



BOARD OF COMMISSIONERS

BOARD OF COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, JUNE 08, 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

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

***Note:** In addition to the option of providing in-person comments at the meeting, citizen input comments may be emailed to citizeninput@deschutes.org or you may leave a brief voicemail at 541.385.1734. To be timely, citizen input must be received by noon on Tuesday in order to be included in the meeting record.*

CONSENT AGENDA

1. Consideration of Board Signature on Document No. 2022-520 and Document No. 2022-521, Two Road Deeds of Dedication to Allow for the Realignment of Blazer Lane
2. Consideration of Document No. 2022-517, a Release of Reversion and Quitclaim Deed

ACTION ITEMS

3. **9:05 AM Continued Public Hearing** Remand of Deschutes Junction Plan Amendment and Zone Change Application
4. **10:05 AM** Request approval to apply for Behavioral Health Housing Investment grant funds.
5. **10:20 AM** Discussion of Board Approval for Extension of four (4) Covid-19 limited duration positions for 6 months and utilization of allocated ARPA funds for continued support of temporary workforce.

OTHER ITEMS

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.

EXECUTIVE SESSION

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories.

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

6. Executive Session under ORS 192.660 (2) (e) Real Property Negotiations
7. Executive Session under ORS 192.660 (2) (h) Litigation

LUNCH RECESS

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: June 8, 2022

SUBJECT: Consideration of Board Signature on Two Road Deeds of Dedication to Allow for the Realignment of Blazer Lane

RECOMMENDED MOTION:

Move to approve and sign the Deeds of Dedication.

BACKGROUND AND POLICY IMPLICATIONS:

Jonathan & Ann Brewer, the property owners of 17550 Wilt Road, Sisters, OR 97759, initiated the Road Dedication application associated with the Deeds of Dedication before the Board (ref. File No. 247-20-000795-RD). The Brewers initiated this land use application as the existing platted location of Blazer Lane separates existing structures on the Brewers' property and does not match the physical location of the road on the Brewers' property.

Deschutes County is also an applicant for the Road Dedication request as the segment of road right-of-way that continues onto Deschutes County owned property and needs to be realigned to match the newly dedicated area associated with the Brewers' property. For this reason, there are two Deeds of Dedication – one for the area to be dedicated on the Brewers' property and one for the area to be dedicated on Deschutes County's property.

The land use decision became final on April 12, 2021 and the Brewers have been coordinating with the County Road Department to comply with the related conditions of approval.

BUDGET IMPACTS:

None.

ATTENDANCE:

Caroline House, Senior Planner (CDD)



MEMORANDUM

To: Board of County Commissioners

From: Caroline House, Senior Planner

Date: May 31, 2022

Re: Consideration of Two Road Deeds of Dedication to Allow for the Realignment of Blazer Lane (ref. CDD File No. 247-20-000795-RD)

Background

Jonathan & Ann Brewer, the property owners of 17550 Wilt Road, Sisters, OR 97759, initiated the Road Dedication application associated with the Deeds of Dedication before the Board (ref. File No. 247-20-000795-RD). The Brewers initiated this land use application as the existing platted location of Blazer Lane separates existing structures on the Brewers' property and does not match the physical location of the road on the Brewers' property.

Blazer Lane is classified as a public Local Access Road and is not maintained by the County. The platted location of Blazer Lane extends north from Wilt Road, bisects the Brewers' property, and then becomes an unnamed road that continues north-northwest across land owned by Deschutes County.

Deschutes County is also an applicant for the Road Dedication request as the segment of road right-of-way that continues onto Deschutes County owned property and needs to be realigned to match the newly dedicated area associated with the Brewers' property. For this reason, there are two Deeds of Dedication - one for the area to be dedicated on the Brewers' property and one for the area to be dedicated on Deschutes County's property.

Staff Decision

In March of 2021, the County Planning Division, in coordination with the Deschutes County Road Department, approved the Road Dedication request to allow for the realignment of Blazer Lane. As authorized under this land use decision, Blazer Lane will be realigned and reconstructed along the eastern boundary of Brewers’ property.

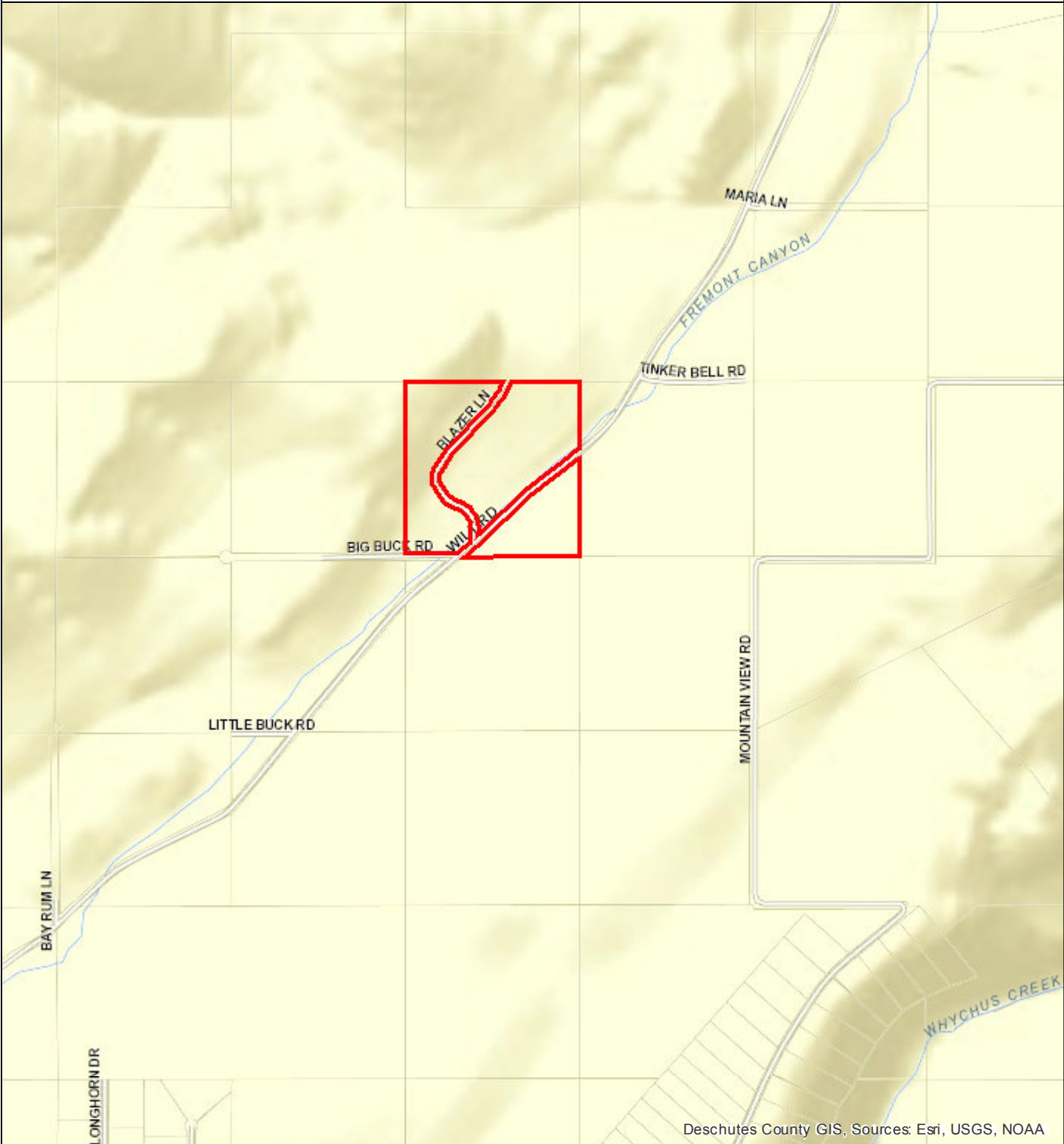
The land use decision became final on April 12, 2021 and the Brewers have been coordinating with the County Road Department to comply with the related conditions of approval. For example, the Brewers have completed road improvements along the proposed alignment, which included a 20 ft.-wide by 5 in.-depth aggregate road surface.

Next Steps

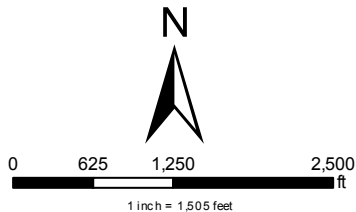
There are two Deeds of Dedication before the Board for signature to satisfy *Condition C* of the land use decision. Upon recording of the deeds, the Brewers shall cause for the newly-dedicated right-of-way to be monumented and for a survey to be filed with the County Surveyor’s Office by a professional land surveyor.

- Enclosures: Location Map
Deed of Dedication (Brewer)
Deed of Dedication (Deschutes County)
2021-03-30 File No. 247-20-000795-RD Road Dedication Findings & Decision*

LOCATION MAP: BLAZER LANE



Date: 5/19/2022



REVIEWED
LEGAL COUNSEL


After recording return to:
Deschutes County Road Dept.
61150 S.E. 27th Street
Bend, Oregon 97701

DEED OF DEDICATION

Jonathan D. Brewer and Ann S. Brewer, as Tenants by the Entirety, Grantors, do hereby dedicate to the public for roadway and utility purposes that parcel of land described in Exhibit "A" and depicted in Exhibit "B", attached hereto and by this reference incorporated herein.

The true consideration for this conveyance is other consideration.

DATED this 18th day of April, 2022.



Jonathan D. Brewer



Ann S. Brewer

STATE OF OREGON)
) SS.
County of Deschutes)

Before me, a Notary Public, personally Jonathan D. Brewer and Ann S. Brewer and acknowledged the foregoing instrument.

Dated this 18th day of April, 2022.



NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-5-2024



ACCEPTANCE

Deschutes County, acting by and through its Board of County Commissioners, does hereby accept the foregoing Deed of Dedication as a public road pursuant to ORS 93.808.

DATED this ____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, CHAIR

ANTHONY DEBONE, VICE CHAIR

ATTEST:

PHIL CHANG, COMMISSIONER

Recording Secretary

STATE OF OREGON)
) SS.
County of Deschutes)

Before me, a Notary Public, personally appeared Patti Adair, Anthony DeBone, and Phil Chang, the above-named Board of County Commissioners of Deschutes County, Oregon, acknowledged the foregoing instrument, on behalf of Deschutes County, Oregon.

Dated this ____ day of _____, 2022.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT A

A STRIP OF LAND WITHIN LOT 10, BLOCK 1, FREMONT CANYON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, SAID STRIP BEING 60.00 FEET IN WIDTH, LYING 30.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 18, ALSO BEING A POINT ON THE NORTH LINE OF SAID LOT 10, WHICH BEARS NORTH 89°11'59" WEST, 369.58 FEET FROM A 3-1/4" BRASS CAPPED IRON PIPE AT THE NORTHEAST CORNER OF SAID SECTION 18 AND ALSO BEING THE NORTHEAST CORNER OF SAID LOT 10;

THENCE, LEAVING SAID SECTION AND LOT LINE, ON THE ARC OF A 193.56 FOOT RADIUS CURVE TO THE LEFT, LONG CHORD BEARS SOUTH 68°26'02" EAST, 106.62 FEET, 108.01 FEET;

THENCE SOUTH 84°25'15" EAST, 117.05 FEET;

THENCE, ON THE ARC OF A 84.93 FOOT RADIUS CURVE TO THE RIGHT, LONG CHORD BEARS SOUTH 56°30'17" EAST, 79.53 FEET, 82.76 FEET;

THENCE SOUTH 28°35'19" EAST, 94.23 FEET;

THENCE, ON THE ARC OF A 80.00 FOOT RADIUS CURVE TO THE RIGHT, LONG CHORD BEARS SOUTH 13°55'27" EAST, 40.51 FEET, 40.95 FEET;

THENCE SOUTH 00°44'24" WEST, 30.00 FEET WESTERLY OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 18 AND THE EAST LINE OF SAID LOT 10, 171.09 FEET;

THENCE, ON THE ARC OF A 80.00 FOOT RADIUS CURVE TO THE RIGHT, LONG CHORD BEARS SOUTH 13°25'44" WEST, 35.14 FEET, 35.43 FEET;

THENCE SOUTH 26°07'03" WEST, 96.75 FEET;

THENCE, ON THE ARC OF A 78.83 FOOT RADIUS CURVE TO THE LEFT, LONG CHORD BEARS SOUTH 05°16'55" WEST, 56.08 FEET, 57.33 FEET;

THENCE SOUTH 15°33'13" EAST, 3.67 FEET TO AND TERMINATING ON THE NORTHERLY RIGHT OF WAY LINE OF WILT ROAD.

SIDELINES OF SAID STRIP TO SHORTEN OR LENGTHEN TO TERMINATE ON THE NORTH LINE OF SAID SECTION 18 AND SAID NORTHERLY RIGHT OF WAY LINE OF WILT ROAD.

CONTAINING 1.109 ACRES

RENEWS 12-31-2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

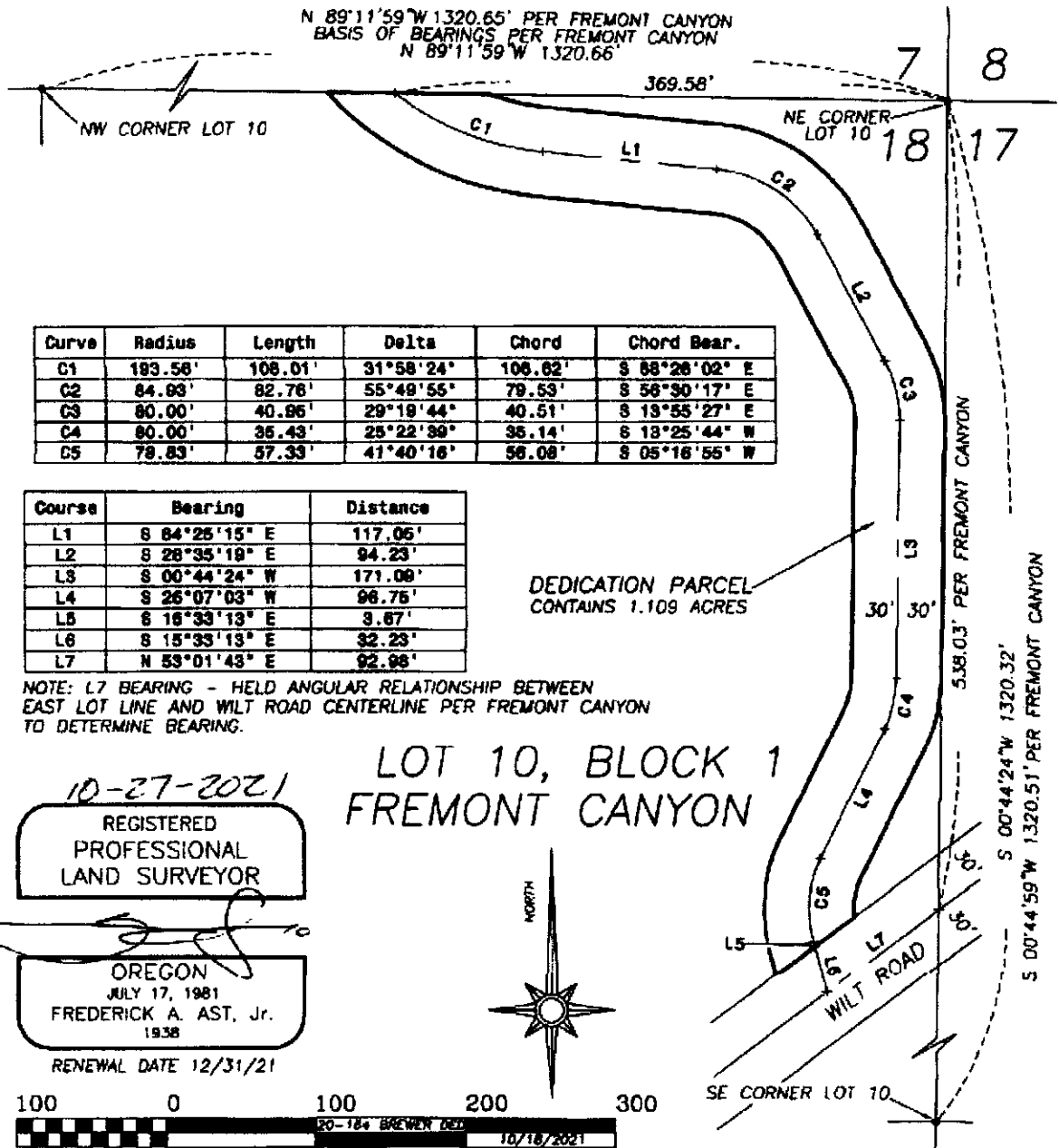
[Signature] 10/27/2021

OREGON
JULY 17, 1981
FREDERICK A. AST, JR.
1938

EXHIBIT B

DEDICATION OF A 60' WIDE STRIP OF LAND WITHIN LOT 10, BLOCK 1, FREMONT CANYON, SITUATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON

N 89°11'59" W 1320.65' PER FREMONT CANYON
BASIS OF BEARINGS PER FREMONT CANYON
N 89°11'59" W 1320.66'



Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	189.56'	108.01'	31°58'24"	106.62'	S 58°26'02" E
C2	84.93'	82.78'	55°49'55"	79.53'	S 58°30'17" E
C3	80.00'	40.86'	29°18'44"	40.51'	S 19°55'27" E
C4	80.00'	35.43'	25°22'39"	35.14'	S 18°25'44" W
C5	78.83'	57.33'	41°40'16"	56.08'	S 05°16'55" W

Course	Bearing	Distance
L1	S 84°26'15" E	117.06'
L2	S 28°35'18" E	94.23'
L3	S 00°44'24" W	171.00'
L4	S 26°07'03" W	98.76'
L5	S 16°33'13" E	9.87'
L6	S 15°33'13" E	32.23'
L7	N 53°01'43" E	92.96'

NOTE: L7 BEARING - HELD ANGULAR RELATIONSHIP BETWEEN EAST LOT LINE AND WILT ROAD CENTERLINE PER FREMONT CANYON TO DETERMINE BEARING.

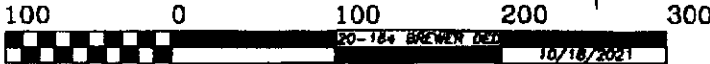
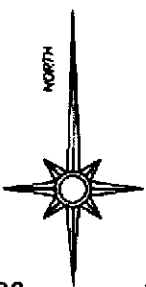
DEDICATION PARCEL CONTAINS 1.109 ACRES

LOT 10, BLOCK 1
FREMONT CANYON

10-27-2021
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 17, 1981
FREDERICK A. AST, Jr.
1938

RENEWAL DATE 12/31/21



GRAPHIC SCALE - FEET

Fred A. Ast, Jr. and Associates 1001 E. Cascade Ave. P.O. Box 751 Sisters, OR 97759 541-480-6804

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

06/08/2022 Item #1.

After Recording Return to:
Deschutes County Road Dept.
61150 S.E. 27th Street
Bend, Oregon, 97701

DEED OF DEDICATION

Deschutes County, a political subdivision of the State of Oregon, Grantor, does hereby dedicate to the public for roadway and utility purposes that parcel of land described in Exhibit "A" and depicted in Exhibit "B" attached hereto and by this reference incorporated herein.

The true consideration for this conveyance is other consideration.

DATED this _____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, CHAIR

ANTHONY DEBONE, VICE CHAIR

ATTEST:

PHIL CHANG, COMMISSIONER

Recording Secretary

STATE OF OREGON)
) SS.
County of Deschutes)

Before me, a Notary Public, personally appeared Patti Adair, Anthony DeBone, and Phil Chang, the above-named Board of County Commissioners of Deschutes County, Oregon, acknowledged the foregoing instrument, on behalf of Deschutes County, Oregon.

Dated this _____ day of _____, 2022.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

ACCEPTANCE

Deschutes County, acting by and through its Board of County Commissioners, does hereby accept the foregoing Deed of Dedication as a public road pursuant to ORS 92.014.

DATED this ____ day of _____, 2022.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

PATTI ADAIR, CHAIR

ANTHONY DEBONE, VICE CHAIR

ATTEST:

PHIL CHANG, COMMISSIONER

Recording Secretary

STATE OF OREGON)
) SS.
County of Deschutes)

Before me, a Notary Public, personally appeared Patti Adair, Anthony DeBone, and Phil Chang, the above-named Board of County Commissioners of Deschutes County, Oregon, acknowledged the foregoing instrument, on behalf of Deschutes County, Oregon.

Dated this ____ day of _____, 2022.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

EXHIBIT A

A STRIP OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, SAID STRIP BEING 60.00 FEET IN WIDTH, LYING 30.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 7, ALSO BEING A POINT ON THE NORTH LINE OF LOT 10, BLOCK 1, FREMONT CANYON, WHICH BEARS NORTH 89°11'59" WEST, 369.58 FEET FROM A 3-1/4" BRASS CAPPED IRON PIPE AT THE SOUTHEAST CORNER OF SAID SECTION 7 AND ALSO BEING THE NORTHEAST CORNER OF SAID LOT 10;

THENCE, LEAVING SAID SECTION AND LOT LINE, ON THE ARC OF A 193.56 FOOT RADIUS CURVE TO THE RIGHT, LONG CHORD BEARS NORTH 27°07'30" WEST, 165.57 FEET, 171.09 FEET;

THENCE NORTH 01°48'09" WEST, 110.68 FEET TO THE CENTERLINE OF PUBLIC ACCESS EASEMENT PER DOCUMENT 2018-0442, TERMINUS POINT OF SAID CENTERLINE.

THE SIDELINES OF SAID STRIP TO SHORTEN OR LENGTHEN TO TERMINATE AT SAID SOUTH LINE OF SECTION 7 AND THE SOUTH END OF PUBLIC ACCESS EASEMENT DESCRIBED IN DOCUMENT 2018-0442.

CONTAINING 0.391 ACRES

10-27-2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 17, 1981
FREDERICK A. AST, JR.
1959

RENEWS 12-31-2021

EXHIBIT B

DEDICATION OF A 60' WIDE STRIP OF LAND
SITUATED IN THE SOUTHEAST QUARTER OF
SECTION 7, TOWNSHIP 14 SOUTH, RANGE
11 EAST, WILLAMETTE MERIDIAN,
DESCHUTES COUNTY, OREGON

PUBLIC ACCESS EASEMENT
PER DOC # 2018-04422
DESCHUTES COUNTY
OFFICIAL RECORDS

10-27-2021

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 17, 1981
FREDERICK A. AST, Jr.
1938

RENEWAL DATE 12/31/21

PUBLIC ACCESS EASEMENT
PER DOC # 2018-04422
DESCHUTES COUNTY
OFFICIAL RECORDS

30' 30'
N 01°48'09"W
110.68'

DEDICATION PARCEL
CONTAINS 0.391 ACRES

N 89°11'59"W 1320.66'
BASIS OF BEARING PER
FREMONT CANYON
(N 89°11'59"W 1320.65')

NW CORNER
LOT 10

N 89°11'59"W 369.58'

555.28' PER FREMONT CANYON AND
PUBLIC ACCESS EASEMENT - DOC #
2018-0442, DESCH. CO. OFFICIAL RECORDS

NE CORNER
LOT 10

8 T14S R11E

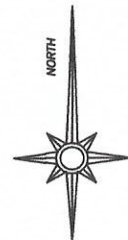
BLAZER LANE

LOT 10, BLOCK 1, FREMONT CANYON

100 0 100 200 300

20-164 DESCH DED 10/15/2021

GRAPHIC SCALE - FEET



Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	193.56'	171.09'	50°38'41"	165.57'	N 27°07'30" W



**REVISED
FINDINGS AND DECISION**

On March 18, 2021, the Planning Division mailed a Findings and Decision that did not completely reflect the required conditions of approval to complete the proposed road dedication. The correct conditions of approval are reflected below.

FILE NUMBER: 247-20-000795-RD

**SUBJECT PROPERTIES/
OWNERS:**

Mailing Name: BREWER, JONATHAN D & ANN S
Map and Taxlot: 1411180000100
Account: 155590
Situs Address: 17550 WILT RD, SISTERS, OR 97759

Mailing Name: DESCHUTES COUNTY
Map and Taxlot: 1411070000700
Account: 150288
Situs Address: 17668 WILT RD, SISTERS, OR 97759

APPLICANT: Jonathan & Ann Brewer

REQUEST: Road dedication and construction for realignment of Blazer Lane, a public road.

STAFF CONTACT: Matthew Martin, Associate Planner
Phone: 541-330-4620
Email: matt.martin@deschutes.org

DOCUMENTS: Can be viewed and downloaded from:
www.buildingpermits.oregon.gov and <http://dial.deschutes.org>

I. APPLICABLE CRITERIA

Deschutes County Code (DCC)
Title 17, Subdivision and Partition Ordinance
Chapter 17.52, Road Dedications

Title 18 of the Deschutes County Code, the County Zoning Ordinance

Chapter 18.16, Exclusive Farm Use Zones (EFU)
Chapter 18.88, Wildlife Area Combining Zone (WA)
Chapter 18.116, Supplementary Provisions

Title 22, Deschutes County Development Procedures Ordinance

II. BASIC FINDINGS

LOT OF RECORD: Tax Lot 100 on Tax Map 14-11-18 (“Brewer Property”) is recognized as a lot of record as it is Lot 10, Block 1 of the Fremont Canyon subdivision. Tax Lot 700 on Tax Map 14-11-7 (“Deschutes County Property”) is a lot of record as determined in lot of record verification file no. LR-00-13.

SITE DESCRIPTION: The Brewer Property is 40 acres. The property has an existing dwelling and a detached pole barn. The property has a vegetative cover of a few scattered pine and juniper trees, grasses, and scrub brush in the undeveloped areas on the property. The property slopes up from east to the west.

The Deschutes County Property is 160 acres, undeveloped. The topography is undulating topography. The property has a vegetative cover of a few scattered pine and juniper trees, grasses, and scrub brush.

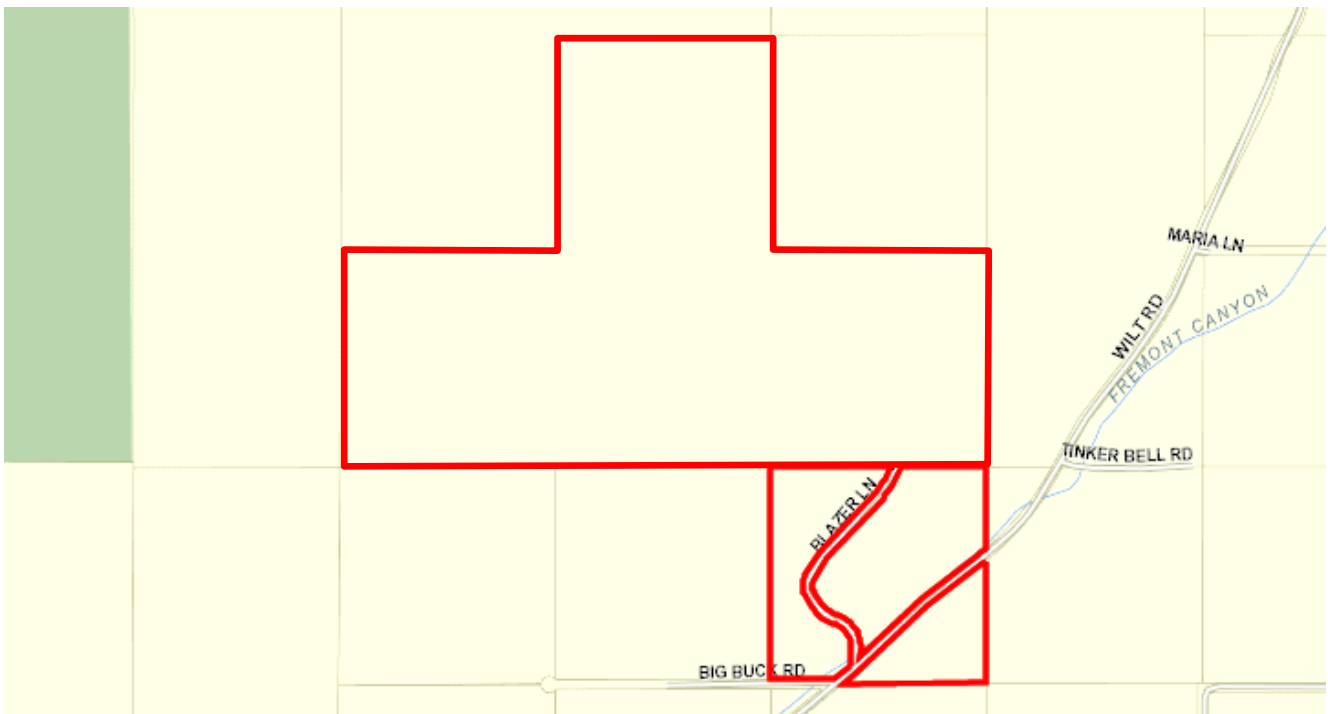


Figure 1. Street view map of subject properties. (Source: Deschutes DIAL)

PROPOSAL DETAILS: The applicant proposes to dedicate right of way for the relocation and construction of Blazer Lane right of way on the Brewer Property and a segment on the Deschutes County Property. The proposed realignment of Blazer Lane will connect Wilt Road to an existing public

road across the Deschutes County Property established by Document No. 2018-04422 in the Deschutes County Official Records. The applicant has expressed intent to submit a corresponding road vacation for the portion of Blazer Lane on the Brewer Property that is being replaced by the newly dedicated road alignment.

PUBLIC AGENCY COMMENTS: The Planning Division mailed notice on December 15, 2020, to several public agencies and received the following comments:

Deschutes County Building Division, Randy Scheid

NOTICE: The Deschutes County Building Safety Divisions code mandates that Access, Egress, Setbacks, Fire & Life Safety, Fire Fighting Water Supplies, etc. must be specifically addressed during the appropriate plan review process with regard to any proposed structures and occupancies.

Accordingly, all Building Code required items will be addressed, when a specific structure, occupancy, and type of construction is proposed and submitted for plan review.

Deschutes County Road Department Engineer, Cody Smith

I have reviewed the application materials for the above-referenced file number, proposing the dedication of a public right of way to provide for the realignment of Blazer Lane, a public road, across Tax Lot 100 in 14-11-18 (owned by Applicant) and Tax Lot 700 in 14-11-07 (owned by Deschutes County). The proposed realignment of Blazer Lane will connect Wilt Road to an existing public road across Tax Lot 700 established by Document No. 2018-04422 in the Deschutes County Official Records. The Applicant has expressed their intent to vacate the existing portion of Blazer Lane across Tax Lot 100 coincidentally with the proposed dedication. The proposed vacation would proceed upon approval of this proposed road dedication under a separate process administered by the Road Department under the provisions of ORS 368.326 to 368.366.

Please note that the application materials currently on file should be deemed incomplete, as the Applicant will need to provide supplemental materials indicating consent by the owner of Tax Lot 700 (Deschutes County) to the application and identifying the proposed road dedication over Tax Lot 700 in the burden of proof narrative.

Deschutes County Road Department requests that approval of the proposed road dedication be subject to the following conditions:

- Applicant shall complete road improvements along proposed alignment, which shall include a 20 ft.-wide by 5 in.-depth aggregate road surface pursuant to DCC 17.48.170 and 17.48A conforming to the alignment requirements of DCC 17.48.070 and 17.48.080. Additionally, Applicant shall cause for the installation of a new road name sign for Blazer Lane at the new intersection with Wilt Rd in accordance with applicable Road Department standards.*
- Upon approval of the completed road improvements by the Road Department, all parties with an ownership interest in the property subject to the road dedication shall execute a dedication deed pursuant to DCC 17.52.090(A). The dedication shall be granted to the public and shall include a 60 ft.-wide right of way centered on the improved road centerline pursuant to DCC*

17.48.070 and 17.48.100. The dedication deeds shall be in a form acceptable to the Deschutes County Road Department pursuant to DCC 17.52.040 and shall include a legal description and exhibit map prepared by a licensed professional land surveyor.

- Applicant shall submit the executed dedication deeds and a current preliminary title report for the proposed dedication to the Deschutes County Community Development Department pursuant to DCC 17.52.090(A) and (C). Upon final review and approval of the dedication deeds by the Road Department, the Community Development Department shall present the dedication deeds to the Board of County Commissioners for acceptance pursuant to DCC 17.52.090(B).
- Upon acceptance of the dedication deeds by the Board of County Commissioners, Applicant shall immediately cause for the recording of the dedication deeds in the Official Records at the Deschutes County Clerk's Office pursuant to DCC 17.52.090(D).
- Upon recording of the dedication deeds, Applicant shall immediately cause for survey and monumentation of the new road right of way by a licensed professional land surveyor in accordance with ORS 209.250 and ORS 368.106.

STAFF COMMENT: The applicant responded to an incomplete letter and request for additional information related to the road dedication on the Deschutes County Property as specified in comments from the Deschutes County Road Department.

Deschutes County Senior Transportation Planner, Peter Russell

I have reviewed the transmittal materials for 247-20-000795-RD to dedicate and construct a public road (Blazer Lane) in a newly proposed right of way along with the vacation of the existing Blazer Lane right of way on the subject property. The subject property is a 5.0-acre parcel in the Exclusive Farm Use (EFU) and Wildlife Area (WA) zones at 17550 Wilt Rd., aka County Assessor's Map 14-11-18, Tax Lot 100.

Deschutes County Code (DCC) at 18.116.310(C)(3)(a) states no traffic analysis is required for any use that will generate less than 50 new weekday trips. The proposed land use will not meet the minimum threshold for additional traffic analysis.

The current Blazer Lane is a public road not maintained by Deschutes County, aka a Local Access Road (LAR), which is functionally classified as a local. Staff assumes the relocated Blazer Lane will also be a LAR. Staff concurs with the Road Department's comments.

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$4,488 per p.m. peak hour trip. Given the proposed land use will not consume any road capacity as that term is commonly understood, no transportation SDC is triggered.

Oregon Department of State Lands, Peter Ryan

Wetland/Waterway/Other Water Features

There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

Your Activity

A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

Based on a review of the available information, relocating the road on the Brewer property, as shown on the attached site map, appears to avoid impacts to jurisdictional wetlands or waters.

The roadside ditch is identified as a stream and may be jurisdictional.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

The following agencies did not respond to the notice: Deschutes County Assessor, Deschutes County Environmental Soils Division, Oregon Department of Fish and Wildlife, US Fish and Wildlife Service, and Sisters-Camp Sherman Rural Fire Protection District.

PUBLIC COMMENTS: The Planning Division mailed notice of the subject application to all property owners within 750 feet of the subject property on December 15, 2020. No public comments were received.

REVIEW PERIOD: The subject application(s) were submitted on November 24, 2020. Because the application was missing essential information, staff mailed the applicant a letter on December 23, 2020, notifying them that their application was incomplete and requested the necessary items. The Planning Division received the requested items and deemed the application complete on January 11, 2021. The 150th day on which the County must take final action on this application is June 10, 2021.

III. **FINDINGS & CONCLUSIONS**

Title 17, Deschutes County Subdivision Ordinance

Chapter 17.52. Road Dedications

Section 17.52.010. Purpose.

The purpose of DCC 17.52.010 is to establish procedures for the dedication of more than minor amounts of road right of way to the public where the dedication will not be reviewed as part of another land use application. Minor amounts of road right of way means rights of way no greater than those required for modernization, traffic safety improvement, maintenance or repair of an existing road or street. DCC 17.52.010 applies to road dedications which occur outside of urban growth boundaries in Deschutes County. DCC 17.52.010 requires that road dedications be reviewed for consistency with the Transportation Policies for new roads or major road modifications of the Comprehensive Plan.

FINDING: Staff has reviewed the proposal for consistency with the Transportation Policies for new roads or major road modifications of the Comprehensive Plan in subsequent findings.

Section 17.52.030. Application.

Any person proposing the dedication of more than minor amounts of road right of way, where the proposed dedication will not be reviewed as part of another land use application, shall submit a written application for a land use permit to the Planning Director. The land use permit application shall include a completed request form, a written burden of proof statement which indicates the proposal complies with the applicable criteria, a map showing the location of the land to be dedicated, a preliminary title report covering the land to be dedicated, and the appropriate filing fee.

FINDING: Staff finds the proposed dedication of the roadway constitutes more than a minor amount of road right-of-way. The applicant has submitted a map showing the location of the land to be dedicated and the land to be vacated, a preliminary title report covering the land to be dedicated, and the appropriate filing fee in support of this application.

Section 17.52.050. Approval Criteria.

- A. Applications for road dedications in zones where Class I or II road projects, as defined by DCC 18.04.030, are permitted outright shall address the criteria in DCC 18.116.230. Such applications shall also address any applicable criteria in the zone in which the road dedication is proposed.**
- B. Applications for road dedications in zones where Class I or II road projects defined by DCC 18.04.030, or public road or highway projects defined by ORS 215.283(2)(p) through (r) and 215.283(3), are permitted as conditional uses shall address the**

criteria in DCC 18.116.230 and 18.128.015. Such applications shall also address any applicable criteria in the zone in which the road dedication is proposed.

FINDING: The applicant is proposing to dedicate right-of-way for an existing road, Blazer Lane. The applicant is not proposing a road project. Class I projects are major roadway projects such as the construction of a four-lane road. This application clearly does not propose such a project. Class II projects involve widening of a road by more than one lane, safety or intersection improvements that change local traffic patterns, system changes that have significant land use implications or the construction of a new road where none existed before. Based on this information, staff finds the proposed dedication and concurrent vacation do not constitute Class I or II road projects as defined by DCC 18.04.030. As such, the provisions of DCC 18.116.230 and 18.128.015 do not apply to the subject application.

Section 17.52.090. Board Action on Road Dedication.

- A. Once an application is approved by the Planning Director or Hearings Body, the applicant shall satisfy all conditions of the land use approval prior to submitting a declaration of dedication for final action. The declaration of dedication shall include a legal description of the land to be dedicated. Upon receipt of the declaration of dedication, the Planning Director shall forward the declaration of dedication to the Board for acceptance or rejection.**
- B. Except as otherwise provided under the Deschutes County Code, the Board shall take final action on the road dedication within 120 days after the application is deemed complete.**
- C. Upon the meeting of the Board to take final action on the road dedication, the applicant shall provide the Board with a supplemental or amended report to the preliminary title report submitted with the application. The supplemental or amended report shall show changes in the condition of title of the relevant property from the date of the preliminary title report up to and including the time immediately preceding the Board meeting.**
- D. If the road dedication is accepted by the Board, the declaration of dedication shall be immediately recorded with the County Clerk.**

FINDING: The applicant will be required to submit a declaration of dedication and legal descriptions for the proposed road dedication, which must be signed by the property owner(s), and include a title report. If the road dedication is accepted by the Board, the declaration of dedication must be recorded with the County Clerk's Office. The declaration of dedication for the proposed road shall be completed and recorded with the County Clerk's Office within 120 days of the application being deemed complete. Staff calculates this day to be May 11, 2021. To ensure compliance, staff has added these actions as Conditions of Approval.

Section 17.52.100. Maintenance of Dedicated Roads.

Any public road created in conjunction with the dedication of public road right of way under DCC 17.52 shall be designated as a Local Access Road, as defined by ORS 368.001(3), which

shall not be maintained by the County unless and until that road right of way is established as a County road, as defined by ORS 368.001(1), by order or resolution of the County governing body as authorized by ORS 368.016(2)(c).

FINDING: The proposal does not include the creation of a public road in conjunction with the dedication of public road right of way. Rather, the proposal consists of realigning the right-of-way and reconstruction of the exiting Blazer Lane, a local access road that will remain a local access road.

Title 18 of the Deschutes County Code, County Zoning

Chapter 18.16, Exclusive Farm Use Zones (EFU)

Section 18.16.020. Uses Permitted Outright.

The following uses and their accessory uses are permitted outright:

...

- F. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.***

FINDING: The applicant is proposing to relocated and reconstruct a segment of Blazer Lane to the east of the existing location of the road on the Brewer Property and to the north on the Deschutes County Property. The segment of Blazer Lane will be constructed County standard for a gravel road (20 feet wide, with 5 inches of gravel). Along with the road dedication, the applicant will be submitting a road right of way vacation for the existing Blazer Lane right of way. The proposed dedication and road improvement are considered a modification.

Section 18.16.070. Yards.

- A. The front yard shall be a minimum of 40 feet from a properly line fronting on a local street, 60 feet from a properly line fronting on a collector street and 100 feet from a properly line fronting on an arterial street.***
- B. Each side yard shall be a minimum of 25 feet, except that for a nonfarm dwelling proposed on properly with side yards adjacent to a properly currently employed in farm use, and receiving special assessment for farm use, the side yard shall be a minimum of 100 feet.***
- C. Rear yards shall be a minimum of 25 feet, except that for a nonfarm dwelling proposed on properly with a rear yard adjacent to a properly currently employed in farm use, and receiving special assessment for farm use, the rear yard shall be a minimum of 100 feet.***
- D. The setback from the north property line shall meet the solar setback requirements in Section 18.116.180.***

E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under chapter 15.04 of this title shall be met.

FINDING: The proposed road dedication will not cause either of the two structures on the Brewer Property to violate the above the required minimum setbacks, which are 60 feet front (Wilt Road is rural collector road), 25 feet sides, and 25 feet rear. The Deschutes County Property is undeveloped.

Section 18.16.080. Stream Setbacks.

To permit better light, air, vision, stream pollution control, protection of fish and wildlife areas and preservation of natural scenic amenities and vistas along streams and lakes, the following setbacks shall apply:

- A. All sewage disposal installations, such as septic tanks and septic drainfields, shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet and the County Sanitarian finds that a closer location will not endanger health, the Planning Director or Hearings Body may permit the location of these facilities closer to the stream or lake, but in no case closer than 25 feet.**
- B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles to the ordinary high water mark.**

FINDING: The proposed right of way is not in an area where there is a stream or lake present.

Section 18.16.090. Rimrock Setback.

Notwithstanding the provisions of DCC 18.16.070, setbacks from rimrock shall be as provided in DCC 18.116.160 or 18.84.090, whichever is applicable.

FINDING: The proposed right of way is not in an area where there rimrock is present.

Chapter 18.88, Wildlife Area Combining Zone (WA)

Section 18.88.030. Uses Permitted Outright.

In a zone with which the WA Zone is combined, the uses permitted outright shall be those permitted outright by the underlying zone.

FINDING: As discussed above, the proposed use is allowed outright in the underlying EFU zone. Therefore, the proposed use is also allowed outright within the WA Combining Zone.

Title 23, Deschutes County Comprehensive Plan

Chapter 3, Rural Growth Management.

Section 3.7 Transportation

FINDING: In the County Comprehensive Plan, Blazer Lane is considered a local access road. The proposed relocation and dedication of 1,075 feet right of way for Blazer Lane will remain a local access road. Staff has reviewed the Transportation Element of the Comprehensive Plan in conjunction with this proposal. Staff finds the dedication of this road will be consistent with the policies and goals of said section. Additionally, staff finds there are no mandatory approval criteria contained in this chapter which must be addressed by the applicant.

The impacts posed to the surrounding properties have been considered and addressed in the findings above. Consideration has been given to the impact to adjacent land use patterns. The fact that Blazer Lane is already in existence in the area proposed to be relocated provides a strong indication that the relocation of a segment of the road will have minimal, if any, impacts on the surrounding properties. Staff finds the applicants’ proposal is consistent with the County Comprehensive Plan.

IV. CONCLUSION

Based on the foregoing findings, staff concludes that the proposed use can comply with the applicable standards and criteria of the Deschutes County zoning ordinance if conditions of approval are met.

Other permits may be required. The applicants are responsible for obtaining any necessary permits from the Deschutes County Building Division and Deschutes County Environmental Soils Division as well as any required state and federal permits.

V. DECISION

APPROVAL, subject to the following conditions of approval.

VI. CONDITIONS OF APPROVAL

A. This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.

- B.** The applicant shall complete road improvements along proposed alignment, which shall include a 20 ft.-wide by 5 in.-depth aggregate road surface pursuant to DCC 17.48.170 and 17.48A conforming to the alignment requirements of DCC 17.48.070 and 17.48.080. Additionally, the applicant shall cause for the installation of a new road name sign for Blazer Lane at the new intersection with Wilt Rd in accordance with applicable Road Department standards.
- C.** Upon approval of the completed road improvements by the Road Department, all parties with an ownership interest in the property subject to the road dedication shall execute a dedication deed pursuant to DCC 17.52.090(A). The dedication shall be granted to the public and shall include a 60 ft.-wide right of way centered on the improved road centerline pursuant to DCC 17.48.070 and 17.48.100. The dedication deeds shall be in a form acceptable to the Deschutes County Road Department pursuant to DCC 17.52.040 and shall include a legal description and exhibit map prepared by a licensed professional land surveyor.
- D.** Applicant shall submit the executed dedication deed and a current preliminary title report for the proposed dedication to the Deschutes County Community Development Department pursuant to DCC 17.52.090(A) and (C). Upon final review and approval of the dedication deed by the Road Department, the Community Development Department shall present the dedication deed to the Board of County Commissioners for acceptance pursuant to DCC 17.52.090(B).
- E.** Upon the meeting of the Board to take final action on the road dedication, the applicant shall provide the Board with a supplemental or amended report to the preliminary title report submitted with the application. The supplemental or amended report shall show changes in the condition of title of the relevant property from the date of the preliminary title report up to and including the time immediately preceding the Board meeting.
- F.** Upon acceptance of the dedication deed by the Board of County Commissioners, the applicant shall immediately cause for the recording of the dedication deed in the Official Records at the Deschutes County Clerk’s Office pursuant to DCC 17.52.090(D).
- G.** Upon recording of the dedication deeds, the applicant shall immediately cause for survey and monumentation of the new road right of way by a licensed professional land surveyor in accordance with ORS 209.250 and ORS 368.106.

VII. DURATION OF APPROVAL, NOTICE, AND APPEALS

The declaration of dedication for the proposed road shall be completed and recorded with the County Clerk’s Office within 120 days of the application being deemed complete. Staff calculates this day to be June 10, 2021.

This decision becomes final twelve (12) days after the date mailed, unless appealed by a party of interest. To appeal, it is necessary to submit a Notice of Appeal, the appeal fee of \$250.00 and a

statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue.

Copies of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost. Copies can be purchased for 25 cents per page.

NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

DESCHUTES COUNTY PLANNING DIVISION



Written by: Matthew Martin, Associate Planner



Reviewed by: Peter Gutowsky, Planning Manager

Attachment: Conceptual drawing of road dedication location



250 +/-' of road on Deschutes County Property connecting existing easement to Brewer Property

New Rd Dedication location on Brewer Property



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Wednesday, June 8, 2022

SUBJECT: Consideration of Document No. 2022-517, a Release of Reversion and Quitclaim Deed

RECOMMENDED MOTION:

Move to approve and sign Document No. 2022-517, a Release of Reversion and Quitclaim Deed to Bend La Pine Schools

BACKGROUND AND POLICY IMPLICATIONS:

In 1991, Deschutes County conveyed certain real property to the Administrative School District #1 (District), known today as Bend La Pine Schools. The District constructed Lava Ridge Elementary located at 20805 Cooley Road and Sky View Middle School located at 6355 NE 18th Street on said property.

When the schools were developed, the District also constructed a +/- 1.31-acre section of Cooley Road at the north end of the property. Later, a portion of Cooley Road was realigned when the Cooley Road and 18th Street roundabout was constructed, which lead to the City of Bend (City) vacating the previously constructed portion of Cooley Road (Remnant) and property ownership reverted back to the District.

The District and the City have agreed on a land swap that will result in the District acquiring property near to the District's bus facility on SE Wilson Avenue & SE 2nd Street (plus some cash for the size differences). And as part of the transaction, the Remnant will be conveyed to a private third-party that will result in a light industrial development.

When the County originally conveyed the property to the District, the conveyance deed included a restriction that required the property to be used for public purposes, and a reversionary clause if the property was used outside of said use. In order for the District to complete the conveyance of the Remnant to the private third-party, the District is requesting the release of reversion and quitclaim deed, which essentially removes the restriction and reversionary requirements.

BUDGET IMPACTS:

N/A

ATTENDANCE:

Kristie Bollinger, Property Manager

REVIEWED
LEGAL COUNSEL



For Recording Stamp Only

AFTER RECORDING RETURN TO:

Sharon R. Smith
Bend-La Pine Schools
520 NW Wall
Bend, OR 97703

After Recording, Forward All Tax Statements To:
Same as above address

RELEASE OF REVERSION AND QUITCLAIM DEED

This Release of Reversion and Quitclaim Deed is made and entered into on this _____ day of _____, 2022, by the Board of County Commissioners of Deschutes County, Oregon ("County").

WHEREAS, on July 10, 1991, the County conveyed certain real property to the Administrative School District #1 ("School District") by Bargain and Sale Deed for "so long as said real property is used for a public purposes." The Bargain and Sale Deed was recorded on July 17, 1991, in Book 240, Page 0494 in the Deschutes County records. The real property conveyed ("Property") is legally described as:

The Northwest Quarter of the Northwest Quarter (NW¹/₄ NW¹/₄),
Section Fifteen (15), Township Seventeen (17) South, Range
Twelve (12) East, Willamette Meridian, Deschutes County,
Oregon

WHEREAS, the School District constructed Lava Ridge Elementary School and Sky View Middle School on said Property. The School District now wishes to facilitate conveyance of a remnant sliver of the Property through the City of Bend, to private third-parties for construction of light industrial facilities which requires that the County remove any and all reversionary rights and any other rights, title, and interest in and to that portion of the Property described on the Exhibit A, attached hereto and incorporated by reference herein ("Exhibit A Property").

THEREFORE, the County hereby releases any and all claims for any reversionary right it may have now or in the future, any rights it may have in the property by reason of the above referenced language in Book 240, Page 0474, and also hereby fully releases and quitclaims any and all remaining ownership interest of any nature, if any, that it may have in the Exhibit A Property to the School District.

The true and actual consideration for this conveyance is good and valuable consideration other than money.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ATTEST:

Recording Secretary

PATTI ADAIR, Chair

ANTHONY DeBONE, Vice-Chair

PHIL CHANG, Commissioner

STATE OF OREGON)
) ss.
County of Deschutes)

Before me, a Notary Public, personally appeared Patti Adair, Anthony DeBone, and Anthony Chang, the above-named Board of County Commissioners of Deschutes County, Oregon, and acknowledged the foregoing instrument on behalf of Deschutes County, Oregon.

DATED this _____ day of _____, 2022.

Notary Public for Oregon

Exhibit A
Northerly Portion of Vacated Cooley Road

A strip of land being a portion of vacated Cooley Road, located in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) of Section 15, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

The northerly 57.00 feet of the following described parcel:

Beginning at the most westerly corner of Tract A, Juniper Ridge Employment Subdistrict Phase 1, being on the north right of way line of Cooley Road; thence along said north right of way line, North 89°36'03" East a distance of 938.83 feet to the southeast corner of Lot 2, Juniper Ridge Employment Subdistrict Phase 1; thence leaving said north right of way line, 9.31 feet along the arc of a non-tangent curve to the right with a radius of 250.00 feet, the chord of which bears South 26°34'16" East a distance of 9.31 feet; thence South 25°30'17" East a distance of 61.55 feet; thence South 00°01'42" West a distance of 15.91 feet to the south right of way line of said Cooley Road also being the west right of way line of 18th Street; thence along said south right of way line, South 89°36'03" West a distance of 1159.55 feet; thence leaving said south right of way line, 207.96 feet along the arc of a non-tangent curve to the left with a radius of 550.00 feet, the chord of which bears North 66°50'02" East a distance of 206.73 feet to the **Point of Beginning**, the terminus of this description.

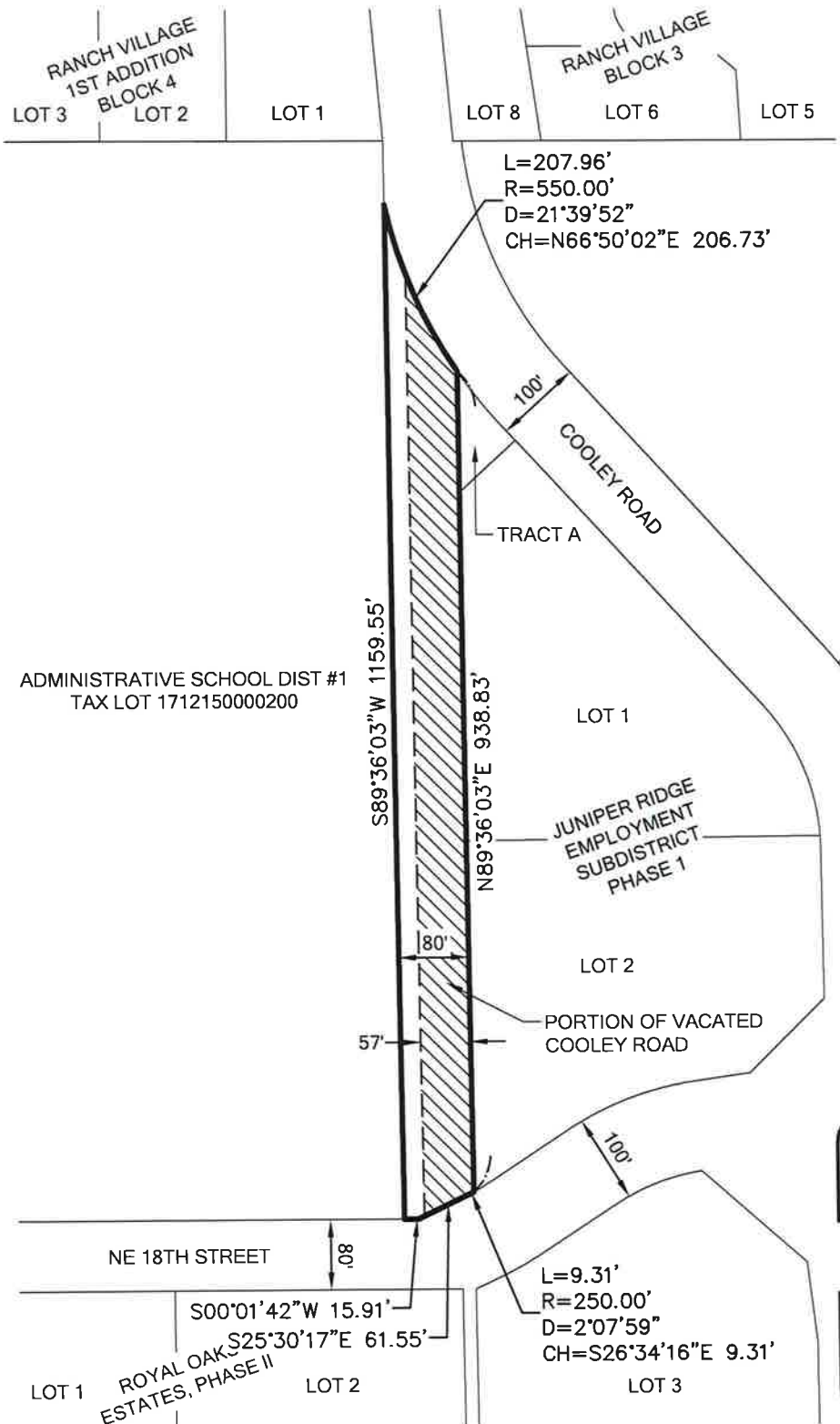


EXHIBIT B

LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW1/4 NW1/4)
OF SECTION 15, TOWNSHIP 17 SOUTH, RANGE 12 EAST, W.M.,
CITY OF BEND, DESCHUTES COUNTY, OREGON



NORTH



REGISTERED PROFESSIONAL LAND SURVEYOR

Patrick Gage Cole

OREGON
JULY 10, 2007
PATRICK GAGE COLE
79157

EXPIRES: 12/31/21

S:\Land Projects\210104-Cooley ROW Vacation\dwg\210104-RW.dwg Apr 27, 2021



PORTION OF VACATED COOLEY ROAD		SHEET 1/1
JUNIPER RIDGE		
SCALE: 1" = 200'	DRAWN BY: AQR	DATE: 4/27/2021

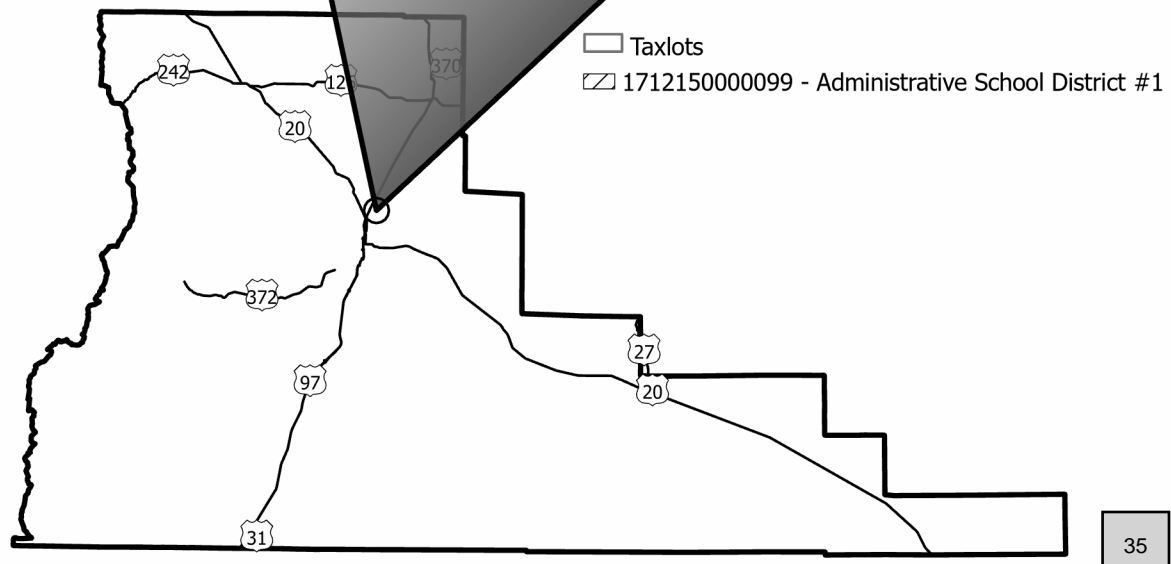
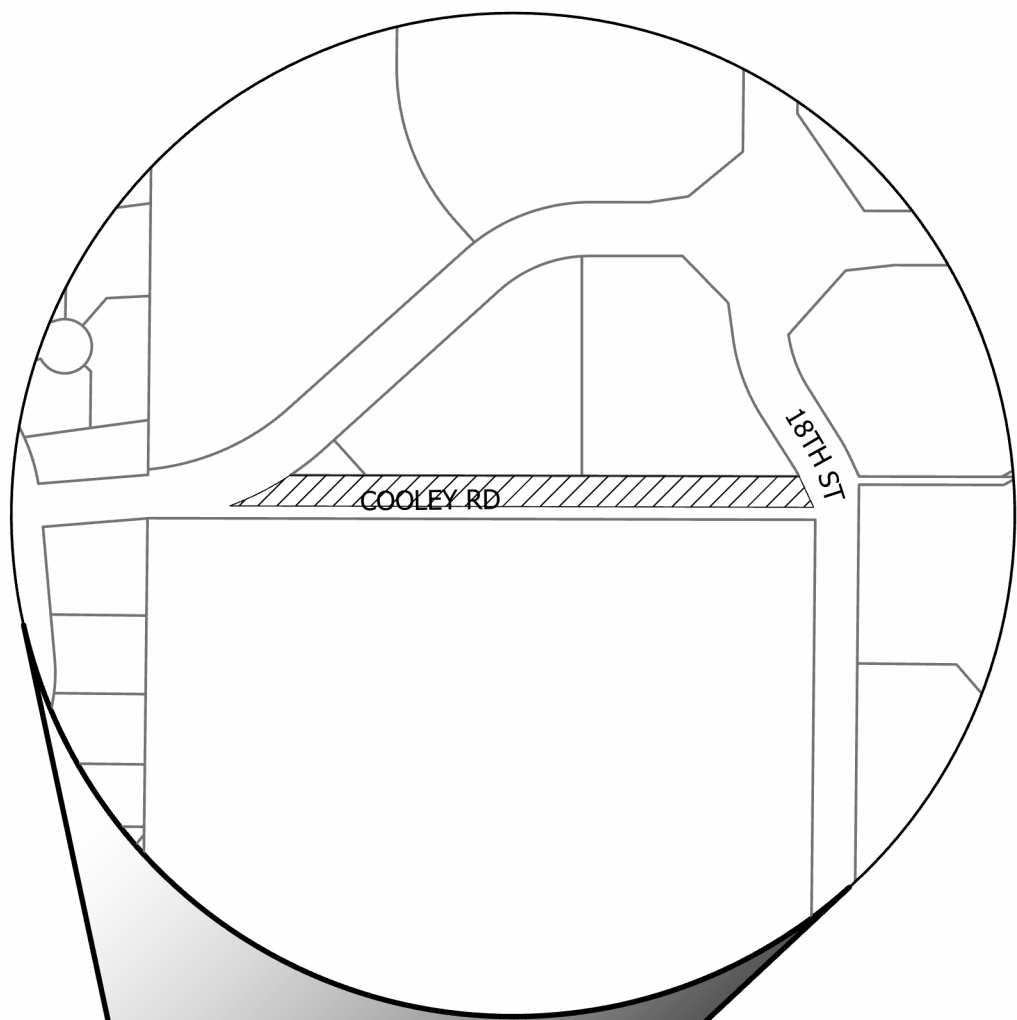


DESCHUTES COUNTY VICINITY MAP

Maptax #171215000099
Doc# 2021-66608 - 1.31 Acres

06/08/2022 Item #2.

N



DESCHUTES COUNTY DOCUMENT SUMMARY

06/08/2022 Item #2.

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

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

Date: **Department:**

Contractor/Supplier/Consultant Name:

Contractor Contact: **Contractor Phone #:**

Type of Document: Release of Reversion and Quitclaim Deed

Goods and/or Services: N/A

Background & History: In 1991, Deschutes County conveyed property to the Administrative School District (known today as Bend La Pine Schools), which resulted in the District constructing Lava Ridge Elementary School and Skyview Middle School. The conveyance deed included restrictive, and reversionary language if the property was used outside of public use. The District is requesting the reversionary language be released to allow for a remnant portion of property to be conveyed to a private third-party.

Agreement Starting Date: **Ending Date:**

Annual Value or Total Payment:

Insurance Certificate Received (check box)
Insurance Expiration Date:

Check all that apply:

- RFP, Solicitation or Bid Process
- Informal quotes (<\$150K)
- Exempt from RFP, Solicitation or Bid Process (specify – see DCC §2.37)

Funding Source: (Included in current budget? Yes No

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

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

Special conditions attached to this grant:

Deadlines for reporting to the grantor:

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

Contact information for the person responsible for grant compliance:

Name:

Phone #:

Departmental Contact and Title: Kristie Bollinger Phone #: 541-385-1414

Department Director Approval:  6/1/2022
Signature Date

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

Return document with original inked (wet) signatures to Property Management – Deborah Cook or Kristie Bollinger

Official Review:

County Signature Required (check one):

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

Legal Review _____ Date _____

Document Number 2022-514



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Wednesday, June 8, 2022

SUBJECT: Continued Public Hearing: Remand of Deschutes Junction Plan Amendment and Zone Change application 247-20-000438-PA/439-ZC (247-22-000287-A)

RECOMMENDED MOTION:

Continuation of May 18, 2022 public hearing.

BACKGROUND AND POLICY IMPLICATIONS:

On June 8, 2022, the Board of Commissioners ("Board") will hold a continuation of a limited de novo public hearing to consider a remanded decision of the Oregon Land Use Board of Appeals ("LUBA"). The application is requesting approval of a plan amendment and zone change application proposed by Anthony Aceti ("Applicant") to rezone and redesignate the property from Exclusive Farm Use (EFU) / Agriculture (AG) to Rural Industrial (RI). The remand proceedings are a continuation of an existing application (247-20-000438-PA/439-ZC). The full record is located on the project webpage: https://www.deschutes.org/cd/page/remand-deschutes-junction-plan-amendment-zone-change. Both oral and written testimony will be accepted at the hearing.

BUDGET IMPACTS:

None.

ATTENDANCE:

Nicole Mardell, Senior Planner – Long Range
Will Groves, Planning Manager



MEMORANDUM

DATE: June 8, 2022

TO: Deschutes County Board of Commissioners

FROM: Nicole Mardell, Senior Planner – Long Range

RE: Continued Public Hearing: Remand of Deschutes Junction Plan Amendment and Zone Change application 247-20-000438-PA/439-ZC (247-22-000287-A)

I. BACKGROUND

On June 8, 2022, the Board of Commissioners (“Board”) will hold a continuation of a limited *de novo* public hearing to consider a remanded decision of the Oregon Land Use Board of Appeals (“LUBA”). The remanded decision is requesting approval of a plan amendment and zone change proposed by Anthony Aceti (“Applicant”) to rezone and redesignate the property from Exclusive Farm Use (EFU) / Agriculture (AG) to Rural Industrial (RI). The remand proceedings are a continuation of an existing application (247-20-000438-PA/439-ZC). The full record is located on the project webpage¹. Both oral and written testimony will be accepted at the hearing.

The Board held the initial public hearing on May 18, 2022² on the subject application. In response to concern regarding a potential procedural error, the hearing was continued to allow for a new notice of public hearing to be mailed, 20 days prior to the continued hearing. The notice was mailed on May 18, 2022.

II. HEARING PROCEDURE AND DECISION TIME LIMITATIONS

Staff notes that this hearing is being held limited *de novo* meaning that only testimony directed at the issue on remand, the number of workers resulting from the proposed Rural Industrial zoning and plan designation, will be considered. Testimony on other matters will not be accepted during the public hearing. To comply with procedural requirements for remand proceedings, the Board must issue a decision by August 5, 2022.

¹<https://www.deschutes.org/cd/page/remand-deschutes-junction-plan-amendment-zone-change>

²<https://www.deschutes.org/bcc/page/board-county-commissioners-1>

III. SUMMARY OF TESTIMONY RECEIVED

Oral testimony was provided by the following individuals during the May 18, 2022 public hearing:

- Tony Aceti (Applicant)
- Bill Kloos (Applicant's Attorney)
- Joe Bessman, PE (Applicant's Transportation Engineer)
- Carol MacBeth – Central Oregon Landwatch (Appellant of Original Application)

Since the last staff memo was posted on May 11, 2022, the following written materials have been submitted into the record and have been uploaded to the project website.

Prior to May 18, 2022 Public Hearing, but after Packet Posting

- Applicant – Transight Consulting 5.17.22 Letter
 - Provided excerpts from Institute of Traffic Engineer's Manual noting anticipated number of employees and trips by use
- Appellant – Central Oregon Landwatch 5.17.22 Letter
 - Need for Goal 14 Exception (outside hearing scope)
 - Ability to newly designate property as Rural Industrial (outside of hearing scope)
 - Comparison of proposed number of employees to employment statistics within City of Bend Urban Growth Boundary
 - Concern regarding lack of information for all uses listed under Rural Industrial (RI) zone and calculation of anticipated number of employees
 - Concern regarding notice of public hearing – mailed 14 days prior to public hearing instead of 20 days

Following May 18, 2022 Public Hearing

- Applicant - Bill Kloos 5.31.22 Letter
 - Additional discussion on *Shaffer* test and determination of rural use
 - Surrounding RI zoning – comparison of employment of uses that required Goal 14 exception or were permitted per RI Zone under current development code
 - Additional discussion of calculation of number of employees
 - Buildable area of the site and its impact on the potential number of employees
 - Concern regarding appellant arguments outside of the scope of the remand proceeding
 - Discussion of site soils, limitations on septic capacity, and impact on potential number of employees
 - Draft findings for consideration by the Board
- Applicant – Pat Kliewer 5.31.22 Letter
 - Comparison of surrounding properties in Deschutes Junction area, building square footage, number of employees, bathrooms, and method of sewage treatment.

- RI zone restrictions on developable area (setbacks, height, lot coverage, parking, etc.) and impact on potential number of employees

IV. NEXT STEPS

The Board will conduct a continued hearing on this item on June 8, 2022. Following the hearing the Board may choose to:

- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain; or
- Close both the oral and written portions of the hearing.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: June 8, 2022

SUBJECT: Request approval to apply for Behavioral Health Housing Investment grant funds.

RECOMMENDED MOTION: Move approval to apply for Behavioral Health Housing Investment grant funds.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Behavioral Health, along with twenty-seven diverse regional entities, participated in the 2021 Behavioral Health Housing and Residential Treatment Planning Grant for the Central Oregon region. Planning partners demonstrated significant alignment around addressing the service needs for adults and youth with co-occurring behavioral health and substance use diagnoses. They identified the most important qualities to be developing services in rural communities, making culturally and linguistically appropriate services foundational to basic care, and equitable allocation of treatment beds amongst counties, demographics, and geographically. Specifically called out in the plan was the need to build a secure residential treatment facility for adults, and residential housing for youth and children to address the critical shortages.

Oregon Health Authority (OHA) has made funds available "to expand the availability of housing and residential treatment beds for people with behavioral health issues", per the budget note from HB 5202. The goals of the program are as follows:

- Provide an array of supported housing and residential treatment to people who experience mental health and substance use disorders.
- Help relieve "bottle neck" issues at Oregon State Hospital by increasing the number of Aid & Assist clients who are housed and participate in community restoration.
- Help address health inequities and housing access disparities experienced by communities of color and people experiencing mental illness and substance use disorders.
- Leverage existing funding streams to maximize investment impact.
- Increase residential treatment facility and supported housing capacity across the state.

- Decrease the number of people with behavioral health disorders who are houseless.
- Create low or no barrier safe shelter bed options

Informed by the Housing Planning Grant Goals, the Central Oregon Regional Health Improvement Plan (RHIP) and the Central Oregon Acute Care Council, which works to ensure coordination of care for individuals most at risk for hospitalization and incarceration, Deschutes County Health Services (DCHS) is requesting approval to apply for \$3,901,470.64 of BH Housing Investment Funds to match regional efforts to stand up treatment housing for adults and children/youth.

\$3,000,000 of funding would be granted to BestCare, as matching funds, to support application for OHA Secure Residential Treatment Facility (SRTF). The SRTF will be a 16-bed facility to serve the Aid and Assist, Civil Commitment, and Psychiatric Security Review Board (PSRB) population in Redmond, thereby increasing access for rural Central Oregonians.

\$850,000 would be awarded, via requests for proposals (RFPs), to two providers to expand capacity to serve children/youth requiring residential behavioral health treatment. One to support infrastructure project(s) to increase capacity for dual diagnosis, youth serving facilities to provide inpatient and respite services to high risk youth with substance and mental health conditions. The other to support a regional application for Psychiatric Residential Treatment Facility (PRTF) funds for children/youth in need of PRTF services east of the I5 corridor.

These funds address RHIP, Strategic Plan and Housing Planning Grant Goals, as follows:

1. RHIP: Behavioral Health: Increase Access & Coordination – Improve availability of behavioral health providers in marginalized areas of the region (La Pine, Madras, Redmond).
2. DCHS Strategic Plan: Increase Access to Culturally Appropriate Services; Use Recovery Models that Work; Serve People in Least Restrictive Environments
3. Regional Housing Planning Grant: Identified critical need for secure residential treatment facility to address the needs of Deschutes, Crook and Jefferson County adults and children with serious mental illness. Focus on acute populations: Aid & Assist, PSRB and Civil Commitment eligible individuals and youth boarding in the ED in need of residential care.

Deschutes County Health Services will primarily serve as a pass-thru entity, and as such, budget on these funds will be excluded from County and department indirect allocation. Grant funds do allow for operational and administrative costs associated with managing the housing, and \$51,470.64 (1.3%) of grant funds will be used to offset administrative costs for developing the RFP, contracting, reporting and oversight.

BUDGET IMPACTS:

Potential \$3,901,470.64 one-time funding. Please see attached budget.

ATTENDANCE:

- Janice Garceau, Director Behavioral Health
- Kara Cronin, Behavioral Health Program Manager
- Shannon Brister, Behavioral Health Program Manager

Request for BH Housing Investment Funds
CFAA Request for Application

Deschutes Revenue Proposal

Adult SRTF	\$	3,000,000.00
Dual Dx Youth Beds	\$	350,000.00
Child & Youth PRTF	\$	500,000.00
Contracts Oversight	\$	51,470.64
Total	\$	3,901,470.64

	Projects or Services	Description and Use of other Funds	Expected Impact	Total
1	Construct a 16 bed Secure Residential Treatment Facility (SRTF) in Redmond, Oregon to serve the Central Oregon region	Direct grant to BestCare to provide matching funds for SRTF Application in collaboration with Telecare and BestCaRE	10 SRTF beds dedicated to Deschutes County Residents	\$ 3,000,000.00
2	Infrastructure RFP for youth serving residential treatment program(s)	Expand capacity to serve high risk, dual diagnosis youth in culturally responsive settings	Increase access and capacity for culturally responsive, dual diagnosis treatment to high risk youth in the region.	\$ 350,000.00
3	Construct a 6 to 12 bed Psychiatric Residential Treatment Facility to serve CO children/youth	Direct grant to entity applying for funds to provide matching funds for PRTF Application	Provide local, residential treatment options for children/youth with serious mental illness and their families	\$ 500,000.00
4	Operational and administrative costs to manage contracts, reporting and fiscal oversight	Ensure compliance and oversight	Meet timelines & deliverables	\$ 51,470.64
Totals				\$ 3,901,470.64

Any Other Funding
RFGA 2022 Licensed Residential Treatment Facilities application
RFGA 2022 Licensed Residential Treatment Facilities application



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: June 8, 2022

SUBJECT: Discussion of Board Approval for Extension of four (4) Covid-19 limited duration positions for 6 months and utilization of allocated ARPA funds for continued support of temporary workforce.

RECOMMENDED MOTION:

Move approval for extension of 4 limited duration Covid-19 positions for 6 months through June 2023 and utilization of allocated American Rescue Plan Funds at up to \$35,000 per week until expended or no longer needed.

BACKGROUND AND POLICY IMPLICATIONS:

In January 2022, the Board of County Commissioners approved a standalone foundational structure for Covid-19 response and recovery within Deschutes County Public Health (DCPH). The foundational structure reflects expectations and requirements of Oregon Health Authority (OHA) and includes:

- Clinical Services Team (vaccine, testing and therapeutics)
- Community Engagement Team (hotline and community outreach)
- Outbreak and Case Management Team (wrap around services, outbreak education and management for schools, businesses, congregate settings and long-term care facilities)
- Management and Administration Team (supports logistics and administrative program needs)

DCPH continues to assess needs and create efficiencies while preserving the necessary foundational capacity for community response. Evaluation of the structure is continual and positions eliminated, if and when possible. For example, we have restructured in a way that eliminates the need for one FTE supervisor while preserving appropriate spans of control and staff engagement. In the past 2 months we have seen reported cases and vaccine distribution increase by over 800%, outbreaks triple, hotline call volumes more than double and high input case management services fluctuate wildly. Based on previous experience, future models and community expectations we assume the following:

- Fluctuating case numbers (outbreaks)

- Federal vaccine recommendations for new age groups, boosters and even new vaccines
- Continuing needs for at-home test kit distribution and community testing support
- More access to treatment therapies, new treatments or recommendations
- Continued reliance on Oregon Health Authority support where possible

To enable the Covid-19 Response and Recovery Program to maintain and/or recruit a cohesive and consistent workforce DCPH requests to extend 4 of 6 positions currently due to expire December 31, 2022 through June 30, 2023:

- 1.0 FTE (Full Time Equivalent) Admin Support Tech (position #2841)
- 2.0 FTE Public Health Nurse II (position #2844 and #2929)
- 1.0 FTE Management Analyst (position #2836)

In March 2022, the Board approved up to \$2,425,681 in ARPA funds for “Temporary Staffing for COVID-19 Response and Outreach” with a maximum weekly amount of \$35,000 for three months. That three-month deadline is approaching on June 10th, and DCPH requests approval to extend the deadline of expenditure. Approximately \$260,000 remains unexpended, and specifically, DCPH requests continuing the weekly combined maximum of \$35,000 for temporary staffing and wraparound services until the full allocation is spent or such funds are no longer necessary for continued response and recovery.

Over the last several months, persistent need for services necessitates the continued use of temporary staff, and average spending on such staff equated to approximately \$25,000 per week. Temporary staff, more aptly named highly skilled and trained on call staff, provide flexible need-based support for clinical services, community engagement, and outbreak and case management. With the scaffolding in place to appropriately oversee and manage a flexible highly skilled staff we are able to deliver high service levels with the ability to pivot to various needs.

BUDGET IMPACTS:

Extend 4.0 limited duration FTE from December 31, 2022 to June 30, 2023, which will increase the Health Services Fiscal Year (FY) 2023 budget by \$216,913 (\$136,311 paid for through FEMA and \$80,602 through Oregon Health Authority PE01-09 and PE01-10 covid funding). A resolution and budget adjustment will be forthcoming after July 1, 2022 unless approved for inclusion in the adopted budget.

Approval to expend up to \$2,425,681 in ARPA funds for “Temporary Staffing for COVID-19 Response and Outreach,” if needed.

ATTENDANCE:

Emily Horton, Program Manager