive use period the house will belong to the awarded provider without any further restrictions. Do you anticipate utilizing equity in the home to fund operations? How do you anticipate this changing over time until the end of the restrictive use period? Please include a breakdown of how you would utilize the funds described above.</p>

11. What cost if any do you propose you will need to charge to Adult Parole and Probation for ongoing operational costs?
12. Clients utilizing the housing/bed services will have differing abilities to pay. How do you propose handling clients who have funds to pay and those who do not have funds to pay? What type of client billing/funding structure would you anticipate putting in place to ensure the services meet the needs as outlined in the RFP? What is your experience with locating public housing assistance for clients in similar programs?
13. What housing stability services as described in 4 under <u>5. SCOPE OF SERVICES</u> in the RFP do you anticipate offering and how will you structure these services?
14. What ancillary services do you anticipate offering?
15. How will you manage clients that are in different places in terms of their readiness to change (pre-contemplative versus a client in action stage) Also clients that are in different housing status and housing stability (for example shelter beds versus housing beds)? What challenges do you anticipate? How will you mitigate these challenges?
16. What is your agency's understanding of how social identities and community belonging impact a person's life, including their journey through the justice system? Social identities are those aspects of a person's identity or description either self-selected or socially determined such as gender, race, ethnicity, sexual orientation, geographic, linguistic or culture.

17. What does your agency do to recognize, honor and support social identities and community belonging that are important and impactful to your clients?
18. What are features of your housing program that will recognize, honor and support the diverse social identities and community belonging of residents?
19. What behavior or outcomes would you define as a success for clients in a Shelter bed?
20. What behavior or outcomes would you define as a “needs improvement” for clients in a Shelter bed?
21. What behavior or outcomes would you define as a success for clients in a Housing Bed?
22. What behavior or outcomes would you define as a “needs improvement” for clients in a Housing Bed?
23. Please identify any key performance measures that you would envision with this contract and explain how you would measure them and define success. Do you currently have any performance measures your track internally and is so what mechanism do you use to track them?
24. Please describe anything additional that you believe will help us in making a decision on awarding the contract.

Attachment 5 – Evaluation Criteria

Evaluation Criteria	Value
Service Delivery: Ability of the proposer to provide services as detailed in the RFP.	25 Points
Knowledge, Experience, and Expertise: Proposers knowledge, past experience, and staff.	25 Points
Human-Centered Focus and Understanding of Low Barrier from proposal: Proposer's responses clearly articulate an understanding of client focus and low barrier.	10 Points
Collaboration and Community Awareness: proposal clearly reflects an understanding of the complexity around the project and siting a location. Proposal clearly shows an ability to collaborate with County and community stakeholders as necessary.	10 Points
Financial Creativity: creativity around solutions to fund project.	20 Points
Performance Measures and Deliverables: proposal outlines some key output and outcome measures and reflects an understanding of needing to make data informed decisions.	10 Points
Total points available	100 Points

DRAFT



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 23, 2023

SUBJECT: Deliberations: Repeal of the Conventional Housing Combining Zone

BACKGROUND AND POLICY IMPLICATIONS:

The Board will conduct deliberations on August 23, 2023 to consider a staff-initiated text amendment (file no 247-23-000391-TA) to repeal the Conventional Housing Combining Zone.

BUDGET IMPACTS:

None

ATTENDANCE:

Rachel Vickers, Associate Planner



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Rachel Vickers, Associate Planner

DATE: August 23, 2023

SUBJECT: Deliberations: Conventional Housing Combining Zone Repeal

The Board of County Commissioners (Board) will conduct deliberations to consider legislative amendments to repeal the Conventional Housing Combining Zone (file no. 247-23-000391-TA) on August 23, 2023. The full record is available at the project website:

<https://www.deschutes.org/cd/page/247-23-000391-ta-%E2%80%93-repeal-conventional-housing-combining-zone>.

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development on May 17, 2023. Staff presented the proposed amendments to the Planning Commission at a public hearing on June 22, 2023¹. The Planning Commission voted 4-1 recommending approval of the proposed amendments. Attached to this memorandum are the proposed text amendments and findings, which have not changed since the Planning Commission hearing. Within the proposed amendments, added language is shown underlined and deleted shown as strikethrough.

I. BOARD PUBLIC HEARING

The Board held a public hearing on August 9, 2023². No oral testimony was provided during the public hearing. Staff requested the Board leave the written record open as the Planning Commission staff report for this proposal was unintentionally omitted from the record. The Board closed the oral record and left the written record open until Wednesday August 16th at 4pm.

II. OPEN RECORD PERIOD SUBMITTALS

During the open record period staff uploaded all relevant materials to the public record for this text amendment. In addition, staff received one comment during the open record period. The comment indicated that there was a lack of general awareness for the amendment and included several

¹ <https://www.deschutes.org/bc-pc/page/planning-commission-30>

² <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-118>

questions in relation to the proposed amendments. Staff addressed all of the commenter's questions and has since received no further communication.

III. NEXT STEPS

At the conclusion of the meeting, the Board can:

- Continue deliberations to a date certain;
- Close deliberations and propose a motion during this meeting.

If the Board decides to close deliberations and propose a motion during this meeting, staff provides the following options:

- Move to approve the amendments as drafted;
- Move to approve the amendments with suggested edits or recommendations;
- Move to deny the amendments;

ATTACHMENTS:

1. Proposed Text Amendments
2. Proposed Findings
3. CHC Zone Map
4. Draft Ordinance 2023-019
5. Draft Ordinance 2023-019 Emergency

Attachment 1: Proposed Text Amendments

~~Removed~~

New

CHAPTER 18.92 CONVENTIONAL HOUSING COMBINING ZONE; CH (Repealed)

(Repealed by Ord. 2023-019 on X/XX/XXXX)

~~18.92.010 Purpose~~

~~18.92.020 Permitted Uses~~

~~18.92.030 Use Limitations~~

~~18.92.010 Purpose~~

~~To provide a variety of residential environments in rural areas by maintaining areas reserved for conventional and modular housing permanently attached to real property.~~

~~(Adopted by Ord. PL 15 on 11/1/1979)~~

~~(Repealed & Reenacted by Ord. 91-020 §1 on 5/29/1991)~~

~~18.92.020 Permitted Uses~~

~~All outright and conditional uses allowed in the underlying zone except that in no case shall a housing type be allowed that is other than conventional or modular housing permanently attached to real property.~~

~~(Adopted by Ord. PL 15 on 11/1/1979)~~

~~(Repealed & Reenacted by Ord. 91-020 §1 on 5/29/1991)~~

~~18.92.030 Use Limitations~~

~~All use and dimensional conditions contained in the underlying zones shall apply to the CH Zone.~~

~~(Adopted by Ord. PL 15 on 11/1/1979)~~

~~(Repealed & Reenacted by Ord. 91-020 §1 on 5/29/1991)~~

Attachment 2: Proposed Findings 247-23-000391-TA

FINDINGS

I. PROPOSAL SUMMARY

This is a legislative text amendment to Deschutes County Code (DCC), Title 18 County Zoning, to repeal Chapter 18.92, Conventional Housing Combining (CHC) Zone.

Staff is proposing the following revisions to complete this text amendment:

- Repeal of section 18.92 Conventional Housing Combining Zone from the Deschutes County Code
- Zoning Map Amendment to repeal the Conventional Housing Combining Zone

II. BACKGROUND

The CHC Zone serves as an overlay zone and restricts placement of manufactured or prefabricated homes in specific areas of the County with the following stated purpose:

"To provide a variety of residential environments in rural areas by maintaining areas reserved for conventional and modular housing permanently attached to real property".¹

Deschutes County adopted the CHC Zone in 1979 as part of Ordinance PL-15, the County's Zoning Ordinance. The CHC Zone applies to three areas – an area to the east of Tumalo, west of Tumalo and east of Bend as shown in the map in Attachment 3. From staff research, this overlay zone appears to have been created by petition of property owners, although specific findings for the intent of the zone and its location are not available in county records.

In 2020, the County produced a Rural Housing Profile, which outlined several potential strategies for removing barriers to housing production in rural Deschutes County. The repeal of the CHC Zone was listed as a strategy as it would give those properties the potential to provide affordable housing in the form of mobile or manufactured homes, which are less expensive alternatives to stick-built or modular housing.

In addition to this, on March 23, 2022, Oregon House Bill 4064 became effective. The bill amended several sections of Oregon Revised Statute which clarified that local governments may not prohibit siting of prefabricated structures in residential zones where traditional single-family homes or other common dwelling types were allowed. Although the amendments were primarily targeted toward cities and urban growth boundaries, Section 4, ORS 197.312 OR was revised to limit both city and county jurisdictions' ability to prohibit manufactured prefabricated homes in residential zones.

¹ DCC 18.92.010

The CHC Zone impacts approximately 505 properties. The tables below break down the zoning of the properties within the CHC Zone. Staff notes that of the 505 properties, 381 of them have at least some portion of the property within a resource zone and 128 have at least some portion of the property within a residential zone.

Single Base Zoned Properties

Zone	Number of properties
<i>Resource Zones</i>	
Exclusive Farm Use (EFU)	353
Forest Use (F1/F2)	4
Open Space and Conservation (OSC)	3
<i>Total Resource Zoned Properties: 360</i>	
<i>Residential Zones</i>	
Multiple Use Agricultural (MUA10)	83
Rural Residential (RR10)	10
Tumalo Residential (TUR/TUR5)	7
<i>Total Residential Zoned Properties: 100</i>	
Total Single Zoned Properties in CHC Zone: 460	

Multiple Base (Split) Zoned Properties

Zones	Number of properties
EFU and F1/F2	1
EFU and MUA 10	3
EFU and RR10	1
EFU and FP	13
EFU, FP, and MUA10	2
EFU, FP, and TUR/TUR5	1
MUA10 and Flood Plain (FP)	16
Surface Mine (SM) and FP	3
TUR/TUR5 and FP	4
MUA10, TUR5, and FP	1
Total Split Zoned Properties in CHC Zone: 45	

The purpose of these amendments is twofold: to implement the recommendation of the 2020 housing profile to allow for an affordable housing option where stick-built residential structures are otherwise allowed and also to bring the Deschutes County Code into compliance with HB 4064 by specifically removing this combining zone from residentially zoned properties.

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 June 22, 2023 and Board of County Commissioners on August 9, 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 June 22, 2023, and the Board of County Commissioners' public hearing on August 9, 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: In accordance with the above criterion, individual notice was sent to all property owners within the Conventional Housing Combining Zone, as well as those property owners within 250 of the Zone's boundaries in order to comply with DCC 22.24.030(A)(2).

- 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 June 22, 2023. The Board then held a public hearing on August 9, 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. 2023-019 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 as well as in accordance with DCC 22.12.020 (C).

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 May 18, 2023 The Planning Commission held a public

hearing on June 22, 2023 and the Board of County Commissioners held a public hearing on August 9, 2023. Staff finds compliance with Goal 2 is met.

Goal 3: Agricultural Lands: The proposed amendments are to repeal the Conventional Housing Combining Zone which restricts manufactured and pre-fabricated homes. This repeal would remove this restriction, without changing any other requirements for establishing a dwelling within the Exclusive Farm Use Zone. Adverse impacts to farming practices are not anticipated under these amendments as the change only pertains to the style of the residential dwelling to be placed onto the property. Oregon Revised Statute and Rule do not contain specific requirements for restrictions on manufactured or pre-fabricated dwellings in the Exclusive Farm Use Zones, and this text amendment will not alter other existing requirements for dwellings in the Exclusive Farm Use Zone. Staff finds compliance with Goal 3 is met.

Goal 4: Forest Lands: The proposed amendments are to repeal the Conventional House Combining Zone which restricts manufactured and pre-fabricated homes. This repeal would remove this restriction, without changing any other requirements for establishing a dwelling within the Forest Use Zone. Adverse impacts to forest 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 restrictions on manufactured or pre-fabricated dwellings in the Forest Use Zones, and this text amendment will not alter other existing requirements for dwellings in the Forest Use Zone. Staff finds compliance with Goal 4 is met.

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 a Goal 5 resource. Staff finds compliance with Goal 5 is met.

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. Staff finds compliance with Goal 6 is met.

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. Staff finds compliance with Goal 7 is met.

Goal 8: Recreational Needs: The text amendments do not propose to change the County's Plan or implementing regulations regarding recreational needs. Staff finds compliance with Goal 8 is met.

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. Although not directly tied to the requirements of Goal 9, staff finds that the proposed amendments comply with the intent of this goal by providing affordable housing options for community members. Staff finds compliance with Goal 9 is met.

Goal 10: Housing: The proposed text amendment relates to Goal 10 as it is removing restrictions on the types of housing that can be placed in residential zones. As stated above, the proposed amendment is in response to the adoption of House Bill 4604 which prohibits County's from placing restrictions on manufactured and pre-fabricated housing. The text amendment is also partly in response to the 2020 Housing Profile as a method to remove barriers to housing production within the County. Staff finds compliance with Goal 10 is met.

Goal 11: Public Facilities and Services: The proposed text amendments do not propose to change the County's Plan or implementing regulations regarding public facilities and services. Staff finds compliance with Goal 11 is met.

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. Staff finds compliance with Goal 12 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. Staff finds compliance with Goal 13 is met.

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

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. Staff finds that compliance with Chapter 1 of the Comprehensive Plan is met.

Chapter 2, Resource Management:

This chapter sets the Goals and Policies of how the County will protect resource lands, including but not limited to, Agriculture and Forest as well as Water Resources and Environmental Quality.

Section 2.3, Forest Land Policies

Goal 1 Protect and maintain forest lands for multiple uses, including forest products, watershed protection, conservation, recreation and wildlife habitat protection.

Policy 2.3.3, To conserve and maintain impacted forest lands, retain Forest 2 zoning for those lands with the following characteristics:

- a. Consist predominantly of ownerships developed for residential or non-forest uses;
- b. Consist predominantly of ownerships less than 160 acres;
- c. Consist of ownerships generally contiguous to tracts containing less than 160 acres and residences, or adjacent to acknowledged exception areas; and
- d. Provide a level of public facilities and services, including roads, intended primarily for direct services to rural residences.

Forest Lands, states that the goal is to protect forests and their economic benefits. Within this section, the future of residential development is discussed and the challenge of allowing residential fragmentation within the forest zones. Staff notes that the proposed text amendments, which would remove restrictions on placing manufactured homes in an area where residences are approved, will have no effect on this Chapter of the Comprehensive Plan and the current requirements for developing a residence on Forest Zoned lands. Staff finds compliance with this policy is met.

Chapter 3, Rural Growth Management:

Section 3.3, Rural Housing

Goal 1 Maintain the rural character and safety of housing in unincorporated Deschutes County

Policy 3.3.5, Maintain the rural character of the County while ensuring a diversity of housing opportunities, including initiating discussions to amend State Statute and/or Oregon Administrative Rules to permit accessory dwelling units in Exclusive Farm Use, Forest and Rural Residential zones

The CHC Zone places a restriction on manufactured and pre-fabricated dwellings. The repeal of this Combining Zone will align with the section of the Comprehensive Plan as it will allow housing diversity in all areas of the County where residences are permitted. Staff finds compliance with this policy is met.

Chapter 4, Urban Growth Management:

Section 4.7 Tumalo Community Plan




Residential Area Policies

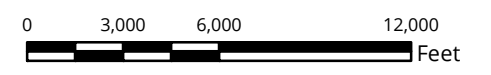
11. Plan and zone for a diversity of housing types and densities suited to the capacity of the land to accommodate water and sewage requirements.

The CHC Zone covers several properties located in the unincorporated community boundary of Tumalo, as such this policy applies. The CHC Zone is proposing to remove a restriction on the type of housing placed in residential zones and will promote greater diversity in housing type. The

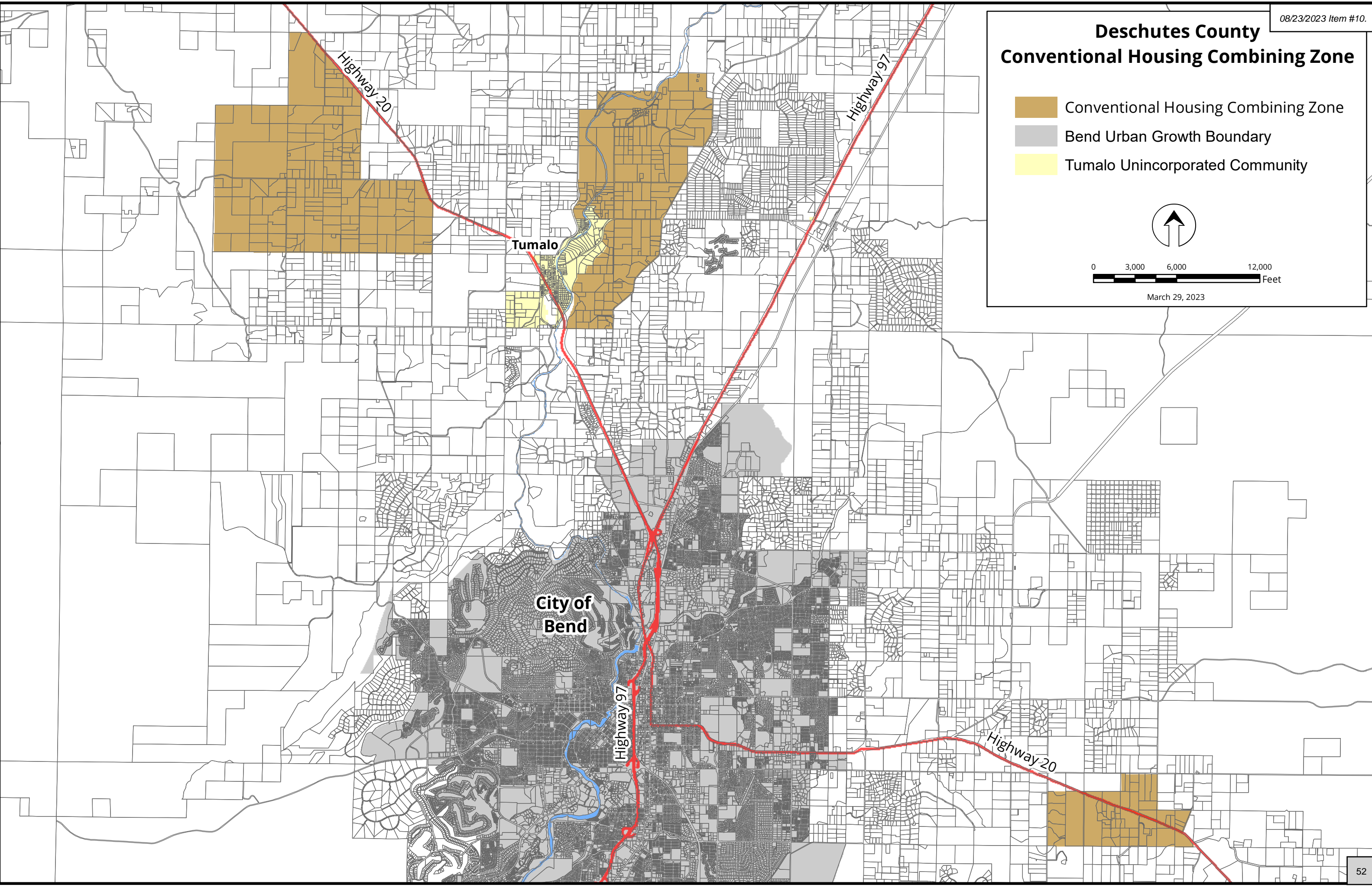
density, water, and sewage requirements are not proposed to change with this proposal. Staff finds compliance with this policy is met.

Deschutes County Conventional Housing Combining Zone

-  Conventional Housing Combining Zone
-  Bend Urban Growth Boundary
-  Tumalo Unincorporated Community



March 29, 2023



Tumalo

City of
Bend

Highway 97

Highway 97

Highway 20

Highway 20

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 92, to Repeal the Conventional
Housing Combining Zone.

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ORDINANCE NO. 2023-019

WHEREAS, the Board of County Commissioners directed Deschutes County Community Development Department staff to initiate amendments (Planning Division File No. 247-23-000391-TA) to Deschutes County Code Title 18, Chapter 92, Conventional Housing Combining Zone; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on June 22, 2023 and forwarded to the Deschutes County Board of County Commissioners (“Board”) a 4-1 recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on August 9, 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 18.92, Conventional Housing Combining Zone, is repealed 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 ~~striethrough~~.

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.

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 92, to Repeal the Conventional Housing Combining Zone. *
*
* ORDINANCE NO. 2023-019
*
*

WHEREAS, the Board of County Commissioners directed Deschutes County Community Development Department staff to initiate amendments (Planning Division File No. 247-23-000391-TA) to Deschutes County Code Title 18, Chapter 92, Conventional Housing Combining Zone; and

WHEREAS, the Deschutes County Planning Commission reviewed the proposed changes on June 22, 2023 and forwarded to the Deschutes County Board of County Commissioners (“Board”) a 4-1 recommendation of approval; and

WHEREAS, the Board considered this matter after a duly noticed public hearing on August 9, 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 18.92, Conventional Housing Combining Zone, is repealed to read as described in Exhibit “A”, attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~striketrough~~.

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

Section 3. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public peace, health, safety, and welfare, an emergency is declared to exist, and this Ordinance becomes effective immediately.

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: August 23, 2023

SUBJECT: Oregon Department of Fish and Wildlife Mule Deer Presentation

RECOMMENDED MOTION:

N/A; presentation only.

BACKGROUND AND POLICY IMPLICATIONS:

Following the withdrawal of the mule deer inventory update project on June 26, 2023, the Board of County Commissioners (Board) expressed interest in hearing from the Oregon Department of Fish and Wildlife (ODFW) concerning the mule deer population decline in the region. ODFW will give a presentation discussing the issues surrounding the population decline and will then offer the Board opportunities for further questions.

BUDGET IMPACTS:

None

ATTENDANCE:

Tanya Saltzman, AICP, Senior Planner
Oregon Department of Fish and Wildlife staff



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, AICP, Senior Planner

DATE: August 16, 2023

SUBJECT: Oregon Department of Fish and Wildlife Mule Deer Presentation

Following the withdrawal of the mule deer inventory update project on June 26, 2023, the Board of County Commissioners (Board) expressed interest in hearing from the Oregon Department of Fish and Wildlife (ODFW) concerning the mule deer population decline in the region.

The inventory update project that was led by the Long-Range Planning Division focused on land use regulations to address habitat fragmentation. However, as noted by ODFW as well as in public testimony, there are a multitude of factors affecting the mule deer population decline. While many of these factors—such as poaching, predation, and vehicle strikes—are beyond the purview of County land use regulations, ODFW will discuss efforts currently underway to study the multiple elements associated with population decline at the regional, state and federal level. ODFW will give a presentation discussing these issues and will then offer the Board opportunities for further questions.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 23, 2023

SUBJECT: ARPA Updates and Funding Considerations

RECOMMENDED MOTION:

Move approval of allocations of general ARPA funds (or ARPA contingency) to specific projects as determined by the Board.

BACKGROUND AND POLICY IMPLICATIONS:

In FY21, Deschutes County was awarded approximately \$38.4 million in American Rescue Plan Act (ARPA) funds through the Federal Government. The Deschutes County Board of Commissioners has since allocated almost all ARPA funds toward categories including affordable housing, childcare, food assistance, homelessness, public health and Covid-19, mental health, small businesses, non-profits, and water and broadband infrastructure.

During the August 23 meeting, the Board of Commissioners will consider use of the remaining ARPA funds, including current funding obligations, new ARPA considerations and new community requests.

Finance recommends the Board consider allocating \$1,625,000 of ARPA funds for current obligations and projects the Board has previously discussed. This action would formalize the use of ARPA funds for the eligible expenditures.

Administration recommends the Board consider allocating \$2 million to provide support services to two to three future managed/supported homeless camps to successfully implement the County's new Camping Code over the next two years. Staff does not currently have a detailed cost estimate for supported/managed camps. Costs will ultimately depend on the approved scope of services.

Finance recommends the Board consider allocating up to \$1 million as a formal obligation to provide for reimbursement of ARPA eligible County expenditures already incurred. ARPA regulations require all funds to be obligated by December 31, 2024, and funds to be spent by December 31, 2026. By obligating funds now to this project, the County will have the option to use the reimbursed funds on other discretionary projects and ensures the County will utilize all unspent funds by the December 31, 2026 deadline without needing to

return funds to the U.S. Treasury. The reimbursement would occur if there were any unspent funds between the 2024 obligation deadline and the 2026 spending deadline.

The Board will hear requests from County staff and community members attending, as well as a summary from Finance staff, including current obligations and fund analysis. The attached document provides a summary of current considerations.

BUDGET IMPACTS:

Deschutes County remaining ARPA funds total \$5,159,829, with current obligations, considerations and new community requests totaling \$9,483,517.

ATTENDANCE:

- Karen Prow, NeighborImpact Childcare Resources Director*
- Rick Russell, Mountain View Community Development*
- Janice Garceau, Health Services Director*
- Emily Horton, Public Health Program Manager*
- Holly Harris, Behavioral Health Director*
- Cheryl Smallman, Health Services Business Officer*
- Robert Tintle, Chief Financial Officer*
- Laura Skundrick, Management Analyst*
- Nick Lelack, County Administrator (Virtual)*

08/23/2023 Item #12.

American Rescue Plan Act (ARPA) Funding Allocations

August 23, 2023

Available ARPA Funds:

ARPA Funds Balance	Category	Balance
	General ARPA Funds Available	\$2,978,053
	Contingency – Public Health Response	\$624,395
	Contingency – Health Unintended Consequences	\$651,381
	Contingency – Childcare Workforce Development	\$906,000
	TOTAL AVAILABLE ARPA FUNDS	\$5,159,829

ARPA Eligible Obligations, Considerations, and New Community Requests:

	Project	ARPA Request	Notes
Current Obligations	Veterans Village Operations (Through 12/31/2026)	\$450,000	Total obligation: \$100,000/year for 10 years
	Veterans Village Cabins	\$300,000	Eligibility approved
	City of Redmond Wastewater Treatment Plant Capacity / Expansion with Terrebonne Wastewater	\$500,000	Total obligation: \$1,000,000 Recommendation: \$500,000 ARPA; 500,000 future PILT
	Coordinated Houseless Response Office (Through 12/31/2026)	\$375,000	Total estimated obligation \$1,250,000. (\$250,000 X 1.5 years)
ARPA Eligible Obligations Sub-total		\$1,625,000	
New ARPA Considerations	Homeless Camps (supported/managed)	\$2,000,000	Water distribution, sanitation services, other
	DCHS Public Health Crisis Client Support (Contingency request)	\$174,000	
	DCHS Public Health Response & Recovery (Contingency request)	\$1,101,045	
	Deschutes County Reimbursement of ARPA Eligible Costs	\$1,000,000	Move to discretionary fund reserve or provide contingency for any unspent funds prior to 12/31/2026
New ARPA Considerations Sub-total		\$4,275,045	

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New ARPA Community Requests	Parametrix Terrebonne Wastewater System – Additional Funds	\$190,000	Original award: \$300,000
	The Shield Veterans Counseling – Additional Funds	\$25,000	Original award: \$20,000
	La Pine Rural Fire Protection District AEDs	\$121,472	
	Tumalo Wastewater System Conversion Seed Funding	\$75,000	Assist in the formation of a Sanitary District
	Mountain View Transitional Sheltering	\$1,500,000	Placeholder amount pending project details
	Neighbor Impact Childcare Workforce Development – Pathways Program Year 3 (Contingency request)	\$142,000	Original award: \$ 284,000 (Years 1 & 2)
	Neighbor Impact Childcare Workforce Development – Fast Track Teacher Training Year 3 (Contingency request)	\$530,000	Original award: \$ 1,060,000 (Years 1 & 2)
	Neighbor Impact Food Warehouse Expansion – Additional Funds	\$1,000,000	Original award: \$ 2,400,000
New ARPA Community Requests Sub-total		\$3,583,472	
TOTAL ARPA OBLIGATIONS, CONSIDERATIONS, REQUESTS		\$9,483,517	



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 23, 2023

SUBJECT: Deliberations on a request to vacate a portion of Schibel Road

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department received a petition to vacate a portion of Schibel Road in Section 05 of Township 17S, Range 12E, W.M. As the petition for vacation did not include acknowledged signatures of owners of 100 percent of property abutting the proposed vacation area, a public hearing was required. The required public hearing was commenced on August 9th and continued to August 16th.

BUDGET IMPACTS:

None

ATTENDANCE:

Cody Smith, County Engineer/Assistant Road Department Director

PETITION FOR VACATION OF A PUBLIC ROAD

TO: THE DESCHUTES COUNTY BOARD OF COMMISSIONERS

We, the undersigned (holding recorded interest or abutting the proposed property or owning improvements constructed on the proposed property for vacation), respectfully request the following described road be vacated.

Description of road to be vacated: See Attached Survey

Located in Schibel Rd Bend, Deschutes County.

Reason for road vacation request: _____

DATED this 29 day of July, 2022.

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE	ZIP
<u>Hollyhock Living Trust</u>	<u>Marlene Wheeler</u>	<u>64245 Schibel</u>	<u>Bend</u>	<u>OR</u>	<u>97703</u>
<u>TERRY RENNIE TRUST</u>	<u>Marlene Wheeler</u>	<u>64245 Schibel</u>	<u>Bend</u>	<u>OR</u>	<u>97703</u>
<u>Hollyhock Survivor's TRUST</u>	<u>Marlene Wheeler</u>	<u>64225 Schibel</u>	<u>Bend</u>	<u>OR</u>	<u>97703</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

STATE OF OREGON)
County of Deschutes) ss.

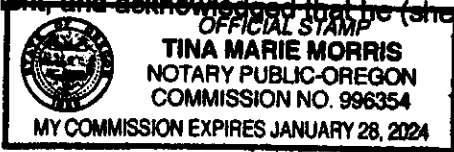
On this 29 day of July, in the year 2022, before me, a Notary Public, personally appeared Marlene Wheeler Rennie personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal
Tina Marie Morris
Notary Public for Oregon.
My Commission expires: 01/28/2024



STATE OF OREGON)
County of Deschutes) ss.

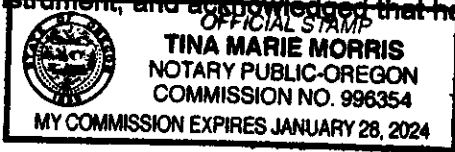
On this 29th day of JULY, in the year 2022, before me, a Notary Public, personally appeared TERRY A. Rennie personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.



WITNESS my hand and official seal
Tina Marie Morris
Notary Public for Oregon.
My Commission expires: 01/28/2024

STATE OF OREGON)
County of Deschutes) ss.

On this 29th day of JULY, in the year 2022, before me, a Notary Public, personally appeared Marlene Wheeler Rennie personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.



WITNESS my hand and official seal
Tina Marie Morris
Notary Public for Oregon.
My Commission expires: 01/28/2024

STATE OF OREGON)
County of _____) ss.

On this _____ day of _____, in the year 20____, before me, a Notary Public, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

Notary Public for Oregon.
My Commission expires: _____

I CERTIFY THAT THIS IS THE TRUE AND ORIGINAL PETITION CIRCULATED BY ME.

SIGNATURE _____

ADDRESS _____

TELEPHONE: _____

PETITION FOR VACATION OF A PUBLIC ROAD

TO: THE DESCHUTES COUNTY BOARD OF COMMISSIONERS

We, the undersigned (holding recorded interest or abutting the proposed property or owning improvements constructed on the proposed property for vacation), respectfully request the following described road be vacated.

Description of road to be vacated: See attached

Located in _____, Deschutes County.

Reason for road vacation request: See attached

DATED this 29 day of July, 2022.

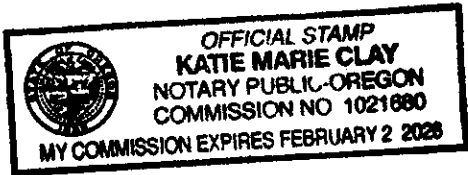
PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE	ZIP
Kathryn Gates, Trustee	<i>Kathryn Gates</i>	Trustee	64227 Schibel Rd, Bend, OR	97703	
Jeffrey Gates, Trustee	<i>Jeffrey Gates</i>	Trustee	64227 Schibel Rd, Bend, OR	97703	
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

STATE OF OREGON)
County of Deschutes) ss.

On this 29 day of July, in the year 2022 before me, a Notary Public, personally appeared Kathryn Gates, Trustee of the Jeffrey & Kathryn Gates Rev LIV Trust, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

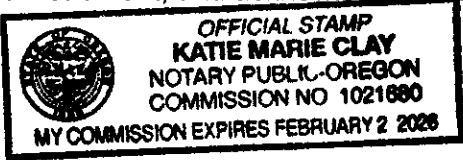
WITNESS my hand and official seal

Notary Public for Oregon.
My Commission expires: 2/2/2026



STATE OF OREGON)
County of Deschutes) ss.

On this 29 day of July, in the year 2022, before me, a Notary Public, personally appeared Jeffrey Gates, Trustee of the Jeffrey & Kathryn Gates Rev LIV Trust, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.



WITNESS my hand and official seal

Notary Public for Oregon.
My Commission expires: 2/2/2026

STATE OF OREGON)
County of _____) ss.

On this ____ day of _____, in the year 20____, before me, a Notary Public, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

Notary Public for Oregon.
My Commission expires: _____

STATE OF OREGON)
County of _____) ss.

On this ____ day of _____, in the year 20____, before me, a Notary Public, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged that he (she, they) executed it.

WITNESS my hand and official seal

Notary Public for Oregon.
My Commission expires: _____

I CERTIFY THAT THIS IS THE TRUE AND ORIGINAL PETITION CIRCULATED BY ME.

Kathryn J. Gates
SIGNATURE
64227 Schibel Rd
ADDRESS
TELEPHONE: 541-815-9608

Reason for Vacating the southern portion of Schibel Rd

1-Invalid Dedication due to Restrictions and Reservations-

Septic was installed & permitted by Deschutes County in 1980, repaired and permitted by Deschutes County in 1991.

The Deed of Dedication was accepted in 1994 by Deschutes County. The 60foot width encroaches upon the septic system, that was approved by Deschutes County.

2-Reduces property values of the 3 tax lots requesting this Vacation, which is 75% of the owners.

3-Decades old trees and landscaping would be lost.

4-Since 1994, the county has never used, improved, nor plowed this road to our knowledge. Not once that we know of has the county plowed the snow during the major snowstorms of 2017 & 2019.

5-The southern portion of the road that is requested to be vacated has not been used by the general public and has only been used as access and a driveway for tax lots 1800 and 1901.

6-Traffic will increase, and no traffic study has been done that we know of.

7-Safety of the young children living on Schibel Road is a concern of the parents and neighbors

8-It is not in the General Public's best interest.

9-Induced to sign the dedication under false pretenses. We were told we could remove the southern portion of the dedication with a "single item deletion"

10-Tax lot 100 to the south will not suffer loss of access as the site address of 64145 Old Bend Redmond Hwy is permitted, approved and installed.

**EXHIBIT A
SCHIBEL ROAD – VACATION**

A STRIP OF LAND BEING 60.00 FEET WIDE, 30.00 FEET ON EACH SIDE OF CENTERLINE (WHEN MEASURED AT RIGHT ANGLES) LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SE 1/4, SW 1/4, NW 1/4) AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW 1/4, SW 1/4), ALL IN SECTION 5, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE CENTER WEST ONE-SIXTEENTH CORNER OF SAID SECTION 5 BEARS NORTH 34°42'51" EAST, 51.73 FEET, THENCE NORTH 00°43'51" WEST, 161.76 FEET; THENCE SOUTH 88°32'18" WEST, 76.94 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 16°54'37", AN ARC LENGTH OF 88.54 FEET (THE CHORD OF WHICH BEARS SOUTH 80°05'00" WEST, 88.22 FEET); THENCE SOUTH 71°37'41" WEST, 39.52 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 110.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 65°21'54", AN ARC LENGTH OF 125.49 FEET (THE CHORD OF WHICH BEARS NORTH 75°41'22" WEST, 118.80 FEET); THENCE NORTH 43°00'25" WEST, 81.60 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 140.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 80°07'12", AN ARC LENGTH OF 195.77 FEET (THE CHORD OF WHICH BEARS NORTH 02°56'49" WEST, 180.21 FEET); THENCE NORTH 37°06'47" EAST, 125.37 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 27°17'49", AN ARC LENGTH OF 142.93 FEET (THE CHORD OF WHICH BEARS NORTH 50°45'42" EAST, 141.58 FEET); THENCE NORTH 64°24'36" EAST, 40.87 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 48°27'11", AN ARC LENGTH OF 126.85 FEET (THE CHORD OF WHICH BEARS NORTH 40°11'00" EAST, 123.10 FEET) TO A POINT ON THE ONE-SIXTYFORTH LINE AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION, THE SIDELINES ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE AT SAID ONE-SIXTYFORTH LINE AND AT THE SOUTH LINE OF TAX LOT 171205B001800.

TOGETHER WITH THE FOLLOWING DESCRIBED STRIP OF LAND BEING 60.00 FEET WIDE, 30.00 FEET ON EACH SIDE OF CENTERLINE (WHEN MEASURED AT RIGHT ANGLES) WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH-SOUTH CENTERLINE OF THE NORTHWEST QUARTER OF SAID SECTION 5 FROM WHICH THE CENTER WEST ONE-SIXTEENTH CORNER BEARS SOUTH 00°43'51" EAST, 536.04 FEET, THENCE NORTH 83°16'31" WEST, 147.04 FEET TO THE SIDELINE OF THE ABOVE DESCRIBED STRIP OF LAND AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION, THE SIDELINES ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE AT SAID SIDELINE OF THE ABOVE DESCRIBED STRIP OF LAND AND AT SAID NORTH-SOUTH CENTERLINE OF THE NORTHWEST QUARTER.

THIS LEGAL DESCRIPTION AND EXHIBIT MAP ARE BASED ON COUNTY SURVEY NO. 11789.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Brian W. Reeves
OREGON
JULY 19, 1994
BRIAN W. REEVES
2677
RENEWAL DATE 12-31-2024

'EXHIBIT B' SCHIBEL ROAD VACATION

LOCATED IN THE SW 1/4, NW 1/4 AND THE NW 1/4,
SW 1/4 OF SECTION 5, T. 17 S., R. 12 E., W. M.

S-N 1/64 LINE N89°58'42"W 795.52'

102.86'

HOLLYHOCK 1994 LIVING TRUST
64245 SCHIBEL ROAD
TAX LOT 171205B001901

PORTION OF SCHIBEL ROAD
TO BE VACATED

JEFF AND KATHY GATES
64227 SCHIBEL ROAD
TAX LOT 171205B001800

LEGAL DESCRIPTION AND EXHIBIT MAP
ARE BASED ON COUNTY SURVEY NO. 11789

N-S CENTERLINE OF NW 1/4

S00°43'51"E 536.04'

N00°43'51"W 161.76'

CW 1/16 CORNER
SECTION 5
T17S, R12E, W.M.



SCALE 1" = 100'

E-W CENTER 1/4 LINE

P.O.B. OF 60' WIDE
EASEMENT BEARS
S34°42'51"W, 51.73'
FROM CW 1/16 CORNER

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian W. Reeves

OREGON
JULY 19, 1994
BRIAN W. REEVES
2677

RENEWAL DATE: 12-31-2023

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	88.54'	300.00'	16°54'37"	S80°05'00"W	88.22'
C2	125.49'	110.00'	65°21'54"	N75°41'22"W	118.80'
C3	195.77'	140.00'	80°07'12"	N02°56'49"W	180.21'
C4	142.93'	300.00'	27°17'49"	N50°45'42"E	141.58'
C5	126.85'	150.00'	48°27'11"	N40°11'00"E	123.10'

**EXHIBIT A
SCHIBEL ROAD – DEDICATION**

A STRIP OF LAND BEING 60.00 FEET WIDE, 30.00 FEET ON EACH SIDE OF CENTERLINE (WHEN MEASURED AT RIGHT ANGLES) LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SE 1/4, SW 1/4, NW 1/4) IN SECTION 5, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH-SOUTH CENTERLINE OF THE NORTHWEST QUARTER OF SAID SECTION 5 FROM WHICH THE CENTER WEST ONE-SIXTEENTH CORNER BEARS SOUTH 00°43'51" EAST, 536.04 FEET, THENCE NORTH 83°16'31" WEST, 3.92 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 105.88 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 82°05'22", AN ARC LENGTH OF 151.70 FEET (THE CHORD OF WHICH BEARS NORTH 42°13'50" WEST, 139.05 FEET); THENCE NORTH 01°11'09" WEST, 20.44 FEET TO A POINT ON THE ONE-SIXTYFORTH LINE AND THE TERMINUS OF THIS CENTERLINE DESCRIPTION, THE SIDELINES ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE AT SAID NORTH-SOUTH CENTERLINE OF THE NORTHWEST QUARTER AND AT THE ONE-SIXTYFORTH LINE.

THIS LEGAL DESCRIPTION AND EXHIBIT MAP ARE BASED ON COUNTY SURVEY NO. 11789.

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Brian W. Reeves
OREGON
JULY 10, 1994
BRIAN W. REEVES
2677
RENEWAL DATE 12-31-20

**'EXHIBIT B'
SCHIBEL ROAD
DEDICATION**

LOCATED IN THE SE 1/4, SW 1/4, NW 1/4 OF
SECTION 5, T. 17 S., R. 12 E., W. M.

S-N 1/64 LINE N89°58'42"W 795.52'

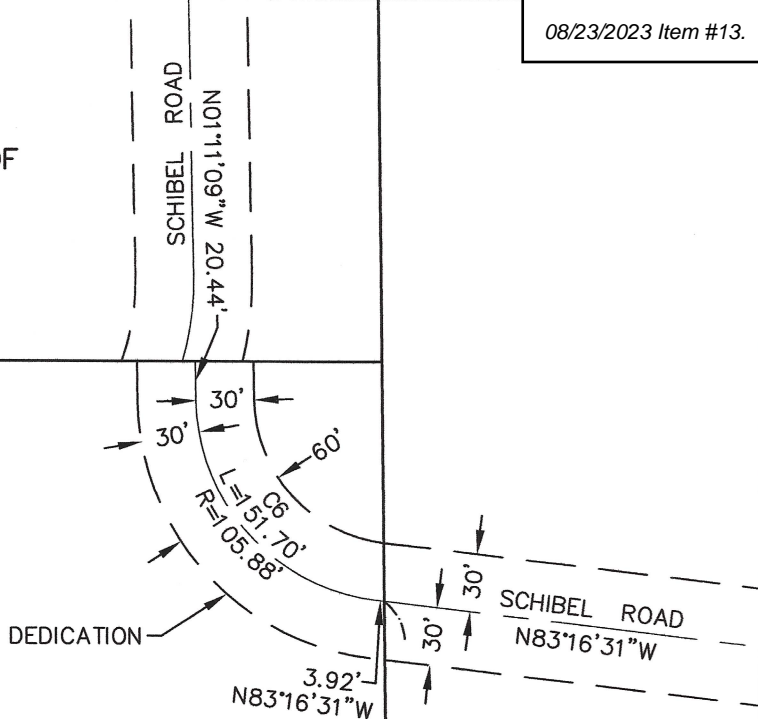
HOLLYHOCK 1994 LIVING TRUST
64245 SCHIBEL ROAD
TAX LOT 171205B001901



SCALE 1" = 100'

E-W CENTER 1/4 LINE

JEFF AND KATHY GATES
64227 SCHIBEL ROAD
TAX LOT 171205B001800



LEGAL DESCRIPTION AND EXHIBIT MAP
ARE BASED ON COUNTY SURVEY NO. 11789

N-S CENTERLINE OF NW 1/4
500.43'± E
536.04'

CW 1/16 CORNER
SECTION 5
T17S, R12E, W.M.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Brian W. Reeves

**OREGON
JULY 19, 1994
BRIAN W. REEVES
2677**

RENEWAL DATE 12-31-2023

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C6	151.70'	105.88'	82°05'22"	N42°13'50"W	139.05'

VACATION LOSS OF ACCESS CONSENT FORM

We, the undersigned, are the owners of Tax Lot 171205B001901 in Deschutes County, Oregon. The proposed road vacation of a portion of Schibel Road will deprive us of access to a public road necessary for the exercise of our recorded property right.

According to Oregon Revised Statutes 368.331:

368.331 Limitation on use of vacation proceedings to eliminate access. A county governing body shall not vacate public lands under ORS 368.326 to 368.366 if the vacation would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the county governing body has the consent of the owner.

We hereby give the Board of County Commissioners of Deschutes County, Oregon consent to proceed with the proposed road vacation of a portion of Schibel Road.

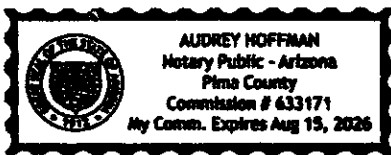
DATED this 27 day of FEBRUARY, 2023.

Marlene S Wheeler
Marlene S Wheeler, Owner as Trustee
Hollyhock 1994 Living Trust,

Terry A Rennie, Owner

STATE OF ~~OREGON~~ ^{AH} ARIZONA)
County of ~~Deschutes~~ ^{AH} PIMA) SS.

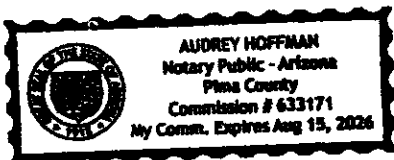
The foregoing instrument was acknowledged before me by Marlene S. Wheeler this 27 day of FEBRUARY, 2023.



Terry A Rennie
NOTARY PUBLIC FOR ~~OREGON~~ ^{AH} ARIZONA
MY COMMISSION EXPIRES: 08/15/26

STATE OF ~~OREGON~~ ^{AH} ARIZONA)
County of ~~Deschutes~~ ^{AH} PIMA) SS.

The foregoing instrument was acknowledged before me by Terry A. Rennie this 27 day of FEBRUARY, 2023.



Terry A Rennie
NOTARY PUBLIC FOR ~~OREGON~~ ^{AH} ARIZONA
MY COMMISSION EXPIRES: 08/15/26

SERVICE PROVIDER CONSENT FOR RIGHT OF WAY VACATION

Kathry Gates, as Chief Petitioner, intends to submit a petition for Deschutes
(Chief Petitioner's Name)

County, Oregon to vacate the public right of way described or depicted in the attached documents.

As a utility or other service provider, Avion Water Company, Inc.

Does not have existing facilities within the area proposed for vacation.

Have existing facilities within the area proposed for vacation.

Further, as a utility or other service provider, Avion Water Company, Inc.

Consents to the vacation of this section of public right of way.

Consents to the vacation of this section of public right of way but requests that an easement for utilities be granted within the area to be vacated by the underlying property owner.

Does not consent to the proposed right of way vacation for the following reason:

Mike Heffernan
Print Name of Service Provider Representative

Engineering Department
Representative's Title

Mike Heffernan
Signature

7 / 27 / 22
Date

Ref: Schibel Road Vacation

Avion Water Co. Inc.

60813 Parrell Rd.
Bend, OR 97701

Phone
[541]382-5342
Fax
[541]382-5390

HWY 14, S&S TRUCKS, WADSWORTH

OLD BEND-REDMOND HWY
SCHIBEL RD

ROUTE 04

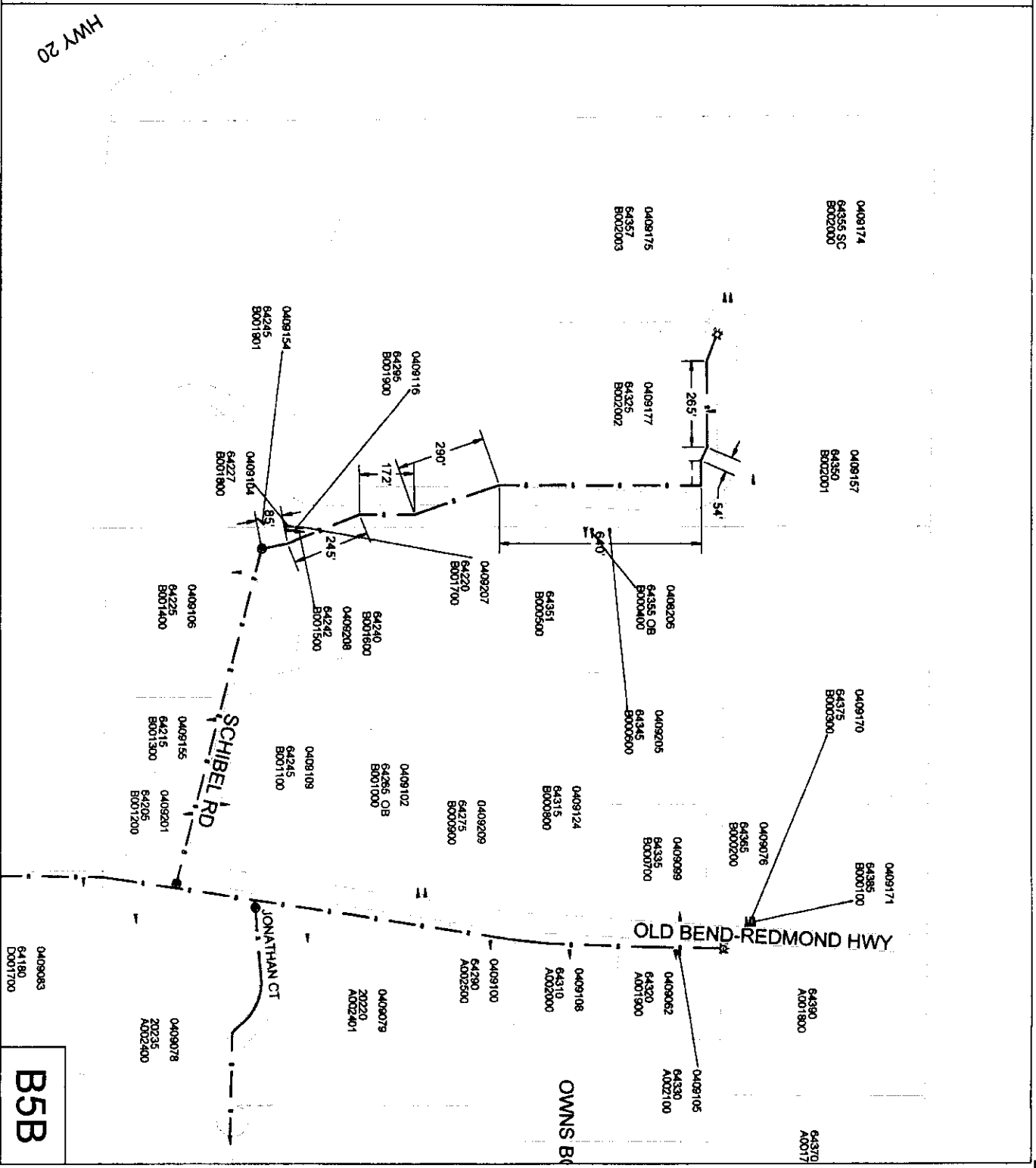


Completed: 09/2009
Drawn By: TEL

Scale 1"=200"

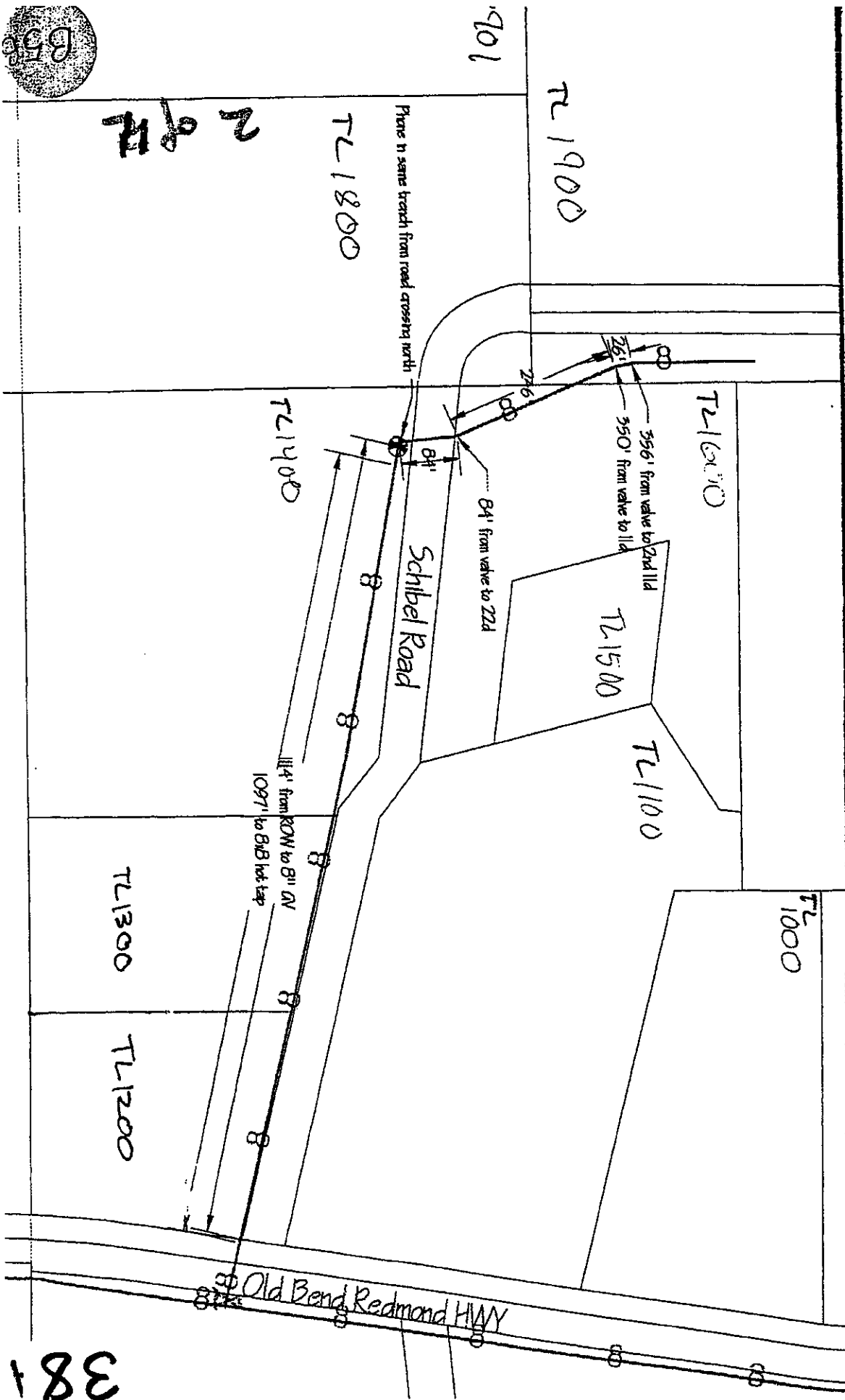
Legend

- Valve.....
- Fire Hydrant.....
- U Pattern Service.....
- Service.....
- Blow Off.....
- Line Change.....
- Pump Station.....
- Pressure Reducing Valve.....
- Well.....
- Reservoir.....



B5B

1712 OS B
Schibel Road



B58

2 9/12

381

SERVICE PROVIDER CONSENT FOR RIGHT OF WAY VACATION

Kathy Gates as Chief Petitioner, intends to submit a petition for Deschutes
(Chief Petitioner's Name)

County, Oregon to vacate the public right of way described or depicted in the attached documents.

As a utility or other service provider, Central Electric Cooperative, Inc.
(Service Provider Name)

- Does not have existing facilities within the area proposed for vacation.
- Have existing facilities within the area proposed for vacation.

Further, as a utility or other service provider, Central Electric Cooperative, Inc.
(Service Provider Name)

- Consents to the vacation of this section of public right of way.
- Consents to the vacation of this section of public right of way but requests that an easement for utilities be granted within the area to be vacated by the underlying property owner.
- Does not consent to the proposed right of way vacation for the following reason:

If the proposed new Road is dedicated to the public, an easement for CEC's existing facilities located within the proposed new ROW will need to be created.

Parneli Perkins
Print Name of Service Provider Representative

Land & ROW Specialist
Representative's Title

Signature  FOR CEC

Date 8/18/22



MEMORANDUM

TO: Board of County Commissioners

FROM: Cody Smith, County Engineer/Assistant Road Department Director

DATE: July 14, 2023

SUBJECT: **Road Official’s Report**
Vacation of a Portion of Schibel Road in Section 05, Township 17S, Range 12E, W.M.

Background:

Deschutes County Road Department has received a petition to vacate a portion of Schibel Road in Section 05 of Township 17S, Range 12E, W.M.. The Petitioners, who are owners of abutting or underlying property to the proposed vacation area, are:

- Jeffrey and Kathryn Gates, owners of Tax Lot 1800 on Assessor’s Map 17-12-05B (Chief Petitioner);
- Marlene Wheeler Rennie, owner of Tax Lot 1901 and joint owner of Tax Lot 1400 on Assessor’s Map 17-12-05B; and
- Terry A. Rennie, joint owner of Tax Lot 1400 on Assessor’s Map 17-12-05B.

The following individuals are owners of abutting or underlying property to the proposed vacation area who are not Petitioners to the proposed vacation:

- Carl Elwyn Owens III, owner of Tax Lot 1900 on Assessor’s Map 17-12-05B; and
- John Kevin O’Leary, owner of Tax Lot 100 on Assessor’s Map 17-12-05C.

Schibel Road is a local access road that is not maintained by Deschutes County. From Old Bend Redmond Highway, Schibel Road proceeds west; approximately 1,240 ft. west of Old Bend Redmond Highway (within the boundaries of Tax Lot 1800), Schibel Road branches into two alignments, one alignment bearing north and one alignment bearing southwest. The northerly alignment across Tax Lot 1800 presently does not coincide with the established right of way. The subject right of way proposed for vacation includes the entirety of the right of way lying within the boundaries of Tax Lots 1800 and 1901, which includes the intersection of the two aforementioned alignments and the southwest alignment. The owners of Tax Lot 1800 have agreed to dedicate a new public right of way across their property to coincide with the existing as-travelled alignment of Schibel Road for the north alignment. The subject right of way proposed for vacation is 60 feet wide and was

created by dedication deed recorded at the Deschutes County Clerk's Office as Deed No. 1994-46818. Most of the length of Schibel Road within the proposed vacation is paved at varying widths; Road Department staff understand that the road improvements were funded and constructed by current or previous owners of the underlying properties and that the improvements were not funded by the County. There are presently public utilities within the proposed vacation area consisting of facilities owned and operated by Central Electric Cooperative.

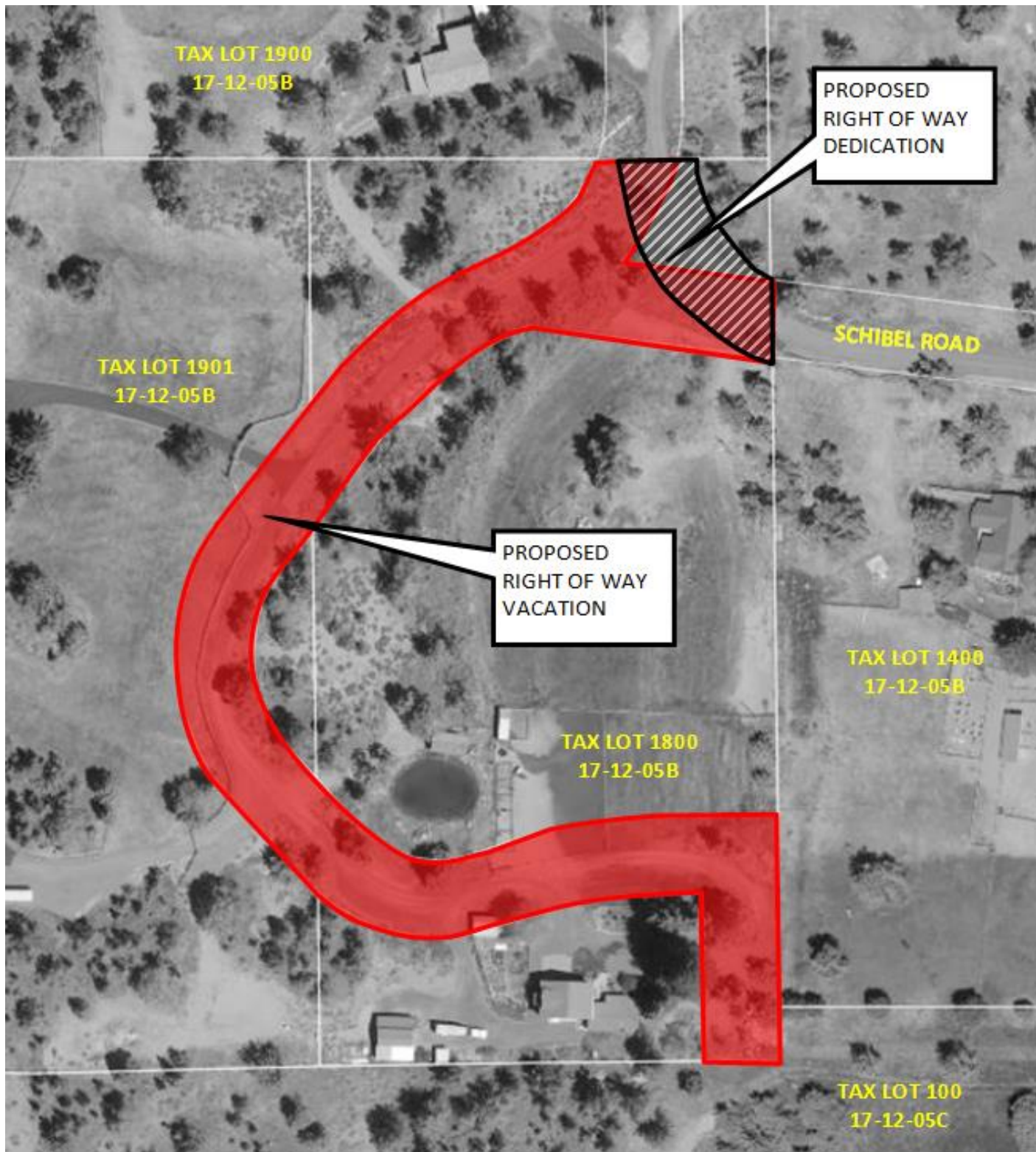


Figure – Aerial Photo of Proposed Vacation Area

The Petitioners provided the following reasons (in bold italics) for the proposed vacation; Road Department staff responses to the reasons provided by the Petitioners are also given below:

1. ***Invalid Dedication due to Restrictions and Reservations –Septic was installed & permitted by Deschutes County in 1980, repaired and permitted by Deschutes County in 1991. The Deed of Dedication was accepted in 1994 by Deschutes County. The 60 foot width encroaches upon the septic system that was approved by Deschutes County.*** Road Department staff assert that the dedication of the subject portion of Schibel Road was valid, as Deed No. 1994-46818 includes valid offer of the dedication by the owners of the underlying property at the time of dedication and acceptance by the County governing body at the time of dedication. Based on a review of Community Development Department property records for Tax Lot 1800 on Assessor’s Map 17-12-05B, it does appear that a portion of the disposal field and reserve area for the subject property’s onsite wastewater system may exist within the proposed vacation area. Additionally, an outbuilding and a portion of a livestock corral also appear to exist within the proposed vacation area. Road Department staff note that, while this situation encumbers both the public right of way and the underlying property, it does not invalidate the public road dedication.
2. ***Reduces property values of the 3 tax lots requesting this Vacation, which is 75% of the owners.*** Road Department staff will not address this statement as it is not verifiable or indicative of a necessity to vacate the public’s interest in a property.
3. ***Decades old trees and landscaping would be lost.*** Road Department staff will not address this statement as it is not verifiable or indicative of a necessity to vacate the public’s interest in a property.
4. ***Since 1994, the county has never used, improved, nor plowed this road to our knowledge. Not once that we know of has the county plowed the snow during the major snowstorms of 2017 & 2019.*** Road Department records indicate that no County-funded maintenance or improvement of the subject portion of Schibel Road has ever occurred; however, Road Department staff note that County-funded maintenance of a local access road is forbidden under state law and that absence of County-funded maintenance is not indicative of a necessity to vacate the public’s interest in a property.
5. ***The southern portion of the road that is requested to be vacated has not been used by the general public and has only been used as access and a driveway for tax lots 1800 and 1901.*** John Kevin O’Leary, owner of Tax Lot 100 on Assessor’s Map 17-12-05C, has indicated to Road Department staff that he has interest in using it for future access. Nonetheless, Road Department staff believe that, generally, the subject right of way has only been used to access Tax Lots 1800 and 1901 as indicated by the Petitioners. The primary access to Tax Lot 100 on Assessor’s Map 17-12-05C is from Old Bend Redmond Highway.
6. ***Traffic will increase, and no traffic study has been done that we know of.*** Road Department staff will not address this statement as it is not verifiable or indicative of a necessity to vacate the public’s interest in a property.

- 7. **Safety of the young children living on Schibel Road is a concern of the parents and neighbors.** Road Department staff will not address this statement as it is not verifiable or indicative of a necessity to vacate the public’s interest in a property.
- 8. **It is not in the General Public’s best interest.** The Board of County Commissioners will make this determination.
- 9. **Induced to sign dedication under false pretenses. We were told we could remove the southern portion of the dedication with a “single item deletion.** Current Road Department staff have no knowledge of the requirements or circumstances under which the subject right of way was dedicated in 1994. Road Department staff note that Jeffrey and Kathryn Gates, Chief Petitioners and owners of Tax Lot 1800 on Assessor’s Map 17-12-05B, were partial grantors for the 1994 dedication deed.
- 10. **Tax lot 100 to the south will not suffer loss of access as the site address of 64145 Old Bend Redmond Hwy is permitted, approved and installed.** As indicated above, the primary access to Tax Lot 100 on Assessor’s Map 17-12-05C is from Old Bend Redmond Highway.

A review of Assessor’s Tax Map 17-12-05B indicates that the proposed vacation would effectively landlock Tax Lot 1901, potentially depriving the owners of that property of access necessary for the exercise of their property right. In regards to this matter, Road Department staff note that the submitted petition included a loss of access consent form signed by the property owners.

The Petitioners submitted completed service provider consent forms from those providers serving within or adjacent to the proposed vacation area; those service providers and their responses are listed below:

- Avion Water Company, Inc.
 - Representative: Mike Heffernan, Engineering Department
 - Service provider does not have existing facilities within the area proposed for vacation
 - **Service provider consents to the proposed vacation**
- Central Electric Cooperative
 - Representative: Parneli Perkins, Land and ROW Specialist
 - Service provider does have existing facilities within the area proposed for vacation
 - **Service provider consents to the proposed vacation but requests that an easement for utilities be granted within the proposed vacation area.** Service provider emailed Road Department staff on June 12, 2023 indicating that easement documents had been secured and that their organization was supportive of the proposed vacation.

Findings:

Based upon the submitted petition materials, responses to service provider notices, and the Road Department’s research of the subject right of way, the Road Department makes the following findings:

- The proposed vacation area was dedicated to the public by dedication deed recorded at the Deschutes County Clerk’s Office as Deed No. 1994-46818 (ORS 368.326).
- Owners of a recorded property right that would potentially be deprived of access necessary for the exercise of that property right with the proposed vacation have consented to the proposed vacation (ORS 368.331).

- The Petitioners, who represent the owners of more than sixty (60) percent of property abutting the subject right of way, have submitted complete petitions and submitted the required fee (ORS 368.341(1)(c); ORS 368.341(3); ORS 368.341(4); ORS368.351).
- As the petition for vacation does not include acknowledged signatures of owners of 100 percent of property abutting the proposed vacation area, the vacation proceedings are subject to a public hearing (ORS 368.346).
- The subject right of way does not appear to be necessary for current or future public use.
- The subject right of way appears to coincide with onsite wastewater system components, an outbuilding, and other private property improvements for Tax Lot 1800 on Assessor's Map 17-12-05B.

Recommendation:

Based on the above findings, the Road Department has determined that the proposed vacation is in the public interest. The Road Department recommends that the Board of County Commissioners approve the proposed vacation with adoption of Order No. 2023-017 subject to the following conditions:

1. Prior to vacation of the subject right of way, the owners of Tax Lot 1800 on Assessor's Map 17-12-05B shall execute a dedication deed to coincide with the existing as-travelled north alignment of Schibel Road.
2. The vacated property shall vest with the rightful owner or owners holding title according to law in accordance with ORS 368.366(1)(c).

This report is made pursuant to ORS 368.326 through 368.366, concerning the vacation of county property.



**BOARD OF
COMMISSIONERS**

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 23, 2023

SUBJECT: Deliberations of Hearings Officer decision on initiation of use involving a marijuana production facility in the 26200 block of Willard Road

BACKGROUND AND POLICY IMPLICATIONS:

On August 9, 2023, the Board of County Commissioners conducted a hearing to review a Hearings Officer decision on an initiation of use application. At the conclusion of the hearing, both the oral and written record were closed, and the Board requested staff schedule a date for deliberations. The deliberations will occur on August 23, 2023. The deliberation matrix is attached.

BUDGET IMPACTS:

None

ATTENDANCE:

Avery Johnson, Assistant Planner
Anthony Raguine, Principal Planner

Watson Initiation of Use

Land Use File No. 247-23-000125-DR

Issue Area/Approval Criterion	Background	Hearings Officer	Applicant	Staff Comment/Recommendation	Board Decision Options
<p><u>Initiation of Use</u></p> <p>DCC 22.36.020,</p> <p>A. For the purposes of DCC 22.36.020, development action undertaken under a land use approval described in DCC 22.36.010, has been "initiated" if it is determined that:</p> <p>...</p> <p>2. Substantial construction toward completion of the land use approval has taken place; or</p> <p>...</p> <p>B. For the purposes of DCC 22.36.020, "substantial construction" has occurred when the holder of a land use approval has physically altered the land or structure or changed the use thereof and such alteration or change is directed toward the completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development.</p>	<p>The Applicant initiated conversations with the County in early 2017 regarding the marijuana production facility. Approximately 90-95% of the expenditures were made prior to land use approval. The land use approval became final in April of 2018.</p>	<p>The Hearings Officer found it appropriate to consider the expenditures made prior to the land use approval as "action undertaken under a land use approval" because the property owner initiated discussions with the County on this use in early 2017. The Hearings Officer further found that actions taken by an applicant may be considered directed toward the completion of a development prior to receiving land use approval. To hold otherwise would be counter to the commonplace occurrence of business decisions being made in anticipation of certain events occurring.</p>	<p>The applicant agrees with, and supports, the Hearings Officer's decision.</p>	<p>Staff believes the Hearings Officer's decision could lead to a number of unintended consequences.</p> <ol style="list-style-type: none"> 1. Development prior to land use approval would deprive the public and public agencies of the opportunity to participate in the land use process, implicating Statewide Planning Goal 1. 2. The County could see an increase in code violation cases. 3. Property owners could find themselves in the unwanted situation of having spent significant resources (time, effort, money) to establish structure(s) for an intended use prior to land use approval, only for the project to be denied. 4. The Community Development Department could feel pressured to approve a land use application where a property owner has invested significant resources in anticipation of the use being approved. <p>For these reasons, staff believes it appropriate to interpret the phrase "the holder of a land use approval" to apply to an applicant only during the time period from the land use decision becoming final to the end of the duration approval, as amended</p>	<p>For the purposes of determining whether a developer has initiated a use, in that substantial construction toward "completion of the land use approval," is established, is it appropriate to consider expenditures made prior to land use approval?</p> <ol style="list-style-type: none"> 1. Uphold the Hearings Officer's decision. The Board finds the Hearings Officer's findings to be persuasive. 2. Modify the Hearings Officer's decision. The Board finds the present circumstance is unique because the proposed use, marijuana production facility, is no longer allowed. Therefore, in this specific circumstance, considering expenditures made prior to the land use approval is appropriate. 3. Overturn the Hearings Officer's decision. The Board finds the unintended consequences to be significant. The Board adopts staff's recommendation and denies the initiation of use application.

				by any extensions or applicable legal proceedings such as an appeal. Staff believes this interpretation would avoid the potentially negative consequences detailed above.	
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BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 23, 2023

SUBJECT: Second reading (by title only) of an ordinance amending Deschutes County Code relative to camping and other sleeping associated activity on public property

RECOMMENDED ACTION:

Move second reading (by title only) and adoption of Ordinance No. 2023-013 providing amendments to Deschutes County Code section 11.04.

BACKGROUND AND POLICY IMPLICATIONS:

On August 9, 2023, the Board approved first reading of a revised version of Ordinance No. 2023-013 which included subsection 11.04.065, added subsequent to the Board's initial first reading of this ordinance. The purpose of subsection 11.04.065 is to expressly provide that Deschutes County Code section 11.04 can apply to federal, state and/or city property located within the unincorporated county if authorized by written agreement with another public jurisdiction.

BUDGET IMPACTS:

Unknown

ATTENDANCE:

Admin
Legal

REVIEWED
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 11.04, Public Use, of the Deschutes County Code. *
* ORDINANCE NO. 2023-013
*

WHEREAS, the Deschutes County Code (DCC) contains rules and regulations duly enacted through ordinance by Deschutes County and the Deschutes County Board of Commissioners; and

WHEREAS, from time-to-time the need arises to make amendments, including new enactments to the DCC; and

WHEREAS, upon direction from the Board of Commissioners, County Legal drafted revisions to DCC 11.04 to specifically address homeless camping issues raised by the Sheriff at a public work session on June 7, 2023; and

WHEREAS, the Board of County Commissioners of Deschutes County considered this matter at a duly noticed public hearing during the Board meeting on July 19, 2023, and determined that DCC 11.04 should be amended; now therefore,

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

Section 1. AMENDMENT. DCC 11.04 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. ADOPTION. This Ordinance takes effect 90 days after second reading.

///

Dated this _____ of _____, 2023

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.

<u>Commissioner</u>	Record of Adoption Vote			
	<u>Yes</u>	<u>No</u>	<u>Abstained</u>	<u>Excused</u>
Patti Adair				
Phil Chang				
Anthony DeBone				

Effective date: _____ day of _____, 2023.

EXHIBIT A

(To Ordinance No. 2023-013)

CHAPTER 11.04 PUBLIC USE

11.04.010 Purpose

11.04.020 Definitions

11.04.030 Policies

11.04.040 Justice Building; Searches

11.04.050 Road Closures

11.04.060 Prohibited Activities

11.04.070 Alienation

11.04.080 Violation; Penalty

11.04.010 Purpose

Public use regulations are adopted for the purpose of protecting public property.

HISTORY

Adopted by Ord. 96-013 §1 on 5/22/1996

11.04.020 Definitions

For the purposes of DCC 11.04, unless otherwise apparent from the context, certain words and phrases used in DCC 11.04 are defined and as set forth in DCC 1.04 and DCC 11.04.020.

“Alternate shelter” means an outdoor location that provides access for sleeping and/or camping through the use of a vehicle, a recreational vehicle, a tent, or some other structure which offers some protection from the outdoor elements, provided that any alternate shelter shall not be located: (1) in a manner that will create a physical impediment to emergency or nonemergency ingress, egress or access to public or private property, including but not limited to driveways, sidewalks and entrances or exits from buildings and/or other real property; and/or (2) within 1000 feet of a school or public park.

“Bed” means an item(s) utilized for sleeping.

“Bedding” means the collective term for the articles which compose a bed.

“Camping” means any form of sleeping or use of a bed, to include bedding materials, whether outdoors or through use of a vehicle, recreational vehicle, tent or other structure which can offer some protection from the outdoor elements.

“Campsite” means the location where camping is occurring.

~~“Industrial land” means any County owned real property zoned for industrial, commercial, manufacturing, research and development or warehousing purposes as authorized.~~

“Park” means any County owned real property designated by resolution of the Board as a County park, pursuant to ORS 275.320.

“Parking lot” means an area consisting of one or more parking spaces grouped.

"Program Administrator" means the Board, the County Property and Real Estate Manager, Deschutes County department head or designees.

"Public places" means County-owned or controlled real property that is open and available for use by the public. It does not include "vacant county land" or any County-owned or controlled real property designated by the County Administrator as not open for public use, or as use limited.

"Public service facility" means any real property that is owned or leased by County where public services are provided or conducted and shall include, but not be limited to, buildings, facilities, or real property which is fenced, enclosed or otherwise developed and any associated grounds.

"Right of way" means the area between the boundary lines of a street, road or other public easement.

"Shelter" means an indoor location that provides access for sleeping.

"Sleeping" means sitting, lying and/or employing rudimentary forms of protection from outdoor elements.

"Vacant county land" means all County owned land which does not qualify as a "public place," "public service facility," "park" or "right of way." Unless specifically authorized by Order of the Board of Commissioners, sleeping, camping, taking shelter or taking alternate shelter is at all times prohibited on vacant county land.

HISTORY

Adopted by Ord. 96-013 §1 on 5/22/1996

Amended by Ord. 2023-013 §1 on 8/23/2023

11.04.030 Policies

- A. Real Property. Except as otherwise provided in this section 11.04, Public use of County-owned or controlled real property, not including vacant county land, shall be limited to day use (dawn to dusk) except as permitted herein or otherwise permitted by adoption of resolution of the Board.
 - 1. Any County owned real property leased by authority of the Board of Commissioners to other public agencies or private parties shall be governed by the terms and provisions of such leases.
 - 2. County-owned or controlled real property may be posted closed, not open for public use, or use limited, upon direction of ~~by~~ the County Administrator, County Property Manager, Director of Road Department, Director of Solid Waste, or Risk Manager.
 - 3. County shall not accept conveyance or transfer of real property except upon recording of a written acceptance from the Board of Commissioners.
 - 4. Exclusive or other special use of County-owned or controlled real property by private entities or other agencies shall only be granted pursuant to a written lease or license authorized by the Board of Commissioners.
- B. County Owned/Occupied Buildings. The open common areas of County public service facilities and other buildings occupied by County employees are open to members of the public who have

business with County employees. However, these buildings are also places where County employees do their work. That work often involves sensitive and confidential issues. County employees require work areas that are quiet, free from unnecessary foot traffic and where they may discuss sensitive or confidential matters without being overheard by persons not employed by the County.

1. Each department or other program occupying a building shall where feasible, establish a waiting area which is, to the extent possible, located near the department or program receptionist and outside the department’s or program’s work area. Members of the public are to wait in this area until the person they are waiting to see is available. Each waiting area shall be clearly posted as such.
2. Areas other than open common areas and designated waiting areas are open to visitors by invitation only. County department heads and staff are responsible for their offices, and may request (or order) visitors to leave their offices at their discretion. County department heads and department support staff supervisors are responsible for support staff work areas, and may, in their discretion, ask visitors to leave those areas.

C. Public Service Facilities.

Public service facilities which provide services beyond the hours of dawn to dusk shall operate in a manner deemed appropriate by the Program Administrator. Public access may be restricted by the Program Administrator, on the basis of public safety or administrative efficiency to those areas deemed by the Program Administrator to be necessary for provision of the intended services.

D. Parking Lots

~~1. _____~~

~~2. _____ County parking lots may be posted with time and use restrictions, and unless otherwise posted, are not available for overnight use, to include but not limited to sleeping, camping or taking alternate shelter. Violations may be cited as authorized by this section 11.04, by the Facilities Director or County Administrator designee. The recommended penalty for the citation of violation of DCC 11.04 shall be 35 dollars, which shall double each 24 hours up to four days, and which may be paid as a bail for forfeiture. If not paid at that time, a warrant may be issued by the Circuit Court to the violator.~~

HISTORY
Adopted by Ora. 96-013 §1 on 5/22/1996
Amended by Ord. 2020-005 §1 on 1/1/2021

Amended by Ord. 2023-013 §1 on 8/23/2023

11.04.040 Justice Building; Searches

Except for on-duty law enforcement personnel, and individually designated county staff, every person entering through the public entrances of the Courthouse facility, District Attorney facility, Community and Juvenile Justice facilities, and all other Deschutes County Justice / Law Enforcement facilities,

including any annex thereto, is subject to search of his or her possessions and must pass through metal detectors.

HISTORY

Adopted by Ord. 97-046 §1 on 6/4/1997

Amended by Ord. 2020-005 §1 on 1/1/2021

11.04.050 Road-Property Closures

Where ~~vacant c~~County ~~land~~property, not generally open for public use, is or has been used by automobiles, motorcycles and other off-road vehicles or bicycles for recreation, or for other purposes including sleeping, camping, or taking alternate shelter as defined in this section 11.04, and the County has a need to close ~~and discontinue~~ the property to ~~these is~~ uses, the County will notify the general public of the intent to close in a local paper of general circulation in addition to the notification procedures outlined in applicable County Encampment Removal Policy-. The design of ~~and~~ the closure shall be in accordance with applicable County Encampment Removal Policy and also the requirements of the Manual on Uniform Traffic Control Devices, published by the Federal Highway Administration, in terms of signing and barricading. Any person who refuses to leave after implementation of applicable County Ecampment Removal Policy may be cited/charged as authorized by this section 11.04. Permanent closures ~~shall~~may, to the extent directed by the County Administrator, consist of appropriate berms, ditches and obliteration of existing roads. The closure design shall be in written form and approved by the County Engineer or County Traffic Engineer. In no case shall ropes or cables be used to close the road or area.

HISTORY

Adopted by Ord. 96-013 §1 on 5/22/1996

Amended by Ord. 2023-013 §1 on 8/23/2023

11.04.060 Prohibited Activities

- ~~A.~~ Excepting for site-specific authorization by Order of the Board of Commissioners, nNo person shall construct, install, ~~or~~encroach, sleep, camp, or obtain shelter or alternate shelter upon County-~~owned~~ or controlled real property~~land~~.
- ~~A.~~B. No person shall sever, excavate, damage, vandalize, burn, litter, remove materials from or cause other site disturbing activity upon or to County-~~owned~~ or controlled real property~~land~~ without obtaining an appropriate permit or license authorizing such activity, from the ~~Board~~, Property Manager, Director of Road Department or Director of Solid Waste. Open fires are strictly prohibited at all times on County-owned or controlled real property.
- ~~B.~~C. No person shall cut or remove wood-vegetation or trees on or from County-~~owned~~ or controlled real property except upon first obtaining a wood cutting permit from the County Property Manager or County Forester.
- ~~C.~~D. Excepting for site-specific authorization by Order of the Board of Commissioners, mMotor vehicles (operable and inoperable), including but not limited to R.V's, trailers and personal use vehicles, shall be limited to existing parking lots during business hours, (subject to time, place

~~and manner regulations, if any, as posted)~~ and operation on established roads. Motor vehicles are prohibited on dedicated public pedestrian/bicycle trails.

~~D.E.~~ Discharge of firearms is prohibited in and on public service facilities and County-owned or controlled real property except as may be provided by Order resolution of the Board of Commissioners.

~~E.F.~~ No person or group shall exclude any other member of the public from County-owned or controlled real property that is open for public use and, except as provided by lease, license or Order resolution of the Board of Commissioners.

~~F.G.~~ No person shall engage in any conduct in or on property where public services are provided which hinders, interferes with or prevents those employees from performing their duties.

~~H.~~ No person shall smoke or carry any lighted or electronic smoking instrument in any Deschutes County-owned, controlled or occupied building, except as permitted by the Deschutes County Smoke Free Policy.

~~G-I.~~ No person shall discharge or dump any sewage or wastewater from baths, sinks and showers on or adjacent to County-owned or controlled real property.

~~JK.~~ No person shall cause or contribute to the accumulation of solid waste materials on County-owned or controlled real property.

HISTORY

Adopted by Ord. 96-013 §1 on 5/22/1996

Amended by Ord. 97-057 §1 on 10/8/1997

Amended by Ord. 2020-005 §1 on 1/1/2021

Amended by Ord. 2023-013 §1 on 8/23/2023

11.04.065 Extra-Jurisdictional Application

Where authorized by written agreement between Deschutes County and the appropriate federal, state and/or city representatives, this section 11.04 is applicable to specifically identified federal, state and/or city property located within unincorporated Deschutes County upon such terms, conditions and limitations stated therein.

HISTORY

Adopted by Ord. 2023-013 §1 on 8/23/2023

11.04.070 Alienation

Excepting conveyances signed by the County Property Manager upon written authorization of the County Commissioners or the County Administrator, no County-owned real property shall be sold,

leased, dedicated, licensed, donated, exchanged, encumbered or otherwise alienated except upon signature, authorization, order or ratification of the Board.

HISTORY

Adopted by Ord. [96-013](#) §1 on 5/22/1996

Amended by Ord. [2020-005](#) §1 on 1/1/2021

[11.04.080 Violation; Penalty](#)

Any violation or failure to comply with any provision of DCC 11.04, may be prosecuted in Justice Court as a Class A violation, or may be charged and prosecuted in Circuit Court as Trespass pursuant to ORS 164.205 et seq. except DCC 11.04.030(B), is a Class A violation. If imposed civil penalties are not timely paid, upon application by the County a warrant may be issued by the Circuit Court to the violator.

HISTORY

Adopted by Ord. [96-013](#) §1 on 5/22/1996

Amended by Ord. [2003-021](#) §24 on 4/9/2003

Amended by Ord. [2023-013](#) §1 on 8/23/2023