



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

2:00 PM, MONDAY, JUNE 13, 2022

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

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

AGENDA

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

Attendance/Participation options are described above. Members of the public may still view the BOCC meetings/hearings in real time via the Public Meeting Portal at www.deschutes.org/meetings

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

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACTION ITEMS

- [1.](#) **2:00 PM** Consideration of Order No. 2022-030 Cancelling Uncollectible Personal Property Taxes of \$35,267.45.
- [2.](#) **2:05 PM** Consideration of Document No. 2022-084, an Intergovernmental Agreement with the Oregon Department of Transportation for the US97: Lower Bridge Way-NW 10th St (Terrebonne) Project
- [3.](#) **2:20 PM** Consideration of Resolution No. 2022-045, Vacating a Portion of W.R. Wilkinson Road
- [4.](#) **2:25 PM** Consideration of Order No. 2022-031, Vacating a Portion of W.R. Wilkinson Road
- [5.](#) **2:30 PM** Consideration of Chair Signature of Document No. 2022-098, a Notice of Intent to Award Contract for the Paving of Hamby Road: US20 to Butler Market Road Project
- [6.](#) **2:40 PM** Consideration of Chair Signature of Document No. 2022-244, a Notice of Intent to Award Contract for the Paving of Alfalfa Market Road: MP 4 to Johnson Ranch Road Project
- [7.](#) **2:50 PM** Work Session: Bend UGB Expansion, Plan Amendment, and Zone Change – Affordable Housing Pilot Project Work Session (HB 4079)
- [8.](#) **3:20 PM** Measure 109 / Psilocybin
- [9.](#) **3:35 PM** Work Session to Discuss Landfill Site Selection Criteria Memorandum

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.

10. Executive Session under ORS 192.660 (2) (d) Labor Negotiations **Add-on**

Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.

ADJOURN



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



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: 06/13/2022

SUBJECT: Consideration of Order No. 2022-030 Cancelling Uncollectible Personal Property Taxes of \$35,267.45.

RECOMMENDED MOTION:

Move Approval of Order No. 2022-030 Cancelling Uncollectible Personal Property Taxes of \$35,267.45.

BACKGROUND AND POLICY IMPLICATIONS:

Personal property taxes are considered to be uncollectible when the cost of collection exceeds the amount of tax, or when it is no longer reasonable or feasible to pursue collection. It has been the County's procedure to cancel uncollectible personal property tax accounts once every year or two. The last cancellation was approved by the Board on June 23, 2021 in the amount of \$33,295.83.

BUDGET IMPACTS:

None.

ATTENDANCE:

Judi Hasse, Deputy Tax Collector-Finance/Tax
Connie Heim, Accounting Technician-Finance/Tax

June 9, 2022

To: Deschutes County Board of County Commissioners

From: Wayne Lowry, Deschutes County Tax Collector
Judi Hasse, Deschutes County Deputy Tax Collector
David Doyle, Deschutes County Legal Counsel

RE: Request for Order to Cancel Uncollectible Personal Property Taxes

Your approval is requested to cancel \$35,267.45 in personal property taxes. On a percentage basis, the \$35,267.45 represents 0.30 % (.0030) of the personal and manufactured structure taxes levied in the 2021-22 tax year (\$10,193,499.71 and \$1,426,057.22 respectively).

A summary of prior cancellations by tax year is as follows:

2003-04	\$ 29,291.00
2004-05	26,537.00
2006-07	49,553.67
2008-09	86,903.57
2009-10	49,139.64
2010-11	37,277.91
2011-12	51,958.84
2012-13	136,431.43
2013-14	37,141.65
2014-15	40,121.07
2015-16	14,615.17
2016-17	58,599.65
2017-18	17,931.84
2018-19	31,828.95
2020-21	33,295.83

The \$35,267.45 consists of: 1) Four uncollected manufactured structure accounts totaling taxes of \$2,734.19 and 2) Twenty-one uncollectible personal property accounts totaling \$32,533.26. Categorically, the items being cancelled are as follows:

1. Manufactured Structures:	
a) Abandoned under ORS 90.675 (3 accounts)	\$ 2,446.42
b) Removed without our knowledge (1 account)	<u>287.77</u>
	\$ 2,734.19

2. Personal Property:	
a) Previous Bankruptcies (6 accounts)	\$ 13,330.42
b) Business failures (15 accounts)	<u>19,202.84</u>
	\$ 32,533.26
 TOTAL (25 accounts)	 <u>\$35,267.45</u>

Pursuant to Oregon law, David Doyle, Legal Counsel, has reviewed the amounts to be cancelled and agrees that these accounts are not collectible.

The Tax Department staff has used a reasonable and consistent level of collection effort to try to collect the taxes while minimizing the collection costs and negative relations with the taxpayer. Abandoned manufactured structures are governed by certain laws and statutes that provide for the cancellation of taxes. Bankruptcies are pursued to the extent permitted by U.S. bankruptcy law.

Oregon law requires that a final personal property return be filed to terminate the taxation of business property. This frequently does not occur, resulting in the continued assessment and taxation of property that is no longer being used in a business and may no longer exist. A portion of the taxes included under dissolved corporations and business failures (item 2a & 2b above) relate to taxes imposed on non-existent businesses and/or assets.

We have continued the practice of garnishing wages and checking accounts where possible. We also continue to attach personal property tax accounts to real property accounts. We have in the past collected personal accounts where the business owner’s personal residence is being foreclosed upon by their lender. Lenders tend to pay the taxes promptly in order to extinguish our priority lien.

				ORS 311.790 Cancellation of Uncollectible Property Tax													
				EXHIBIT A													
Account #	TAX PAYER NAME	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	TOTAL
153108	DESERT TERRACE MOBILE ESTATES, LLC				\$43.74												\$43.74
234379	INNES, JOHN				\$287.77												\$287.77
165546	GARCIA, MARICELL	\$278.76															\$278.76
181028	ROMERO RAMIEREZ, MANUEL				\$290.44	\$ 276.68	\$ 203.96	\$ 166.56	\$ 149.34	\$ 120.79	\$ 112.20	\$ 116.25	\$ 155.47	\$ 172.17	\$ 176.19	\$ 183.87	\$2,123.92
		\$278.76	\$0.00	\$0.00	\$621.95	\$276.68	\$203.96	\$166.56	\$149.34	\$120.79	\$112.20	\$116.25	\$155.47	\$172.17	\$176.19	\$183.87	\$2,734.19

ORS 311.790 Cancellation of Uncollectible Property Tax								
EXHIBIT B								
Account #	Taxpayer Name	2021	2020	2019	2018	2017	2016	TOTAL
278317	OREGON CRAFT CHOCOLATIERS LLC	\$ 10.70						\$ 10.70
278060	INGRAM, ANDREW /AMAGO			\$ 11.72				\$ 11.72
199609	WYKE, SCOTT//SCOTT'S PERFORMANCE AUTO & TRANSMISSION		\$ 16.42					\$ 16.42
273412	TAPZ LLC//CATHY'S CLEANERS		\$ 9.54	\$ 9.52				\$ 19.06
278086	TAPZ LLC//CATHY'S CLEANERS		\$ 47.47					\$ 47.47
273411	TAPZ LLC//CATHY'S CLEANERS		\$ 57.84	\$ 57.94				\$ 115.78
274741	BOYLE, MIKE//HOP IN THE SPA				\$ 381.56			\$ 381.56
269080	BEND COMPOSITE LLC				\$ 387.13			\$ 387.13
255642	HANCOCK FABRICS						\$ 399.57	\$ 399.57
275852	COHEN,DAVID//COHEN'S STACKED BISTRO			\$ 405.27				\$ 405.27
267322	MCF LLC//BLACK BUTTE GENERAL STORE			\$ 434.79	\$ 435.18			\$ 869.97
204418	MINOR, JOHN W//DISPLAY IT BIG		\$ 465.15	\$ 465.82				\$ 930.97
168275	CRONIN COMPANY		\$ 1,107.04					\$ 1,107.04
271355	MIKE HOOD CABINETRY			\$ 777.75	\$ 368.87			\$ 1,146.62
268331	CITRINE RESTAURANTS INC//THE PORCH		\$ 986.70	\$ 327.42				\$ 1,314.12
208133	JONES, JAMES & SANDRA//RACE AUTO CARE		\$ 587.94	\$ 587.85	\$ 590.47			\$ 1,766.26
272987	ACHIEVE THE DREAM LLC//COMPLETE NUTRITION		\$ 795.13	\$ 796.26	\$ 531.30			\$ 2,122.69
278141	ELKIBOU PROPERTIES		\$ 2,264.82	\$ 1,511.22				\$ 3,776.04
274669	KLEAN TREATMENT CENTERS LA PINE		\$ 1,704.13	\$ 1,083.16	\$ 1,083.07	\$ 1,085.97		\$ 4,956.33
273414	TAPZ LLC//CATHY'S CLEANERS		\$ 3,096.01	\$ 2,812.81				\$ 5,908.82
176249	SHOPKO STORES OPERATING CO LLC			\$ 6,839.72				\$ 6,839.72
		\$ 10.70	\$ 11,138.19	\$ 16,121.25	\$ 3,777.58	\$ 1,085.97	\$ 399.57	\$ 32,533.26

REVIEWED

LEGAL COUNSEL

06/13/2022 Item #1.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Cancelling Uncollectible Personal
Property Taxes of \$35,267.45

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*

ORDER NO. 2022-030

WHEREAS, Wayne Lowry, the Deschutes County Tax Collector, pursuant to ORS 311.790 has petitioned the Board of County Commissioners to cancel delinquent personal property taxes on certain personal property accounts on the grounds that the taxes are wholly uncollectible; and

WHEREAS, the Deschutes County Legal Counsel has determined that the taxes requested to be cancelled by the Deschutes County Tax Collector are wholly uncollectible, and joins in that request; and

WHEREAS, ORS 311.790 provides that the Board of County Commissioners may cancel taxes when the Tax Collector and the County Counsel request in writing that the taxes are uncollectible; now, therefore,

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

Section 1. The Deschutes County Tax Collector is hereby authorized and directed to cancel the uncollectible manufactured structures property taxes described in Exhibit "A" attached hereto and, by this reference, incorporated herein, in the principal amount of \$2,734.19 and uncollectible personal property taxes described in Exhibit "B" attached hereto and, by this reference, incorporated herein in the principal amount of \$32,533.26.

Dated this _____ of _____, 2022

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ANTHONY DEBONE, Vice-Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Monday, June 13, 2022

SUBJECT: Consideration of Document No. 2022-084, an Intergovernmental Agreement with the Oregon Department of Transportation for the US97: Lower Bridge Way-NW 10th St (Terrebonne) Project

RECOMMENDED MOTION:

Move approval of Document No. 2022-084.

BACKGROUND AND POLICY IMPLICATIONS:

Preliminary engineering of the US97: Lower Bridge Way-NW 10th St (Terrebonne) project is currently approximately 30% complete, with the project anticipated to begin construction in late 2023. This intergovernmental agreement will authorize the County's financial contribution to the project, which has been included and carried over in the County Road CIP budget in some form since FY 2021.

BUDGET IMPACTS:

Under this agreement, the County will be contributing \$10 million towards the project. The Road Department has budgeted \$7,319,310 in County Road Funds for the project in the FY 2023 Road CIP proposed budget. The remaining \$2,680,690 in County contribution will come from the County's Surface Transportation Block Grant Program funds for FY 2022 and 2023, which are federal funds administered by ODOT.

ATTENDANCE:

Chris Doty, Road Department Director; Cody Smith, County Engineer

INTERGOVERNMENTAL AGREEMENT
US97: Lower Bridge Way - NW 10th St (Terrebonne) (K21162)

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State" or "ODOT;" and Deschutes County, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, state agencies may enter into agreements with units of local government for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.
2. The Dalles-California Highway/US Route 97/Highway No. 004 is part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC).
3. Smith Rock Way, 11th Street, NW 10th Street, A Ave., B Ave., C Ave., F Ave., Central Ave., F Ave., Barberry Drive, and Lower Bridge Way are part of the county road system under the jurisdiction and control of Deschutes County.
4. On May 30, 2017, the Parties and Jefferson County entered into a Cooperative Improvement Agreement (MCA031810) outlining Agency's contribution of \$130,000 and Jefferson County's contribution of \$20,000 toward the provision of administrative and staff support, and the performance of public relations and outreach related to state's US97: Lower Bridge Way Corridor Refinement Plan which was developed as part of the planning phase of State's US97: Lower Bridge Way - NW 10th St (Terrebonne) project (K21162). The purpose of the refinement plan was to develop improvement and management options to address the US 97 highway corridor through Terrebonne from Lower Bridge Way to NW 10th to be designed during the preliminary engineering and constructed during the construction phase of the State's US97: Lower Bridge Way - NW 10th St (Terrebonne) project (K21162).

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, State and Agency agree to State evaluating, designing, and constructing safety improvements on US97 through Terrebonne from Lower Bridge Way to NW 10th Street, and local improvements on Deschutes County road system that include; Smith Rock Way, 11th Street, NW 10th Street, A Ave., B Ave., C Ave., F Ave., Central Ave., Barberry Drive, and Lower Bridge Way, hereinafter referred to as

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“Project.” The Project is shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof.

2. The Project will be financed at an estimated cost of \$30,150,000 in federal, state and local funds. Agency funding for this project shall be limited to \$10,130,000. The estimate for the total Project cost is subject to change. State shall be responsible for any nonparticipating costs, and Project costs beyond the estimate for scope identified in Exhibit A (Highway Improvements, ODOT).
3. This Agreement shall become effective on the date all required signatures are obtained and shall remain in effect for the purpose of ongoing maintenance (and power if applicable) responsibilities for the useful life of the facilities constructed as part of the Project. The useful life is defined as twenty (20) calendar years. The Project shall be completed within ten (10) calendar years following the date of final execution of this Agreement by both Parties.

AGENCY OBLIGATIONS

1. Agency shall, upon receipt of a fully executed copy of this Agreement and upon a subsequent letter of request from State, forward to State an advanced deposit or irrevocable letter of credit in the amount of \$10,000,000 for the Project, said amount being equal to the balance of the estimated total cost for the work performed by State at Agency’s request under State Obligations paragraph 1. Agency agrees to make deposits as needed upon request from State. Depending upon the timing of portions of the Project to which the advance deposit contributes, it may be requested by State prior to Preliminary Engineering, purchase of right-of-way, or approximately 4-6 weeks prior to Project bid opening
2. Agency certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within Agency’s current appropriation or limitation of the current biennial budget.
3. Agency shall be responsible for and perform all maintenance for improvements made on Agency’s road system as part of the Project.
4. Agency grants State the right to enter onto Agency property for the performance of State’s duties as set forth in this Agreement.
5. Agency agrees State will perform all right of way functions and shall enter into a separate Right of Way Services Agreement between Agency and State Right of Way, referencing this Agreement number.
6. Upon completion of the Project, State shall transfer by deed, and Agency shall accept, that property acquired by the State for the Agency and needed for the construction phases of the Project. The conveyance from State to Agency shall be free of costs or fees. Any property being conveyed shall be vested in Agency only so

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long as used for public transportation purposes. If said property is no longer used for public transportation purposes, it shall automatically revert to State.

7. Agency shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from State.
8. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
9. Agency acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the Project which may alter or change the grade of existing county roads are being accomplished at the direct request of the county.
10. Agency or its consultant shall acquire all necessary rights of way according to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35 and the State Right of Way Manual. Certification of right of way acquisition work must be made by the Agency (or on behalf of its consultant) doing the work. If Agency acquires the right of way, they shall provide a letter from Agency's legal counsel certifying that 1) the right of way needed for the Project has been obtained and 2) right of way acquisition has been completed in accordance with the right of way requirements contained in this Agreement. The certification form shall be routed through the State's Region 4 Right of Way & Survey Manager, David Brown, 63055 N. Highway 97, Bend, Oregon 97703, (541) 388-6197, david.t.brown@odot.state.or.us for co-signature and possible audit. If Agency elects to have State perform right of way functions, a separate agreement shall be executed between Agency and State right of way, referencing this Agreement number.
11. Agency shall perform the service under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers compensation, unemployment taxes, and state and federal income tax withholdings.
12. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than

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\$500,000 must be included. Agency shall ensure that each of its contractors complies with these requirements.

13. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment (or completion of Project -- if applicable.) Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.
14. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
15. Agency's Project Manager for this Project is Cody Smith, County Engineer, 61150 SE 27th Street, Bend, Oregon 97702, (541) 322-7113, cody.smith@deschutes.org, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. State shall perform the work described in Terms of Agreement, Paragraph 1.
2. State shall, upon execution of the agreement, forward to Agency a letter of request for an advanced deposit or irrevocable letter of credit in the amount of \$10,000,000.00 for payment of the balance of the estimated total cost for the work performed by State at Agency's request under State Obligations paragraph 1.
3. State agrees to work in good faith with Agency on managing scope beyond that which is listed in Exhibit A. State shall not add scope to the project without Agency approval, and without identifying funding responsibilities. In the event the Project cannot be constructed within the estimated budget, ODOT and Agency shall examine alternatives for a reduced Project scope and/or reevaluate funding obligations. If ODOT and Agency agree on changes to the Project scope or funding obligations, then the Parties shall enter into an amendment to this Agreement to reflect such changes. If such agreement cannot be reached, ODOT at its sole discretion may determine whether the Project scope must be modified to meet the Project budget or to commit additional funds to the Project.
4. Upon completion of the project, State will refund or release to Agency any unused portion of Agency's advance deposit which is in excess of the total Agency costs for the project.
5. State shall be responsible for 100 percent of the electrical energy costs associated with the Rectangle Rapid Flashing Beacons (RRFBs), illumination, or other traffic

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control devices installed as part of the project. State shall have power company send bills directly to State. State shall be responsible for and perform all maintenance for improvements made on State's highway system as part of the project.

6. State certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation of the current biennial budget.
7. State's Project Manager for this Project is Cari Charlton, Resident Engineer - Consultant Projects, 63055 N. Highway 97, Bldg M, Bend, Oregon 97703, (541) 815-6831, cari.charlton@odot.oregon.gov, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. This Agreement may be terminated by either Party upon thirty (30) days' notice, in writing and delivered by certified mail or in person.
2. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
4. **Americans with Disabilities Act Compliance:**

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- a. When the Project scope includes work on sidewalks, curb ramps, or pedestrian-activated signals, multiuse path, transit stop, on-street parking or triggers an obligation to address curb ramps or pedestrian signals, the Parties shall:
 - i. Utilize ODOT standards to assess and ensure Project compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 as amended (together, "ADA"), including ensuring that all sidewalks, curb ramps, and pedestrian-activated signals meet current ODOT Highway Design Manual standards;
 - ii. Follow ODOT's processes for design, construction, or alteration of sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, providing a temporary pedestrian accessible route plan and current ODOT Curb Ramp Inspection form;
 - iii. At Project completion, send a completed ODOT Curb Ramp Inspection Form 734-5020 to the address on the form as well as to State's Project Manager for each curb ramp constructed or altered as part of the Project. The completed form is the documentation required to show that each curb ramp meets ODOT standards and is ADA compliant. ODOT's fillable Curb Ramp Inspection Form and instructions are available at the following address:

<https://www.oregon.gov/ODOT/Engineering/Pages/Accessibility.aspx>; and

- b. Agency shall ensure that any portions of the Project under Agency's maintenance jurisdiction are maintained in compliance with the ADA throughout the useful life of the Project. This includes, but is not limited to, Agency ensuring that:
 - i. Pedestrian access is maintained as required by the ADA,
 - ii. Any complaints received by Agency identifying sidewalk, curb ramp, or pedestrian-activated signal safety or access issues are promptly evaluated and addressed,
 - iii. Agency, or abutting property owner, pursuant to local code provisions, performs any repair or removal of obstructions needed to maintain the facility in compliance with the ADA requirements that were in effect at the time the facility was constructed or altered,
 - iv. Any future alteration work on Project or Project features during the useful life of the Project complies with the ADA requirements in effect at the time the future alteration work is performed, and

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- v. Applicable permitting and regulatory actions are consistent with ADA requirements.
 - c. Maintenance obligations in this section shall survive termination of this Agreement.
- 5. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.
- 6. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
- 7. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

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8. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
9. As federal funds are involved in this Agreement, EXHIBITS B and C are attached hereto and by this reference made a part hereof, and are hereby certified to by Agency representative.
10. Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to the Federal Highway Administration, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
11. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
12. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

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

This Project is in the 2021-2024 Statewide Transportation Improvement Program (STIP), (Key #21162) that was adopted by the Oregon Transportation Commission on July 15, 2020 (or subsequently by amendment to the STIP).

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DESCHUTES COUNTY, by and through
its elected officials

By _____

Date _____

By _____

Date _____

By _____

Date _____

**LEGAL REVIEW APPROVAL (If required
in Agency’s process)**

By _____
Agency’s Counsel

Date _____

Agency Contact:
Cody Smith
County Engineer
61150 SE 27th Street
Bend, Oregon 97702
(541) 322-7113
cody.smith@deschutes.org

State Contact:
Cari Charlton
Resident Engineer - Consultant Projects
63055 N. Highway 97, Bldg M
Bend, Oregon 97703
(541) 815-6831
cari.charlton@odot.oregon.gov

STATE OF OREGON, by and through
its Department of Transportation

By _____

Delivery and Operations Division
Administrator

Date _____

APPROVAL RECOMMENDED

By _____

State Traffic Roadway Engineer

Date _____

By _____
Region 4 Manager

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By Serena D. Hewitt via email
Assistant Attorney General (If Over
\$150,000)

Date May 23, 2022

EXHIBIT A

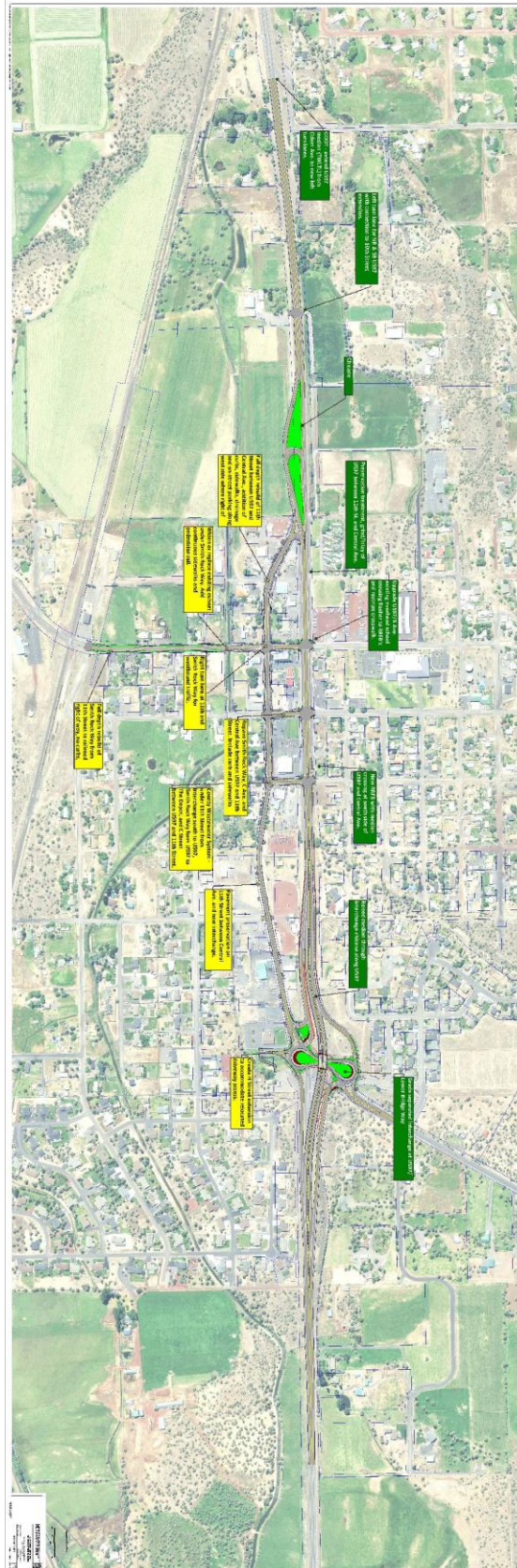


EXHIBIT A - continued

Specific project components include:

Highway Improvements (ODOT):

- Construct a new full access diamond interchange with combined “dogbone” ramp terminals at US97/Lower Bridge Way intersection.
- Provide pavement preservation along US97 between the US97/Lower Bridge Way interchange and chicane at south end of project.
- Install a northbound chicane on US97 at the intersection of 11th Street and a southbound chicane at US97/ Lower Bridge Way interchange.
- Upgrade or install new ADA curb ramps along US97 and along local streets.
- Install a new enhanced pedestrian crossing on US97 at Central Ave and upgrade the existing crossing at US97 and B Ave.
- Extend 10th Street to the south along the west side of US97 and install left turn lanes at a new intersection opposite the Alpaca farm access.
- Upgrade and install signing and striping along all roadways.
- Install illumination in the vicinity of the new US97/Lower Bridge Way interchange.

Local Roadway Improvements (Deschutes County):

- Reconstruct 11th Street from new interchange to Central Ave. with 11' travel lanes and 5' shoulders.
- Reconstruct 11th Street from Central Ave. south to US97 with 11' travel lanes, 5' shoulder/bike lanes, curb tight sidewalks, ADA curb ramps at all intersections, and on-street parking along west side of street within available right of way.
- Widen Smith Rock Way from 11th Street to the Terrebonne Depot access with 11' travel lanes, 4' shoulder/bike lanes, and right of way tight sidewalks.
- Install transit stop on Central Ave. in conjunction with enhance pedestrian crossing at US97 and Central Ave.
- Upgrade and install signing and striping along all roadways.
- Install dry sewer lines within designated County roadways including 11th Street, B Ave., C Ave, Central Ave. and Smith Rock Way

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For purposes of Exhibits B and C, references to Department shall mean State, references to Contractor shall mean Agency and references to Contract shall mean Agreement.

**EXHIBIT B
CONTRACTOR CERTIFICATION**

Contractor certifies by signing this Contract that Contractor has not:

- (a) Employed or retained for a commission, percentage, brokerage, contingency fee or other consideration, any firm or person (other than a bona fide employee working solely for me or the above Contractor) to solicit or secure this Contract,
- (b) agreed, as an express or implied condition for obtaining this Contract, to employ or retain the services of any firm or person in connection with carrying out the Contract, or
- (c) paid or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above Contractor), any fee, contribution, donation or consideration of any kind for or in connection with, procuring or carrying out the Contract, except as here expressly stated (if any):

Contractor further acknowledges that this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

DEPARTMENT OFFICIAL CERTIFICATION

Department official likewise certifies by signing this Contract that Contractor or his/her representative has not been required directly or indirectly as an expression of implied condition in connection with obtaining or carrying out this Contract to:

- (a) Employ, retain or agree to employ or retain, any firm or person or
- (b) pay or agree to pay, to any firm, person or organization, any fee, contribution, donation or consideration of any kind except as here expressly stated (if any):

Department official further acknowledges this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

EXHIBIT C

Federal Provisions
Oregon Department of Transportation

CERTIFICATION OF NONINVOLVEMENT IN ANY DEBARMENT AND SUSPENSION

Contractor certifies by signing this Contract that to the best of its knowledge and belief, it and its principals:

Agency/State
Agreement No.

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this Contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery falsification or destruction of records, making false statements or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
4. Have not within a three-year period preceding this Contract had one or more public transactions (federal, state or local) terminated for cause or default.

Where the Contractor is unable to certify to any of the statements in this certification, such prospective participant shall submit a written explanation to Department.

List exceptions. For each exception noted, indicate to whom the exception applies, initiating agency, and dates of action. If additional space is required, attach another page with the following heading: Certification Exceptions continued, Contract Insert.

EXCEPTIONS:

Exceptions will not necessarily result in denial of award, but will be considered in determining Contractor responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

The Contractor is advised that by signing this Contract, the Contractor is deemed to have signed this certification.

II. INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT, SUSPENSION,

AND OTHER RESPONSIBILITY MATTERS—PRIMARY COVERED TRANSACTIONS

1. By signing this Contract, the Contractor is providing the certification set out below.
2. The inability to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The Contractor shall explain why he or she cannot provide the certification set out below. This explanation will be considered in connection with the Department determination to enter into this transaction. Failure to furnish an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the Department determined to enter into this transaction. If it is later determined that the Contractor knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government or the Department may terminate this transaction for cause of default.
4. The Contractor shall provide immediate written notice to the Department if at any time the Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the Department's Program Section (Tel. (503) 986-2710) to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The Contractor agrees by entering into this Contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower

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tier covered transactions with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the Department or agency entering into this transaction.

7. The Contractor further agrees by entering into this Contract that it will include the Addendum to Form FHWA-1273 titled, "Appendix B--Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions", provided by the Department entering into this covered transaction without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List published by the U. S. General Services Administration.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government or the Department, the Department may terminate this transaction for cause or default.

III. ADDENDUM TO FORM FHWA-1273, REQUIRED CONTRACT PROVISIONS

This certification applies to subcontractors, material suppliers, vendors, and other lower tier participants.

- Appendix B of 49 CFR Part 29 -

Appendix B--Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this Contract, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this Contract is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this Contract is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this Contract that, should the proposed covered transaction be entered into, it shall not

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knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this Contract that it will include this clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement list.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

- a. The prospective lower tier participant certifies, by entering into this Contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.
- b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall submit a written explanation to Department.

IV. EMPLOYMENT

1. Contractor warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Contract and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Contractor, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this Contract. For breach or violation of this warranting, Department shall have the right to annul this Contract without liability or in its discretion to deduct from the Contract price or consideration or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.
2. Contractor shall not engage, on a full or part-time basis or other basis, during the period of the Contract, any professional or technical personnel who are or have been at any time during the period of this Contract, in the employ of Department, except regularly retired employees, without written consent of the public employer of such person.
3. Contractor agrees to perform consulting services with that standard of care, skill and diligence normally provided by a

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professional in the performance of such consulting services on work similar to that hereunder. Department shall be entitled to rely on the accuracy, competence, and completeness of Contractor's services.

V. NONDISCRIMINATION

During the performance of this Contract, Contractor, for himself, his assignees and successors in interest, hereinafter referred to as Contractor, agrees as follows:

1. Compliance with Regulations. Contractor agrees to comply with Title VI of the Civil Rights Act of 1964, and Section 162(a) of the Federal-Aid Highway Act of 1973 and the Civil Rights Restoration Act of 1987. Contractor shall comply with the regulations of the Department of Transportation relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are incorporated by reference and made a part of this Contract. Contractor, with regard to the work performed after award and prior to completion of the Contract work, shall not discriminate on grounds of race, creed, color, sex or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the Contract covers a program set forth in Appendix B of the Regulations.
2. Solicitation for Subcontractors, including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations made by Contractor for work to be performed under a subcontract, including procurement of materials and equipment, each potential subcontractor or supplier shall be notified by Contractor of Contractor's obligations under this Contract and regulations

relative to nondiscrimination on the grounds of race, creed, color, sex or national origin.

3. Nondiscrimination in Employment (Title VII of the 1964 Civil Rights Act). During the performance of this Contract, Contractor agrees as follows:
 - a. Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause.
 - b. Contractor will, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex or national origin.
4. Information and Reports. Contractor will provide all information and reports required by the Regulations or orders and instructions issued pursuant thereto, and will permit access to his books, records, accounts, other sources of information, and his facilities as may be determined by Department or FHWA as appropriate, and shall set forth what efforts he has made to obtain the information.
5. Sanctions for Noncompliance. In the event of Contractor's noncompliance with the nondiscrimination provisions of

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the Contract, Department shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to Contractor under the agreement until Contractor complies; and/or
 - b. Cancellation, termination or suspension of the agreement in whole or in part.
6. Incorporation of Provisions. Contractor will include the provisions of paragraphs 1 through 6 of this section in every subcontract, including procurement of materials and leases of equipment, unless exempt from Regulations, orders or instructions issued pursuant thereto. Contractor shall take such action with respect to any subcontractor or procurement as Department or FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event Contractor becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such direction, Department may, at its option, enter into such litigation to protect the interests of Department, and, in addition, Contractor may request Department to enter into such litigation to protect the interests of the State of Oregon.

VI. DISADVANTAGED BUSINESS
ENTERPRISE (DBE) POLICY

In accordance with Title 49, Code of Federal Regulations, Part 26, Contractor shall agree to abide by and take all necessary and reasonable steps to comply with the following statement:

DBE POLICY STATEMENT

DBE Policy. It is the policy of the United States Department of Transportation (USDOT) to practice nondiscrimination on the basis of race, color, sex and/or national origin in the award and administration of USDOT assist contracts. Consequently, the DBE requirements of 49 CFR 26 apply to this Contract.

Required Statement For USDOT Financial Assistance Agreement. If as a

condition of assistance the Agency has submitted and the US Department of Transportation has approved a Disadvantaged Business Enterprise Affirmative Action Program which the Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference.

DBE Obligations. The Department and its Contractor agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR 26 have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds. In this regard, Contractor shall take all necessary and reasonable steps in accordance with 49 CFR 26 to ensure that Disadvantaged Business Enterprises have the opportunity to compete for and perform contracts. Neither Department nor its contractors shall discriminate on the basis of race, color, national origin or sex in the award and performance of federally-assisted contracts. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of such contracts. Failure by the Contractor to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as Department deems appropriate.

The DBE Policy Statement and Obligations shall be included in all subcontracts entered into under this Contract.

Records and Reports. Contractor shall provide monthly documentation to Department that it is subcontracting with or purchasing materials from the DBEs identified to meet Contract goals. Contractor shall notify Department and obtain its written approval before replacing a DBE or making any change in the DBE participation listed. If a DBE is unable to fulfill the original obligation to the Contract, Contractor must demonstrate to Department the Affirmative Action steps taken to replace the DBE with another DBE. Failure to do so will result in withholding payment on those items. The monthly documentation will not be required

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after the DBE goal commitment is satisfactory to Department.

Any DBE participation attained after the DBE goal has been satisfied should be reported to the Departments.

DBE Definition. Only firms DBE certified by the State of Oregon, Department of Consumer & Business Services, Office of Minority, Women & Emerging Small Business, may be utilized to satisfy this obligation.

CONTRACTOR'S DBE CONTRACT GOAL

DBE GOAL 0 %

By signing this Contract, Contractor assures that good faith efforts have been made to meet the goal for the DBE participation specified in the Contract for this project as required by ORS 200.045, and 49 CFR 26.53 and 49 CFR, Part 26, Appendix A.

VII. LOBBYING

The Contractor certifies, by signing this agreement to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection

with this agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor also agrees by signing this agreement that he or she shall require that the language of this certification be included in all lower tier subagreements, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

**FOR INQUIRY CONCERNING
DEPARTMENT'S DBE
PROGRAM REQUIREMENT
CONTACT OFFICE OF CIVIL
RIGHTS AT (503)986-4354.**



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Monday, June 13, 2022

SUBJECT: Consideration of Resolution No. 2022-045, Vacating a Portion of W.R. Wilkinson Road

RECOMMENDED MOTION:

Move approval of Resolution No. 2022-045.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department has received a petition to vacate the public right of way for a portion of W.R. Wilkinson Road in Section 35, Township 17S, Range 12E, W.R. Chief Petitioner for the proposed vacation is H. Porter Burns on behalf of Porter Kelly Burns Landholdings LLC, owner of Tax Lot 100 on Assessor's Map 17 12 35DC; additional Petitioner for the proposed vacation is Craig R. Smith on behalf of Hayden Homes. Tax Lot 100 on Assessor's Map 17 12 35DC comprises all of the abutting or underlying properties to the subject right of way.

The subject right of way was established on January 12, 1908 by Crook County order recorded as Crook County Commissioners Journal Volume 4, Page 189, which established a 60-foot wide right of way. The subject right of way is contained within the area of the HB 4079 – City of Bend Affordable Housing Pilot Program, which will include expansion of the Bend Urban Growth Boundary and annexation by the City of Bend of the subject tax lot to provide for development of 347 housing units, including 108 affordable housing units. The subject property was approved for a zone change, from Multiple Use Agricultural (MUA10) to Urbanizable Area (UA), on May 20, 2022 under County Land Use File No. 247-22-00124-ZC. Presently, the subject right of way contains no road improvements but does contain public utilities. Bear Creek Road, an improved public road, exists immediately south of the area proposed for vacation. The proposed vacation will facilitate the platting of Phases 2 and 7 of the HB 4079 – City of Bend Affordable Housing Pilot Program on the subject tax lot.

All of the underlying and abutting property owners have signed the vacation petition, allowing the Board of County Commissioners to make a determination for the vacation without a public hearing pursuant to ORS 368.351.

Adoption of Resolution No. 2022-045 will initiate road vacation proceedings pursuant to ORS 368.341.

BUDGET IMPACTS:

None. The Petitioners have paid the vacation petition fee in the amount of \$500.00.

ATTENDANCE:

Cody Smith, County Engineer

REVIEWED

LEGAL COUNSEL

06/13/2022 Item #3.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution Initiating the Vacation of a
Portion of W.R. Wilkinson Road in Deschutes
County, Oregon, Describing the Property
Proposed to be Vacated, the Reasons for the
Vacation, and Requesting that the County
Road Official File a Report.

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RESOLUTION NO. 2022-045

WHEREAS, the owners of one hundred percent of property abutting a portion of W.R. Wilkinson Road, which was established by Crook County order recorded as Crook County Commissioners Journal Volume 4, Page 189 and is described in Exhibit "A" and depicted in Exhibit "B", attached hereto and by this reference incorporated herein, petitioned for the vacation of said road right of way; now, therefore,

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

Section 1. That it is the intent of the Board of County Commissioners of Deschutes County, Oregon, to vacate the right of way for a portion W.R. Wilkinson Road, as described in Exhibit "A" and depicted in Exhibit "B", because it appears that the right of way is no longer required for current or future public use.

Section 2. That the County Road Official shall file a Report with the Board of Commissioners, describing the ownership and uses of property subject to these vacation proceedings, and whether the vacation would be in the public interest, within fourteen (14) days of the date of this Resolution.

Dated this _____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ATTEST:

ANTHONY DEBONE, Vice Chair

Recording Secretary

PHIL CHANG, Commissioner

Exhibit A

Right of way Vacation

A portion of W.R. Wilkinson Road lying in the lands described in Document 2008-37771, Deschutes County Official Records, located in the Southwest One-Quarter of the Southeast One-Quarter of Section 35, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, being a sixty-foot-wide strip of land with thirty feet on each side of the following described centerline:

Commencing at a 1/2" iron rod with an illegible yellow plastic cap at the East Sixteenth corner on the South line of said Section 35; Thence on the East line of the said Southwest One-Quarter of the Southeast One-Quarter of Section 35 North 0°10'20" West 30.00 feet to a 5/8" iron rod with a yellow plastic cap marked "LS 2527" at the Southeast corner of said Document 2008-37771 and the North right of way line of Bear Creek Road; Thence along said North right of way line and the South line of said Document 2008-37771 North 89°41'34" West 110.33 feet to the **TRUE POINT OF BEGINNING**; Thence North 74°00'00" West 136.59 feet; Thence North 88°30'00" West 385.44 feet; Thence North 90°00'00" West 616.44 feet; Thence North 74°00'00" West 84.81 feet more or less to the West line of the lands described in said Document 2008-37771 and the **POINT OF TERMINUS**.

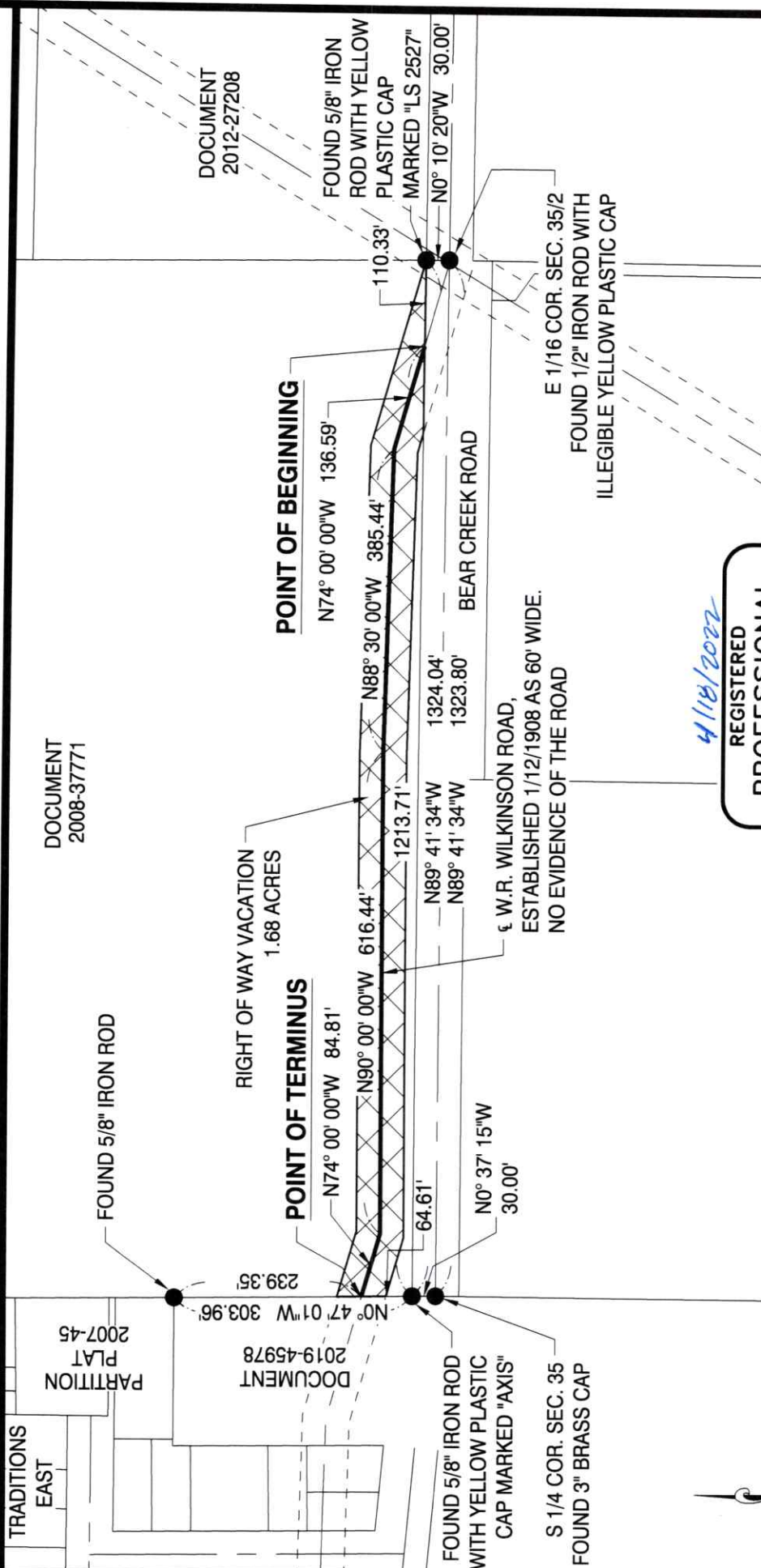
The sidelines shall be lengthened or shortened to terminate on the lines commenced and closed upon.

The Basis of Bearings is North 89°41'34" West along said North right of way line of Bear Creek Road and said South line of Document 2008-37771.

The above described lands contain 1.68 acres, more or less.



A PORTION OF W.R. WILKINSON ROAD,
LOCATED IN THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF
SECTION 35, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,
DESCHUTES COUNTY, OREGON.



И.А. М^сСОУ

ENGINEERING & SURVEYING LLC

1180 SW LAKE ROAD SUITE 201
REDMOND, OR 97756
(541) 923-7554

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
NOVEMBER 10, 2009
JASON L. SIMES
83256PLS

EXPIRES 6/30/22

PROJECT NO: 20-101

PAGE: EXH. B

PROJECT: RIGHT OF WAY VACATION

DESIGN: JJW	DATE: 04/18/22
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BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Monday, June 13, 2022

SUBJECT: Consideration of Order No. 2022-031, Vacating a Portion of W.R. Wilkinson Road

RECOMMENDED MOTION:

Move approval of Order No. 2022-031.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department has received a petition to vacate the public right of way for a portion of W.R. Wilkinson Road in Section 35, Township 17S, Range 12E, W.R. Chief Petitioner for the proposed vacation is H. Porter Burns on behalf of Porter Kelly Burns Landholdings LLC, owner of Tax Lot 100 on Assessor's Map 17 12 35DC; additional Petitioner for the proposed vacation is Craig R. Smith on behalf of Hayden Homes. Tax Lot 100 on Assessor's Map 17 12 35DC comprises all of the abutting or underlying properties to the subject right of way.

The subject right of way was established on January 12, 1908 by Crook County order recorded as Crook County Commissioners Journal Volume 4, Page 189, which established a 60-foot wide right of way. The subject right of way is contained within the area of the HB 4079 – City of Bend Affordable Housing Pilot Program, which will include expansion of the Bend Urban Growth Boundary and annexation by the City of Bend of the subject tax lot to provide for development of 347 housing units, including 108 affordable housing units. The subject property was approved for a zone change, from Multiple Use Agricultural (MUA10) to Urbanizable Area (UA), on May 20, 2022 under County Land Use File No. 247-22-00124-ZC. Presently, the subject right of way contains no road improvements but does contain public utilities. Bear Creek Road, an improved public road, exists immediately south of the area proposed for vacation. The proposed vacation will facilitate the platting of Phases 2 and 7 of the HB 4079 – City of Bend Affordable Housing Pilot Program on the subject tax lot.

All of the underlying and abutting property owners have signed the vacation petition, allowing the Board of County Commissioners to make a determination for the vacation without a public hearing pursuant to ORS 368.351.

Adoption of Order No. 2022-031 will vacate the subject right of way, vesting it with the rightful owners holding title according to law pursuant to ORS 368.366(1)(c).

BUDGET IMPACTS:

None. The Petitioners have paid the vacation petition fee in the amount of \$500.00.

ATTENDANCE:

Cody Smith, County Engineer

REVIEWED

LEGAL COUNSEL

06/13/2022 Item #4.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Vacating a Portion of W.R.
Wilkinson Road in Deschutes County,
Oregon

*
*
*

ORDER NO. 2022-031

WHEREAS, proceedings for vacating a portion of W.R. Wilkinson Road, depicted and described in Exhibit "A" and depicted in Exhibit "B", attached hereto and by this reference incorporated herein, were initiated by the Board of County Commissioners pursuant to ORS 368.341 upon the owners of property abutting W.R. Wilkinson Road filing a petition, attached hereto as Exhibit "C" and by this reference incorporated herein, and upon adoption of Resolution No. 2022-045; and

WHEREAS, said petition contains the acknowledged signatures of owners of one hundred percent of property abutting the subject portion of W.R. Wilkinson Road and indicates said owners' approval of vacation; and

WHEREAS, upon request by the Board of County Commissioners, the County Road Official has prepared and filed with the Board a written report, attached hereto as Exhibit "D" and by this reference incorporated herein, concerning the proposed vacation pursuant to ORS 368.346(1); and

WHEREAS, said report contains the County Road Official's assessment that the proposed vacation is in the public interest; now, therefore,

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

Section 1. That vacation of the property described in the attached Exhibit "A" and depicted in the attached Exhibit "B" is in the public interest:

Section 2. That the property described in the attached Exhibit "A" and depicted in the attached Exhibit "B" is hereby vacated.

Section 3. That the property vacated in Section 2 herein shall vest with the rightful owner or owners holding title according to law in accordance with ORS 368.366(1)(c).

Section 4. That the Deschutes County Surveyor is directed to mark the plat as provided in ORS 271.230.

Section 5. That this Order shall be recorded with the Deschutes County Clerk, and that copies shall be filed with the Deschutes County Surveyor and County Assessor.

Dated this _____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, Chair

ATTEST:

ANTHONY DEBONE, Vice Chair

Recording Secretary

PHIL CHANG, Commissioner

Exhibit A

Right of way Vacation

A portion of W.R. Wilkinson Road lying in the lands described in Document 2008-37771, Deschutes County Official Records, located in the Southwest One-Quarter of the Southeast One-Quarter of Section 35, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, being a sixty-foot-wide strip of land with thirty feet on each side of the following described centerline:

Commencing at a 1/2" iron rod with an illegible yellow plastic cap at the East Sixteenth corner on the South line of said Section 35; Thence on the East line of the said Southwest One-Quarter of the Southeast One-Quarter of Section 35 North 0°10'20" West 30.00 feet to a 5/8" iron rod with a yellow plastic cap marked "LS 2527" at the Southeast corner of said Document 2008-37771 and the North right of way line of Bear Creek Road; Thence along said North right of way line and the South line of said Document 2008-37771 North 89°41'34" West 110.33 feet to the **TRUE POINT OF BEGINNING**; Thence North 74°00'00" West 136.59 feet; Thence North 88°30'00" West 385.44 feet; Thence North 90°00'00" West 616.44 feet; Thence North 74°00'00" West 84.81 feet more or less to the West line of the lands described in said Document 2008-37771 and the **POINT OF TERMINUS**.

The sidelines shall be lengthened or shortened to terminate on the lines commenced and closed upon.

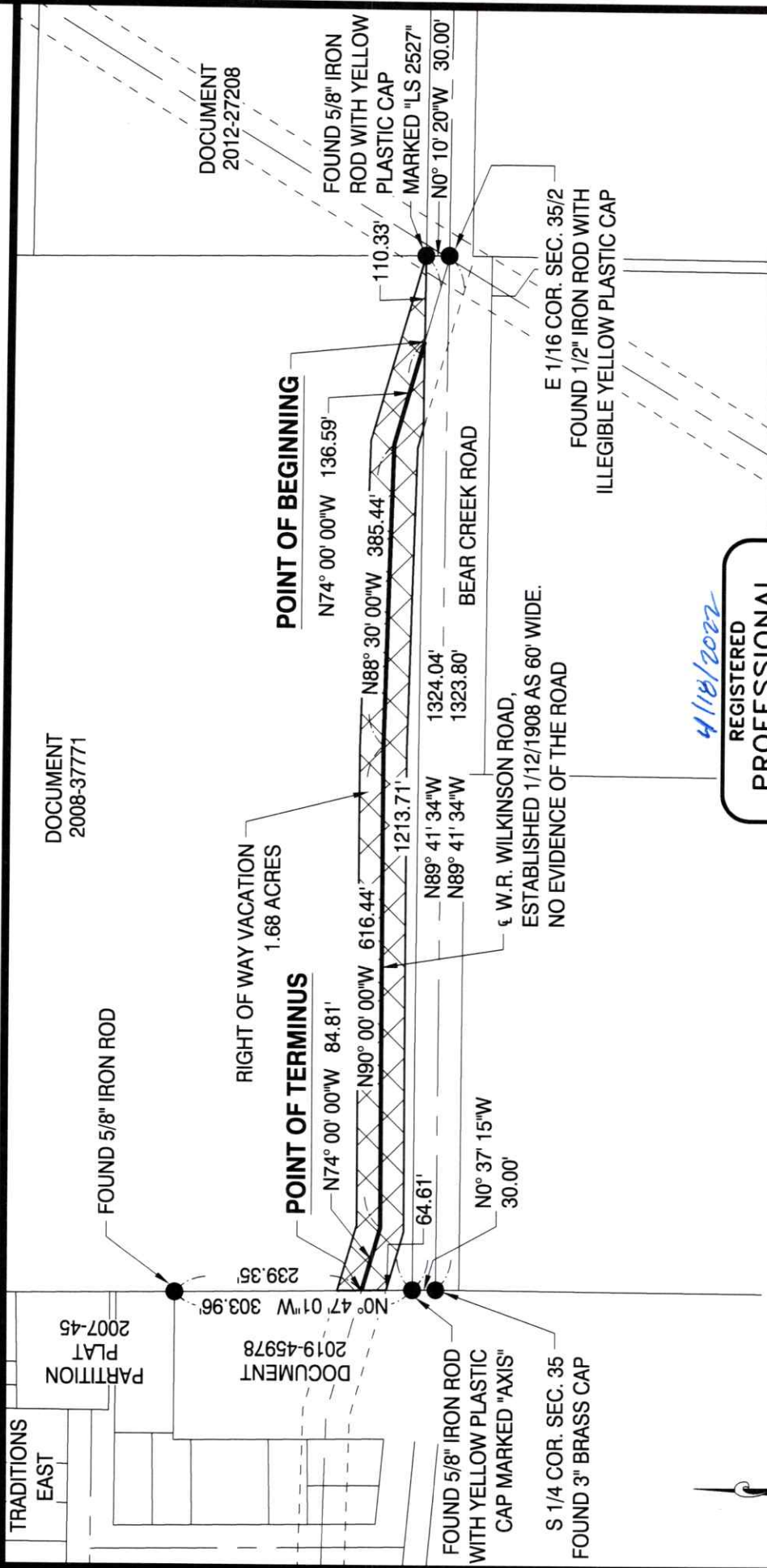
The Basis of Bearings is North 89°41'34" West along said North right of way line of Bear Creek Road and said South line of Document 2008-37771.

The above described lands contain 1.68 acres, more or less.



EXHIBIT B

A PORTION OF W.R. WILKINSON ROAD,
LOCATED IN THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF
SECTION 35, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,
DESCHUTES COUNTY, OREGON.



H.A. McCOY
ENGINEERING & SURVEYING LLC
1180 SW LAKE ROAD SUITE 201
REDMOND, OR 97756
(541) 923-7554

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Jason L. Simes
OREGON
NOVEMBER 10, 2009
JASON L. SIMES
83256PLS
EXPIRES 6/30/22

PROJECT: RIGHT OF WAY VACATION	PROJECT NO: 20-101
DESIGN: JJW	DATE: 04/18/22
REV: DETAIL 1	PAGE: EXH. B

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: W.R. Wilkinson Road, established 1/12/1908 as a 60' right-of-way.

Located in Deschutes Co Tax Assessor's Map Number 171235, Tax Lot 1500, Deschutes County.

Reason for road vacation request: Development of a master-planned residential community, including public improvements.

DATED this 28th day of January, 20 22.

PRINT NAME	SIGNATURE	ADDRESS	CITY	STATE	ZIP
<u>CRAIG R. SMITH</u>	<u>[Signature]</u>	<u>2464 SW GLACIER PL</u>	<u>REDMOND</u>	<u>OR</u>	<u>97756</u>
<u>H Porter Burns</u>	<u>[Signature]</u>	<u>5691 MIRAMAR DR</u>	<u>FRISCO</u>	<u>TX</u>	<u>75034</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

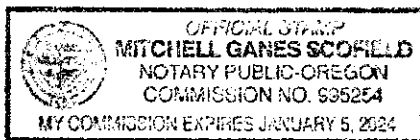
STATE OF OREGON)
County of Deschutes) ss.

On this 28th day of January, in the year 2022, before me, a Notary Public, personally appeared Craig Smith 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

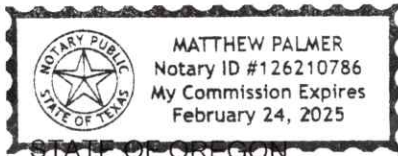
Notary Public for Oregon.

My Commission expires: Jan 5th, 2024



STATE OF Texas MP OREGON)
County of Collin) ss.

On this 10 day of February, in the year 2022 before me, a Notary Public, personally appeared Harry Porter Burns 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

Matthew Palmer
Notary Public for Oregon. Texas MP
My Commission expires: 2/24/25

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.

[Signature]
SIGNATURE

2464 SW Glacier Pl #110 Redmond, OR 97756
ADDRESS

TELEPHONE: 559-892-7129

EXHIBIT "D"



ROAD DEPARTMENT

MEMORANDUM

TO: Board of County Commissioners

FROM: Cody Smith, County Engineer

DATE: June 8, 2022

SUBJECT: **Road Official's Report**
Vacation of a Portion of W.R. Wilkinson Road Rd in Section 35, Township 17S, Range 12E

Background:

Deschutes County Road Department has received a petition to vacate a portion of the public right of way for Wilkinson Road. Chief Petitioner for the proposed vacation is H. Porter Burns on behalf of Porter Kelly Burns Landholdings LLC, owner of Tax Lot 100 on Assessor's Map 17 12 35DC; additional Petitioner for the proposed vacation is Craig R. Smith on behalf of Hayden Homes. Tax Lot 100 on Assessor's Map 17 12 35DC comprises all of the abutting or underlying properties to the subject right of way.

The subject right of way was established on January 12, 1908 by Crook County order recorded as Crook County Commissioners Journal Volume 4, Page 189, which established a 60-foot wide right of way.

The subject right of way is contained within the area of the HB 4079 – City of Bend Affordable Housing Pilot Program, which will include expansion of the Bend Urban Growth Boundary and annexation by the City of Bend of the subject tax lot to provide for development of 347 housing units, including 108 affordable housing units. The subject property was approved for a zone change, from Multiple Use Agricultural (MUA10) to Urbanizable Area (UA), on May 20, 2022 under County Land Use File No. 247-22-00124-ZC. Presently, the subject right of way contains no road improvements but does contain public utilities. Bear Creek Road, an improved public road, exists immediately south of the area proposed for vacation.

The Petitioners provided the following reason for the proposed vacation:

"Development of a master-planned residential community, including public improvements."

More specifically, the proposed vacation will facilitate the platting of Phases 2 and 7 of the HB 4079 – City of Bend Affordable Housing Pilot Program on the subject tax lot.

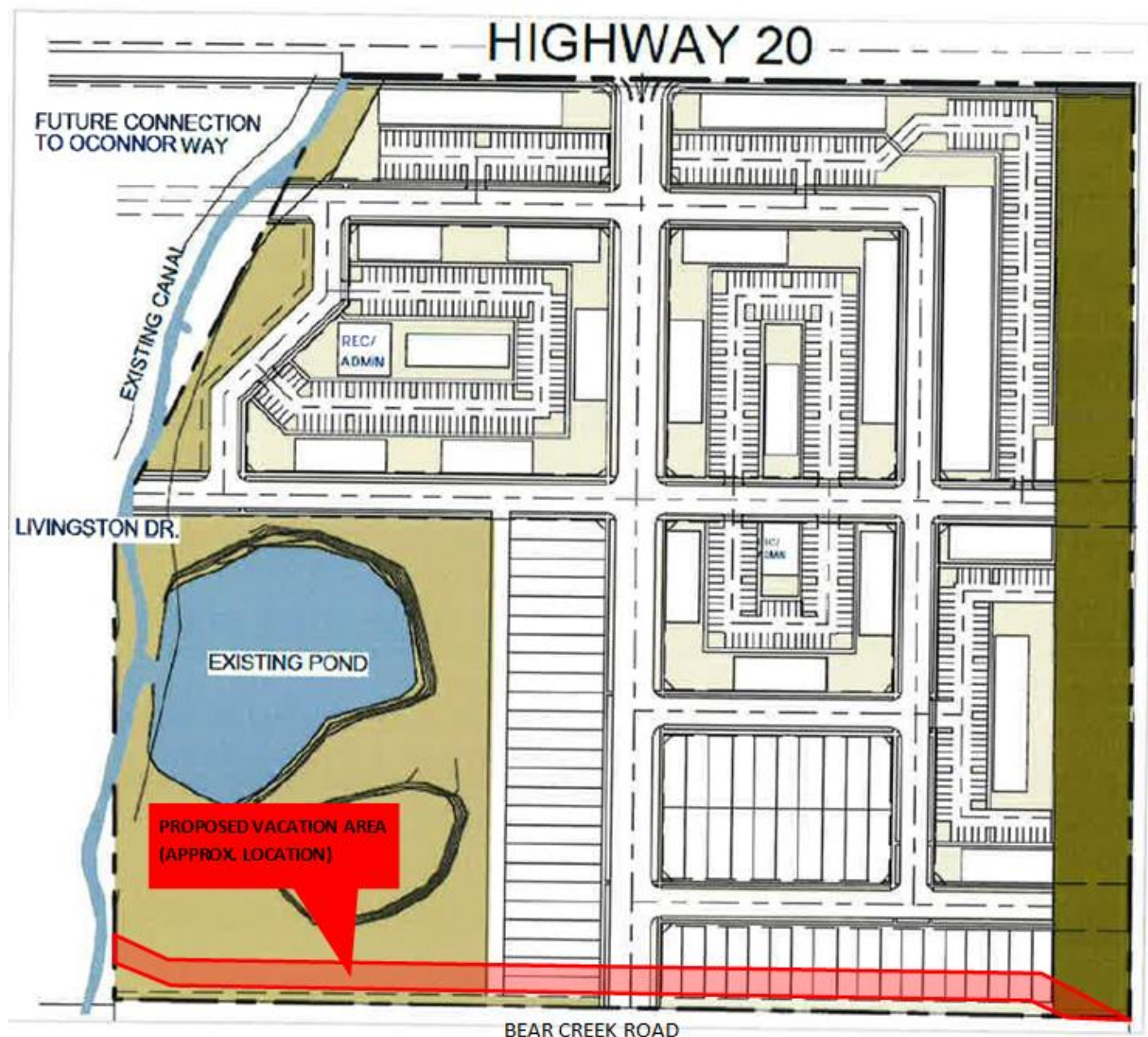


Figure –Extract from Zone Change Application (County Land Use File No. 247-22-00124-ZC) with Notes

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

- TDS Telecom dba Bend Broadband
 - Representative: Todd Johnson
 - Has existing facilities within the area proposed for vacation
 - **Consents to the proposed vacation**

- Central Oregon Irrigation District
 - Representative: Kelley O'Rourke
 - Has existing facilities within the area proposed for vacation
 - **Consents to the proposed vacation**
 - Comments: *COID has an established Right of Way for the A Lateral and an abandoned ditch within the vacation scope. COID is not removing our easement/right of way with our signature on the proposed vacation of Wilkinson/Aldridge Road. (Note: The Petitioners mistakenly submitted a separate petition for the vacation of a portion of Aldridge Road that had previously been vacated.)*
- Cascade Natural Gas Corporation
 - Representative: Joshua Aignar
 - Has existing facilities within the area proposed for vacation
 - **Consents to the proposed vacation**
 - Comments: *There is current blanket easement in requested vacation corridor.*
- Pacific Power
 - Representative: Ian Treadway
 - Has existing facilities within the area proposed for vacation
 - **Consents to 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 subject right of way was established by Crook County order in 1908 (Crook County Commissioner's Journal Volume 4, Page 189) (ORS 368.326).
- No owners of a recorded property right would be deprived of access necessary for the exercise of their property right with the proposed vacation if implemented (ORS 368.331).
- The petitioners, who represent 100 percent of the owners of property abutting the subject right of way, have submitted a complete petition and submitted the required fee (ORS 368.341(1)(c); ORS 368.341(3); ORS 368.341(4); ORS 368.351).
- The subject right of way contains public utilities, and the owners of those utilities have consented to the proposed vacation.
- The proposed vacation area contains no existing public road improvements.
- The proposed vacation is necessary for implementation of Phases 2 and 7 of the HB 4079 – City of Bend Affordable Housing Pilot Program.

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 vacation of a portion of the right of way of W.R. Wilkinson Road as described in proposed Order No. 2022-031 subject to the following conditions:

1. No opposition to the vacation is reported to the County prior to vacation order presentation to the Board of County Commissioners.
2. The vacated property shall vest in the rightful owner(s) holding title according to law pursuant to 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: June 13, 2022

SUBJECT: Consideration of Chair Signature of Document No. 2022-098, a Notice of Intent to Award Contract for the Paving of Hamby Road: US20 to Butler Market Road Project

RECOMMENDED MOTION:

Move approval of Board Chair signature of Document No. 2022-098.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Road Department prepared bid solicitation documents for the Paving of Hamby Road: US20 to Butler Market Road project. The project scope of work includes paving and delineation of the 2.09 miles length of Hamby Road between the new roundabout at US20 and Butler Market Road and paving of approximately 0.64 mile of adjacent local streets. The project was advertised in the *Daily Journal of Commerce* and *The Bulletin* on May 18, 2022. The Department opened bids at 2:00 P.M. on June 1, 2022.

Two (2) bids were received for this project. The bid results are as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>
LTM Inc. dba Knife River Materials	\$ 1,014,948.50
High Desert Aggregate & Paving, Inc.	\$ 1,089,031.00
Engineer's Estimate	\$ 897,523.93

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

BUDGET IMPACTS:

A portion of the project cost is budgeted in the Road Capital Improvement Plan (CIP) budget for Fiscal Year 2022. The remaining project cost will be included in the proposed Road CIP budget for Fiscal Year 2023.

ATTENDANCE:

Cody Smith, County Engineer



BOARD OF COUNTY COMMISSIONERS

June 13, 2022

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

Subject: Notice of Intent to Award Contract
Contract for Paving of Hamby Road: US20 to Butler Market Road

To Whom It May Concern:

On June 13, 2022, the Board of County Commissioners of Deschutes County, Oregon considered proposals for the above-referenced project. The Board of County Commissioners determined that the successful bidder for the project was LTM INC. DBA KNIFE RIVER MATERIALS, with a bid of One Million Fourteen Thousand Nine Hundred Forty Eight and 50/100 Dollars. (\$1,014,948.50).

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) 279C.375. Any entity which believes that they are adversely affected or aggrieved by the intended award of contract set forth in this Notice may submit a written protest within seven (7) calendar days after the issuance of this Notice of Intent to Award Contract to the Board of County Commissioners of Deschutes County, Oregon, at Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703. **The seven (7) calendar day protest period will end at 5:00 PM on June 20, 2022.**

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

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

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

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

Sincerely,

Patti Adair, Chair

PAVING OF HAMBY RD:
US 20 TO BUTLER MARKET RD
DESCHUTES COUNTY, OREGON
PROJECT # W66116

BID RESULTS

BID OPENING : 2:00 PM 6/1/2022

PROJECT # W66116				ENGINEER'S ESTIMATE		LTM, INC. dba KNIFE RIVER MATERIALS 2245 NE CUMULUS AVE MCMINNVILLE, OR 97128		HIGH DESERT AGGREGATE & PAVING, INC. PO BOX 1929 REDMOND, OR 97756	
BID RESULTS									
BID OPENING : 2:00 PM 6/1/2022									
ITEMS		UNIT	QNTY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
001	Mobilization	LS	1	\$45,500.00	\$45,500.00	\$103,000.00	\$103,000.00	\$108,000.00	\$108,000.00
002	Temporary Protection and Direction of Traffic	LS	1	\$15,200.00	\$15,200.00	\$30,000.00	\$30,000.00	\$60,000.00	\$60,000.00
003	Temporary Signs	SQFT	740	\$26.50	\$19,610.00	\$15.00	\$11,100.00	\$25.00	\$18,500.00
004	Portable Changeable Message Signs	EACH	4	\$2,500.00	\$10,000.00	\$1,500.00	\$6,000.00	\$1,000.00	\$4,000.00
005	Flaggers	HOUR	432	\$70.75	\$30,564.00	\$65.00	\$28,080.00	\$70.00	\$30,240.00
006	Pilot Cars	HOUR	144	\$95.00	\$13,680.00	\$88.00	\$12,672.00	\$90.00	\$12,960.00
007	Adjusting Boxes	EACH	9	\$693.00	\$6,237.00	\$200.00	\$1,800.00	\$500.00	\$4,500.00
008	Cold Plane Pavement Removal, 0-2 Inches Deep	SQYD	3190	\$5.54	\$17,672.60	\$8.00	\$25,520.00	\$10.00	\$31,900.00
009	Aggregate Shoulders	TON	2556	\$34.25	\$87,543.00	\$25.00	\$63,900.00	\$40.00	\$102,240.00
010	Level 3, 1/2 inch ACP Mixture	TON	5575	\$99.00	\$551,925.00	\$111.00	\$618,825.00	\$110.00	\$613,250.00
011	13-Inch Asphalt Concrete Pavement Repair	SQYD	44	\$54.17	\$2,383.33	\$100.00	\$4,400.00	\$115.00	\$5,060.00
012	Extra for Asphalt Approaches	EACH	15	\$960.00	\$14,400.00	\$1,850.00	\$27,750.00	\$1,000.00	\$15,000.00
013	Bi-Directional Yellow Type 1AR Markers, Recessed	EACH	278	\$11.00	\$3,058.00	\$10.75	\$2,988.50	\$11.00	\$3,058.00
014	Thermoplastic, Extruded or Sprayed, Surface, Non-Profiled	FOOT	70500	\$0.92	\$64,860.00	\$0.88	\$62,040.00	\$0.90	\$63,450.00
015	Pavement Bar, Type AB	SQFT	456	\$13.00	\$5,928.00	\$14.25	\$6,498.00	\$14.25	\$6,498.00
016	Pavement Legend, Type B-HS: "SCHOOL"	EACH	2	\$1,500.00	\$3,000.00	\$875.00	\$1,750.00	\$875.00	\$1,750.00
017	Pavement Legend, Type B-HS: "STOP"	EACH	5	\$423.00	\$2,115.00	\$640.00	\$3,200.00	\$640.00	\$3,200.00
018	Pavement Legend, Type B-HS: "STOP AHEAD"	EACH	5	\$770.00	\$3,850.00	\$1,085.00	\$5,425.00	\$1,085.00	\$5,425.00
				TOTAL = \$897,525.93		TOTAL = \$1,014,948.50		TOTAL = \$1,089,031.00	



BOARD OF
COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: June 13, 2022

SUBJECT: Consideration of Chair Signature of Document No. 2022-244, a Notice of Intent to Award Contract for the Paving of Alfalfa Market Road: MP 4 to Johnson Ranch Road Project

RECOMMENDED MOTION:
Move approval of Board Chair signature of Document No. 2022-244.

BACKGROUND AND POLICY IMPLICATIONS:
Deschutes County Road Department prepared bid solicitation documents for the Paving of Alfalfa Market Road: MP 4 to Johnson Ranch Road project. The project scope of work includes paving and delineation of approximately 5.5 miles of Alfalfa Market Road. The project was advertised in the *Daily Journal of Commerce* and *The Bulletin* on May 4, 2022. The Department opened bids at 2:00 P.M. on May 18, 2022.

Two (2) bids were received for this project. The bid results are as follows:

<u>BIDDER</u>	<u>TOTAL BID AMOUNT</u>
High Desert Aggregate & Paving, Inc.	\$ 1,748,164.00
Knife River Corporation – Northwest	\$ 1,965,000.00
Engineer’s Estimate	\$ 1,646,735.61

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

BUDGET IMPACTS:

A portion of the project cost is budgeted in the Road Capital Improvement Plan (CIP) budget for Fiscal Year 2022. The remaining project cost will be included in the proposed Road CIP budget for Fiscal Year 2023.

ATTENDANCE:

Cody Smith, County Engineer



BOARD OF COUNTY COMMISSIONERS

June 13, 2022

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

Subject: Notice of Intent to Award Contract
Contract for Paving of Alfalfa Market Road: M.P. 4 to Johnson Ranch Road

To Whom It May Concern:

On June 13, 2022, the Board of County Commissioners of Deschutes County, Oregon considered proposals for the above-referenced project. The Board of County Commissioners determined that the successful bidder for the project was HIGH DESERT AGGREGATE AND PAVING, INC., with a bid of One Million Seven Hundred Forty Eight Thousand One Hundred Sixty Four and No/100 Dollars. (\$1,748,164.00).

This Notice of Intent to Award Contract is issued pursuant to Oregon Revised Statute (ORS) 279C.375. Any entity which believes that they are adversely affected or aggrieved by the intended award of contract set forth in this Notice may submit a written protest within seven (7) calendar days after the issuance of this Notice of Intent to Award Contract to the Board of County Commissioners of Deschutes County, Oregon, at Deschutes Services Building, 1300 NW Wall Street, Bend, Oregon 97703. **The seven (7) calendar day protest period will end at 5:00 PM on June 20, 2022.**

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

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

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

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

Sincerely,

Patti Adair, Chair

PAVING OF ALFALFA MARKET RD:
MP 4 TO JOHNSON RANCH RD
DESCHUTES COUNTY, OREGON
PROJECT # W66115

BID RESULTS

BID OPENING : 2:00 PM 5/18/2022

PROJECT # W66115

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BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Monday, June 13, 2022

SUBJECT: Work Session: Bend UGB Expansion, Plan Amendment, and Zone Change –
Affordable Housing Pilot Project Work Session (HB 4079)

BACKGROUND AND POLICY IMPLICATIONS:

Staff will provide background to the Board for consideration of a request for a Comprehensive Plan Amendment and Zone Change (file nos. 247-22-000123-PA, 124-ZC) for a 35.52-acre property located on Highway 20, adjacent to the eastern edge of the City of Bend's Urban Growth Boundary (UGB). The subject proposal is to accommodate the future Parkside Place project pursuant to the City of Bend's approved application for Affordable Housing Pilot Program submitted to the State of Oregon under House Bill (HB) 4079 and OAR 660-039-0000 through 100. A public hearing on the quasi-judicial Plan Amendment/Zone Change application was held before the Deschutes County Hearings Officer on May 10, 2022.

BUDGET IMPACTS:

None

ATTENDANCE:

Kyle Collins, Associate Planner



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Kyle Collins, Associate Planner

DATE: June 8, 2022

SUBJECT: Bend UGB Expansion, Plan Amendment, and Zone Change – Affordable Housing Pilot Project Work Session (HB 4079)

The Board of County Commissioners (Board) is conducting a work session on June 13, 2022, to consider a request for a Comprehensive Plan Amendment and Zone Change (file nos. 247-22-000123-PA, 124-ZC) for a 35.52-acre property located on Highway 20, adjacent to the eastern edge of the City of Bend's Urban Growth Boundary (UGB). A public hearing on the quasi-judicial Plan Amendment/Zone Change application was held before the Deschutes County Hearings Officer on May 10, 2022.

I. BACKGROUND

The Applicant, Hayden Homes, is requesting an Amendment to the Comprehensive Plan designation and a Zone Change of the subject property from Rural Residential Exception Area (RREA) and Multiple Use Agricultural (MUA10) Zone to Bend Urban Growth Area and Urbanizable Area (UA) District, respectively. The subject proposal is to accommodate the future Parkside Place project pursuant to the City of Bend's approved application for Affordable Housing Pilot Program submitted to the State of Oregon under House Bill (HB) 4079 and OAR 660-039-0000 through 100. The proposal is being pursued in conjunction with an application to the City of Bend for expansion of the City of Bend's Urban Growth Boundary (UGB) to include the subject property. Additionally, the Applicant has provided findings within the burden of proof that demonstrate compliance with state and local requirements and policies. The current project follows the Board's passing of Resolution 2018-029 ("A Resolution of Support for the City of Bend's Application for a Pilot Program for Urban Growth Boundary expansion for Affordable Housing under HB 4079") in which the City of Bend and Deschutes County coordinated on choosing the subject parcel for the future affordable housing project as well as the application to the State to be considered for selection in the pilot program.

II. PUBLIC COMMENTS

Staff received one (1) written public comment from the Bend-Redmond Habitat for Humanity Director of Land Acquisition and Development. These comments expressed support for the current proposal noting the median housing prices and the need for affordable housing in the larger region.

At the public hearing before the Deschutes County Hearings Officer, several members of the public asked questions concerning future development of the subject property if the current applications before the County and the City to amend the Comprehensive Plans and change the zoning are approved. These questions are summarized as follows:

- Will Highway 20 be included in the UGB and will ODOT lose jurisdiction to review access points from Highway 20, speed limits and maintenance?
- Will there be a sidewalk and bicycle lane on Bear Creek Road? Traffic and speeds on Bear Creek Road are hazardous.
- What percentages of Area Median Income (AMI) will be considered for affordable housing criteria?
- What will the impact on wildlife be with the continued expansion of City limits, potential development of or around the irrigation canals and piping of COID canals?
- Will light pollution associated with street lights be addressed?
- What about view impacts of a 3-story apartment building on the property?
- Will the affordable housing project include any portions dedicated for senior living?
- Will there be any barrier between future development of the site and existing housing on surrounding properties to protect privacy of surrounding homeowners?

Both County staff, City staff, and the Applicant acknowledged these general questions and concerns. Ultimately, the specifics of the physical design for the site and all related issues will be reviewed for compliance with the City of Bend's development codes as well as compliance with the specific standards of HB 4079. The Applicant has further stated their intent to coordinate with property owners in the area when developing a master plan and site plan for the project after the property has been annexed into the City.

III. HEARINGS OFFICER RECOMMENDATION

The Deschutes County Hearings Officer held a public hearing on May 10, 2022. On May 20, 2022, the Hearings Officer issued a recommendation of approval for the proposed Plan Amendment and Zone Change. No appeals of the Hearings Officer decision were filed.

IV. BOARD CONSIDERATION

The property does not include lands designated for agricultural or forest use. As such, Deschutes County Code 22.28.030(B) states:

All quasi-judicial zone changes and those quasi-judicial plan amendments on which the Hearings Officer has authority to make a decision, the Board of County Commissioners shall, in the absence

of an appeal or review initiated by the Board, adopt the Hearings Officer's decision. No argument or further testimony will be taken by the Board.

As no appeals were filed and no review was initiated by the Board, the Board is required to adopt the Hearings Officer's decision. No argument or further testimony can be taken by the Board on these matters. The record, including the Hearings Officer's decision, is available for inspection at the following link: <https://www.deschutes.org/cd/page/247-22-000123-pa124-zc-applicant-initiated-plan-amendment-zone-change-and-bend-urban-growth>

V. NEXT STEPS

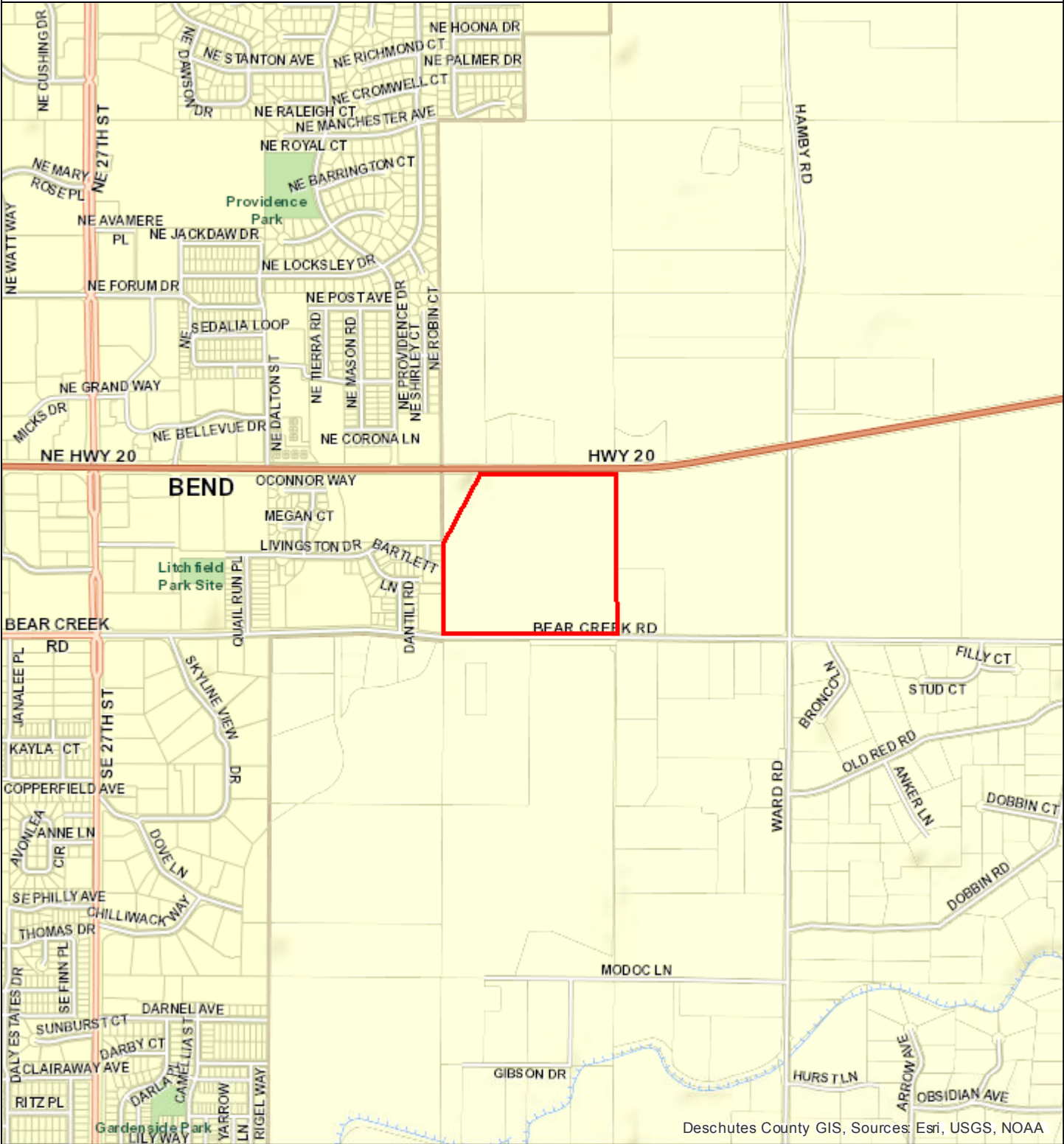
Staff notes the Bend City Council will hold a public hearing for the HB 4079 UGB expansion on June 15, 2022. If ultimately approved by the Bend City Council, City staff anticipates that a second reading of the adopting City Ordinances will occur on July 20, 2022, with an effective date of August 19, 2022. Staff recommends that the Board adopt the corresponding County Ordinances by emergency, with an effective date to coincide with the City's effective Ordinance date. The Board will review the adopting Ordinances for the Plan Amendment/Zone Change on June 22, 2022. Should the City's process necessitate a change in the County's procedures, staff will notify the Board at the June 22 meeting.

ATTACHMENTS:

- 1) Area Map
- 2) Board Resolution No. 2018-029

21455 Hwy 20, Bend, OR 97701

File Nos. 247-22-000123-PA, 22-124-ZC

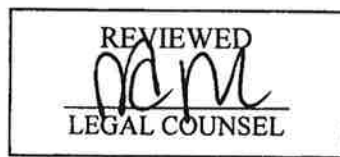


Deschutes County GIS, Sources: Esri, USGS, NOAA



Date: 3/1/2022





For Recording Stamp Only

4. Deschutes County Resolution of Support

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution in support of the City of Bend's	*	
Application for a Pilot Program for Urban	*	RESOLUTION NO. 2018-029
Growth Boundary expansion for Affordable	*	
Housing under HB 4079		

WHEREAS, the Oregon Legislature passed House Bill 4079 in 2016, creating a pilot program to provide an adequate supply of land within urban growth boundaries that is dedicated to affordable housing, encourage the development of affordable housing on land dedication to affordable housing, and protect land dedicated to affordable housing from conversion to other uses before or after the development of affordable housing; and

WHEREAS, among the State's public policy goals are ensuring that affordable housing developed through the initiative continues to be affordable for a period of at least 50 years; and

WHEREAS, this program is being managed by the Oregon Department of Land Conservation and Development (DLCD); and

WHEREAS, increasing affordable housing is regional priority as well a top priority for the Bend City Council; and

WHEREAS, the City of Bend nominated a pilot project ("Bend Pilot Project") on a site of approximately 50 acres, located on the eastern border of Bend's urban growth boundary at 21455 Highway 20, 21420 Hwy 20, and possibly including a portion of 62225 Hamby Road in Deschutes County, Oregon ("Bend Pilot Project Site"), owned by private owners; and,

WHEREAS, The Bend Pilot Project is competing to be selected for the HB 4079 Affordable Housing Pilot Project for a city with a population over 25,000. If selected, the City of Bend intends to include the Bend Pilot Project Site within the urban growth boundary of Bend, for annexation into the City of Bend, and development as needed affordable housing; and

WHEREAS, the application also requires a resolution of support for the pilot project adopted by the governing body of the county (Deschutes County) in which the pilot project site is located; and

WHEREAS, the City has represented that it intends to submit the application for the pilot project to DLCD by August 17, 2018; and

WHEREAS, the City and Deschutes County must work together to follow state land use laws for completion of a urban growth boundary expansion if the City's application is selected by DLCD; and,

WHEREAS, a decision by the State is expected to occur in fall 2018; now therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY AS FOLLOWS:

SECTION 1. That Deschutes County directly supports the submission of the Application by the City of Bend to the DLCD and generally supports those actions necessary to expand the City of Bend Urban Growth Boundary if the Bend Pilot Project is selected by DLCD.

SECTION 2. Effective Date. This Resolution shall be effective upon adoption.

Dated this 18 of June, 2018


BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON



ANTHONY DEBONE, Chair



PHILIP G. HENDERSON, Vice Chair



TAMMY BANEY, Commissioner

ATTEST:



Recording Secretary



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: June 13, 2022

SUBJECT: Measure 109 / Psilocybin

BACKGROUND AND POLICY IMPLICATIONS:

The purpose of this memorandum is to follow up on staff's recent presentation to the Board of County Commissioners concerning psilocybin/Measure 109, and to receive direction for next steps.

BUDGET IMPACTS:

None

ATTENDANCE:

Tanya Saltzman, Senior Planner



COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Tanya Saltzman, AICP, Senior Planner

DATE: June 8, 2022

SUBJECT: Measure 109 / Psilocybin

The purpose of this memorandum is to follow up on staff's recent presentation to the Board of County Commissioners (Board) concerning psilocybin/Measure 109, and to receive direction for next steps.

On June 1, 2022, staff provided the Board with an overview of Measure 109, which legalized psilocybin in Oregon subject to the criteria noted in the measure and subsequent rulemaking.¹ During the discussion, staff noted the compressed timeline: Oregon Health Authority (OHA) is currently in the process of rulemaking, which may not be complete until December 2022, yet OHA is due to begin accepting applications for licenses on January 2, 2023. As previously noted, OHA licenses will require a Land Use Compatibility Statement (LUCS) to be issued by the County. This timeline places the Board—as well as the industry and the public—in a difficult position of not knowing key aspects of the program in advance of the program beginning.

Measure 109 does contain limited basic criteria pertaining to land use. For instance, psilocybin service centers may not be located within 1,000 feet of elementary or secondary schools (500 feet if there is a physical or geographic barrier). Staff continues to monitor the rulemaking process and is coordinating with other counties as well as the Department of Land Conservation and Development on any pertinent developments to the program.

As noted in Measure 109, counties are automatically opted in to the psilocybin program, but counties can refer an opt out measure to the voters in the next general election. In consultation with Legal Counsel, staff has determined that given the associated timelines, it will be necessary for the Board to determine as soon as possible if it would like to refer an opt out ordinance to the voters on November 8.

Proceeding with an opt out ballot measure requires several steps in order to file a ballot title with the County Clerk by the required August 19 deadline, including a public hearing to consider an opt out ordinance (ORS 475A.718(1)), and adequate public notice for that hearing. Given that OHA rulemaking is not expected to be complete until the end of the year and therefore no new information on the program

¹ <https://www.deschutes.org/bcc/page/board-commissioners-meeting>

is expected in the near future, staff has chosen to elevate this decision point to the Board to ensure enough time for the ballot measure process, if that option is chosen by the Board.

Staff requests Board direction on how to proceed. Staff will share a flowchart to outline the options surrounding a ballot measure (taking into account potential outcomes of a vote) versus allowing Measure 109 to proceed with the existing and forthcoming rules.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: June 13, 2022

SUBJECT: Work Session to Discuss Landfill Site Selection Criteria Memorandum

RECOMMENDED MOTION:

This is an informational Work Session and no motion is being recommended at this time.

BACKGROUND AND POLICY IMPLICATIONS:

Introduction and Background

In 2019, the Board of County Commissioners approved the County's Solid Waste Management Plan (SWMP). One of the objectives identified in the Plan is the siting of a new landfill in Deschutes County to replace Knott Landfill, which is projected to reach capacity in 2029. A Landfill Siting Group, consisting of representatives from County Administration and the Solid Waste, Community Development, Property Management, Facilities Management, IT and Legal Departments performed preliminary work in developing a site screening process for identifying a new landfill site. In late 2021, the Group implemented a solicitation to retain the services of a consulting firm to assist in moving forward with the site screening process. Parametrix was awarded the contract and has been working with the Landfill Siting Group to further refine and develop the Site Selection Criteria Technical Memorandum (SSC).

Integral to the site selection process was reconvening the Solid Waste Advisory Committee (SWAC), as that group will be reviewing, editing and approving the work on the site screening process and will ultimately make a recommendation to the Board on a site. Several members of the SWAC had stepped down with the completion of the SWMP and staff went through a recruitment process to repopulate the Committee. The first SWAC meeting, held on April 21, 2022, served as an introduction of County staff and the Parametrix team to the SWAC, and presented the goals for the Committee and the draft SSC for discussion and consideration. The second meeting, held on May 17, was primarily an in-depth discussion, comment and input session on the SSC process and content. The attached SSC has incorporated comments from the SWAC and is presented to the Board today for consideration and input.

The SSC will guide staff, the Parametrix team and the SWAC through the process of screening candidate sites with the objective of identifying a short list of potential sites and ultimately, a single site for the Board to consider for the County's next solid waste management facility. While the original and primary task is the siting of a new landfill, the siting team has recognized that the facility may very well be viable for a number of other related activities such as waste diversion for recycling, bio-digestion for the production of renewable natural gas, organics composting and other waste management related operations. For this reason, the facility is being branded as a Solid Waste Management Facility, rather than just a landfill. While the process will be focused on siting a landfill, it will be acknowledged that colocation of related facilities is a distinct possibility.

The Site Selection Criteria Technical Memorandum & Process

The SSC provides for a methodical approach to evaluating properties in Deschutes County that are potentially viable sites for a new Solid Waste Management Facility. The process applied in the SSC provides a thorough, comprehensive and transparent approach to screening all candidate sites in the County.

The Parametrix team developed the SSC document using the County's 1990s landfill siting criteria, state and federal regulations, team experience siting landfills in the Pacific Northwest and specific land use requirements and natural environmental characteristics found in Deschutes County. During the early phase of work with the Landfill Siting Group and through subsequent work with the SWAC, the document has been refined to address crucial considerations to avoid and minimize adverse impacts to natural and cultural resources and to maintain consistency with the County's land use codes and existing infrastructure and resources.

The process presented in the SSC utilizes a tiered weighting method which combines a wide range of site characteristic, engineering, natural environment, cultural and land use factors to assign scoring and ranking of potential candidate sites. It should be noted that there are specific factors that include a fatal flaw score that will exclude sites from consideration at the onset due to specific regulatory, environmental or land use factors.

The process will involve two phases of SSC application. In the first phase, referred to as the broad site evaluation, the initial step will involve utilizing a GIS application that the County's IT Department has developed to apply certain criteria to identify the initial candidate sites for the process. Once those potential candidate sites are identified, Parametrix will start applying the specific criteria in the SSC to that list for the broad site evaluation process. Values generated for each site will be used in determining which prospective locations should continue to remain on the list for further consideration. In the initial round of scoring, the characteristics of each site will be evaluated, scored and applied to the SSC to produce a representative value for each site. These values will then be used to compare sites and aid in determining which sites should be carried to the next stage of evaluation. This broad site evaluation relies mainly on existing data sources to generate a weighted score for each site. It is anticipated that 12 sites will be identified through this initial screening effort for further evaluation in the second phase, focused site evaluation.

The focused site evaluation phase will produce more detailed, site-specific information on site engineering, hydrogeology, the natural environment, and land use. This step will include on the ground reconnaissance of the 12 sites identified during broad site evaluation to “ground truth” the findings of the broad site evaluation. The site visits will be conducted by technical specialists on the Parametrix team for further evaluation of specific criteria. Three sites will be identified through the focused site evaluation effort and conceptual plans will be developed for each site which will include access, grading, excavation, and placement of environmental and operational infrastructure. Additionally, the site plans and mapping will be used with additional field studies to evaluate potential impacts more accurately.

Throughout this process, monthly meetings with the SWAC will include presentations on SSC application progress and scoring results for review, consideration and approval. Staff will report to the Board periodically at milestones in the site screening process with progress updates.

Next Steps

Staff will return to the Board on Wednesday, June 22 to receive and discuss any input Commissioners have on the SCC. Once comments and input received from the Board are incorporated into the SSC, the Parametrix team will implement the site screening process. It is anticipated that initial results from the broad site evaluation effort will be presented to the SWAC for review and discussion at the August, 2022 meeting. Overall, the goal is to complete the broad and focused site evaluation process by March, 2023. At that time, staff will consider, with Board concurrence, negotiating with Parametrix or issuing a solicitation for the next phase of work which will involve more extensive site-specific investigations and analysis to arrive at a single site for Board consideration.

BUDGET IMPACTS:

None

ATTENDANCE:

Chad Centola, Director of Solid Waste

Tim Brownell, Incoming Director of Solid Waste

Dwight Miller, Project Manager, Parametrix

TECHNICAL MEMORANDUM

DATE: June 3, 2022
TO: Chad Centola
Deschutes County Department of Solid Waste
FROM: Dwight Miller, Parametrix
SUBJECT: Site Selection Criteria
PROJECT NUMBER: 553-2509-009
PROJECT NAME: Deschutes County Landfill Facility Siting

OVERVIEW

The consultant team has developed siting criteria based on County, state, and federal regulations, the County's 1990's siting criteria, our team's experience siting landfills in the Pacific Northwest, and specific natural environment characteristics of Deschutes County. These site selection criteria have been refined to address crucial considerations to avoid and minimize adverse impacts to natural and cultural resources and maintain consistency with County land use codes and existing infrastructure and scenic resources. Selection criteria have been developed in the following categories:

1. Site Characteristics/Engineering
2. Natural Environment
3. Land Use

Each of the categories (Level I) is further broken down into subcategories (Level II) and specific siting criteria (Level III). These criteria are assigned scores ranging from 0 (fatal flaw) to 5 (highly favorable). The use of criteria and scoring provides an objective, repeatable way to measure and compare different sites. A 0 score (fatal flaw) for a criterion is an exclusionary condition, which would remove a site from consideration even if it scores high under other criteria.

Knowing what is important to siting a new landfill and evaluating the characteristics of potential sites is not enough to make a final decision on the best sites. The decision-making process also considers and balances the relative importance, or weight, of each criterion. This can be demonstrated by asking the question, "How important is each criterion?" This question is more difficult to answer with rigor and accuracy because it is one of judgment and opinion. Although regulations specify minimum conditions that must be met, the characteristics of specific features or the appeal of exceeding basic requirements depends on experience and judgment.

The evaluation process will compare potential landfill sites. The fundamental purpose will be to combine the criteria (what is important), weights (how important), and measurements (scores) for each site to produce a single representative value. The values for each site will then be used to decide which prospective landfill sites should continue to be considered.

EVALUATION METHOD

Various techniques allow decision makers to make complex decisions involving multiple factors. For this study, a point distribution method was also used to develop criteria weights within a hierarchical framework. The functional hierarchical structure for this study is shown by Table 1 and Figure 1. The top of the hierarchy is a

single, overall objective—in this case, selecting the best landfill site. Each level below contains groups of considerations that can be compared. At the first level in the hierarchy, no issue is left out. Next, the hierarchy subdivides these basic considerations into their constituent parts, with greater specificity at each subsequent level. The complete hierarchy contains the full set of considerations (criteria) important to the decision.

As noted, the siting criteria developed for this project were organized using this hierarchy. Each essential consideration shown in the first level of Table 1 and Figure 1 is divided into its components, some of which may, in turn, have their own components. For example, the first-level Site Characteristics/Engineering consideration is composed of six second-level considerations, including Groundwater Protection/Hydrogeology, which is further composed of four third-level criteria, Depth to Groundwater, Proximity to Drinking Water Wells, Proximity to Wellhead Protection Areas, Site Hydrogeologic Framework. At each level and for each group, the question can be asked, "How important are these criteria compared to each other?" The hierarchy thus defines and focuses each set of comparisons. This simplifies the process of establishing values for all criteria by grouping similar considerations.

When all factors have been compared, this method produces weights for each group of considerations. For each site, these weights will be multiplied by the scores for each criterion at the lowest level of each branch of the hierarchy. The resulting values will be carried vertically up the hierarchy, with the appropriate weights applied at each level. The final value for a site will reflect both the objectively measured conditions on the site and the importance weighting of the combined criteria. Since the weights for all criteria are normalized to 100 percent, the final site values will have the same range as the criteria scores, from one to five.

The ability of the scoring and weighting process to produce a single value for each site does come at the expense of a more detailed understanding of each site because the criteria will focus on common characteristics that can be compared between sites. Consequently, this process does not include the unique characteristics of each site. Therefore, for the focused site evaluation, brief summaries will be prepared to describe the three first-level considerations for each site. These summaries will supplement the criteria scoring and weighting and more fully describe the unique characteristics of each site.

EVALUATION PROCESS

The site evaluation process has two discrete stages. The first stage includes developing the criteria hierarchy and weights, whereas the second stage evaluates potential landfill sites using those criteria scores and weights. To keep the process as objective as possible, the consultant team will not view any potential landfill sites until the first stage is fully completed. The purpose of this staging is to avoid any possible bias in the criteria hierarchy and weights that would tend to favor a particular site. During the second stage, sites will be evaluated in two approaches: an initial, broad site evaluation followed by a focused site evaluation.

Table 1. Criteria Weighting

Criteria	Level I Weight	Level II Weight	Level III Weight
Site Characteristics/Engineering	35%		
Site Availability/Acquisition Potential		40%	
Ownership			40%
Number of Parcels			20%
Total Site Acreage			40%
Geotechnical Location Factors		10%	
Fault Hazards			15%
Seismic Impact Zones/Hazards			20%
Unstable Areas – Mass Movement			25%
Unstable Areas – Poor Foundation			40%
Floodplains		5%	
Groundwater Protection/Hydrogeology		20%	
Depth to Groundwater			25%
Proximity to Drinking Water Wells			30%
Proximity to Wellhead Protection Areas			15%
Site Hydrogeologic Framework			30%
Development		15%	
Soils			45%
Topography			30%
Distance from Arterials			10%
Capacity/Site Configuration			15%
Operation		10%	
Haul Distance to Waste Centroid			50%
Annual Precipitation			25%
Onsite Water Supply and Management			25%
Natural Environments	35%		
Wetlands and Waters		10%	
Wetlands and Waters Impacts			50%
Potential for On-Site Wetlands and Waters Mitigation			50%
Threatened and Endangered Species		20%	
Wildlife Area Combining Zone		10%	
Greater Sage-Grouse Area Combining Zone		40%	
Sensitive Bird and Mammal Habitat Combining Zone and Migratory Birds		20%	
Migratory Birds, Including Bald and Golden Eagles			50%
Sensitive Bird and Mammal Habitat Combining Zone			50%
Land Use	30%		
Proximity to Airports		15%	
Site Zoning		20%	
Adjacent Land Use Impacts		20%	
Existing Adjacent Use			25%
Planned Adjacent Use			25%
Distance to Nearest Residence			25%
Distance to Nearest Public Road			25%
Site Visibility/Aesthetic Impact		10%	
Visibility Based on Topography and/or Vegetation			50%
Remoteness			50%
Transportation System Needs/Opportunity		5%	
Haul Route Impacts		5%	
On-Site Land Use Impacts		25%	
Displacement			40%
Known Cultural Resources			30%
Potential for Buried Archaeological Sites			30%

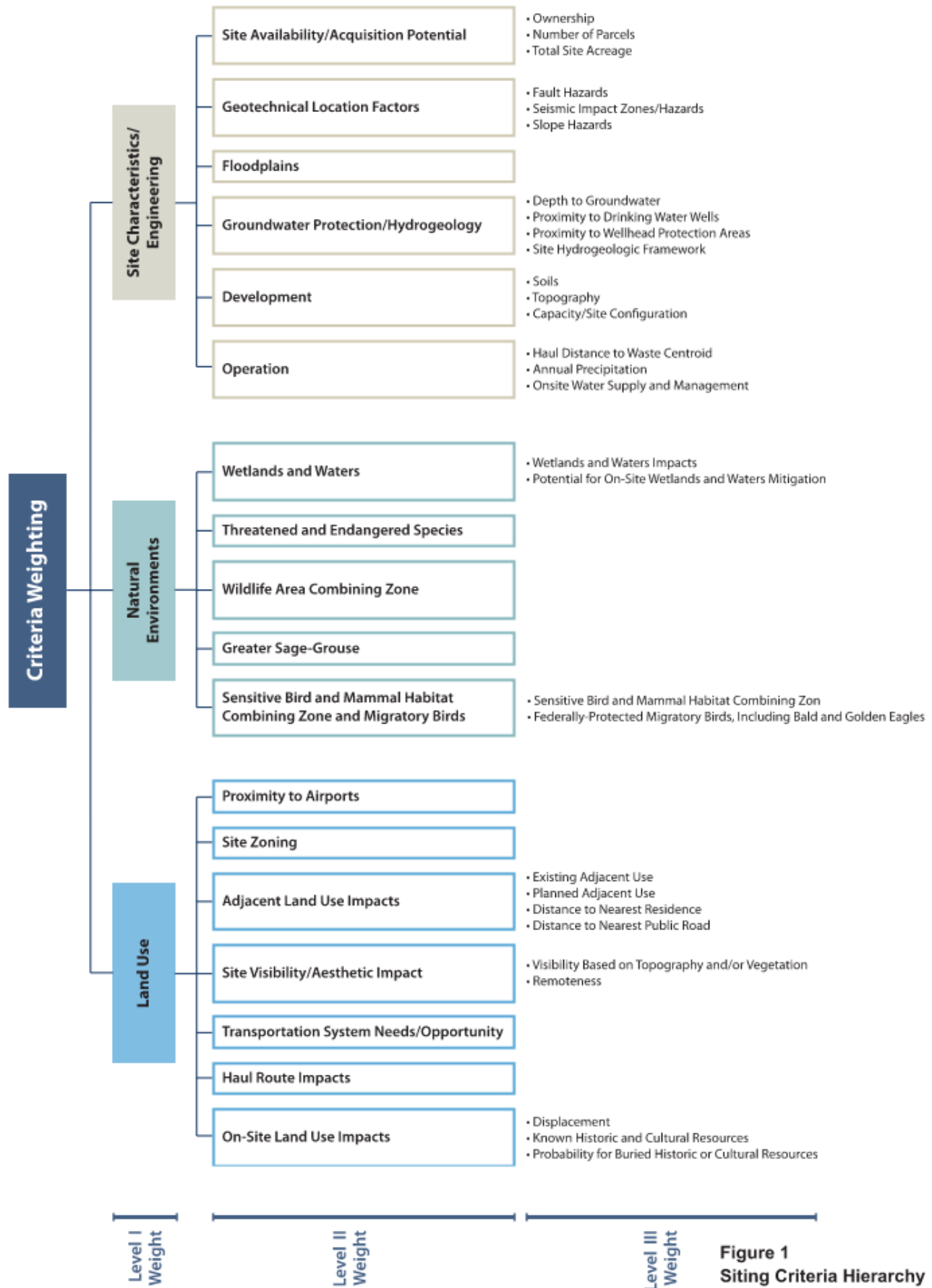


Figure 1
Siting Criteria Hierarchy

SITE SELECTION CRITERIA

Site Characteristics/Engineering

The criteria in this group evaluate how well a site would function as a landfill and what types of engineering issues or constraints would be involved in its development. The basic suitability of a site is very important, especially during the broad site evaluation. If a site has fundamental engineering problems, then other impacts or constraints are irrelevant.

Site Characteristics/Acquisition Potential

Ownership

Regulatory Requirements/Policies

No regulatory requirements directly relate to the site characteristics/acquisition potential criterion.

Description of Criterion and Criteria Scoring Categories

This criterion is intended to evaluate the potential ease of site acquisition. Sites currently owned by the County are the most preferred properties. Private ownership is also desirable because it provides opportunities for a negotiated acquisition or condemnation. Other kinds of potential ownership include state, municipal (including districts), and federal land. Federal property is generally undesirable due to the long acquisition/transfer process that can take over 10 years to complete. However, Bureau of Land Management (BLM) properties may be identified as surplus and available for trade. The County has had preliminary discussions with BLM and they are in support of applying use restrictions to lands under their jurisdiction that are adjacent to a potential landfill site.

Scoring	Criteria Categories
5	Deschutes County
4	State or Municipal
3	Private
2	Federal Surplus Properties
1	Federal

Data Sources

Information on site ownership will be obtained from the County Geographic Information System (GIS).

Number of Parcels

Regulatory Requirements/Policies

No regulatory requirements directly relate to the number of parcels criterion.

Description of Criterion and Criteria Scoring Categories

It would be most desirable to locate the landfill on a parcel or parcels of land owned by a single owner. The ease of acquisition, availability of information, communication, and mitigation would most likely vary, depending upon the number of property owners involved. The time involved in obtaining rights of entry for preliminary

investigations could also be significant during the siting process. This category compares the various sites relative to the ease with which the required parcel(s) for the landfill site could be acquired.

Scoring	Criteria Categories
5	1 or multiple parcels under a single owner
3	2 to 3 owners
1	4 or more owners

Data Sources

Information on site ownership and number of parcels will be obtained from the County GIS System.

Total Site Acreage

Regulatory Requirements/Policies

No regulatory requirements directly relate to the total site acreage criterion.

Description of Criterion and Criteria Scoring Categories

Site selection, acquisition, development, and closure measures are time-consuming, uncertain, and costly. Therefore, development of a larger site offering more capacity lowers the cost per ton of landfilled waste compared to a smaller site. Preliminary calculations indicate that the disposal area footprint will need to be a minimum of 250 acres to provide a 100-year disposal capacity for Deschutes County residents. The County prefers a minimum 500-foot-wide buffer between the disposal area and adjacent properties. Ideally, a 250-acre property would be surrounded and buffered by BLM or other public land with use restrictions in place. Properties bisected by large utility/access easements (powerlines, irrigation canals, roads) will be evaluated to determine if the infrastructure impacts the landfill active area or can be relocated to buffers or offsite. In addition, it is advantageous for the new facility to have areas for recycling, composting, and material recovery.

Scoring	Criteria Categories
5	Site size > 550 acres
4	Site size = 450 to 550 acres
3	Site size = 350 to 450 acres
2	Site size = 250 to 350 acres
1	Site size < 250 acres

Data Sources

Information on total site acreage will be obtained from the County GIS System.

Geotechnical Location Factors

Regulatory Requirements/Policies

Per Oregon Administrative Rules (OAR) 340-090-0030, the proposed solid waste management facility shall comply with location restrictions in Title 40 CFR, Part 258, Subpart B, which includes requirements relating to Fault Areas (258.13), Seismic Impact Zones (258.14) and Unstable Areas (254.15). The Oregon Department of Environmental

Quality (DEQ) Solid Waste Landfill Guidance document requirements in Sections 1.6-1.8 elaborate further on geologic hazards considerations, based on the federal 40 CFR 258.13-15.

Description of Criterion and Criteria Scoring Categories

Geologic hazards considerations will be adopted from the DEQ Solid Waste Landfill Guidance document requirements in Sections 1.6-1.8, which refer to the federal 40 CFR 258.13-15. Geologic hazards will be identified by publicly available GIS layers through Oregon Department of Geology and Mineral Industries (DOGAMI) HazVu.¹ The following geologic hazards will be adopted for screening purposes for potential landfill sites:

- Fault hazard
- Seismic hazard
- Slope hazard

Fault Hazards

For the purpose of this criteria, faults of Holocene age will be considered for weighing fault hazards. Fault hazards include proximity to a Holocene fault recognized within the United States Geological Survey (USGS) Quaternary Faults and Fold database² and the potential for fault rupture within the site.

Scoring	Criteria Categories
5	Mapped Holocene or Quaternary Fault >5 miles from site
3	Mapped Holocene or Quaternary Fault >0.5 miles from site
1	Mapped Holocene or Quaternary Fault >200 feet from site
0	Mapped Holocene Fault <200 feet from site

Seismic Impact Zones/Hazards

For the purpose of this criteria, seismic hazards shall be recognized as areas subjected to earthquake-induced soil liquefaction, ground shaking amplification, potential for slope failure, settlement, or surface faulting. Relative seismic hazard will be identified by historic seismicity, proximity to Holocene, and mapped liquefaction hazards. A seismic impact zone shall be preliminarily characterized by an area with a 10 percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10g in 250 years.

Scoring	Criteria Categories
5	Moderate shaking and low/no liquefaction hazard
3	Moderate shaking and moderate liquefaction hazard
1	Strong shaking and moderate liquefaction hazard
0	Strong shaking and high liquefaction hazard

Slope Hazards

Slope hazards will be preliminarily identified using DOGAMI open-file report O-16-02³ and SLIDO: Statewide Landslide Information Layer for Oregon.⁴

Scoring	Criteria Categories
5	Low to no susceptibility
3	Moderate susceptibility
1	High susceptibility
0	Very high susceptibility

Data Sources

Information on geotechnical location factors will be obtained from sources noted for each hazard type:

¹ DOGAMI. Oregon HazVu: Statewide Geohazards Viewer. <https://www.oregongeology.org/hazvu/>

² USGS. Quaternary Faults and Folds Database of the United States. <https://www.usgs.gov/programs/earthquake-hazards/faults>

³ DOGAMI. Landslide Susceptibility Overview Map of Oregon. Open-file report O-16-02. https://www.oregongeology.org/pubs/ofr/O-16-02_report.pdf

⁴ DOGAMI. SLIDO: Statewide Landslide Information Layer for Oregon. <https://gis.dogami.oregon.gov/maps/slido/>

Floodplains

Regulatory Requirements/Policies

Federal (40 CFR 258.11) and state rules require that “owners or operators of new MSWLF units... located in 100-year floodplains must demonstrate that the unit will not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain, or result in washout of solid waste so as to pose a hazard to human health and the environment.”

Description of Criterion and Criteria Scoring Categories

Locating a landfill in a floodplain can potentially be a very serious threat to public health. The hazard from floods is due primarily to potential erosion, washout of waste from the site, and reducing the water storage capacity of a watershed basin. A flood zone may require extraordinary protection measures to ensure containment of material such as solid waste and leachate that could potentially affect the environment.

Scoring	Criteria Categories
5	No apparent flood hazard
3	Active area located within the 500-year floodplain but outside the 100-year floodplain
1	Active area located in a 100-year floodplain, and demonstrations can be made according to the requirements of federal rule mitigating projected impacts
0	Active area located in a 100-year floodplain, and demonstrations mitigating projected impacts cannot be made according to the requirements of federal rule

Data Sources

Information on floodplains and flood hazards will be obtained from flood insurance rate maps (FIRM) and flood boundary and floodway maps published by the Federal Emergency Management Agency, as well as floodplain maps available through other agencies such as the U.S. Army Corps of Engineers (USACE), USGS, the U.S. Natural Resources Conservation Service, BLM, and state and local agencies.

Groundwater Protection/Hydrogeology

These criteria evaluate the ability of the local geology to provide groundwater protection and the potential for impacts to existing drinking water wells. These are among the most tightly regulated locational factors under state and federal laws.

Depth to Groundwater

Regulatory Requirements/Policies

OAR 340-094-0030 (4) states the following regulatory requirement related to this criterion:

(4) Sensitive Hydrogeological Environments. In addition to the requirements of 40 CFR, Part 258, Subpart B, no person shall establish or expand a landfill in a gravel pit excavated into or above a water table aquifer or other sensitive or sole source aquifer, or in a wellhead protection area, where the Department has determined that:
(a) Groundwater must be protected from pollution because it has existing or potential beneficial uses (OAR 340-040-0020); and (b) Existing natural protection is insufficient or inadequate to minimize the risk of polluting groundwater.

In the criteria and scoring presented below for depth to groundwater, the intent of OAR 340-90-030(4)(a) is being applied to prioritize sites that have a greater depth to groundwater.

Description of Criterion and Criteria Scoring Categories

Deeper groundwater aquifers are afforded greater protection from leachate contamination because the soil has some ability to absorb and disperse the leachate. It also provides a greater flexibility for placement of liner and leachate collection systems, as these systems must be above the seasonal high groundwater aquifer elevation.

Scoring	Criteria Categories
5	Groundwater aquifer anticipated to be deeper than 500 feet below ground surface
3	Groundwater aquifer anticipated to be between 300 and 500 feet below ground surface
1	Groundwater aquifer anticipated to be between 100 and 300 feet below ground surface
0	Groundwater aquifer anticipated to be less than 100 feet below ground surface

Data Sources

Oregon Water Resources Department (OWRD) well logs, USGS water supply papers and reports, college research papers, and field reconnaissance will be used to estimate groundwater depths.

Proximity to Drinking Water Wells

Regulatory Requirements/Policies

Section 1.9 (Sensitive Hydrogeologic Environments) of DEQ's Solid Waste Landfill Guidance cites OAR 340-90-030(4), which says the following:

(4) Sensitive Hydrogeological Environments. In addition to the requirements of 40 CFR, Part 258, Subpart B, no person shall establish or expand a landfill in a gravel pit excavated into or above a water table aquifer or other sensitive or sole source aquifer, or in a wellhead protection area, where the Department has determined that: (a) Groundwater must be protected from pollution because it has existing or potential beneficial uses (OAR 340-040-0020); and (b) Existing natural protection is insufficient or inadequate to minimize the risk of polluting groundwater.

In the criteria and scoring presented below for proximity to drinking water wells, the intent of OAR 340-90-030(4)(a) is being applied to maximize the distance to the nearest existing water supply well(s).

Description of Criterion and Criteria Scoring Categories

Proximity to existing water supply wells increases the potential to impact the yield of the well as well as its susceptibility to impacts if leachate did migrate away from the site. Providing a buffer is required in the landfill siting rules.

Scoring	Criteria Categories
5	Nearest well greater than 1 mile from the site
3	Nearest well between 1 mile and 0.5 mile from the site
1	Nearest well between 0.5 mile and 0.25 mile from the site
0	Nearest well less than 0.25 mile from the site

Data Sources

OWRD well logs, USGS water supply papers and reports, college research papers, and field reconnaissance will be used to locate groundwater supply wells.

Proximity to Wellhead Protection Areas

Regulatory Requirements/Policies

OAR 340-094-0030 (4) states the following regulatory requirement related to this criterion:

(4) Sensitive Hydrogeological Environments. In addition to the requirements of 40 CFR, Part 258, Subpart B, no person shall establish or expand a landfill in a gravel pit excavated into or above a water table aquifer or other sensitive or sole source aquifer, or in a wellhead protection area, where the Department has determined that: (a) Groundwater must be protected from pollution because it has existing or potential beneficial uses (OAR 340-040-0020); and (b) Existing natural protection is insufficient or inadequate to minimize the risk of polluting groundwater.

In the criteria and scoring presented below for proximity to wellhead protection areas, the intent of OAR 340-90-030(4)(a) is being applied to prioritize sites that are located outside any known wellhead protection areas.

Description of Criterion and Criteria Scoring Categories

Wellhead protection areas are used for public water supply systems (public and private) to identify the source area and the geographic pathway associated with the groundwater that will eventually migrate from the source area to a given well. Wellhead protection areas are modeled based on several hydrogeologic factors and well yield and can vary considerably in size.

Scoring	Criteria Categories
5	Outside of any known wellhead protection areas
3	Within a drinking water source area but outside of 2-year time of travel zone
0	Within a drinking water source area and a 2-year time of travel zone

Data Sources

Use of DEQ Facility Profiler and Oregon Health Division Drinking Water Protection Program Source Area databases will be used to identify wellhead protection and source area boundaries.

Site Hydrogeologic Framework

Regulatory Requirements/Policies

OAR 340-094-0030 (4) states the following regulatory requirement related to this criterion:

(4) Sensitive Hydrogeological Environments. In addition to the requirements of 40 CFR, Part 258, Subpart B, no person shall establish or expand a landfill in a gravel pit excavated into or above a water table aquifer or other sensitive or sole source aquifer, or in a wellhead protection area, where the Department has determined that:
(a) Groundwater must be protected from pollution because it has existing or potential beneficial uses (OAR 340-040-0020); and (b) Existing natural protection is insufficient or inadequate to minimize the risk of polluting groundwater.

In the criteria and scoring presented below for geologic-hydrogeologic properties, the intent of OAR 340-90-030(4)(b) is being applied to prioritize sites with geologic and hydrogeologic properties that provide natural groundwater protection from pollution.

Description of Criterion and Criteria Scoring Categories

The interaction and juxtaposition of subsurface geology with the primary aquifer can provide varying degrees of protection to the groundwater resource. If the geology is highly porous or fractured with little to no low permeability zones, the groundwater is more susceptible to impacts from surface activities.

Scoring	Criteria Categories
5	Multiple layers of low permeability geologic units above aquifer
3	Fractured or porous geologic units with limited low permeability units above aquifer
0	Fractured or porous geologic units with no known low permeability units above aquifer

Data Sources

Oregon Water Resources Department well logs, USGS water supply papers and reports, college research papers will be used to characterize hydrogeologic conditions.

Development

For the Development criteria category, potential sites will be evaluated in terms of three sub-categories including Soils, Topography, and Capacity/Site Configuration. Other important considerations related to development include weather factors (i.e. prevailing winds, precipitation), access to utilities such as electricity, communications, and natural gas, and potential for renewable energy development (solar, wind, renewable natural gas). These factors will be considered later in terms of the relative construction and operations costs between the top three sites.

Soils

Regulatory Requirements/Policies

For landfills developed in Oregon, liner systems are required to meet the requirements of OAR 340-094-0060 and 40 Code of Federal Regulations (CFR) Part 258, Subpart D. The lower layer is typically a geosynthetic clay liner placed over a prepared subgrade of silt to sand sized soil. The upper component of the liner system is typically a 60-millimeter, high-density polyethylene (HDPE) geomembrane. At least 1 foot of drainage material (gravel) is typically placed over the HDPE bottom liner to provide for leachate collection and liner protection.

OAR 340-094-0060 and 40 CFR Part 258, Subpart D require a final cover that has a permeability that is less than the bottom liner system. For landfills located east of the Cascades, in areas where precipitation is less than 12 inches per year, an alternative final cover is typically constructed that includes 4 to 6 feet of on-site, low-permeable soils.

Description of Criterion and Criteria Scoring Categories

Soil and other on-site earth materials are used in landfill construction and operation for bottom liners, caps, final cover, daily and intermediate cover, berms, and roads. The availability of these materials on site influences the cost of site development and operation. Fine-grained materials (silt and clay) are useful for liners and final covers, while coarse-grained materials (sand and gravel) are useful for landfill gas control systems and leachate collection systems.

Underlying soils influence groundwater protection at a particular site. Sites underlain by silt and clay soil generally rate higher than other sites because of the low permeability of these soils. Sites containing only sand and gravel rate lower because these sites would need extensive engineering to provide a similar level of groundwater protection. Sites with both coarse- and fine-grained materials could rate higher than either of those mentioned above, depending on the quantities and the order in which the different layers of material are found at the site (stratigraphy). Coarse-grained materials layered above fine-grained materials are desirable because the upper layer could be excavated for roads and daily cover, leaving the fine-grained materials in place for groundwater protection.

The U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) has delineated over 100 different soil types in the planning area. These soil types, which can be grouped into seven major associations, are distributed throughout the County. A description of these associations, with additional information on the potential for available fine- and coarse-grained soil types, is provided below. The potential for fine- and coarse-grained soil materials is also rated by categories, which include excellent, very good, good, and poor. These seven associations are described as follows:

Gosney-Rock Outcrop-Descamp Complex: Moderately deep and shallow, somewhat excessively drained, stony loamy sand and loamy sand that formed in ash; found on lava plains. Depth to bedrock ranges from 10 to

20 inches with rapid permeability. Water capacity is about 1 inch. This soil unit has poor to good potential for fine-grained material and good to very good potential for coarse-grained material.

Dester Gravelly Loamy Sand, 0 to 3 Percent Slopes: Moderately deep and very deep, excessively drained to well-drained soils. Gravelly loamy sand and gravelly clayey loam that formed in ash over old alluvium; found on lava plains. Depth to bedrock ranges from 20 to 40 inches with moderately slow permeability. Water capacity is about 5 inches. This soil unit has poor to good potential for fine-grained material and good to very good potential for coarse-grained material.

Beden Sandy Loam, Dry, 1 to 8 Percent Slopes: Shallow, well-drained soils that formed in residuum with ash on the surface; found on lava plains. Sandy loam with lesser amounts of clay loam that formed in ash over residuum derived from basalt or welded tuff. Depth to bedrock ranges from 10 to 20 inches with moderately slow permeability. Water capacity is about 3 inches. This soil unit has poor to good potential for fine-grained material and good to very good potential for coarse-grained material.

Dester Sandy Loam: Moderately deep and very deep, excessively drained to well-drained soils. Sandy loam, clay loam, and gravelly clayey loam that formed in ash over old alluvium; found on lava plains. Depth to bedrock ranges from 20 to 40 inches with moderately slow permeability. Water capacity is about 5 inches. This soil unit has poor to good potential for fine-grained material and good to very good potential for coarse-grained material.

Wanoga-Femkle-Rock Outcrop Complex: Moderately deep and shallow, well-drained soils. Sandy loam underlain by weathered tuff that formed in ash; found on hills. Depth to bedrock ranges from 20 to 40 inches with moderately rapid permeability. Water capacity is about 4 inches. This soil unit has poor to good potential for fine-grained material and good to very good potential for coarse-grained material.

Shanahan Loamy Coarse Sand, Low, 0 to 3 Percent Slopes: Very deep, somewhat excessively drained soils that formed in ash and pumice over colluvium and older alluvium. Loamy coarse sand and coarse sand with depth to bedrock at 60 inches or more with moderately rapid permeability. Water capacity is about 7 inches. This soil unit has poor potential for fine-grained material and very good to excellent potential for coarse-grained material.

Stukel-Rock Outcrop-Deschutes Complex: Moderately deep and shallow, well-drained sandy loam that formed in volcanic ash; found on lava plains. Depth to bedrock ranges from 10 to 20 inches with moderately rapid permeability. Water capacity is about 2 inches. This soil unit has poor potential for fine-grained material and very good potential for coarse-grained material.

Scoring	Criteria Categories
5	Active area can provide all the required drainage layer material, all well-graded daily and intermediate cover soils, and all final cover topsoil
4	Active area can provide 50% of the required drainage layer material, 100% of the well-graded daily and intermediate cover soils, and 100% of the final cover topsoil
3	Fine-grained soils only, greater than 40 feet thick, all dry-weather daily and intermediate cover soils, and all final cover topsoil are available as fine-grained soils
2	Fine-grained soils only, greater than 20 feet thick, all dry-weather daily and intermediate cover soils, and all final cover topsoil are available as fine-grained soils
1	Rock is predominant at ground surface over majority of site

Data Sources

A digital soils coverage based on NRCS/DOGAMI soil types was included in the GIS data obtained from Deschutes County, and soil-related characteristics were used in developing several other screening criteria. At the site-specific level, the GIS data will be used to produce detailed maps of potential site areas for evaluation of soil characteristics of all types.

Topography

Regulatory Requirements/Policies

No regulatory requirements relate to this criterion, except for site topography with severe slopes that may be unstable (see the unstable areas criterion).

Description of Criterion and Criteria Scoring Categories

The topography of a potential landfill site is important because of its effect on site access, material movement, and the excavation-to-volume (E/V) ratio. Site access is also important in refuse delivery and movement of borrow soil. The E/V ratio refers to the volume of on-site soil that must be excavated for every equivalent volume of in-place compacted refuse.

For example, a flat site might have a poor E/V ratio because an equivalent volume of soil must be excavated for every unit volume of refuse placed, if the site cannot be mounded. On this site, access for truck movement would be excellent. Conversely, a typical hillside or upland site may have a good E/V ratio because a smaller volume of soil must be excavated for the placement of refuse. However, that same site may have poor access because of uneven topography, steep haul grades, or an excessive number of small drainages that must be bridged.

Scoring	Criteria Categories
5	E/V ratio excellent (site has slopes and relief that greatly benefit site capacity)
3	E/V ratio good (site has slopes and relief that benefit site capacity)
1	E/V ratio poor (site has slopes and relief that do not benefit site capacity)

Data Sources

At the broad level, data sources to determine topography include USGS and DOGAMI GIS mapping and general field reconnaissance at potential site areas. During focused evaluations, the conceptual site plan will be used to evaluate excavation needs and possible site access routes.

Capacity/Site Configuration

Regulatory Requirements/Policies

The Deschutes County Solid Waste Management Plan states that a new landfill facility should be sited, designed, and operated such that it has at least a 100-year life, based on assumed future waste stream rate projections, in-place density, and total daily cover volume.

Description of Criterion and Criteria Scoring Categories

Landfill capacity will primarily depend on the projected waste stream for Deschutes County over a 100-year period. In addition, the waste density (weight per unit volume) after it has been landfilled and the amount of daily cover used determines the total volume needed to deposit 100 years of waste. The landfill shape is a function of many criteria described in this report, including siting and design criteria; borrow sources; buffers; aesthetics; and topographic, geologic, and hydrogeologic conditions. Based on the factors noted above, a minimum site capacity of 50 million cubic yards is required. A typical landfill of this size requires a site area of approximately 350 to 600 acres depending upon average landfill depth and buffer requirements. Larger sites with fewer barriers to footprint expansion also provide design flexibility and the opportunity for additional landfill capacity. Consequently, the criteria categories consider both size and use efficiency.

Scoring	Criteria Categories
5	The active area can provide a minimum capacity of 50 million cubic yards, is unrestricted by physical or natural features, requires an average depth of less than 50 feet, a maximum height that is less than the nearest high point, in a configuration that matches the surrounding terrain
4	The active area can provide a minimum capacity of 50 million cubic yards, is restricted by a physical or natural feature on one boundary, requires an average excavated depth of less than 50 feet, a maximum height that is less than the nearest high point, in a configuration that matches the surrounding terrain
3	The active area can provide a minimum capacity of 50 million cubic yards, is restricted by a physical or natural feature on more than one boundary, requires either an average excavated depth greater than 50 feet or a maximum height greater than the nearest high point, in a configuration that matches the surrounding terrain
2	The active area can provide a minimum capacity of 50 million cubic yards, is restricted by a physical or natural feature on more than one boundary, requires an average excavated depth greater than 50 feet, and a maximum height greater than the nearest high point, in a configuration that does not match the surrounding terrain
1	The active area cannot provide a minimum capacity of 50 million cubic yards, is restricted by physical or natural features on more than one boundary, in a configuration that does not match the surrounding terrain

Data Sources

Information on topography to be obtained from the County GIS System. During focused screening, a conceptual site plan will be developed for each site, including initial evaluation of footprint size, depth of excavation, and final grading.

Operation

Haul Distance to Waste Centroid

Regulatory Requirements/Policies

No regulatory requirements directly relate to the haul distance to waste centroid criterion.

Description of Criterion and Criteria Scoring Categories

Due to the cost of labor, fuel, and vehicle maintenance, the distance between the waste source and the landfill has a significant effect on disposal costs. In addition, greater travel distances increase air quality and greenhouse gas emissions impacts. It is desirable, therefore, to locate the landfill closer to the waste generation source. Note that a site closer to the waste centroid is likely to score lower on some criteria due to closer proximity to residents.

Scoring	Criteria Categories
5	Less than 10 miles from waste centroid
3	Between 10 and 20 miles from waste centroid
2	Between 20 and 30 miles from waste centroid
1	More than 30 miles from waste centroid

Data Sources

At the broad level, County GIS maps and general field reconnaissance at potential site areas will be used to determine the haul distance to waste centroid.

Annual Precipitation

Regulatory Requirements/Policies

No regulatory requirements in the OARs directly relate to the annual precipitation criterion.

Description of Criterion and Criteria Scoring Categories

The amount of precipitation in a given landfill location generally determines the amount of leachate generated and operational costs at the site. The greater the amount of leachate, the more effort required for processing or disposing of this material and the greater the possibility that leachate from the site could affect the surrounding environment. In terms of annual precipitation, the most desirable site has the least precipitation. Further, sites that have low precipitation generally have less snow in the winter, which improves site access and onsite operations.

Scoring	Criteria Categories
5	10 inches or less of precipitation annually
4	Between 11 and 15 inches of precipitation annually
3	Between 16 and 20 inches of precipitation annually
2	Between 21 and 25 inches of precipitation annually
1	More than 25 inches of precipitation annually

Data Sources

Precipitation data will be obtained from the National Oceanic and Atmospheric Administration's National Weather Service.

Onsite Water Supply and Management

Regulatory Requirements/Policies

No regulatory requirements in the OARs directly relate to onsite water supply and management for facility development and operations. An onsite groundwater supply well can be installed, which would have an exempt use of groundwater provision not exceeding 5,000 gallons per day (gpd). Water needs beyond this amount would require a water right or permit. While it is difficult to forecast regulatory impacts or restrictions that may result from future climate change initiatives that affect water rights and availability, the need to expand or procure future water rights will result in lower scoring due to potential challenges associated with those additional needs.

Description of Criterion and Criteria Scoring Categories

If the future landfill site will need a water permit from the Oregon Water Resources Department, new groundwater uses are required to mitigate their impacts on surface flows per the Deschutes Groundwater Mitigation Program. If a water permit is required, the landfill's consumptive use must be identified. Sites with existing water rights are valued higher than those lacking existing water rights that can be used for landfill operations. The scoring also accounts for the potential obligation to obtain available mitigation credits in certain zones of impact.

Scoring	Criteria Categories
5	Water right permits exist and are sufficient for landfill water needs
3	Water right permits exist, but require expansion and/or mitigation to meet landfill water needs
1	No water right permits exist and mitigation is required for landfill water needs

Data Sources

Water right permit information and Deschutes Groundwater Mitigation Program requirements will be obtained from the OWRD website and Water Right Information System database.

Natural Environment

County lands contain sensitive cultural resources and a diversity of flora, fauna, and habitats that the County and other state and federal agencies have identified for protection. The County's land use code affords protections to these resources while balancing the community's needs for infrastructure development. The criteria address key considerations for avoidance and minimization of impacts to essential, irreplaceable, and limited natural and cultural resources. Natural resources for consideration include state and federal threatened and endangered species and species of concern; riparian and wetland areas; Oregon spotted frog; shrub-steppe habitat; greater sage-grouse habitat; sensitive bird and mammal sites; game species range; and open spaces and scenic views. The relative importance of these criteria increases during focused evaluation, where the conceptual site plan and more detailed field investigations allow the potential for mitigation to be assessed.

Wetlands and Waters

Regulatory Requirements/Policies

According to OAR 340-094-0030(2), "No person shall establish, expand, or modify a landfill in a floodplain in a manner that will allow the facility that may pose a hazard to water resources." Per 40 CFR Part 258.12, landfills are subject to Section 404 of the Clean Water Act compliance through USACE, Oregon Department of State Lands (DSL) removal fill rules (OAR Division 85), and Section 401 of the Clean Water Act for state water quality standards through Oregon DEQ. Under this rule, the project must ensure that endangered or threatened species are not jeopardized, toxic effluent standards are not violated, and landfill operations do not result in a substantial loss of wetland area. Also, the project must attempt to achieve no net loss of wetlands and waters (as defined by acreage and function) by first avoiding impacts to wetlands to the maximum extent practicable, then minimizing unavoidable impacts to the maximum extent practicable, and finally offsetting remaining unavoidable wetland and water impacts through all appropriate and practicable compensatory mitigation actions (e.g., restoration of existing degraded wetlands/waters or creation of man-made wetlands). This rule also presumes that practicable alternatives to the proposed landfill that do not involve wetlands and waters must be evaluated.

Description of Criterion and Criteria Scoring Categories

This criterion provides a broad-based screening of potential sites that may have wetlands and waters.

Scoring	Criteria Categories
5	No wetlands identified
3	Less than 0.5 total acre of wetlands identified
1	More than 0.5 total acre of scattered wetlands identified
0	More than 0.5 acre of wetlands identified and significant impacts cannot be avoided ¹

¹ This is exclusionary if the owner or operator cannot demonstrate compliance with the regulations.

The more focused criterion provides a screening of potential sites that may have wetlands and waters. A focused-level site evaluation criterion would identify and characterize wetlands in the project area. More thorough study will be required during the individual-level site evaluation to delineate any wetlands in the area. This procedure was designed to consider major thresholds for determining USACE and DSL jurisdiction and associated permitting and mitigation requirements identified in Section 404 of the federal Clean Water Act and in DSL's removal fill rules.

Scoring	Criteria Categories
5	No wetlands or waters identified in the active area
3	Artificial wetlands greater than 1 acre (e.g., fed by irrigation or stock watering), isolated wetlands, or ephemeral waters are present
2	Potential for wetland impacts up to 0.5 acre and stream impacts up to 300 linear feet.
0	Potential for wetland impacts exceeding 0.5 acre, stream impacts exceeding 300 linear feet, or impacts to aquatic resources of special concern. ¹

¹This is exclusionary if the owner or operator cannot demonstrate compliance with the regulations.

Data Sources

A countywide screening of wetlands, conducted during the general site area identification, will use the U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory; DSL wetlands and waters concurrence and permit records database; DSL Local Wetland Inventory mapping; Deschutes County water feature class GIS data; NRCS hydric soil mapping; and historic and current aerial photographs. The information gathered will be used to locate potential wetlands. Field reconnaissance may also be conducted to further characterize wetland and water areas.

Threatened and Endangered Listed Species

Regulatory Requirements/Policies

According to OAR 340-094-0030(3), “No person shall establish, expand or modify a landfill in a manner that will cause or contribute to the actual or attempted (a) harassing, harming, pursuing, hunting, wounding, killing, trapping, capturing, or collecting of any federally listed endangered or threatened species of plants, fish, or wildlife; or (b) direct or indirect alteration of critical habitat which appreciably diminishes the likelihood of the survival and recovery of endangered or threatened species using that habitat.”

Per 40 CFR 258.12(a)(2)(iii), a landfill project cannot “jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Endangered Species Act of 1973.” Furthermore, if under federal regulations (40 CFR 258) it is determined that operation of a landfill at a site would cause or contribute to the taking of any endangered species of plant, fish, or wildlife listed as such (pursuant to Section 4 of the Endangered Species Act), the site would be removed from consideration. According to this criterion, a site that has the least impact on threatened and endangered species receives the highest score.

Description of Criterion and Criteria Scoring Categories

Locations reportedly used by threatened or endangered species or designated as critical habitat are excluded from landfill development. At the broad level, the threatened and endangered listed species criterion measures the proximity of a potential landfill site to known threatened, endangered, and candidate species or critical habitat locations. At the broad level, the criteria categories are as follows:

Scoring	Criteria Categories
5	No occurrence of federal/state threatened, endangered, or candidate species within 3 miles of the site
2	Known occurrence of federal/state threatened, endangered, or candidate species between 1 and 3 miles from the site
1	Known occurrence of federal/state threatened, endangered, or candidate species within 1 mile from the site
0	Known occurrence of federal/state threatened or endangered species on area adjacent to site, in the site buffer, or on site ¹

¹This is exclusionary if the owner or operator cannot demonstrate compliance with the regulations.

For the focused evaluation, the type of species and the use of the site is evaluated to determine whether mitigation appeared possible. This may require discussions with federal and state agencies.

Scoring	Criteria Categories
5	Federal/state threatened or endangered species or designated critical habitat exist between 1 and 3 miles from the site, with no impacts expected
3	Impacts to federal/state threatened or endangered species or designated critical habitat present in the site vicinity can be avoided
1	Impacts to federal/state threatened or endangered species or designated critical habitat present in the area can be mitigated
0	Impacts to federal/state threatened or endangered species or designated critical habitat cannot be avoided or mitigated ¹

¹This is exclusionary if the owner or operator cannot demonstrate compliance with the regulations.

Data Sources

Portland State University's Oregon Biodiversity Information Center (ORBIC) and USFWS's Information for Planning and Consultation databases provide data on threatened and endangered species. Information in the databases may only be a relative indicator of the actual presence of threatened or endangered species. For example, a nest site of an endangered species may have a uniform buffer area assigned around the nest as habitat because the actual use of the area by the species is unknown. Therefore, the mapped data may not show the actual location or extent of the habitat. For the focused evaluation, site-specific encroachment on critical habitat will be evaluated, in general, relative to the timing of on-site activity and the patterns and type of use specific to the species using the site. For the purposes of this study, specific information on the location of threatened and endangered species is restricted; therefore, it will be generalized before it is presented to the public.

Wildlife Area Combining Zone

Regulatory Requirements/Policies

The purpose of the Deschutes County Code (DCC) Chapter 18.88 Wildlife Area Combining Zone (WA zone) is to conserve important wildlife areas in Deschutes County; to protect an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource. Landfills in WA zones must be permitted conditionally by the underlying zone (per DCC 18.128.120). Provisions of DCC 18.88 shall apply to all areas identified in the Comprehensive Plan as a winter deer range, significant elk habitat, antelope range, or deer migration corridor. Lands within 100 feet of wetlands, floodplains, or riparian areas or those mapped as "Existing High Use Migration Areas" or "Important Connective Areas Through Existing Developed Areas" on the 1997 Oregon Department of Fish and Wildlife (ODFW) map submitted to the South County Regional Problem Solving Group may also be considered for WA zone conditional use permitting. Unincorporated communities are exempt from the provisions of DCC 18.88.

Description of Criterion and Criteria Scoring Categories

Areas designated by the County as WA zones must meet zoning code criteria for conditional use. This includes consideration of the proximity of a potential landfill site to a WA zone and the designated overlay type. The sites furthest from known WA zones receive the highest scores. At the broad level, this criterion establishes the presence of WA zones in relation to the site as follows:

Scoring	Criteria Categories
5	No WA zone within 3 miles of the site
3	WA zone within 3 miles from the site
1	WA zone on site

At the focused level, this criterion evaluates the habitat characteristics and potential for impacts and mitigation, as follows:

Scoring	Criteria Categories
5	No WA zone within 3 miles of the site
4	No WA zone within 0.25 mile to 3 miles of the site
3	Site is within 0.25 mile of a WA zone, but there are no apparent impacts
2	Impacts to WA zone will occur but can be mitigated on site
1	Impacts to WA zone will occur but can be mitigated off site
0	Impacts to WA zone will occur and cannot be mitigated ¹

¹This is exclusionary if the owner or operator cannot demonstrate compliance with the regulations.

Data Sources

Data sources used to assess this resource include Deschutes County WA zone GIS data, provisions of DCC 18.88, and the 1997 ODFW map submitted to the South County Regional Problem Solving Group.

Greater Sage Grouse Area Combining Zone

Regulatory Requirements/Policies

The greater sage-grouse (GSG) has been the focus of sustained conservation efforts for the last two decades, narrowly avoiding a listing designation under the Endangered Species Act in 2015. ODFW is closely involved with ongoing multi-stakeholder conservation efforts for the species throughout Eastern Oregon, including Deschutes County and USFWS. Accordingly, private and other nonfederal landowners are strongly encouraged to participate in a Candidate Conservation Agreement with Assurances program. Voluntary conservation efforts of this nature are recognized by the state of Oregon as a critical part in recovering the breeding populations of GSG. Beyond voluntary efforts, it remains necessary to provide a regulatory framework that offers fairness, predictability, and certainty for all involved parties. Engagement on the part of county governments throughout the GSG's range is critical to Oregon's efforts to address possible impacts from future development.

Deschutes County's GSG Combining Zone code (DCC 18.89; GSG zone) is consistent with ODFW's GSG conservation strategy rules (OAR 635-140) and the Greater Sage-Grouse Conservation Assessment and Strategy for Oregon (2011). These rules and guidelines are intended to advance GSG population and habitat protection through a mitigation hierarchy by establishing mitigation standards for impacts from certain types of development actions in GSG habitat.

The mitigation hierarchy approach is comprised of a three-step process—avoidance, minimization, and compensatory mitigation—and is applied to three distinct GSG habitat conditions:

- Core area (DCC18.89.080)
- Low-density habitat (DCC 18.89.090)
- General habitat (DCC 18.89.100)

The County may approve a large-scale development proposal that does not meet the avoidance test for significant GSG habitat if the County determines that the overall public benefits of the proposal outweigh the damage to significant GSG habitat. However, the project must still comply with the mitigation hierarchy and the applicant must show that the overall public benefits outweigh the damage to the significant GSG habitat (DCC 18.89.110).

Description of Criterion and Criteria Scoring Categories

Areas designated by ODFW and the County as core habitat are presumably excluded from landfill development as alternative sites may be available outside of core areas. Depending on the severity of impact and mitigation obligations, select sites in low density or general habitat may be permittable through agency coordination to develop effective conservation measures and best management practices for the construction and operational phases of the project. Projects outside of these habitats would not need to account for GSG zone requirements for siting. The following table includes key considerations to landfill development siting in different GSG zones.

Habitat Designation	Mitigation Hierarchy			Risk and Fatal Flaw Siting Considerations
	Avoidance	Minimization	Mitigation	
Core Area	a Alternatives analysis b Satisfy 3 criteria: 1. Not technically feasible to locate elsewhere 2. Dependent on a unique geographic or physical feature(s) 3. Provides important economic opportunity, infrastructure	a Minimize habitat impacts and fragmentation b Micrositing, construction BMPs c Avoid, if possible, impacts in high population richness areas within core area d Costs	a Fully offset impacts to any core area b Comply with ODFW Conservation rules for GSG	High risk/potential fatal flaw <ul style="list-style-type: none"> Large-scale development must not increase County's metering or disturbance thresholds Requires alternative analysis for preferred alternative in core area Subject to ODFW approval and mitigation recommendations Extensive mitigation may be required
Low Density	a Alternatives analysis b Satisfy 2 criteria: 1. Not technically feasible to locate elsewhere 2. Dependent on a unique geographic or physical feature(s)	a Locate to minimize impacts to habitat b Micrositing, construction BMPs		Moderate to low risk <ul style="list-style-type: none"> Confirmation from ODFW that there are no threats to significant GSG habitat or use Subject to ODFW approval and mitigation recommendations
General Habitat	General habitat (within 3.1 miles of an occupied or occupied-pending lek) require consultation with County and ODFW to verify avoidance and minimization measures			
Outside of Habitat	Greater than 3.1 miles from known leks; impacts avoided			No risk

The GSG criterion measures the proximity of a potential landfill site to GSG zones. The sites furthest from known GSG zones receive the highest scores. At the broad level, this criterion establishes the presence of GSG zones in relation to the site as follows:

Scoring	Criteria Categories
5	No GSG zones within 3.1 miles of the site
3	Low density or general habitat GSG zone within 3.1 miles from the site
2	Core area GSG zone within 3.1 miles from the site
1	Low density area or general habitat GSG zone on site ¹
0	Core area GSG zone on site ²

¹ This is exclusionary if the owner or operator cannot demonstrate compliance with the regulations.

² Within core area GSG zones, mitigation is not feasible, and the site is not suitable for landfill siting.

At the focused level, this criterion evaluates the habitat characteristics and potential for impacts and mitigation, as follows:

Scoring	Criteria Categories
5	No GSG zones within 3.1 miles of the site
4	GSG zones within 3.1 miles of the site, but there are no apparent impacts
3	GSG zones within 3.1 miles of the site, and there may be indirect impacts
2	Impacts to low density or general habitat GSG zones will occur, but can be mitigated on site ¹
1	Impacts to low density or general habitat GSG will occur and cannot be mitigated ¹
0	Impacts to core area GSG zone will occur ²

¹ This is exclusionary if the owner or operator cannot demonstrate compliance with the regulations.

² Within core area GSG zones, mitigation is not feasible, and the site is not suitable for landfill siting.

Data Sources

Data sources used to assess this resource include the provisions of DCC 18.89; the Sage-Grouse Conservation Partnership's (Sage-Con) 2015 Sage-Grouse Action Plan; County, state, and Sage-Con GIS mapping layers for landscape planning and development siting; and coordination with ODFW to verify criteria development and assessment.

Sensitive Bird and Mammal Habitat Combining Zone and Migratory Birds

Regulatory Requirements/Policies

The purpose of DCC Chapter 18.90 Sensitive Bird and Mammal Combining Zone (SBMH) is to ensure that sensitive habitat areas identified in the County's Goal 5 sensitive bird and mammal inventory as critical for the survival of the northern bald eagle, great blue heron, golden eagle, prairie falcon, osprey, great grey owl, and the Townsend's big-eared bat are protected from the effects of conflicting uses or activities that are not subject to the Forest Practices Act. This objective shall be achieved by implementation of the decision resulting from the economic, social, environmental and energy analysis (ESEE) for each inventoried sensitive habitat area. Landfill sites permitted in the SBMH zone are subject to conditional use permitting, site plan review for SBMH conditions, and the provisions of the ESEE decision. Approval of the site plan will be conditioned to ensure protection of SBMH resources and will include construction and operational best management practices that avoid or minimize impacts to SBMH resources. When there is a conflict between the site-specific ESEE analysis and the provisions of DCC Title 18, the site-specific ESEE analysis shall control.

The USFWS administers the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA) which are strict liability statutes that prohibit the unauthorized taking of migratory birds and bald and

golden eagles within the United States. For these statutes, “take” occurs when any person or entity pursues, hunts, shoots, wounds, kills, traps, captures, or collects a migratory bird or eagle. Additionally, under the BGEPA, anyone who disturbs, agitates, or bothers an eagle to a substantial degree also commits “take.” Bald eagles were delisted under the Endangered Species Act in 2007 but are still afforded federal protection under these acts.

The USFWS has provided National Bald Eagle Management Guidelines, which are not federal regulations but provide information for people or entities who engage in recreation or land use activities on how to avoid impacts to eagles prohibited by BGEPA and MBTA. The guidelines are crafted to reflect the current way that federal and state managers interpret these laws. Additionally, if a permit is required under these laws, USFWS recommends that eagle nest surveys out to 2 miles from the boundary of the area be conducted in association with an incidental take permit to provide sufficient information to evaluate project impacts to nearby nesting eagles.

Description of Criterion and Criteria Scoring Categories

The SBMH areas are those identified in the Deschutes County Comprehensive Plan Resource Element inventory and site-specific ESEE for each sensitive bird or mammal site. The SBMH areas to be protected by the provisions of DCC 18.90 is defined as the area:

- Within a radius of 1,320 feet (0.25 mile) of a golden eagle, bald eagle, prairie falcon nest, or a Townsend’s big-eared bat hibernating or nursery site.
- Within a radius of 300 feet of a great blue heron rookery or osprey nest.
- Within a radius of 900 feet of a great grey owl nest site.

Established nest buffer distances to known eagle nests are defined in the National Bald Eagle Management Guidelines. In general, Golden eagle nest locations are buffered by a sensitive habitat area that extends out for a radius of 2 miles. Bald eagle nests are buffered by a 0.25-mile radius. Any construction activities during the nesting season within these distances or direct impact to active or alternate nests would require coordination with USFWS and possibly permitting under these rules. The USFWS does not provide set buffer distances to protect nests of migratory birds under the MBTA but would be consulted during permitting to verify nest buffers recommended for the project—typically 100 feet or less for non-raptor species and 300 feet or less for raptors other than bald and golden eagles.

The sites furthest from known SBMH and migratory bird areas receive the highest scores. At the broad level, this criterion establishes the presence of SBMH and migratory bird areas in relation to the site as follows:

Scoring	Criteria Categories
SBMH	
5	No SBMH zone within 0.5 mile of the site
3	SBMH zone less than 0.5 mile from the site
0	SBMH zone on the site ¹
Migratory Birds	
5	No migratory bird nests within 2 miles of the site
3	Bald or golden eagle nests within 2 miles of the site
1	Bald or golden eagle nests or nests of other migratory birds within 0.25 miles of the site
0	Bald or golden eagle nests or nests of other migratory birds on the site ¹

¹This is exclusionary if the owner or operator cannot demonstrate compliance with the regulations.

At the focused level, the SBMH and migratory birds criterion evaluates the habitat characteristics and potential for impacts and mitigation, as follows:

Scoring	Criteria Categories
SMBH	
5	No SBMH zone within 3 miles of the site
4	No SBMH zone within 0.25 mile to 3 miles of the site
3	Site is within 0.25 mile of a SBMH zone, but there are no apparent impacts
2	Impacts to SBMH zone will occur but can be mitigated on site
1	Impacts to SBMH zone will occur but can be mitigated off site
0	Impacts to SBMH zone will occur and cannot be mitigated ¹
Migratory Birds	
5	No migratory bird nests within 2 miles of the site
4	Nesting migratory birds within 2 miles of the site, but there are no apparent impacts
3	Nesting migratory birds within 2 miles of the site, and there may be indirect impacts that can be mitigated
1	Nesting migratory birds on site and direct impacts may occur, but can be mitigated
0	Impacts to migratory birds will result in take that cannot be mitigated ¹

¹ This is exclusionary if the owner or operator cannot demonstrate compliance with the regulations.

Data Sources

Data sources used to assess this resource include the Deschutes County Comprehensive Plan Resource Element inventory data and site-specific data gathered from various sources, including the County's SBMH zone GIS data, provisions of DCC 18.90, Portland State University's ORBIC dataset, ODFW's inventory records of sensitive species, and USFWS' recent inventory for bald and golden eagles in Deschutes County.

Land Use

Land use criteria evaluate the potential impacts to activities on or near a landfill site and conformity with the zoning designation. Many landfill impacts could be addressed by site design and other mitigation methods.

Proximity to Airports

Regulatory Requirements/Policies

According to OAR 340-094-0040 10(b), “No permittee of a landfill disposing of putrescible wastes that may attract birds and which is located within 10,000 feet (3,048 meters) of any airport runway used by turbojet aircraft or within 5,000 feet (1,524 meters) of any airport used by only piston-type aircraft shall allow the operation of the landfill to increase the likelihood of bird/aircraft collisions.” These rules have been further refined by the Federal Aviation Administration Advisory Circular (Section 4.2.1.2) from February 21, 2020, defining the distance from the end of an airport runway, which is how it will be applied.

Description of Criterion and Criteria Scoring Categories

Deschutes County lands located at least 5 miles from any airport runway would be more desirable sites, as they would pose a negligible risk of bird/aircraft collisions. Lands less desirable for this criterion are those located between 10,000 feet and 5 miles from an airport and to a lesser degree 5,000 to 10,000 feet from an airport used by only piston-type aircraft. Any potential site within 5,000 feet of any airport will increase the likelihood of bird/aircraft collisions to an unacceptable degree and would be a fatal flaw.

Scoring	Criteria Categories
5	Site where property line is located at least five miles from the property line of any airports
3	Site where property line is located at least 10,000 feet from the property line of any airports
1	Site where property line is located 5,000–10,000 feet from the property line of an airport used by only piston-type aircraft
0	Lands within 5,000 feet of any airport

Data Sources

Deschutes County GIS data will be used to determine proximity of potential sites to airports.

Site Zoning

Regulatory Requirements/Policies

Site zoning considers compatibility of the site with the Deschutes County zoning ordinance (DCZO). Landfills are allowed to be located as a conditional use on non-high value farmland zoned Exclusive Farm Use (EFU; DCZO 18.16.031) or on land zoned Forest Use (F-2; DCZO 18.40.030). Sites located in any other zones will need to be rezoned to EFU and then permitted through the “conditional use” process. The zone change process is anticipated to be difficult and time consuming. Sites zoned Surface Mining (SM; DCZO 18.52) are functionally well suited to landfill disposal sites, so although locating a landfill on a site zoned SM would require a zone change and conditional use review, the criterion recognizes the beneficial co-use and/or reuse of a mining site by scoring SM sites higher than other zones that would require a zone change but lower than non-high value farmland EFU or F-2 sites. Related to zoning are state designated protection areas and specifically the Metolius Area of Critical State Concern (ACSC) (ORS 197.416).

Description of Criterion and Criteria Scoring Categories

Deschutes County lands zoned EFU (non-high value farmland only) or F-2 would be more desirable sites. Lands zoned SM are less desirable based on required entitlements process. Lands zoned in all other zones are not desirable and are given the lowest, non-fatal flaw, rating. Due to the prohibition on large development projects in the Metolius ACSC, this area would be characterized as a fatal flaw.

Scoring	Criteria Categories
5	Lands zoned EFU (non-high value farmland only) or F-2
3	Lands zoned SM
1	Lands in all other zones
0	Lands in Metolius ACSC

Data Sources

Deschutes County GIS-based zoning maps will be used to determine current zoning for potential sites.

Adjacent Land Use Impacts

Regulatory Requirements/Policies

No state or federal siting requirements limit the development of a landfill next to a certain type of land use beyond the local zoning ordinance. Landfill siting must consider the local County limits as well as overall existing land use adjacent to a proposed site or in a position to view the proposed site. Because some types of land uses are more sensitive to landfill development and operation, these types of considerations are critical.

Deschutes County includes proximity standards for conditional use approval of a new landfill disposal site in DCZO 18.128.120. New landfill sites must be located at least 0.25 mile from any existing residential dwelling or public road (except the access road). This screening process considers that a distance of at least 1 mile to the nearest residential dwelling is preferable. Anticipated impacts to adjacent land uses include nuisances such as additional dust, noise, and odors related to landfill operations. These are expected to impact property values differently depending on the use.

In addition, though not required by regulation, the criteria consider the following adjacent land uses as more compatible with a landfill: rural, agriculture, forest, mining, and institutional. The following adjacent land uses are considered less compatible with a landfill: residential, school, retail, hotel, park, and recreational. Agricultural zoning which allows higher residential density would be considered "residential" and therefore less compatible. The criteria consider existing and planned future adjacent land uses.

Description of Criteria and Criteria Scoring Categories

The Adjacent Land Use Impacts has four criteria, which are each scored separately per the table below:

- Existing Adjacent Use
- Planned Adjacent Use
- Distance to Nearest Residence
- Distance to Nearest Public Road

Scoring	Criteria Categories
Existing Adjacent Use	
5	Rural, agriculture, forest, mining, institutional, or similar
1	Residential, school, retail, hotel, park, recreational, or similar
Planned Adjacent Use	
5	Rural, agriculture, forest, mining, institutional, or similar
1	Residential, school, retail, hotel, park, recreational, or similar
Distance to Nearest Residence	
5	Greater than 1 mile from edge of landfill footprint to nearest residential dwelling
3	Greater than 0.25 mile from edge of landfill footprint to nearest residential dwelling
1/0	Less than 0.25 mile from edge of landfill footprint to nearest residential dwelling (broad/focused screening scores)
Distance to Nearest Public Road	
5	Landfill footprint greater than 0.25 mile
1	Landfill footprint less than 0.25 mile

Data Sources

Deschutes County GIS, supplemented by field visits as needed, will be used to evaluate existing and planned land uses and distances to residences and roads.

Site Visibility/Aesthetic Impacts

This criterion evaluates visual and aesthetic impacts of potential landfill sites by rating each site's remoteness and visibility from adjacent property and roads.

Regulatory Requirements/Policies

Deschutes County protects scenic views inventoried in Comprehensive Plan Goal 5 Inventory Section 5.5, Open Spaces, Scenic Views and Sites, through the Landscape Management Combining Zone DCZC 18.84 (primarily located along roadways and wild and scenic rivers), and through the Open Space and Conservation zone (DCZC 18.48). No siting criteria are based on these regulations because the County has indicated that these regulations would not provide distinction useful in evaluating potential landfill sites. Visual impacts are instead evaluated through an evaluation of visibility and remoteness.

Description of Criteria and Criteria Scoring Categories

Site Visibility/Aesthetic Impacts has three criteria, which are each scored separately per the table below:

- Visibility Based on Topography and/or Vegetation
- Remoteness

Scoring	Criteria Categories
Visibility Based on Topography and/or Vegetation	
5	Site is not visible to any occupied residence or location accessible to the public within 5 miles of the site
3	Site is not visible to any occupied residence or location accessible to the public within 1 mile of the site
1	Site is visible to an occupied residence or location accessible to the public within 1 mile of the site
Remoteness	
5	Site is over 1 mile from any occupied or active development of any kind
3	Site is between 0.5 and 1 mile of an occupied or active development of any kind
1	Site is less than 0.5 mile from any occupied or active development of any kind

Data Sources

GIS contour maps from USGS, DOGAMI lidar mapping, aerial photographs, and site visits will be used to evaluate visibility due to terrain and vegetation.

Transportation System Needs/Opportunity

Regulatory Requirements/Policies

There are no specific regulatory requirements related to this criterion.

Description of Criterion and Criteria Scoring Categories

The transportation system needs/opportunity criterion provides a qualitative measure of transportation system constraints and opportunities that could exist along possible Haul Routes to or from transfer stations and possible landfill sites. Specifically, this criterion will identify locations of known congestion (e.g., an identified need within an adopted transportation system plan that would impact a haul route) or opportunity (e.g., funded projects within adopted Capital Improvement Programs [CIPs] that would benefit a haul route). Landfill locations that provide the most synergy opportunities with funded transportation infrastructure project are the most desirable. Rating a site will be based on the net number of needs (-) and opportunities (+) identified for routes between the transfer stations and landfill site.

Scoring	Criteria Categories
5	A rating equal to or greater than +1 (opportunities outnumber needs by 1 or more)
3	A rating of 0 (opportunities equal needs)
1	A rating equal to or less than -1 (needs outnumber opportunities by 1 or more)

Data Sources

Adopted local agency Transportation System Plan and CIPs.

Haul Route Impacts

Regulatory Requirements/Policies

There are no specific regulatory requirements related to this criterion.

Description of Criterion and Criteria Scoring Categories

The haul route impacts criterion provides a measure for comparing sites in terms of the greatest number of residents who would be affected along the access route by haul traffic. The purpose of this criterion is to provide, at a general site-specific level, a measure of nuisance impacts to residents from haul traffic (e.g., noise, odor, traffic, and degradation of aesthetics). This criterion examines the number of total housing units directly adjacent to and accessing the haul route between the site and an existing designated state route or county arterial. Landfill locations and the associated haul routes that affect the fewest homes are the most desirable.

Scoring	Criteria Categories
5	Less than 5 housing units impacted
4	Between 6 and 10 housing units impacted
3	Between 11 and 15 housing units impacted
2	Between 16 and 20 housing units impacted
1	Greater than 21 housing units impacted

Data Sources

Deschutes County GIS data and aerial imagery will be analyzed in GIS to quantify housing units along haul routes.

On-Site Land Use Impacts

On-site land use impacts consider displacement of existing uses and/or impacts to cultural or historic resources on the site.

Displacement

The ideal landfill site would be undeveloped and vacant or previously developed but ready for a new use and would not require displacement of a current economic activity.

Regulatory Requirements/Policies

There are no regulatory requirements related to landfill siting and specific use displacement.

Description of Criteria and Criteria Scoring Categories

Undeveloped sites or sites previously developed but ready for a new use are preferred, followed by sites with minimal, resource-related uses. Displacement of residential uses is least preferred.

Scoring	Criteria Categories
Current Land Use	
5	Undeveloped and vacant or surface mining in partial use or former use
4	Surface mining in active use
3	Natural resource or non-high value farming use
2	Commercial, industrial, or institutional use
1	Current residential use on site

Data Sources

Deschutes County GIS for land use. Site visits and interviews for use details.

Cultural and Historic Resources

Preferred landfill sites would not require displacement or disturbance of any cultural resources. Cultural resources can be divided into three categories: archaeological sites, above ground, historic structures, and Other Properties of Tribal Importance. These cultural resource categories are not mutually exclusive and are managed somewhat differently. Archaeological sites are the physical remains of past human activity and have three subcategories consisting of precontact sites, historic-era sites, or multicomponent sites (which have both precontact and historic materials). Above ground, historic structures are mostly buildings but can include facilities (e.g., bridges, irrigation systems, roads). Other Properties of Tribal Importance are locations of tribal concern or interest. These locations, often referred to as Traditional Cultural Places (TCPs), may not have artifacts and can include mountains, valleys, rock formations, or plant patches, for example. The Confederated Tribes of the Warm Springs will be consulted with regarding TCPs and data resources to use in applying these criteria.

Regulatory Requirements/Policies

Deschutes County Comprehensive Plan includes an inventory of significant cultural and historic resources in Comprehensive Plan Goal 5 Inventory Section 5.5, Cultural and Historic Resources. Comprehensive Plan Policy 2.11.2 encourages coordination with the Oregon State Historic Preservation Office, and Policy 2.11.3 encourages the preservation of lands with significant historic or cultural resources, including those on the National Register of Historic Places (NRHP). If federal funding or permits are involved for the development of the new landfill, the project would also need to comply with the National Historic Preservation Act of 1968. Deschutes County Code Chapter 2.28 guides the management and preservation of listed historic and archaeological resources.

Description of Criteria and Criteria Scoring Categories

Scoring criteria focus on known cultural resources and the potential for buried archaeological sites. For known cultural resources, the order of preference is based principally on the category of cultural resources present because each category presents a different mitigation risk. For example, it is usually much more complex to mitigate a Property of Tribal Importance than a standing structure. Sites with no potential to impact cultural resources are preferred. This is followed in descending order of preference: sites that have standing structures, sites that have archaeological sites, and sites with the potential to impact Other Properties of Tribal Importance.

The potential for buried archaeological sites is scored separately and is based on an assessment of the likelihood that a site may be found in a particular place on the landscape. While the other categories of cultural resources can usually be identified by research, a field visit, or tribal consultation, identifying buried archaeological sites requires more intensive field investigation and can be time consuming. The level of effort necessary for identifying buried archaeological sites is tied to the assessed potential for buried materials to be present at different places on the landscape.

Scoring	Criteria Categories
Known Cultural Resources Categories within Site or within 500 feet of Site	
5	No known cultural resources
4	Above ground/ standing structures within site
2	Archaeological sites
1	Other Properties of Tribal Importance

Scoring	Criteria Categories
Potential for Buried Archaeological Sites within Site or within 500 feet of Site	
5	The site and the surrounding 500 feet contain only areas with low probability to encounter buried archaeological sites
3	The site contains low probability, but the surrounding 500 feet contain areas with moderate probability to encounter buried archaeological sites
1	The site and the surrounding 500 feet contain areas with moderate or high probability to encounter buried archaeological sites

Data Sources

At the broad level, the principal data source to identify known cultural resources will be information from the State Historic Preservation Office. The County list in Section 5.5 may also be useful. During focused evaluations, the conceptual site plan, local environmental conditions, and previous cultural resources work will be used to refine the potential for cultural resources and an area's low, moderate, and high potential for buried archaeological sites.



Siting Criteria Development

- Three levels of siting criteria definition
 - Level 1 – three top-level categories
 - Site Characteristics/Engineering (35%)
 - Natural Resources (35%)
 - Land Use (30%)
 - Level 2 – breaks down Level 1 categories into criteria
 - Level 3 – further breaks down some Level 2 criteria
 - Provides the lowest level of criteria weighting
- Weighting – top down from Level 1 through Level 3

Criteria	Level I Weight	Level II Weight	Level III Weight	Overall Weight (Out of 100%)
Site Characteristics/Engineering	35%			35%
Site Availability/Acquisition Potential		40%		14.00%
<i>Ownership</i>			40%	5.60%
<i>Number of Parcels</i>			20%	2.80%
<i>Total Site Acreage</i>			40%	5.60%
Geotechnical Location Factors		10%		3.50%
<i>Fault Hazards</i>			15%	0.53%
<i>Seismic Impact Zones/Hazards</i>			20%	0.70%
<i>Unstable Areas – Mass Movement</i>			25%	0.88%
<i>Unstable Areas – Poor Foundation</i>			40%	1.40%
Floodplains		5%		1.75%
Groundwater Protection/Hydrogeology		20%		7.00%
<i>Depth to Groundwater</i>			25%	1.75%
<i>Proximity to Drinking Water Wells</i>			30%	2.10%
<i>Proximity to Wellhead Protection Areas</i>			15%	1.05%
<i>Site Hydrogeologic Framework</i>			30%	2.10%
Development		15%		5.25%
<i>Soils</i>			45%	2.36%
<i>Topography</i>			30%	1.58%
<i>Distance from Arterials</i>			10%	0.53%
<i>Capacity/Site Configuration</i>			15%	0.79%
Operation		10%		3.50%
<i>Haul Distance to Waste Centroid</i>			50%	1.75%
<i>Annual Precipitation</i>			25%	0.88%
<i>Onsite Water Supply and Management</i>			25%	0.88%

Criteria	Level I Weight	Level II Weight	Level III Weight	Overall Weight (Out of 100%)
<u>Natural Environments</u>				35%
Wetlands and Waters	35%			3.50%
<i>Wetlands and Waters Impacts</i>		10%	50%	1.75%
<i>Potential for On-Site Wetlands and Waters Mitigation</i>			50%	1.75%
Threatened and Endangered Species		20%		7.00%
Wildlife Area Combining Zone		10%		3.50%
Greater Sage-Grouse Area Combining Zone		40%		14.00%
Sensitive Bird and Mammal Habitat Combining Zone and Migratory Birds				7.00%
<i>Migratory Birds, Including Bald and Golden Eagles</i>		20%	50%	3.50%
<i>Sensitive Bird and Mammal Habitat Combining Zone</i>			50%	3.50%

Criteria	Level I Weight	Level II Weight	Level III Weight	Overall Weight (Out of 100%)
Land Use				30%
Proximity to Airports	30%	15%		4.50%
Site Zoning		20%		6.00%
Adjacent Land Use Impacts				6.00%
<i>Existing Adjacent Use</i>		20%	25%	1.50%
<i>Planned Adjacent Use</i>			25%	1.50%
<i>Distance to Nearest Residence</i>			25%	1.50%
<i>Distance to Nearest Public Road</i>			25%	1.50%
Site Visibility/Aesthetic Impact				3.00%
<i>Visibility Based on Topography and/or Vegetation</i>		10%	50%	1.50%
<i>Remoteness</i>			50%	1.50%
Transportation System Needs/Opportunity		5%		1.50%
Haul Route Impacts		5%		1.50%
On-Site Land Use Impacts				7.50%
<i>Displacement</i>		25%	40%	3.00%
<i>Known Cultural Resources</i>			30%	2.25%
<i>Potential for Buried Archaeological Sites</i>			30%	2.25%



Siting Criteria Implementation

1. Countywide application of the siting criteria to exclude areas with fatal flaws, thus identifying areas where the facility can be sited – this step does not identify specific sites.
2. Initial countywide screening for specific sites (+/-100 sites).
3. Broad site evaluation to score sites and reduce list to 12 sites for further review.
4. Focused site evaluation to refine scoring with more detailed information and initial site reconnaissance to reduce to a 3-site shortlist.
5. Conduct site investigations and further refine focused site scoring to identify preferred site(s).