



## BOARD OF COMMISSIONERS

### BOARD OF COUNTY COMMISSIONERS MEETING

9:00 AM, WEDNESDAY, JUNE 12, 2024

Barnes Sawyer Rooms - Deschutes Services Building - 1300 NW Wall Street – Bend  
(541) 388-6570 | [www.deschutes.org](http://www.deschutes.org)

#### AGENDA

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

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

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

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

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

- To join the meeting via Zoom from a computer, use this link: <http://bit.ly/3h3oqD>.
- To join by phone, call 253-215-8782 and enter webinar ID # 899 4635 9970 followed by the passcode 013510.
- If joining by a browser, use the raise hand icon to indicate you would like to provide public comment, if and when allowed. If using a phone, press \*9 to indicate you would like to speak and \*6 to unmute yourself when you are called on.
- When it is your turn to provide testimony, you will be promoted from an attendee to a panelist. You may experience a brief pause as your meeting status changes. Once you have joined as a panelist, you will be able to turn on your camera, if you would like to.



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

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

## CALL TO ORDER

## PLEDGE OF ALLEGIANCE

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

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

## CONSENT AGENDA

1. Approval of Board signature of Document No. 2024-461, a contract with Helion Software for assessment and taxation software
2. Approval of appointment of Phil Anderson to the Audit Committee for a term ending on June 30, 2026
3. Consideration of Board Signature on letters thanking Robin Ingram, and reappointing Sandy Storrie, Michael Pennavaria, Lynn McAward and Thomas Schuchardt, for service on the Dog Control Board of Supervisors.
4. Consideration of Board Signature on letters reappointing Cody Meredith and David Rosenberg for service on the Ambulance Service Area Committee
5. Consideration of Board Signature on letter reappointing Darci Palmer for service on the Central Oregon Housing Authority (dba Housing Works) Board
6. Consideration of Board Signature on letter thanking Jim Starnes for service on the Facility Project Review Committee
7. Consideration of Board Signature on letters reappointing Rodney Dieckhoff and Duncan Atwood for service on the Three Rivers Vector Control District Board
8. Approval of Minutes of the April 29 and May 20 and 22, 2024 Budget Committee Meetings

## ACTION ITEMS

9. **9:10AM** Public Hearing to consider Ordinance No. 2024-005 which would amend Deschutes County Code section 8.08, Noise Control



- [10.](#) **9:25 AM** Order No. 2024-017 designating the Deschutes County District Attorney to represent the State's interest in civil commitment proceedings
- [11.](#) **9:30 AM** Second reading and adoption of Ordinance No. 2024-004, amending Deschutes County Code 8.35 regarding weed control
- [12.](#) **9:35 AM** Public Hearing: Consideration of the Solid Waste Advisory Committee recommendation to select the Hooker Creek "Moon Pit" property for siting the County's future solid waste management facility
- [13.](#) **10:35 AM** Public Hearing: Comprehensive Plan Amendment and Zone Change request for property on the northeast corner of the Deschutes Junction Highway 97 overpass
- [14.](#) **11:35 AM** Public Hearing: FY 2025 Deschutes County Fee Schedule and consideration of Resolution No. 2024-26 adopting the Fee Schedule

**CONVENE AS THE GOVERNING BODY OF THE DESCHUTES COUNTY 9-1-1 SERVICE DISTRICT**

- [15.](#) **11:40 AM** Public Hearing: FY 2025 Deschutes County 9-1-1 Service District Fee Schedule and consideration of Resolution No. 2024-027 approving the fee schedule

**CONVENE AS THE GOVERNING BODY OF THE COUNTY EXTENSION AND 4H SERVICE DISTRICT**

- [16.](#) **11:45 AM** Public Hearing: FY 2025 Deschutes County Extension and 4H Service District Fee Schedule and consideration of Resolution No. 2024-028 approving the fee schedule

**CONVENE AS THE GOVERNING BODY OF THE SUNRIVER SERVICE DISTRICT**

- [17.](#) **11:50 AM** Public Hearing: FY 2025 Sunriver Service District Fee Schedule and consideration of Resolution No. 2024-029 adopting the fee schedule

**CONVENE AS THE GOVERNING BODY OF THE BLACK BUTTE RANCH SERVICE DISTRICT**

- [18.](#) **11:55 AM** Public Hearing: FY 2025 Black Butte Ranch Service District Fee Schedule and consideration of Resolution No. 2024-030 adopting the fee schedule

**RECONVENE AS THE GOVERNING BODY OF DESCHUTES COUNTY**

- [19.](#) **12:00 PM** First reading of Ordinance 2024-002: Redmond Airport Master Plan Update
- [20.](#) **12:10 PM** Community Development Department Draft FY 2024-25 Work Plan

## LUNCH RECESS

### Continued ACTION ITEMS

- [21.](#) **1:00 PM** Memorandum of Understanding with NeighborImpact, Housing Works and the Central Oregon Builders Association to establish a Workforce Housing Program for Median-Income Earners (HOME Fund)
- [22.](#) **1:15 PM** Request to Accept Energy Efficiency and Conservation Block Grant Funds
- [23.](#) **1:20 PM** Oregon Health Authority Health-Related Social Needs Capacity Building Grant
- [24.](#) **1:35 PM** Proposed Economic Development Loan Conversion for Cognitive Surplus

### 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.*

- 25. Executive Session under ORS 192.660 (2) (e) Real Property Negotiations

### ADJOURN



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 12, 2024

**SUBJECT:** Approval of Board signature of Document No. 2024-461, a contract with Helion Software for assessment and taxation software

**RECOMMENDED MOTION:**

Move approval of Board signature of Document No. 2024-461.

**BACKGROUND AND POLICY IMPLICATIONS:**

This software is used by the Assessor and Tax Offices for property tax valuation, calculation and collection of property taxes.

**BUDGET IMPACTS:**

Total compensation by County for FY2024-25 is not to exceed \$269,434. Approximately 80% of this amount will be paid from the Assessor budget and 20% from the Finance/Tax budget.

**ATTENDANCE:**

Scot Langton, Deschutes County Assessor

For Recording Stamp Only

**DESCHUTES COUNTY SERVICES CONTRACT  
CONTRACT NO. \_\_\_\_\_**

This Contract is between DESCHUTES COUNTY, a political subdivision, acting by and through the Assessment and Taxation Department (County) and HELION SOFTWARE, INC (Contractor). The parties agree as follows:

**Effective Date and Termination Date.** The effective date of this Contract shall be July 1,2024 or the date, on which each party has signed this Contract, whichever is later. Unless extended or terminated earlier in accordance with its terms, this Contract shall terminate when County accepts Contractor's completed performance or on June 30,2025, whichever date occurs last. Contract termination shall not extinguish or prejudice County's right to enforce this Contract with respect to any default by Contractor that has not been cured.

**Statement of Work.** Contractor shall perform the work described in Exhibit 1.

**Payment for Work.** County agrees to pay Contractor in accordance with Exhibit 1.

**Contract Documents.** This Contract includes Page 1-9 and Exhibits 1, 2, 3, 4, 5 and 6.

**CONTRACTOR DATA AND SIGNATURE**

Contractor Address:


Federal Tax ID# or Social Security #:93-1298376

Is Contractor a nonresident alien?  Yes  No

Business Designation (check one):  Sole Proprietorship  Partnership  
 Corporation-for profit  Corporation-non-profit  Other, describe

A Federal tax ID number or Social Security number is required to be provided by the Contractor and shall be used for the administration of state, federal and local tax laws. Payment information shall be reported to the Internal Revenue Service under the name and Federal tax ID number or, if none, the Social Security number provided above.

**I have read this Contract including the attached Exhibits. I understand this Contract and agree to be bound by its terms.** NOTE: Contractor shall also sign Exhibits 3 and 4 and, if applicable, Exhibit 6.

  
\_\_\_\_\_  
Signature  
Murray Giesbrecht  
Name (please print)

\_\_\_\_\_  
CEO  
Title  
5/22/2024  
Date

**DESCHUTES COUNTY SIGNATURE**

Contracts with a maximum consideration of not greater than \$25,000 are not valid and not binding on the County until signed by the appropriate Deschutes County Department Head. Additionally, Contracts with a maximum consideration greater than \$25,000 but less than \$150,000 are not valid and not binding on the County until signed by the County Administrator or the Board of County Commissioners.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
PATTI ADAIR, Chair

\_\_\_\_\_  
ANTHONY (TONY) DeBONE, Vice Chair

\_\_\_\_\_  
PHIL CHANG, County Commissioner

**STANDARD TERMS AND CONDITIONS**

- 1. **Time is of the Essence.** Contractor agrees that time is of the essence in the performance of this Contract.
  
- 2. **Compensation.** Payment for all work performed under this Contract shall be made in the amounts and manner set forth in Exhibit 1.
  - a. Payments shall be made to Contractor following County's review and approval of billings and deliverables submitted by Contractor.
  - b. All Contractor billings are subject to the maximum compensation amount of this contract.
  - c. Contractor shall not submit billings for, and County shall not pay, any amount in excess of the maximum compensation amount of this Contract, including any reimbursable expenses, (See Exhibit 5).
    - 1) If the maximum compensation amount is increased by amendment to this Contract, the amendment shall be signed by both parties and fully executed before Contractor performs work subject to the amendment.
    - 2) No payment shall be made for any services performed before the beginning date or after the expiration date of this contract.
  - d. This Contract shall not be amended after the expiration date.
  - e. Unless otherwise specifically provided in Exhibit 5, Contractor shall submit monthly invoices for work performed. The invoices shall describe all work performed with particularity and by whom it was performed and shall itemize and explain all expenses for which reimbursement is claimed.
  - f. The invoices also shall include the total amount invoiced to date by Contractor prior to the current invoice.
  - g. Prior to approval or payment of any billing, County may require and Contractor shall provide any information which County deems necessary to verify work has been properly performed in accordance with the Contract.
  
- 3. **Delegation, Subcontracts and Assignment.** Contractor shall not delegate or subcontract any of the work required by this Contract or assign or transfer any of its interest in this Contract, without the prior written consent of County.
  - a. Any delegation, subcontract, assignment, or transfer without prior written consent of County shall constitute a material breach of this contract.
  - b. Any such assignment or transfer, if approved, is subject to such conditions and provisions as the County may deem necessary.
  - c. No approval by the County of any assignment or transfer of interest shall be deemed to create any obligation of the County to increase rates of payment or maximum Contract consideration.
  - d. Prior written approval shall not be required for the purchase by the Contractor of articles, supplies and services which are incidental to the provision of services under this Contract that are necessary for the performance of the work.
  - e. Any subcontracts that the County may authorize shall contain all requirements of this contract, and unless otherwise specified by the County the Contractor shall be responsible for the performance of the subcontractor.
  
- 4. **No Third Party Beneficiaries.**
  - a. County and Contractor are the only parties to this Contract and are the only parties entitled to enforce its terms.
  - b. Nothing in this Contract gives or provides any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such third persons are individually identified by name in this Contract and expressly described as intended beneficiaries of this Contract.
  
- 5. **Successors in Interest.** The provisions of this Contract shall be binding upon and inure to the benefit of the parties and their successors and approved assigns, if any.
  
- 6. **Early Termination.** This Contract may be terminated as follows:
  - a. Mutual Consent. County and Contractor, by mutual written agreement, may terminate this Contract at any time.
  - b. Party's Convenience. County or Contractor may terminate this Contract for any reason upon 30 calendar days written notice to the other party.

- c. **For Cause.** County may also terminate this Contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by the County, under any of the following conditions:
  - 1) If funding from state or other sources is not obtained and continued at levels sufficient to allow for the purchase of the indicated quantity of services as required in this Contract.
  - 2) This Contract may be modified to accommodate the change in available funds.
  - 3) If state laws, regulations or guidelines are modified, changed or interpreted in such a way that the services are no longer allowable or appropriate for purchase under this Contract or are no longer eligible for the funding proposed for payments authorized by this Contract.
  - 4) In the event sufficient funds shall not be appropriated for the payment of consideration required to be paid under this Contract, and if County has no funds legally available for consideration from other sources.
  - 5) If any license or certificate required by law or regulation to be held by the Contractor to provide the services required by this Contract is for any reason denied, revoked, suspended, not renewed or changed in such a way that the Contractor no longer meets requirements for such license or certificate.
- d. **Contractor Default or Breach.** The County, by written notice to the Contractor, may immediately terminate the whole or any part of this Contract under any of the following conditions:
  - 1) If the Contractor fails to provide services called for by this Contract within the time specified or any extension thereof.
  - 2) If the Contractor fails to perform any of the other requirements of this Contract or so fails to pursue the work so as to endanger performance of this Contract in accordance with its terms, and after receipt of written notice from the County specifying such failure, the Contractor fails to correct such failure within 10 calendar days or such other period as the County may authorize.
  - 3) Contractor institutes or has instituted against it insolvency, receivership or bankruptcy proceedings, makes an assignment for the benefit of creditors, or ceases doing business on a regular basis.
- e. **County Default or Breach.**
  - 1) Contractor may terminate this Contract in the event of a breach of this Contract by the County. Prior to such termination, the Contractor shall give to the County written notice of the breach and intent to terminate.
  - 2) If the County has not entirely cured the breach within 10 calendar days of the date of the notice, then the Contractor may terminate this Contract at any time thereafter by giving notice of termination.

**7. Payment on Early Termination.** Upon termination pursuant to paragraph 6, payment shall be made as follows:

- a. If terminated under subparagraphs 6 a. through c. of this Contract, the County shall pay Contractor for work performed prior to the termination date if such work was performed in accordance with the Contract. Provided however, County shall not pay Contractor for any obligations or liabilities incurred by Contractor after Contractor receives written notice of termination.
- b. If this Contract is terminated under subparagraph 6 d. of this Contract, County obligations shall be limited to payment for services provided in accordance with this Contract prior to the date of termination, less any damages suffered by the County.
- c. If terminated under subparagraph 6 e of this Contract by the Contractor due to a breach by the County, then the County shall pay the Contractor for work performed prior to the termination date if such work was performed in accordance with the Contract:
  - 1) with respect to services compensable on an hourly basis, for unpaid invoices, hours worked within any limits set forth in this Contract but not yet billed, authorized expenses incurred if payable according to this Contract and interest within the limits set forth under ORS 293.462, and
  - 2) with respect to deliverable-based Work, the sum designated for completing the deliverable multiplied by the percentage of Work completed and accepted by County, less previous amounts paid and any claim(s) that County has against Contractor.
  - 3) Subject to the limitations under paragraph 8 of this Contract.

**8. Remedies.** In the event of breach of this Contract the parties shall have the following remedies:

- a. Termination under subparagraphs 6 a. through c. of this Contract shall be without prejudice to any obligations or liabilities of either party already reasonably incurred prior to such termination.
  - 1) Contractor may not incur obligations or liabilities after Contractor receives written notice of termination.

- 2) Additionally, neither party shall be liable for any indirect, incidental, consequential or special damages under this Contract or for any damages of any sort arising solely from the termination of this Contract in accordance with its terms.
- b. If terminated under subparagraph 6 d. of this Contract by the County due to a breach by the Contractor, County may pursue any remedies available at law or in equity.
  - 1) Such remedies may include, but are not limited to, termination of this contract, return of all or a portion of this Contract amount, payment of interest earned on this Contract amount, and declaration of ineligibility for the receipt of future contract awards.
  - 2) Additionally, County may complete the work either by itself, by agreement with another Contractor, or by a combination thereof. If the cost of completing the work exceeds the remaining unpaid balance of the total compensation provided under this Contract, then the Contractor shall be liable to the County for the amount of the reasonable excess.
- c. If amounts previously paid to Contractor exceed the amount due to Contractor under this Contract, Contractor shall repay any excess to County upon demand.
- d. Neither County nor Contractor shall be held responsible for delay or default caused by fire, civil unrest, labor unrest, riot, acts of God, or war where such cause was beyond reasonable control of County or Contractor, respectively; however, Contractor shall make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Contract. For any delay in performance as a result of the events described in this subparagraph, Contractor shall be entitled to additional reasonable time for performance that shall be set forth in an amendment to this Contract.
- e. The passage of this Contract expiration date shall not extinguish or prejudice the County's or Contractor's right to enforce this Contract with respect to any default or defect in performance that has not been cured.
- f. County's remedies are cumulative to the extent the remedies are not inconsistent, and County may pursue any remedy or remedies singly, collectively, successively or in any order whatsoever.

**9. Contractor's Tender upon Termination.** Upon receiving a notice of termination of this Contract, Contractor shall immediately cease all activities under this Contract unless County expressly directs otherwise in such notice of termination.

- a. Upon termination of this Contract, Contractor shall deliver to County all documents, information, works-in-progress and other property that are or would be deliverables had this Contract been completed.
- b. Upon County's request, Contractor shall surrender to anyone County designates, all documents, research, objects or other tangible things needed to complete the work.

**10. Work Standard.**

- a. Contractor shall be solely responsible for and shall have control over the means, methods, techniques, sequences and procedures of performing the work, subject to the plans and specifications under this Contract and shall be solely responsible for the errors and omissions of its employees, subcontractors and agents.
- b. For goods and services to be provided under this contract, Contractor agrees to:
  - 1) perform the work in a good, workmanlike, and timely manner using the schedule, materials, plans and specifications approved by County;
  - 2) comply with all applicable legal requirements;
  - 3) comply with all programs, directives, and instructions of County relating to safety, storage of equipment or materials;
  - 4) take all precautions necessary to protect the safety of all persons at or near County or Contractor's facilities, including employees of Contractor, County and any other contractors or subcontractors and to protect the work and all other property against damage.

**11. Drugs and Alcohol.** Contractor shall adhere to and enforce a zero tolerance policy for the use of alcohol and the unlawful selling, possession or use of controlled substances while performing work under this Contract.

**12. Insurance.** Contractor shall provide insurance in accordance with Exhibit 2 attached hereto and incorporated by reference herein.

**13. Expense Reimbursement.** If the consideration under this Contract provides for the reimbursement of Contractor for expenses, in addition to Exhibit 5, Exhibit 1 shall state that Contractor is or is not entitled to

reimbursement for such expenses.

- a. County shall only reimburse Contractor for expenses reasonably and necessarily incurred in the performance of this contract.
- b. Expenses reimbursed shall be at the actual cost incurred; including any taxes paid, and shall not include any mark-up unless the mark-up on expenses is specifically agreed to in this Contract.
- c. The cost of any subcontracted work approved in this Contract shall not be marked up.
- d. Contractor shall not bill County for any time expended to complete the documents necessary for reimbursement of expenses or for payment under this contract.
- e. The limitations applicable to reimbursable expenses are set forth in Exhibit "5," attached hereto and by reference incorporated herein.

**14. Criminal Background Investigations.** Contractor understands that Contractor and Contractor's employees and agents are subject to periodic criminal background investigations by County and, if such investigations disclose criminal activity not disclosed by Contractor, such non-disclosure shall constitute a material breach of this Contract and County may terminate this Contract effective upon delivery of written notice to the Contractor, or at such later date as may be established by the County.

**15. Confidentiality.** Contractor shall maintain confidentiality of information obtained pursuant to this Contract as follows:

- a. Contractor shall not use, release or disclose any information concerning any employee, client, applicant or person doing business with the County for any purpose not directly connected with the administration of County's or the Contractor's responsibilities under this Contract except upon written consent of the County, and if applicable, the employee, client, applicant or person.
- b. The Contractor shall ensure that its agents, employees, officers and subcontractors with access to County and Contractor records understand and comply with this confidentiality provision.
- c. Contractor shall treat all information as to personal facts and circumstances obtained on Medicaid eligible individuals as privileged communication, shall hold such information confidential, and shall not disclose such information without the written consent of the individual, his or her attorney, the responsible parent of a minor child, or the child's guardian, except as required by other terms of this Contract.
- d. Nothing prohibits the disclosure of information in summaries, statistical information, or other form that does not identify particular individuals.
- e. Personally identifiable health information about applicants and Medicaid recipients will be subject to the transaction, security and privacy provisions of the Health Insurance Portability and Accountability Act ("HIPAA").
- f. Contractor shall cooperate with County in the adoption of policies and procedures for maintaining the privacy and security of records and for conducting transactions pursuant to HIPAA requirements.
- g. This Contract may be amended in writing in the future to incorporate additional requirements related to compliance with HIPAA.
- h. If Contractor receives or transmits protected health information, Contractor shall enter into a Business Associate Agreement with County, which, if attached hereto, shall become a part of this Contract.

**16. Reports.** Contractor shall provide County with periodic reports at the frequency and with the information prescribed by County. Further, at any time, County has the right to demand adequate assurances that the services provided by Contractor shall be in accordance with the Contract. Such assurances provided by Contractor shall be supported by documentation in Contractor's possession from third parties.

**17. Access to Records.** Contractor shall maintain fiscal records and all other records pertinent to this Contract.

- a. All fiscal records shall be maintained pursuant to generally accepted accounting standards, and other records shall be maintained to the extent necessary to clearly reflect actions taken.
  - 1) All records shall be retained and kept accessible for at least three years following the final payment made under this Contract or all pending matters are closed, whichever is later.
  - 2) If an audit, litigation or other action involving this Contract is started before the end of the three year period, the records shall be retained until all issues arising out of the action are resolved or until the end of the three year period, whichever is later.
- b. County and its authorized representatives shall have the right to direct access to all of Contractor's books, documents, papers and records related to this Contract for the purpose of conducting audits and examinations and making copies, excerpts and transcripts.



- 1) These records also include licensed software and any records in electronic form, including but not limited to computer hard drives, tape backups and other such storage devices. County shall reimburse Contractor for Contractor's cost of preparing copies.
- 2) At Contractor's expense, the County, the Secretary of State's Office of the State of Oregon, the Federal Government, and their duly authorized representatives, shall have license to enter upon Contractor's premises to access and inspect the books, documents, papers, computer software, electronic files and any other records of the Contractor which are directly pertinent to this Contract.
- 3) If Contractor's dwelling is Contractor's place of business, Contractor may, at Contractor's expense, make the above records available at a location acceptable to the County.

**18. Ownership of Work.** All work of Contractor that results from this Contract (the "Work Product") is covered under the ORCATS Consortium contract.

**19. County Code Provisions.** Except as otherwise specifically provided, the provisions of Deschutes County Code, Section 2.37.150 are incorporated herein by reference. Such code section may be found at the following URL address: <http://www.deschutes.org/County-Code.aspx?F=chapter+2.37.pdf>.

**20. Partnership.** County is not, by virtue of this contract, a partner or joint venturer with Contractor in connection with activities carried out under this contract, and shall have no obligation with respect to Contractor's debts or any other liabilities of each and every nature.

**21. Indemnity and Hold Harmless.**

- a. To the fullest extent authorized by law Contractor shall defend, save, hold harmless and indemnify the County and its officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities costs and expenses of any nature resulting from or arising out of, or relating to the activities of Contractor or its officers, employees, contractors, or agents under this Contract, including without limitation any claims that the work, the work product or any other tangible or intangible items delivered to County by Contractor that may be the subject of protection under any state or federal intellectual property law or doctrine, or the County's use thereof, infringes any patent, copyright, trade secret, trademark, trade dress, mask work utility design or other proprietary right of any third party.
- b. Contractor shall have control of the defense and settlement of any claim that is subject to subparagraph a of this paragraph; however neither contractor nor any attorney engaged by Contractor shall defend the claim in the name of Deschutes County or any department or agency thereof, nor purport to act as legal representative of the County or any of its departments or agencies without first receiving from the County's legal counsel, in a form and manner determined appropriate by the County's legal counsel, authority to act as legal counsel for the County, nor shall Contractor settle any claim on behalf of the County without the approval of the County's legal counsel.
- c. To the extent permitted by Article XI, Section 10, of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall defend, save, hold harmless and indemnify Contractor and its officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities costs and expenses of any nature resulting from or arising out of, or relating to the activities of County or its officers, employees, contractors, or agents under this Contract.

**22. Waiver.**

- a. County's delay in exercising, or failure to exercise any right, power, or privilege under this Contract shall not operate as a waiver thereof, nor shall any single or partial exercise or any right, power, or privilege under this Contract preclude any other or further exercise thereof or the exercise of any other such right, power, or privilege.
- b. The remedies provided herein are cumulative and not exclusive of any remedies provided by law.

**23. Governing Law.** This Contract shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law.

- a. Any claim, action, suit or proceeding (collectively, "Claim") between County and Contractor that arises from or relates to this Contract shall be brought and conducted solely and exclusively within the Circuit Court of Deschutes County for the State of Oregon; provided, however, if a Claim shall be brought in federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon.

b. CONTRACTOR, BY EXECUTION OF THIS CONTRACT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS. The parties agree that the UN Convention on International Sales of Goods shall not apply.

**24. Severability.** If any term or provision of this Contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Contract did not contain the particular term or provision held invalid.

**25. Counterparts.** This Contract may be executed in several counterparts, 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 Contract so executed shall constitute an original.

**26. Notice.** Except as otherwise expressly provided in this Contract, any communications between the parties hereto or notices to be given hereunder shall be given in writing, to Contractor or County at the address or number set forth below or to such other addresses or numbers as either party may hereafter indicate in writing. Delivery may be by personal delivery, facsimile, or mailing the same, postage prepaid.

- a. Any communication or notice by personal delivery shall be deemed delivered when actually given to the designated person or representative.
- b. Any communication or notice sent by facsimile shall be deemed delivered when the transmitting machine generates receipt of the transmission. To be effective against County, such facsimile transmission shall be confirmed by telephone notice to the County Administrator.
- c. Any communication or notice mailed shall be deemed delivered five (5) days after mailing. Any notice under this Contract shall be mailed by first class postage or delivered as follows:

To Contractor:

Murray Giesbrecht, CEO  
Helion Software, Inc.  
PO Box 3506  
Salem, OR 97302  
Fax No. 503-362-9394

To County:

Nick Lelack  
County Administrator  
1300 NW Wall Street, Suite 200  
Bend, Oregon 97701  
Fax No. 541-385-3202

**27. Merger Clause.** This Contract and the attached exhibits constitute the entire agreement between the parties.

- a. All understandings and agreements between the parties and representations by either party concerning this Contract are contained in this Contract.
- b. No waiver, consent, modification or change in the terms of this Contract shall bind either party unless in writing signed by both parties.
- c. Any written waiver, consent, modification or change shall be effective only in the specific instance and for the specific purpose given.

**28. Identity Theft Protection.** Contractor and subcontractors shall comply with the Oregon Consumer Identity Theft Protection Act (ORS 646A.600 et seq.).

**29. Survival.** All rights and obligations shall cease upon termination or expiration of this Contract, except for the rights and obligations set forth in Sections 4, 5, 8, 9, 15, 17, 18, 20-27, 28 and 30.

**30. Representations and Warranties.**

- a. **Contractor's Representations and Warranties.** Contractor represents and warrants to County that:
  - 1) Contractor has the power and authority to enter into and perform this Contract;
  - 2) this Contract, when executed and delivered, shall be a valid and binding obligation of Contractor enforceable in accordance with its terms;
  - 3) Contractor has the skill and knowledge possessed by well-informed members of its industry, trade or profession and Contractor will apply that skill and knowledge with care and diligence to perform the Work in a professional manner and in accordance with standards prevalent in Contractor's industry, trade or profession;
  - 4) Contractor shall, at all times during the term of this Contract, be qualified, professionally competent, and duly licensed to perform the Work;

- 5) Contractor prepared its proposal related to this Contract, if any, independently from all other proposers, and without collusion, fraud, or other dishonesty; and
  - 6) Contractor's making and performance of this Contract do not and will not violate any provision of any applicable law, rule or regulation or order of any court, regulatory commission, board or other administrative agency.
- b. **Warranties Cumulative.** The warranties set forth in this paragraph are in addition to, and not in lieu of, any other warranties provided

**EXHIBIT 1  
DESCHUTES COUNTY SERVICES CONTRACT  
Contract No. 20\_\_-  
STATEMENT OF WORK, COMPENSATION  
PAYMENT TERMS and SCHEDULE**

**Section 1. Contractor's Services**

**Contractor's services are divided into THREE parts:**

**Part 1 – ORCATS Base and Support** is for staff support per the agreement with the ORCATS consortium. Helion will work on and complete property assessment and tax projects and Support as described below in Section 2. Service Level Agreement. The total amount for Part 1 is \$209,869.

**Part 2 – Discretionary Support Hours** for a maximum of 223 hours (at \$155.00/hour) of offsite/onsite staff for ORCATS support and program development for Deschutes. The total for Part 2 is \$34,565.

**Part 3 – Personal Property eFiling** – The total for Part 3 is \$25,000.

Estimates or Fix Bid Quotes will be provided upon County request for work performed under Part 2.

The Total for Parts 1,2 and 3 is \$269,434.

For those projects that require less than 20 hours to complete Helion will notify Deschutes County and after authorization will work on them. These will be "not to exceed" projects and Deschutes County will not be responsible for any hours over 20.

For development projects that will require more than 20 hours to complete (or if Deschutes County requests), Helion and Deschutes County (and other consortium members) will work together to create a set of project requirements. Helion will then develop a fixed quote for the number of hours to complete the project. Helion will begin work on the project after Deschutes County (and, if applicable, other consortium members) approve the quote. Project requirements should be sufficiently detailed to identify the deliverables, the cost in hours, and the timeframe for completion. The time required to develop the requirements will be charged directly against the Part 2 - Programming hours. The project requirements will include a project timeline indicating which tasks are the responsibility of Helion and which tasks are the responsibilities of the County(s).

Upon using the software in production, programming bugs (any programming functionality that does not perform to specification) as identified by Deschutes County (or other consortium members) within 45 days or within a specified project timeline as established by mutual agreement between the Contractor and the County will be considered part of the original quote. Identification of a bug does not extend the acceptance period.

Any changes to requirements as agreed between Helion and County may cause an adjustment to the original quote. All Helion staff will be under the direct management of Helion and would be required to follow all of Helion's procedures and policies. Helion is in the process of developing these policies and procedures and will provide County a copy of those that are relevant to the work described in this contract as they become available or change. Helion will work on whatever County requested as long as it is within those policies and procedures. Typical uses would be programming projects unique to County (or groups of consortium members) and additional programming on projects of special interest to County (or groups of consortium members).

Additional 150 hour blocks of time may be purchased throughout the year, given 60 days notice. Helion will give a good faith effort to provide the additional requested hours in as few a days as possible.

Contractor shall provide the County with monthly reports on hours of service by project and by description. Should multiple counties be paying for the program development, the service hour reports should include all hours assessed to the project for all of the involved counties.

**Section 2. Service Level Agreement**

**1. Supported Software and Maintenance**

1.01 Supported Software: Unless stated otherwise, Helion will provide support for all software listed below:

Helion Start Menu  
Deployer

Account Manager  
Real Value Voucher  
Ratio Study  
Real Land Schedules  
Real Sales  
Trend Finder  
Real Librarian  
Real Value Indexes  
Real Value Recalc

MS Ledger Voucher

Personal Vouchers

Utility Ledger Voucher  
Utility Values  
Utility Input

Address Parser  
Appraisal Maintenance  
Appraisal Reports  
Assessor Reports  
Name Parser  
Lookup Table Maintenance  
Name Parser  
Property Query  
Web Property Query  
Custom Query  
Image Processing  
ORCATS Integration Services  
File Service

Data Exchange  
Interested Party  
Lender Code Maintenance  
Tax Notation Maintenance  
Tax Receipts  
Tax Reports  
Tax Voucher  
Turnover Distribution  
Tax Receipt Image Loader  
Tax Balance Service

Prepaid Tax Processing  
Tax Rate Calculation  
Tax Amount Calculation  
Tax District Adjustments  
Tax Statements

Assessment and Tax Database Views

1.02 Maintenance shall include providing County with new releases, updates, and corrections to the Software, including the Software documentation. Maintenance shall also include necessary assistance and consultation to assist County in resolving problems with the use of the Software including the verification, diagnosis and correction of errors and defects in the Software. Maintenance shall include third party software bundled with the ORCATS system, as well as updates to documentation.

1.03 Helion shall correct any defect or error or non-conformity comprising a problem by, among other things, supplying to County and installing such corrective codes and making such additions, modifications or adjustments to the Software as may be necessary to keep the Software in operating order and in conformity with the warranties contained in this Agreement.

The corrective services provided by Helion may include:

- Providing a resolution to the problem immediately; or
- Providing documented clear steps that county staff can reasonably take to correct the problem; or
- Following analysis, providing documented clear steps toward problem resolution; or
- Performing configuration changes to the Helion software; or
- Modifying corrupt data caused by a defect in the software.

1.04 Helion will provide support for modifications or specialized features made at the request of the County and performed by Helion.

1.05 All modifications or specialized features made at the request of the County and performed by Helion will be ported to and supported in all future versions and releases of the Software unless authorized in writing from the County.

1.06 Any changes to comply with legal requirements will be performed under Section 1, Part 1.

1.07 Helion will assist County with the following Data Manipulation either directly or by providing an application so the County can perform the tasks themselves:

- Changing a value from Entered to Calculated or Calculated to Entered at the following levels:
  - Improvement
  - Accessories
  - Floor
  - Inventory
  - Land Fragment
  - OSD
- Changing a Neighborhood Code
- Changing an Improvement, Land Fragment or OSD from Trendable to Non-Trendable or Non-Trendable to Trendable
- Change one RMV class to another
- Bulk load LCM Schedules

Selection will be by either a County selected set of Neighborhood Codes or by a County selected set of Property Account Id's. The Property Account Id's must be in a CR/LF delimited text file. (Map and Taxlots are not considered Property Account Id's.)

**2.00 Database Maintenance**

2.01 Helion will provide on-going consulting on procedures for the backup and restoration of all databases required to run the ORCATS software.

- 2.02 Helion will consult with the County technical staff as needed on the status of all databases required to run the ORCATS software and ensure that all database indexes and database features are configured appropriately to ensure the proper functioning of all Helion supported software.
- 2.03 If requested, Helion will ensure that database backups are performed prior to any modification to the database structure and/or schema as part the implementation of new ORCATS software through new version release or problem resolution.
- 2.04 Helion will perform all database repair and recovery due to database corruption, malfunction, or inconsistency brought about by implementation of new ORCATS software through new version release or problem resolution, by defects in or improper functioning of the client software, or by third party software used within any Helion supported software.
- 2.05 The obligations described in Sections 1.00 through 2.05 are hereafter referred to as "Maintenance."

**3.00 Response Times and System Access**

- 3.01 Unless visit was requested by the County, Helion will provide the County IT Division with 2 days notice prior to performing a site visit to perform software upgrades or modifications to the database or the client software.
- 3.02 County shall notify Helion, either by telephone or in writing or email, of any deficiency and shall provide any other information that Helion may reasonably request in determining the nature of the deficiency. Helion shall commence correction of such deficiency in accordance with this section. Helion will provide problem resolution through telephone, electronic, remote and onsite assistance to the County designated representatives. Resolving the problem may include the initial contact and any subsequent contact and actions necessary to address the initial issue for the County. Helion will provide the County with a local telephone or toll-free telephone number, an email address, and a designated point of contact to receive calls or e-mails for trouble reports. The County shall designate authorized callers (who may change from time to time) for access to the telephone support.
- 3.03 The County agrees to provide Helion with VPN access or through other secure electronic access technology and services at the County's expense for purposes of Helion's fulfillment of its maintenance obligations. Such access shall not result in the unnecessary or unreasonable disruption of the County's business operations.
- 3.04 Helion will respond to system problems that do not prevent normal daily operation of the system (Non-Emergency Response) within 16 business hours of the receipt of the trouble call.
- 3.05 On-Site Support. In an emergency or if all other support options fail, Helion shall have a technician on-site within one (1) business day of a request from the County. This does not apply to Down System events, as described in Section 3.06.
- 3.06 Down-System Response: The system is considered "down" when any part of the system prevents daily operation ("Down System"). Helion shall respond within two business hours of telephone notification. Response may be by telephone.
- 3.07 Normal Support Hours: At all times from 8:00 a.m. to 5:00 pm Pacific Standard Time (PST) (note: Pacific Daylight Saving Time (PDST) when in effect) weekdays. The hours of Support shall not include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Veterans Day and Christmas Day.
- 3.08 Helion will provide Tax Season assistance to ensure the timely completion of tax amount calculation, statement printing and state reporting.
- 3.09 Helion will provide support for and is solely responsible for the proper functioning, licensing and distribution of additional or third party software used within their products or distributed with their products as a component of their software. Helion guarantees the functioning of this third party software as a component of their software.
- 3.10 Helion is not liable for any failure or delay in performance due to any cause beyond its control.

3.11 The obligations described in Sections 3.00 through 3.11 are hereafter referred to as "Support."

**4.00 County's Responsibilities**

4.01 To receive Maintenance and Support, the County is responsible for complying with the following:

- The situation giving rise to the question is reproducible or a documented history of the same event has been provided;
- The hardware and client workstation operating systems meet minimum Helion requirements (See Exhibit 6, attached and incorporated by reference herein);
- County designated representatives will submit all questions to Helion;
- County designated representatives must have knowledge regarding the facts and circumstances surrounding the incident;
- The full system, including software and hardware, is available to the County representative and accessible by him or her without limit during any telephone discussions with Helion support personnel;
- The County representative will follow the instructions and suggestions of Helion's support personnel, using the full system.

4.02 County will provide remote electronic access using VPN access through Internet connection (this is the preferred method) or will provide remote electronic access using other technologies and services that meet County's security requirements.

4.03 Helion must have received payment per this Agreement, Section 3, Paragraph 2.

4.04 If the resolution of a problem requires the installation of a newer version of the product, the County agrees that Helion may install the new version as part of the resolution process, depending upon the urgency of the problem resolution.

**5.00 Services NOT Covered by Helion Under Part 1**

5.01 Helion is not responsible for support in instances in which the County has made significant changes to the computing environment without consultation with Helion or in which the County has made significant client workstation configuration changes, such as Operating System version updates or Microsoft Office version updates, without consultation with Helion.

5.02 Helion is not responsible for remote or on-site training assistance unless specifically arranged through a separate services contract with Helion.

5.03 Helion is not responsible for software support on any products that are not part of the ORCATS system. Examples include Deschutes Download, County's web sites, Microsoft Office, etc.

5.04 The following services are excluded from coverage under Part 1:

- Creation of new Custom Queries
- Importing data or images
- Manipulation of data unless covered under section 1.03 or 1.07 above
- Display changes to forms, reports, letters or export
- Onsite Installation
- A&T View Access Database



5.05 Helion is not responsible to maintain compatibility with any application not listed as part of the ORCATS system. Helion will make a good faith effort to notify the County of any incompatibility between ORCATS and third party software.

**Section 3 Schedule and Payment Terms**

- 1. **Effective Date and Duration:** Contractor's services will begin on July 1, 2024. Unless earlier terminated or extended, this contract shall expire on June 30, 2025, or when Contractor's completed performance has been accepted by County. However, such expiration shall not extinguish or prejudice County's right to enforce this contract with respect to: (a) any breach of a Contractor warranty; or (b) any default or defect in Contractor's performance that has not been cured.
  
- 2. **Compensation by the County:** Payment for all work performed under this contract shall be made as set forth below from available and authorized County funds, and shall not exceed the maximum sum of \$209,869 for Part 1, \$34,565 for Part 2, \$25,000 for Part 3 {\$269,434}. Travel and other expenses of the Contractor shall not be reimbursed by County unless specifically provided herein as a supplementary condition.
  - 1. Interim payments shall be made to Contractor following County's review and approval of billings submitted by Contractor. Contractor will also submit copies of other billings for work performed under the contract when such bills are to be paid by other parties. These other billings are not subject to the maximum compensation amount of this contract.
  
  - 2. Contractor shall not submit billings for, and County will not pay, any amount in excess of the maximum compensation amount of this contract, including any travel and other expense when noted below. If the maximum compensation amount is increased by amendment of this contract, the amendment must be fully effective before Contractor performs work subject to the amendment. Contractor shall notify County's supervising representative in writing 30 calendar days before this contract expires of the upcoming expiration of the contract. No payment will be made for any services performed before the beginning date or after the expiration date of this contract. This contract will not be amended after the expiration date.
  
  - 3. Contractor shall submit an annual billing for Part 1 and Part 3. Billing for Part 1 and Part 3 shall not exceed the contract total for Part 1 and Part 3. Billing for Part 2 will be based upon projects identified. Projects done as "not to exceed" quotes and requirement development will be billed quarterly as they occur. Contractor will bill quarterly for other Part 2 hours as they occur. Payment structure may be adjusted with advance consent of County and Contractor. Billings shall be sent to the supervising representative.

**EXHIBIT 2  
DESCHUTES COUNTY SERVICES CONTRACT  
Contract No. 20\_\_ -  
INSURANCE REQUIREMENTS**

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

**Contractor Name** HELION SOFTWARE, INC.

**Workers Compensation** insurance in compliance with ORS 656.017, requiring Contractor and all subcontractors to provide workers’ compensation coverage for all subject workers, or provide certification of exempt status. Worker’s Compensation Insurance to cover claims made under Worker’s Compensation, disability benefit or any other employee benefit laws, including statutory limits in any state of operation with Coverage B Employer’s Liability coverage all at the statutory limits. . In the absence of statutory limits the limits of said Employers liability coverage shall be not less than \$1,000,000 each accident, disease and each employee. This insurance must be endorsed with a waiver of subrogation endorsement, waiving the insured’s right of subrogation against County.

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

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

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

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

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

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

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

The policy shall be endorsed to name ***Deschutes County, its officers, agents, employees and volunteers as an additional insured***. The additional insured endorsement shall not include declarations that reduce any per occurrence or aggregate insurance limit. The contractor shall provide additional coverage based on any outstanding claim(s) made against policy limits to ensure that minimum insurance limits required by the County are maintained. Construction contracts may include aggregate limits that apply on a “per location” or “per project” basis. The additional insurance protection shall extend equal protection to County as to Contractor or subcontractors and shall not be limited to vicarious liability only or any similar limitation. To the extent any aspect

of this Paragraph shall be deemed unenforceable, then the additional insurance protection to County shall be narrowed to the maximum amount of protection allowed by law.

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

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

Per Occurrence

- \$500,000
- \$1,000,000
- \$2,000,000

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

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

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

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

Risk Management review

Date

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT 3  
DESCHUTES COUNTY SERVICES CONTRACT  
Contract No. 20\_\_ -  
CERTIFICATION STATEMENT FOR CORPORATION  
OR INDEPENDENT CONTRACTOR**

**NOTE: Contractor Shall Complete A or B in addition to C below:**

**A. CONTRACTOR IS A CORPORATION, LIMITED LIABILITY COMPANY OR A PARTNERSHIP.**

**I certify under penalty of perjury that Contractor is a [check one]:**  
 Corporation     Limited Liability Company     Partnership    authorized to do business in the State of Oregon.  
 \_\_\_\_\_ *Murray Siskrecht* \_\_\_\_\_ CEO \_\_\_\_\_ 5/22/2024  
 Signature Title Date

**B. CONTRACTOR IS A SOLE PROPRIETOR WORKING AS AN INDEPENDENT CONTRACTOR.**

**Contractor certifies under penalty of perjury that the following statements are true:**

- If Contractor performed labor or services as an independent Contractor last year, Contractor filed federal and state income tax returns last year in the name of the business (or filed a Schedule C in the name of the business as part of a personal income tax return), **and**
- Contractor represents to the public that the labor or services Contractor provides are provided by an independently established business registered with the State of Oregon, **and**
- All of the statements checked below are true.

**NOTE: Check all that apply. You shall check at least three (3) - to establish that you are an Independent Contractor.**

\_\_\_ A. The labor or services I perform are primarily carried out at a location that is separate from my residence or primarily carried out in a specific portion of my residence that is set aside as the location of the business.

\_\_\_ B. I bear the risk of loss related to the business or provision of services as shown by factors such as: (a) fixed-price agreements; (b) correcting defective work; (c) warranties over the services or (d) indemnification agreements, liability insurance, performance bonds or professional liability insurance.

\_\_\_ C. I have made significant investment in the business through means such as: (a) purchasing necessary tools or equipment; (b) paying for the premises or facilities where services are provided; or (c) paying for licenses, certificates or specialized training.

\_\_\_ D. I have the authority to hire other persons to provide or to assist in providing the services and if necessary to fire such persons.

\_\_\_ E. Each year I perform labor or services for at least two different persons or entities or I routinely engage in business advertising, solicitation or other marketing efforts reasonably calculated to obtain new contracts to provide similar services.

\_\_\_\_\_  
 Contractor Signature Date

**C. Representation and Warranties.**

**Contractor certifies under penalty of perjury that the following statements are true to the best of Contractor's knowledge:**

1. Contractor has the power and authority to enter into and perform this contract;
2. This contract, when executed and delivered, shall be a valid and binding obligation of Contractor enforceable in accordance with its terms;
3. The services under this Contract shall be performed in a good and workmanlike manner and in accordance with the highest professional standards; and
4. Contractor shall, at all times during the term of this contract, be qualified, professionally competent, and duly licensed to perform the services.
5. To the best of Contractor's knowledge, Contractor is not in violation of any tax laws described in ORS 305.380(4),
6. Contractor understands that Contractor is responsible for any federal or state taxes applicable to any consideration and payments paid to Contractor under this contract; and
7. Contractor has not discriminated against minority, women or small business enterprises in obtaining any required subcontracts.

 _____	5/22/2024 _____
Contractor Signature	Date

**EXHIBIT 4  
DESCHUTES COUNTY SERVICES CONTRACT  
Contract No. 20\_\_-  
Workers' Compensation Exemption Certificate**

(To be used only when Contractor claims to be exempt from Workers' Compensation coverage requirements)

Contractor is exempt from the requirement to obtain workers' compensation insurance under ORS Chapter 656 for the following reason (check the appropriate box):

**SOLE PROPRIETOR**

- Contractor is a sole proprietor, and
- Contractor has no employees, and
- Contractor shall not hire employees to perform this contract.

**CORPORATION - FOR PROFIT**

- Contractor's business is incorporated, and
- All employees of the corporation are officers and directors and have a substantial ownership interest\* in the corporation, and
- The officers and directors shall perform all work. Contractor shall not hire other employees to perform this contract.

**CORPORATION - NONPROFIT**

- Contractor's business is incorporated as a nonprofit corporation, and
- Contractor has no employees; all work is performed by volunteers, and
- Contractor shall not hire employees to perform this contract.

**PARTNERSHIP**

- Contractor is a partnership, and
- Contractor has no employees, and
- All work shall be performed by the partners; Contractor shall not hire employees to perform this contract, and
- Contractor is not engaged in work performed in direct connection with the construction, alteration, repair, improvement, moving or demolition of an improvement to real property or appurtenances thereto.

**LIMITED LIABILITY COMPANY**

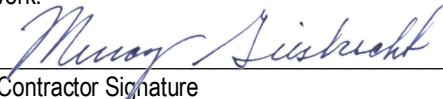
- Contractor is a limited liability company, and
- Contractor has no employees, and
- All work shall be performed by the members; Contractor shall not hire employees to perform this contract, and
- If Contractor has more than one member, Contractor is not engaged in work performed in direct connection with the construction, alteration, repair, improvement, moving or demolition of an improvement to real property or appurtenances thereto.

\*NOTE: Under OAR 436-050-050 a shareholder has a "substantial ownership" interest if the shareholder owns 10% of the corporation or, if less than 10% is owned, the shareholder has ownership that is at least equal to or greater than the average percentage of ownership of all shareholders.

\*\*NOTE: Under certain circumstances partnerships and limited liability companies can claim an exemption even when performing construction work. The requirements for this exemption are complicated. Consult with County Counsel before an exemption request is accepted from a contractor who shall perform construction work.

Murray Giesbrecht  
\_\_\_\_\_  
Contractor Printed Name  
CEO

\_\_\_\_\_  
Contractor Title

  
\_\_\_\_\_  
Contractor Signature  
5/22/2024

\_\_\_\_\_  
Date

**EXHIBIT 5**  
**DESCHUTES COUNTY SERVICES CONTRACT**  
**Contract No. 20\_\_ - \_\_\_\_**  
**Expense Reimbursement**

1. **Travel and Other Expenses.** (When travel and other expenses are reimbursed.)
  - a. It is the policy of the County that all travel shall be allowed only when the travel is essential to the normal discharge of the County responsibilities.
    - 1) All travel shall be conducted in the most efficient and cost effective manner resulting in the best value to the County.
    - 2) Travel expenses shall be reimbursed for official County business only.
    - 3) County shall not reimburse Contractor for any item that is not otherwise available for reimbursement to an employee of Deschutes County per Deschutes County Finance Policy F-1, "REIMBURSEMENT FOR MISCELLANEOUS EXPENSES AND EXPENSES INCURRED WHILE TRAVELING ON COUNTY BUSINESS," dated 11/8/06.
    - 4) County may approve a form other than the County Employee Reimbursement Form for Contractor to submit an itemized description of travel expenses for payment.
    - 5) Personal expenses shall not be authorized at any time.
    - 6) All expenses are included in the total maximum contract amount.
  - b. Travel expenses shall be reimbursed only in accordance with rates approved by the County and only when the reimbursement of expenses is specifically provided for in Exhibit 1, paragraph 3 of this contract.
  - c. The current approved rates for reimbursement of travel expenses are set forth in the above described policy.
  - d. County shall not reimburse for any expenses related to alcohol consumption or entertainment.
  - e. Except where noted, detailed receipts for all expenses shall be provided.
  - f. Charge slips for gross amounts are not acceptable.
  - g. County shall not reimburse Contractor for any item that is not otherwise available for reimbursement to an employee of Deschutes County.
  
2. **Approved reimbursements:**
  - a. Mileage. Contractor shall be entitled to mileage for travel in a private automobile while Contractor is acting within the course and scope of Contractor's duties under this Contract and driving over the most direct and usually traveled route to and from Bend, Oregon.
    - 1) Reimbursement for mileage shall be equal to but not exceed those set by the United States General Services Administration ("GSA") and are subject to change accordingly.
    - 2) To qualify for mileage reimbursement, Contractor shall hold a valid, current driver's license for the class of vehicle to be driven and carry personal automobile liability insurance in amounts not less than those required by this contract.
    - 3) No mileage reimbursement shall be paid for the use of motorcycles or mopeds.
  - b. Meals.
    - 1) Any reimbursement for meals shall be for actual cost of meals incurred by Contractor while acting within the course and scope of Contractor's duties under this contract.
    - 2) For purposes of calculating individual meals where the Contractor is entitled only to a partial day reimbursement, the following maximum allocation of the meal expenses applies:
      - a) Breakfast, \$10;
      - b) Lunch, \$12;
      - c) Dinner, \$22.
    - 3) Except in the event of necessary overnight travel as provided below, partial day meal expenses shall be reimbursed as follows and only while Contractor is acting within the course and scope of Contractor's duties under this contract:
      - a) Breakfast expenses are reimbursable if Contractor is required to travel more than two (2) hours: before the start Contractor's regular workday (i.e. 8:00 a.m.).
      - b) Lunch expenses are reimbursable only if Contractor is required to travel overnight and begins the journey before 11:00 am or ends the journey after 11:00 a.m.
      - c) Dinner expenses are reimbursable only if Contractor is required to travel more than two (2) hours after Contractor's regular workday (i.e. 5:00 p.m.).

4) Breakfast and dinner expenses are reimbursable during Contractor's necessary overnight travel while acting within the course and scope of Contractor's duties under this contract and shall not exceed those set by the GSA. and are subject to change accordingly.

c. Lodging.

1) County shall reimburse Contractor for Contractor's actual cost of lodging necessary to provide service to the County and shall not exceed the maximum lodge set by the GSA for Bend, Oregon.

2) Reimbursement rates for lodging are not considered "per diem" and receipts are required for reimbursement.

d County shall not reimburse Contractor in excess of the lowest fair for any airline ticket or vehicle rental charges.

**3. Exceptions.** Contractor shall obtain separate written approval of the County Administrator for any exceptions to the expense items listed above prior to incurring any expense for which reimbursement shall be sought.




**Exhibit 6**  
**DESCHUTES COUNTY SERVICES CONTRACT**  
**Contract No. 20\_\_-**  
**Compliance with provisions, requirements of funding source and**  
**Federal and State laws, statutes, rules, regulations, executive orders and policies.**

**Conflicts of Interest**

**Contractor certifies under penalty of perjury that the following statements are true to the best of Contractor's knowledge:**

1. If Contractor is currently performing work for the County, State of Oregon or federal government, Contractor, by signature to this Contract, declares and certifies that Contractor's Work to be performed under this Contract creates no potential or actual conflict of interest as defined by ORS 244 and no rules or regulations of Contractor's employee agency (County State or Federal) would prohibit Contractor's Work under this Contract. Contractor is not an "officer," "employee," or "agent" of the County, as those terms are used in ORS 30.265.
2. No federally appropriated funds have been paid or shall be paid, by or on behalf of Contractor, to any person for influencing or attempting to influence an officer or employee of any 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.
  - a. If any funds other than federally appropriated funds have been paid or shall be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, Contractor agrees to complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.
    - 1) Standard Form-LLL and instructions are located in 45 CFR Part 93 Appendix B.
    - 2) If instructions require filing the form with the applicable federal entity, Contractor shall then as a material condition of this Contract also file a copy of the Standard Form-LLL with the Department.
    - 3) This filing shall occur at the same time as the filing in accordance with the instructions.
  - b. Contractor understands this certification is a material representation of fact upon which the County and the Department has relied in entering into this Contract. Contractor further understands that submission of this certification is a prerequisite, imposed by 31 USC 1352 for entering into this Contract.
  - c. 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.
  - d. Contractor shall include the language of this certification in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.
  - e. Contractor is solely responsible for all liability arising from a failure by Contractor to comply with the terms of this certification.
  - f. Contractor promises to indemnify County for any damages suffered by County as a result of Contractor's failure to comply with the terms of this certification.
3. Contractor understands that, if this Contract involves federally appropriated funds, this certification is a material representation of facts upon which reliance was placed when this Contract was made or entered into, submission of this certification is a prerequisite for make or entering into this Contract imposed by Section 1352, Title 311, U.S. Code and that 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 failure.

  
\_\_\_\_\_  
Contractor Signature

5/22/2024  
\_\_\_\_\_  
Date



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: June 12, 2024

SUBJECT: Approval of appointment of Phil Anderson to the Audit Committee for a term ending on June 30, 2026

RECOMMENDED MOTION:

Move approval to appoint Phil Anderson as a public member of the Audit Committee for a term ending on June 30, 2026.

BACKGROUND AND POLICY IMPLICATIONS:

The Deschutes County Audit Committee provides oversight to the external and internal audit functions of the County. It helps ensure the audit function retains organizational independence from political and administrative pressures. The Audit Committee's organizational documents are codified in the Deschutes County Code Chapter 2.15.

The Audit Committee consists of

- One representative from the Board of County Commissioners
• Six public members (two positions are optional)
• Two Department Heads (traditionally one of the Department Head positions is held by an elected official)

Audit Committee terms are two years long and are staggered so as to not have all of the committee members turn-over in any given year. Members may be reappointed to successive terms. The County Administrator and Finance Director are precluded from serving on the committee.

Following Stan Turel's declination to be reappointed, the committee held an open recruitment for the open position. The position was advertised on the County website and through County social media. There were six applicants and a subcommittee consisting of Patti Adair (Deschutes County Commissions and Audit Committee member), Daryl Parrish (Audit Committee Chair), and Audit staff interviewed the applicants. All applicants were highly qualified and expressed a strong interest in serving the County and promoting transparency and accountability. The subcommittee selected Phil Anderson for the committee because of the diverse experience he would bring to the committee,

commitment to ethics, and deep roots in the County. The subcommittee appreciated the participation of all applicants and is recommending that they apply for other County committees.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Elizabeth Pape, County Internal Auditor



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: June 12, 2024

SUBJECT: Public Hearing to consider Ordinance No. 2024-005 which would amend Deschutes County Code section 8.08, Noise Control

RECOMMENDED ACTIONS:

Following the public hearing, close the record and move approval of first and second reading of Ordinance No. 2024-005 by title only, then move emergency adoption of Ordinance No. 2024-005.

BACKGROUND AND POLICY IMPLICATIONS:

Deschutes County Code section 8.08 addresses the issue of noise control. Under the current provisions, the Deschutes County Road Department is ostensibly prohibited from engaging in routine road maintenance activities in the unincorporated areas of the County between the hours of 10:00 pm and 7:00 am except by permit. Routine road maintenance activities that must be performed during nighttime or early morning hours include:

- Winter operations, including snow plowing and ice prevention;
• Pavement preservation, sign and guardrail replacement, and other maintenance work;
• On high traffic volume road segments where traffic control operations would cause significant congestion and hazardous work zone conditions;
• On road segments that approach state highways where traffic control operations would cause traffic queuing onto the highway; and
• On days where heat and/or air quality indexes are forecast to be above OSHA-mandated exposure limits during late morning and afternoon hours.

The permitting process provided in DCC 8.08.080 requires a noticed public meeting before the Board of County Commissioners, requiring several weeks of County staff preparation.

The proposed text amendments to DCC 8.08 would exempt routine public road maintenance activities conducted between the hours of 10:00 pm and 7:00 am from noise variance permitting requirements and would provide for an administrative process through the Deschutes County Community Development Department for the issuance of noise variance permits for public road improvement activities conducted between the hours of 10:00 pm and 7:00 am.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Road Department

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 8.08, Noise Control, \*  
of the Deschutes County Code. \* ORDINANCE NO. 2024-005  
\*

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

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

WHEREAS, staff from the Road Department have identified a need to amend DCC 8.08 to address noise issues associated with construction activities and the issuance of permits; and

WHEREAS, the Board of County Commissioners of Deschutes County considered this matter at a duly noticed Board meeting on June 12, 2024, and determined that DCC 8.08 should be amended; now therefore,

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

Section 1. AMENDMENT. DCC 8.08 is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. EMERGENCY. This Ordinance being necessary for the preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on June 12, 2024.

///

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
PATTI ADAIR, Chair

\_\_\_\_\_  
ANTHONY DeBONE, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

Date of 1st Reading: 12<sup>th</sup> day of June, 2024.

Date of 2nd Reading: 12<sup>th</sup> day of June, 2024.

Commissioner

	Record of Adoption Vote		
<u>Yes</u>	<u>No</u>	<u>Abstained</u>	<u>Excused</u>

Patti Adair  
Phil Chang  
Anthony DeBone

Effective date: 12<sup>th</sup> day of June, 2024.

# **EXHIBIT A**

**(To Ordinance No. 2024-005)**



**CHAPTER 8.08 NOISE CONTROL**

**8.08.010 Title**

DCC 8.08 shall be known as the County Noise Control Ordinance.

HISTORY

*Adopted by Ord. 203.11 §2 on 1 2 1980*

**8.08.020 Authority**

DCC 8.08 is adopted pursuant to the provisions of ORS 467.100, 203.010, and 203.035.

HISTORY

*Adopted by Ord. 203.11 §1 on 1 2 1980*

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

**8.08.030 Purpose**

The purpose of DCC 8.08 is to promote the public peace, health, safety and general welfare, which the Board finds to be adversely affected by unreasonably loud or raucous noises

HISTORY

*Adopted by Ord. 203.11 §3 on 1 2 1980*

**8.08.040 Definitions**

For the purposes of DCC 8.08, unless otherwise apparent from the context, certain words and phrases used in DCC 8.08 are defined as set forth in DCC 8.08.040.

**“Board” means the Board of County Commissioners.**

“Direct transportation” means travel between different locations separated by a distance not substantially different than the length of a trip with a destination where the rider leaves the vehicle before resuming travel. “Direct transportation” includes parking places in streets and parking lots, but excludes speed contests, motocross contests, rallies and practice therefore, repair and testing of motors, accelerating the motors of stopped motor vehicles, and vehicular traffic wherein the same vehicle may be heard for more than five minutes from the same location.

**“Department” means the Community Development Department.**

**“Director” means the Deschutes County Community Development Director, or his or her duly authorized deputies and representatives.**

“Motor vehicle” means every self-propelled vehicle and vehicle designed for self-propulsion, except road rollers, farm tractors, traction engines; provided however, that police vehicles, ambulances, fire engines and other emergency vehicles responding to emergency calls are not subject to DCC 8.08.

“Off-road motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a trailer. This includes motorcycles suitable for use off any road or on dirt trails, regardless of whether it may also be used on public streets or highways under state law. “Off-road motorcycle” includes motorcycles sold or commonly described as dirt bikes, motocross bikes, trail bikes, enduro bikes and trail bikes which in operation make crackling or explosive noises that would disturb the sleep, comfort or repose of persons 30 or more feet away.

“Public Agency” means a state agency or department, special district, joint powers authority, city, county, or other political subdivision of the state.

“Unreasonably loud or raucous noise” means:

- A. Motor vehicle noise which is louder or heard for a longer period than that produced by use in direct transportation by motor vehicles with mufflers supplied by the manufacturer with the vehicle, which disturbs, injures or endangers the comfort, repose, health, peace or safety of persons 30 or more feet away, if such noise is not emitted in order to make the motor vehicle move up to the maximum speed limit on public streets, roads, and or highways for the purpose of direct transportation; or
- B. Noise, which violates the standards of the Environmental Quality Commission, adopted pursuant to ORS 467.030 which are not exempt under ORS 467.035 or permitted by a variance issued under ORS 467.060;
- C. The sounding of any horn or signaling device on any automobile, motorcycle, bus or other vehicle except as a reasonable signal required by the exigencies of vehicular or pedestrian traffic; the creation by means of any such signaling device of any sound which disturbs the sleep, peace, quiet, comfort or repose of other persons; the sounding of any such device for an unnecessary or unreasonable period of time;
- D. The playing, using or operating of any radio, musical instrument, phonograph, television set, tape recorder or other machine or device for the producing or reproducing of sound in such a manner as to disturb the sleep, peace, quiet, comfort or repose of other persons, or at any time with louder volume than is necessary for convenient hearing by the person or persons who are in the room, vehicle or chamber in which the machine or device is operated and others who are voluntary listeners thereto. The operation of any such machine or device in such a manner so as to be plainly audible to a peace officer at a distance of 50 feet from the building, room, structure or vehicle in which it is located shall be prima facie proof of a violation of DCC 8.08.040;
- E. Using, operating or permitting to be used or operated any mechanical or electrical loudspeaker or sound amplifier, either stationary or mobile, for producing or reproducing sound which is cast upon the public streets or other public property. DCC 8.08.040 does not prohibit the reasonable use of mechanical loudspeakers or sound amplifiers in the course of noncommercial public addresses or emergency announcements required by public safety; provided however, that repetitive mechanically or electrically amplified political advertising shall not be allowed in zoned residential neighborhoods between 10:00 p.m. and 7:00 a.m. if it disturbs the sleep, peace, quiet, comfort or repose of persons more than 30 feet away;
- F. Yelling, shouting, hooting, whistling or singing on the public streets, between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to disturb the sleep, peace, comfort or repose of persons more than 30 feet away. DCC 8.08.040 shall not apply to applause and cheering at public meetings, lectures, sports events and shows held at schools, stadiums, auditoriums, churches, meeting halls, public parks and public playgrounds;
- G. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work, as a warning of fire or danger, or upon request of proper authorities;
- H. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises there from;
- I. The use of any automobile, motorcycle or other vehicle so out of repair, so loaded, or in such a manner as to disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away;
- J. The loading or unloading of any vehicle or the opening, closing or destruction of bales, boxes, crates and containers, so as to disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away;

- K. The construction, including excavation, demolition, alteration or repair of any building, streetroad, sidewalk, driveway, sewer or utility line between the hours of 10:00 p.m. and 7:00 a.m., except as provided in DCC 8.08.055 and DCC 8.08.080;
- L. The creation of any sound on any street adjacent to any school, institution of learning, church or court, while the same is in use, or adjacent to any hospital, nursing home or other institution for the care of the sick or infirm, which would tend to unreasonably interfere with the operation of the same or disturbs the sleep, peace, quiet, comfort or repose of persons more than 30 feet away. "Adjacent" means within 500 feet of any of such institutional building;
- M. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, earthmoving equipment, pneumatic hammer, derrick, steam or electric hoist or other equipment, appliance, or machinery, the use of which creates a sound which disturbs the sleep, peace, quiet, comfort or repose of persons more than 30 feet away;
- N. The use of any off-road motorcycle or snowmobile where it is heard by the occupant from the premises of an inhabited residence not owned by the user. If the user has a permit issued under DCC 8.08.080(B), such person may operate the motorcycle or snowmobile within the terms of the permit;
- O. The operation of any blower, power fan, internal combustion engine, electric motor or compressor, or the compression of air, unless the sound from each machine is sufficiently muffled so as not to disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away.

**HISTORY**

*Adopted by Ord. 203-11 §4 on 1-2-1980*  
*Amended by Ord. 95-032 §1 on 5-17-1995*  
*Amended by Ord. 2015-012 §2 on 2-7-2016*

*Amended by Ord. 2024-005, §1 on 6/12/2024*

**8.08.050 Exception For Certain Farming And Forestry Practices**

Generally accepted, reasonable and prudent farming and forest practices as described in ORS 30.930 to 30.937 and DCC 9.12 do not constitute nuisances and are not subject to the provisions of under-DCC 8.08, excepting therefrom for sustained noise from operation of mechanical equipment associated with marijuana production and processing used for heating, ventilation, air condition, odor control, fans and similar functions ~~associated with marijuana production and processing.~~

**HISTORY**

*Adopted by Ord. 95-024 §12 on 4-26-1995*  
*Amended by Ord. 2016-013 §1 on 7-1-2016*

*Amended by Ord. 2024-005, §1 on 6/12/2024*

**8.08.055 Exception For Certain Public Road Maintenance and Construction Noise**

Noise resulting from routine maintenance and cleaning of public roads performed or administered by a public agency on a public road between the hours of 10:00 p.m. and 7:00 a.m. do not constitute a nuisance and are not subject to the provisions of DCC 8.08.

**HISTORY**

*Adopted by Ord. 2024-005, §1 on 6/12/2024*



**8.08.060 Construction****8.08.060 Interpretation**

For the purpose of DCC 8.08, words used in the present tense include the future, the singular includes the plural, the word "shall" is mandatory and directory, and the term "this chapter" shall be deemed to include all amendments hereafter made hereto.

HISTORY

*Adopted by Ord. 203.11 §10 on 1/2/1980  
Amended by Ord. 95-032 §1 on 5/17/1995*

*Amended by Ord. 2024-005, §1 on 6/12/2024*

**8.08.070 Acts Prohibited**

Except as permitted in DCC 8.08, no person shall make or cause to make any unreasonable loud or raucous noise which disturbs, injures or endangers the comfort, repose, health, peace or safety of others and constitutes a nuisance within the legal boundaries of the County.

HISTORY

*Adopted by Ord. 203.11 §5 on 1/2/1980  
Amended by Ord. 95-032 §1 on 5/17/1995*

*Amended by Ord. 2024-005, §1 on 6/12/2024*

**8.08.080 Permits; Issuance**

- A. In cases of an emergency which creates or may result in an unsafe, dangerous or hazardous condition, a person may request permission from the Sheriff ~~may give permission~~ to allow activities in DCC 8.08.040(L) to take place at any hour for a period of time not to exceed three (3) days. A person may request a single three (3) day renewal of permission from the Sheriff. Emergency permission from the Sheriff may not exceed three days, but may be renewed for an additional three-day period. If the emergency extends past six (6) days, further extension of permission must be granted by obtained from the Board.
- B. ~~At a public meeting noticed in accordance with ORS 192.640, an agency contracting for scheduled construction or maintenance~~ Activities between the hours of 10:00 p.m. and 7:00 a.m. that are not exempted under DCC 8.08.050 and DCC 8.08.055 shall request require a noise permit from the Board ~~Community Development Department Director.~~
  - 1. Complete applications for a noise permit shall be submitted at least 90 days in advance of the date they will be needed.
  - 2. Permit applications must include contact information, including a telephone number for a responsible person who will be available at that number while the noise is being generated.
  - 3. Within five (5) days of submitting a noise permit application, the applicant shall provide notice in a form approved by the County to property owners and residents within 1,000 feet of the location where the noise will be generated. Notice may be provided by email, hand delivery, door-hangers, regular mail or other means reasonably calculated to provide individual notice.
  - 4. The applicant shall provide a statement to the County within five (5) days of submitting a noise permit application that notices have been provided as required by this section.
  - 5. Any person may provide comments to the County regarding the noise permit application within 15 days of the applicant's submission of the noise permit application.
  - 6. The Director may waive any of the deadlines or timelines established by this section and may issue a noise permit notwithstanding the timelines based on his or her assessment of the factors outlined in this section. The director shall consider written comments in making

the decision whether to issue the noise permit, except in the rare instance where waiving a timeline makes it difficult to do so.

~~B.7.~~ Upon finding that the peace, quiet, comfort or repose of other persons will not be unreasonably disturbed, or can be mitigated to an acceptable degree, or upon finding a public necessity exists, the ~~Board-Director~~ may issue a noise permit allowing activities in DCC 8.08.040~~(L)~~ to take place between such hours and for such periods as ~~they-the~~ Director deems proper. In granting such a permit, the ~~Board-Director~~ shall consider the following:

- ~~1.~~i. the location of the road repair, construction, building or other site,
- ~~2.~~ii. the potential nature of the sound from the activity,
- ~~3.~~iii. the potential nature of the sound from vehicular traffic to and from the site and the relative loss or inconvenience that would result to the persons affected.

~~8.~~ Permits Noise permits issued by the ~~Board-Director~~ shall be in writing. Noise permits may also include such restrictions or conditions that are necessary to safeguard the public peace, including but not limited to maximum noise levels and time of day restrictions.

~~C.9.~~ Notice of the Director’s decision on a noise permit application shall be mailed to the applicant and all parties that commented in writing on the noise permit application.

~~10.~~ Granting of such Noise permits issued by the Director may be appealed to the Board at any time by any person who resides or works within ~~hearing of the noise generated as a result of the granting of the permit~~ 1,000 feet of the location where the noise will be generated within 12 days after permit issuance. If timely appealed, a noise permit shall not take effect until the Board decision on the appeal is issued. ~~Appeals of permits may result in the temporary or permanent revocation of the permit, pending a review of the appeal at the next regularly scheduled public meeting of the Board.~~

~~D.11.~~ Failure to obtain a noise permit when one is required under DCC 8.08.080, or failure to comply with an issued noise permit, is a violation of DCC 8.08 and constitutes a nuisance.

~~E.C.~~ DCC 8.08.080 shall not apply to emergency work performed on public improvements and public utilities. Such activities may be conducted without restriction on the hours of operation.

HISTORY

*Adopted by Ord. 203.11 §11 on 1/2/1980*  
*Amended by Ord. 95-032 §1 on 5/17/1995*  
*Amended by Ord. 2005-004 §1 on 6/14/2005*  
*Amended by Ord. 2024-005, §1 on 6/12/2024*

**8.08.090 Variances**

The Board may grant personal non-assignable variances of expressly limited duration and covering a defined geographical area from the operation of DCC 8.08 after public hearing and satisfaction of the variance burden of proof under the current County zoning ordinance. In addition to the standards provided therein, the Board shall apply the relevant provisions of ORS 467.060.

HISTORY

*Adopted by Ord. 203.11 §12 on 1/2/1980*  
*Amended by Ord. 95-032 §1 on 5/17/1995*  
*Amended by Ord. 2005-004 §1 on 6/14/2005*

**8.08.100 Amendments**

DCC 8.08 may be amended, supplemented or changed by Order of the Board. A proposal for change or amendment may be initiated by the District Attorney, County Counsel, Sheriff or by petition of 10 or more persons to the Board.

HISTORY

*Adopted by Ord. 203-11 §7 on 1-2-1980  
Amended by Ord. 95-032 §1 on 5-17-1995*

**8.08.110 Publication And Effect Of Rules**

- A. To the extent that DCC 8.08 conflicts with rules of procedure established by any earlier Deschutes County ordinance, DCC 8.08 shall apply control.
- B. A copy of DCC 8.08 shall be made available for the cost of reproduction to any person requesting it.
- C. DCC 8.08 supersedes any previous noise control ordinance of Deschutes County.

HISTORY

*Adopted by Ord. 203-11 §9 on 1-2-1980  
Amended by Ord. 95-032 §1 on 5-17-1995  
Amended by Ord. 2024-005, §1 on 6/12/2024*

**8.08.120 Violation; Enforcement**

- A. Violation of any provision of DCC 8.08 is a Class A violation.
- B. It shall be the responsibility of the Deschutes County Sheriff to enforce DCC 8.08.

HISTORY

*Adopted by Ord. 203-11 §6 on 1-2-1980  
Amended by Ord. 83-018 §1 on 2-23-1983  
Amended by Ord. 95-032 §1 on 5-17-1995  
Amended by Ord. 2003-021 §15 on 4-9-2003*

**8.08.130 Abatement And Removal**

In addition to and not in substitution for any other remedies provided by law for enforcement of DCC 8.08, the Board may institute proceedings for injunction, mandamus, abatement or other appropriate proceedings to prevent temporarily, or permanently enjoin, abate or remove any activity or use of real or personal property which it has probable cause to believe does or will violate DCC 8.08.

HISTORY

*Adopted by Ord. 203-11 §13 on 1-2-1980  
Amended by Ord. 95-032 §1 on 5-17-1995*





## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 12, 2024

**SUBJECT:** Order No. 2024-017 designating the Deschutes County District Attorney to represent the State's interest in civil commitment proceedings

**RECOMMENDED ACTION:**

Move approval of Board Order No. 2024-017.

**BACKGROUND AND POLICY IMPLICATIONS:**

In 2019, primarily due to budget and FTE impacts, the Board of Commissioners designated County Legal to represent the State's interest in civil commitment proceedings. Prior to that time, the District Attorney prosecuted civil commitment matters. In the past few months, the District Attorney and Behavioral Health have concluded that it would be beneficial to the criminal justice mental health system if responsibility for prosecuting civil commitment proceedings was returned to the District Attorney. This will allow for better coordination in conjunction with Aid & Assist and other court-based mental health proceedings. BOCC Order No. 2024-017 provides that beginning on July 1, 2024, the District Attorney will assume responsibility and legal authority for prosecuting civil commitment matters.

**BUDGET IMPACTS:**

Dependent upon budget decisions relative to District Attorney FTE.

**ATTENDANCE:**

Legal

REVIEWED

LEGAL COUNSEL

06/12/2024 Item #10.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Designating the Deschutes County  
District Attorney to Represent the State's Interest  
in Civil Commitment Proceedings.

\*  
\*  
\*  
\*

ORDER NO. 2024-017

WHEREAS, ORS Chp. 426 sets forth the procedures governing civil commitment proceedings; and

WHEREAS, ORS 426.100(4) authorizes the county governing body to designate legal counsel to represent the State's interests in the civil commitment process, including consultation, pleadings and filings, preparation of the State's case, and appearance at commitment proceedings; and

WHEREAS, Deschutes County Legal Counsel has been notified that effective July 1, 2024, the Deschutes County District Attorney will represent the State's interests in civil commitment processes/proceedings within Deschutes County; and

WHEREAS, the Deschutes County Board of Commissioners believes it is in Deschutes County's best interest to designate the Deschutes County District Attorney to represent the State's interest in civil commitment processes/proceedings; now therefore,

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

Section 1. Pursuant to ORS 426.100(4), and effective as of July 1, 2024, the Deschutes County District Attorney is designated to represent the State's interest in civil commitment processes/proceedings, including but not limited to consultation regarding initial filings, preparation of the State's case and appearances at commitment proceedings.

Section 2. This Order is effective upon signing.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2024

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:** June 12, 2024

**SUBJECT:** Second reading and adoption of Ordinance No. 2024-004, amending Deschutes County Code 8.35 regarding weed control

**RECOMMENDED MOTIONS:**

1. Move approval of second reading of Ordinance No. 2024-004 by title only.
2. Move adoption of Ordinance No. 2024-004.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Board conducted a public hearing on May 29<sup>th</sup>. Following deliberations, the Board approved first reading of the ordinance amending DCC 8.35 regarding Weed Control.

Upon second reading and adoption, the amendment will become effective in 90 days.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Legal  
Clerk

REVIEWED  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Title 8.35, Weed Control, \*  
of the Deschutes County Code. \* ORDINANCE NO. 2024-004  
\*

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

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

WHEREAS, staff from the Clerk’s Office, the Road Department, and the County Forester have identified a need to amend DCC 8.35 to remove the Clerk as the contact for providing printed copies of DCC 8.35, upon request to Owners or operators of machinery described in DCC 8.35; and

WHEREAS, the Board of County Commissioners of Deschutes County considered this matter at a duly noticed Board meeting on May 29, 2024, and determined that DCC 8.35 should be amended; now therefore,

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

Section 1. AMENDMENT. DCC 8.35 is amended to read as described in Exhibit “A,” attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strikethrough~~.

Section 2. ADOPTION. This Ordinance takes effect 90 days after second reading.

///

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
PATTI ADAIR, Chair

\_\_\_\_\_  
ANTHONY DeBONE, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

Date of 1st Reading: \_\_\_\_\_.

Date of 2nd Reading: \_\_\_\_\_.

Commissioner

Yes

No

Record of Adoption Vote

Abstained

Excused

Patti Adair  
Phil Chang  
Anthony DeBone

Effective date: \_\_\_\_\_.

# **Exhibit A**

**(to Ordinance No. 2024-004)**

### **8.35.070 Duty To Clean Machinery Before Moving; Weed Infested Residue Not To Be Moved**

- A. No person operating or having control of any threshing machinery, clover huller, hay baler, seed cleaning or treating machinery or other similar machinery shall move said machinery over any road or from one farm to another without first being thoroughly swept and cleaned.
- B. All hay, straw or other crop residue infested with noxious weeds having partially or fully formed seeds shall not be moved from the land on which such weeds have grown to other lands not infested with any of the weeds in the field from which such crop material came.
- C. No person shall operate any machinery described in subsection A of this section within the District without first having posted in a conspicuous place on such machinery a copy of this chapter.
- D. The **DepartmentCountyClerk** is authorized and directed to have printed a sufficient number of copies of this chapter and shall deliver such copies upon request to Owners or operators of machinery described in subsection A of this section.

#### **HISTORY**

*Adopted by Ord. [2014-002 §1](#) on 7/9/2014*

*Amended by Ord. [2024-004 §1](#) on 9/13/2024*

### **8.35.080 Eradication Of Noxious Weeds When Owner Refuses**

- A. In addition to the other remedies allowed in this chapter, in the event that any Owner of land fails or refuses to destroy or treat Noxious Weeds within the time period specified in the notice provided in DCC 8.35.060(D)(3) or fails to comply with DCC 8.35.070, the Weed Inspector may file suit seeking injunctive relief to require immediate compliance with this chapter.
- B. In addition to actions permitted in Subsection A, the Weed Inspector may go upon the land of the Owner and destroy or treat the Noxious Weeds or control them in a manner that will destroy all means of reproduction of such Noxious Weeds, subject to DCC 8.35.080(D).
- C. The Weed Inspector may also notify the district attorney who shall at once take necessary steps for enforcement of ORS 569.360 to 569.495.
- D. The Weed Inspector may enter upon any private property to abate the violation only upon obtaining consent of the Owner or Occupant or upon obtaining a court issued warrant or order.
- E. In the event destruction or control of the Noxious Weeds on any farm is, in the judgment of the Weed Inspector, impracticable because the Noxious Weeds are too far advanced, or if for any other reason the means of control available are unsatisfactory, the Weed Inspector shall notify the Board, who shall request the State Department of Agriculture to immediately quarantine the Noxious Weed infested farm to prevent the movement of infested crops or livestock from the farm except under conditions prescribed in the quarantine that will prevent the spread of Noxious Weeds.



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 12, 2024

**SUBJECT:** Public Hearing: Consideration of the Solid Waste Advisory Committee recommendation to select the Hooker Creek “Moon Pit” property for siting the County’s future solid waste management facility

**RECOMMENDED MOTION:**

Following the public hearing, the Board may:

- Hold the oral and written record open and continue the hearing to a date certain
- Close the oral record and hold the written record open to a date certain
- Close both the oral and written record and set a date certain for deliberations
- Close both the oral and written record and begin deliberations

**BACKGROUND AND POLICY IMPLICATIONS:**

In 2019, the Board of County Commissioners (BOCC) approved the Deschutes County Solid Waste Management Plan (SWMP) that outlined several key issues related to managing solid waste in the County for the next 20 years and beyond. A primary recommendation of the SWMP was the siting, permitting, and building of a new in-County landfill to replace Knott Landfill when it reaches its capacity.

In April 2022, the BOCC appointed the SWAC that consisted of representatives of each of the four municipal jurisdictions, both franchise haulers, as well as five citizens-at-large, and a representative of the environmental community. The role of the SWAC was to review and recommend the criteria and process to be used to evaluate prospective sites and to apply the criteria in the assessment and selection of a finalist location to recommend to the BOCC for consideration. The SWAC, working with Department of Solid Waste staff and Parametrix, the consulting firm awarded the contract to assist in the site assessment process, developed the Site Selection Criteria (SSC) Technical Memorandum for the siting of a new solid waste management facility. The BOCC held a work session with staff to discuss and amend the document, and they approved the SSC in June of 2022.

The site selection process reviewed over 200 areas of interest in the County, then reviewed 31 (thirty-one) through the Broad Screening Evaluation process. This was followed by the Focus Screening Evaluation of twelve potential sites in the County. During this phase the SSC was amended by the BOCC at SWAC’s recommendation to include the Federal Aviation

Administration's advisory memorandum that expanded the airport exclusionary zone from 10,000 feet from the Bend and Redmond airports runways to a five-mile exclusionary zone from the airport property boundary to minimize the potential for airplane bird strikes. The SWAC recommended two sites in the eastern portion of the County for Final Site Evaluation. The SWAC received the initial summary report for review in February 2024, a full draft report and technical memos for review in March, and a final draft report at their April meeting, at which the SWAC came to a unanimous recommendation of the Moon Pit site for BOCC consideration.

The Committee also recommended that the Board of County Commissioners:

- Work with stakeholders to develop and implement a robust and comprehensive mitigation strategy that reflects community values to minimize impacts to area wildlife and recreation
- Prioritize waste prevention and recovery and move as quickly as possible to implement those strategies to reduce the overall costs and greenhouse gas emissions of the new landfill

For a copy of the full Solid Waste Management Facility Final Site Evaluation Report and Appendices and all relevant SWAC meeting details, visit [deschutes.org/managethefuture](https://deschutes.org/managethefuture). The Solid Waste Department has established a public hearing page at [www.deschutes.org/solidwaste/page/solid-waste-management-facility-location-proposal](https://www.deschutes.org/solidwaste/page/solid-waste-management-facility-location-proposal) to view public comments and other relevant materials pertaining to the public hearing.

**BUDGET IMPACTS:**

The Solid Waste Department has included \$2,700,000 in the FY24/25 budget for the next stage of the procurement and permitting process. The overall project development is anticipated to cost between \$50-60 million to procure, permit, develop and commence operation in 2030.

**ATTENDANCE:**

Tim Brownell, Director of Solid Waste  
Dwight Miller, Project Manager, Parametrix

REVIEWED  

---

LEGAL COUNSEL

06/12/2024 Item #12.

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Adopting the Recommendations of the \*  
Solid Waste Advisory Committee for the \* ORDER NO. 2024-021  
Development of a New Solid Waste Management \*  
Facility in Deschutes County at the Hooker Creek \*  
“Moon Pit” Site \*

WHEREAS, the Deschutes County Solid Waste Management Plan adopted by the Board of County Commissioners (BOCC) in 2019 recommended the development of a new Landfill (Solid Waste Management Facility) in Deschutes County, and

WHEREAS, the County issued a Request for Proposal in 2021 for consultant services to assist in development of site selection and screening process and provide technical assistance in site review, and BOCC approved appointment of Parametrix to provide those services, and

WHEREAS, the BOCC appointed a Solid Waste Advisory Committee (SWAC) of twelve members representing the four local jurisdictions, franchise waste and recyclables collection service providers, a Sunriver community representative, an environmental community representative, and at-large community members to review and recommend a Site Selection Criteria (SSC) Technical Memorandum outlining the process to assess potential locations. The BOCC approved the SSC on June 22, 2022; and

WHEREAS, Parametrix, with assistance and direction of the SWAC, utilized the SSC to review over 200 areas of interest, which was narrowed to 33 sites for broad-site screening, further reduced to 12 sites for focused screening, and ultimately reviewing two sites for significant technical assessment; and

WHEREAS, the process received over 1000 written comments, hundreds of attendees at various meetings, and dozens of public comments at SWAC meetings; and

WHEREAS, after careful review the SWAC was unanimous in their recommendations to the BOCC for their consideration to move forward with the Moon Pit location for the permitting of a new Solid Waste Management Facility in Deschutes County.

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

Section 1. The Solid Waste Department, in coordination with other County Departments, to negotiate the purchase rights to the Hooker Creek Moon Pit Aggregate Mine property for the purposes of securing the necessary environmental permits and land entitlements in pursuit of the development of a new Solid Waste Management Facility (Municipal Solid Waste Landfill) to serve Deschutes County for the foreseeable future.



Section 2. The County shall work with stakeholders to develop and implement a robust and comprehensive mitigation strategy that reflects community values to minimize impacts to area wildlife and recreation.

Section 3. The Solid Waste Department to prioritize waste prevention and recovery and move as quickly as possible to implement those strategies to reduce the overall costs and greenhouse gas emissions of the new landfill.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

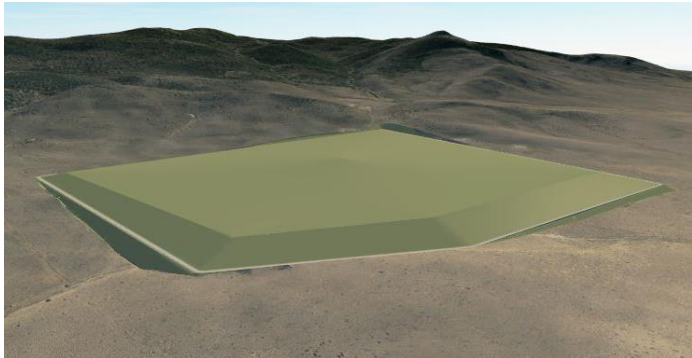
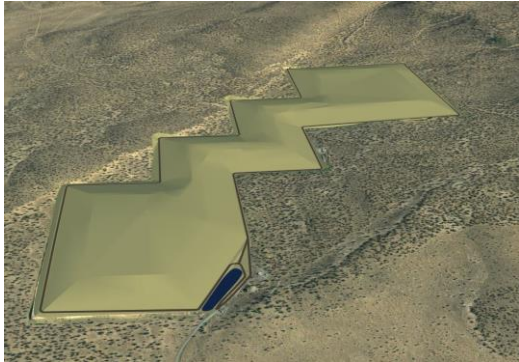
\_\_\_\_\_  
PATTI ADAIR, Chair

\_\_\_\_\_  
ANTHONY DeBONE, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner



# Deschutes County Solid Waste Management Facility (SWMF) Final Site Evaluation

Prepared for  
Deschutes County Solid Waste Department



May 2024



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for double-sided printing*

# **Deschutes County Solid Waste Management Facility (SWMF) Final Site Evaluation**

*Prepared for*

**Deschutes County Solid Waste Department**  
61050 SE 27th Street  
Bend, OR 97702

*Prepared by*

**Parametrix**  
150 NW Pacific Park Lane, Suite 110  
Bend, OR 97701  
T. 541.508.7710 F. 1.855.542.6353  
[www.parametrix.com](http://www.parametrix.com)

May 2024 | 553-2509-011

# Citation

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06/12/2024 Item #12.

Deschutes County Solid Waste Management Facility (SWMF)  
 Final Site Evaluation  
 Deschutes County Solid Waste Department

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May 2024 | 553-2509-011

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# Acronyms and Abbreviations

#H:#V	horizontal to vertical
µg/m <sup>3</sup>	micrograms per cubic meter
AAGR	average annual growth rate
AST	aboveground storage tank
ASTM	ASTM International
bgs	below ground surface
BLM	Bureau of Land Management
CEC	Central Electric Cooperative
DCC	Deschutes County Code
DEQ	Oregon Department of Environmental Quality
DOGAMI	Oregon Department of Geology And Mineral Industries
ECSI	Environmental Cleanup Site Information
EFU	Exclusive Farm Use zone
EFUHR	Exclusive Farm Use – Horse Ridge zone
EPA	U.S. Environmental Protection Agency
ESA	environmental site assessment
F	Fahrenheit
FEMA	Federal Emergency Management Agency
GCL	geosynthetic clay liner
gpd	gallons per day
gpm	gallons per minute
HDPE	high-density polyethylene
LCRS	leachate collection and removal system
LF	linear foot
LM	Landscape Management Combining zone
MCL	maximum contaminant levels
MSW	municipal solid waste
NWI	National Wetland Inventory
OAR	Oregon Administrative Rules
ODFW	Oregon Department of Fish And Wildlife
PM	particulate matter
RCRA	Resource Conservation and Recovery Act
REC	recognized environmental condition

# Acronyms and Abbreviations (continued)

SF	square feet
SHPO	State Historic Preservation Office
SM	Surface Mining zone
SMIA	Surface Mining Impact Area zone
SPT	standard penetration tests
SWAC	Solid Waste Advisory Committee
SWMF	solid waste management facility
USFWS	United States Fish and Wildlife Service
WA	Wildlife Area Combining zone
WillametteCRA	Willamette Cultural Resources Associates, Ltd

# 1. Executive Summary

Deschutes County is faced with the imminent challenge of Knott Landfill reaching capacity by 2029, necessitating the selection of a new solid waste management facility (SWMF) that will include a landfill to serve the County for at least 100 years. As recommended in the 2019 Deschutes County Solid Waste Management Plan and directed by the Board of County Commissioners, the Solid Waste Department has been working with the County's Solid Waste Advisory Committee (SWAC) through a public process to identify potential locations for a new SWMF in Deschutes County. Following a rigorous site selection process, the Moon Pit and Roth East sites, both situated east of Bend near US 20, emerged as the final candidate sites. The County and its consultant team, led by Parametrix, commenced an exhaustive multidisciplinary investigation to evaluate the efficacy of each site for development. This report offers a comprehensive analysis of the findings for each site, aiming to guide the County in the selection of a preferred location for the new SWMF.

The Moon Pit site property shape results in a complex layout that is less efficient than that at the Roth East site. Despite a lower capacity-to-acreage ratio, Moon Pit benefits from existing infrastructure including an access road, gate, scales, and well, potentially reducing some upfront development costs. However, its active surface mine status and zoning complexities require careful consideration. The site has an established paved access road with direct access to US 20, but it crosses through Bureau of Land Management lands which could lead to a lengthy federal environmental review process for a change in use. Moon Pit also offers existing water supplies, though securing future water right permits may pose challenges.

Conversely, the Roth East site features a more efficient layout, resulting in a better capacity-to-acreage ratio. As an undeveloped grazing property, it lacks existing infrastructure, demanding upfront capital for access road construction. Zoned as Exclusive Farm Use, Roth East faces a conditional use permit process including a Farm Impact Test which is subject to appeals filed with the land use board of appeals (LUBA). New water infrastructure and water rights permits would be needed at the Roth East site to meet anticipated water demands.

Significant geological differences also exist between the two sites. Moon Pit is in a ridge-bounded valley with shallow bedrock that would require blasting for excavation. As a result, cell development costs are expected to be substantially higher at Moon Pit. However, the potential aggregate resource value, established mining operation, Surface Mine zoning, and Oregon Department of Geology and Mineral Industries permit for the site present the opportunity for aggregate resource extraction to subsidize landfill excavation costs. Roth East, on the other hand, lies in the Millican Valley with unconsolidated alluvial deposits that could be excavated with conventional equipment and used on-site for development and landfill cover needs.

As part of the public process for the siting evaluation, the County received and responded to comments from community members, public agencies, and other interested parties. Many of the public comments about the finalist sites note potential impacts to area wildlife and recreation use that may be caused by landfill development or operations. Comments about the Moon Pit site note the nearby Badlands Wilderness Area, while comments about the Roth East site raise its proximity to Millican Valley residents and the Pine Mountain Observatory.

Moon Pit's development is perceived to have fewer visual and residential impacts, given its remote location and topographic screening by ridges on three sides. It also faces fewer archaeological risks due to its prior disturbance for gravel mining. In terms of wildlife impact, the Moon Pit site poses

potential impacts to a golden eagle nest and essential habitat for mule deer, elk, pronghorn, and sage-grouse. Mitigation costs for these potential wildlife impacts are estimated at \$700,000, with additional operations and maintenance costs of up to \$800,000 for mitigation sites.

Roth East is expected to endure longer permitting, review, and appeal timelines because it is largely undeveloped, may possess archaeological resources, and is challenged by public concerns about potential disturbances to nearby residences and recreational activities. In terms of wildlife impact, Roth East faces greater potential impacts to mule deer, elk, pronghorn, and sage-grouse habitat (sage-grouse has a potential for future listing as an endangered species if population declines continue). The estimated wildlife mitigation costs of \$1.5-8.1 million and additional operations and maintenance costs of up to \$2.5 million for mitigation sites.

The Parametrix team prepared planning level opinions of probable cost (costs) for both sites. These opinions have ranges of -30% to +50%, which is an appropriate level of accuracy for comparison of sites. Moon Pit initial development costs range between \$50 to \$64 million, which includes \$15.4 to \$15.9 million for land acquisition. Roth East development costs are approximately \$36 to \$44 million, with \$5.5 to \$7 million allocated for land acquisition. Moon Pit's landfill cell development costs range from \$705,000 to \$1,075,000 per acre, while Roth East's cell development cost is approximately \$394,000 per acre. Moon pit annual operating costs are \$7.6 million, with Roth East higher at \$8.4 million. Moon Pit's average cost per ton for disposal (capital plus operations) ranges between \$43 to \$48, while Roth East's average cost is just under \$45 per ton. The cost ranges presented here for Moon Pit depend on the extent and cost of cell excavation that could occur as a part of aggregate mining operations on-site. Initial capital costs are significantly higher at Moon Pit, which will necessitate higher tip fees for the first 20 years. However, total cumulative costs are estimated to be similar over the projected lifespans.

The decision between Moon Pit and Roth East hinges on a nuanced evaluation of advantages, challenges, and costs. Moon Pit provides existing infrastructure and potential cost offsets but faces zoning and access road complexities as well as substantially higher upfront development costs. Roth East boasts efficiency and favorable soil conditions, but is challenged by greater infrastructure needs, water availability risks, wildlife impacts, landowner concerns, recreational concerns, and longer haul routes (resulting in higher haul costs and related greenhouse gas emissions). Because the Moon Pit site is already disturbed and will continue to support surface mining (regardless of landfill siting), development of a new landfill at the Roth East would be expected to cause a greater incremental disruption to the surrounding area than at the Moon Pit site. Deschutes County's ultimate selection should prioritize long-term sustainability, environmental protection, and economic viability, ensuring the chosen site best aligns with the County's waste management goals and community values.

See Appendix A for the site comparison summary table.

## 2. Introduction

### 2.1 Background

The 2019 Deschutes County Solid Waste Management Plan (SWMP) outlined a roadmap for managing solid waste in the county over the next 20 years. The plan was developed with the input of various stakeholders, including residents, institutions, businesses, cities, and service providers. The SWMP evaluated alternatives for managing the county’s waste, including new technologies and the option to transport waste outside the county to other solid waste management facilities.

The SWMP revealed that 84% of survey respondents supported the position that waste generated in Deschutes County should be disposed of within the county, with 93% supporting the recommendation to site a new landfill in the county. Two primary options were considered:

1. Transport waste to regional landfills located between 135 and 185 miles from Deschutes County near the Columbia Gorge.
2. Site and build a new landfill in Deschutes County.

After evaluating these options, the Solid Waste Advisory Committee (SWAC) reached a consensus that the best approach for providing a long-term and cost-effective waste management system was to site and construct a new in-county landfill. This decision was based on several key factors, including the ability to control decisions for managing the county’s waste stream, environmental and other impacts resulting from transporting waste, favorable conditions in Deschutes County for siting a new landfill, and the cost-effectiveness of building and operating an in-county landfill.

The SWMP also acknowledged the challenges of siting a new landfill and the potential for a protracted process to successfully obtain permits. However, it was noted that the geographic and demographic conditions in the county are favorable compared to locations west of the Cascade Mountains where siting has not been successful.

The goal is to have a solid waste management facility sited, developed, and operational prior to the closure of Knott Landfill, the County’s current solid waste management facility, which is expected to reach capacity by 2029. The new landfill would meet all regulatory requirements and any new state and local requirements that supersede previous regulations for environmental protection. The new landfill will have the capacity to satisfy the County’s waste projections for at least 100 years.

In 2023, the Site Screening Evaluation was completed as part of the process to site a new landfill within Deschutes County, including siting criteria development, site identification, broad site screening, and focused site screening. This site screening study identified and evaluated potential landfill sites based on regulatory requirements, environmental considerations, and engineering considerations. In regular coordination with the SWAC as a part of a public process with opportunities for public comment, this process initially identified over a hundred potential sites and narrowed this list down to two final candidate sites through identification of fatal flaws, broad site screening, and focused site screening. A copy of the site screening report is included in Appendix B.

### 2.2 Purpose of Study

Two finalist sites for the new County solid waste management facility (SWMF), referred to as Moon Pit and Roth East, have progressed to the final evaluation stage. See Figure 1 for a map showing site

Deschutes County Solid Waste Management Facility (SWMF)  
Final Site Evaluation  
Deschutes County Solid Waste Department

locations. The County is now in the last phase of selecting the landfill site. During this final phase, the County will determine which of the two sites is more suitable for developing a sanitary landfill that complies with all relevant local, state, and federal regulations. A key aspect of this selection process is to assess the potential for addressing existing conditions that could hinder development. Other critical factors for evaluation include the projected costs of development and the site-specific risks that could delay development and initial operations beyond 2029, when Knott Landfill is projected to reach capacity.

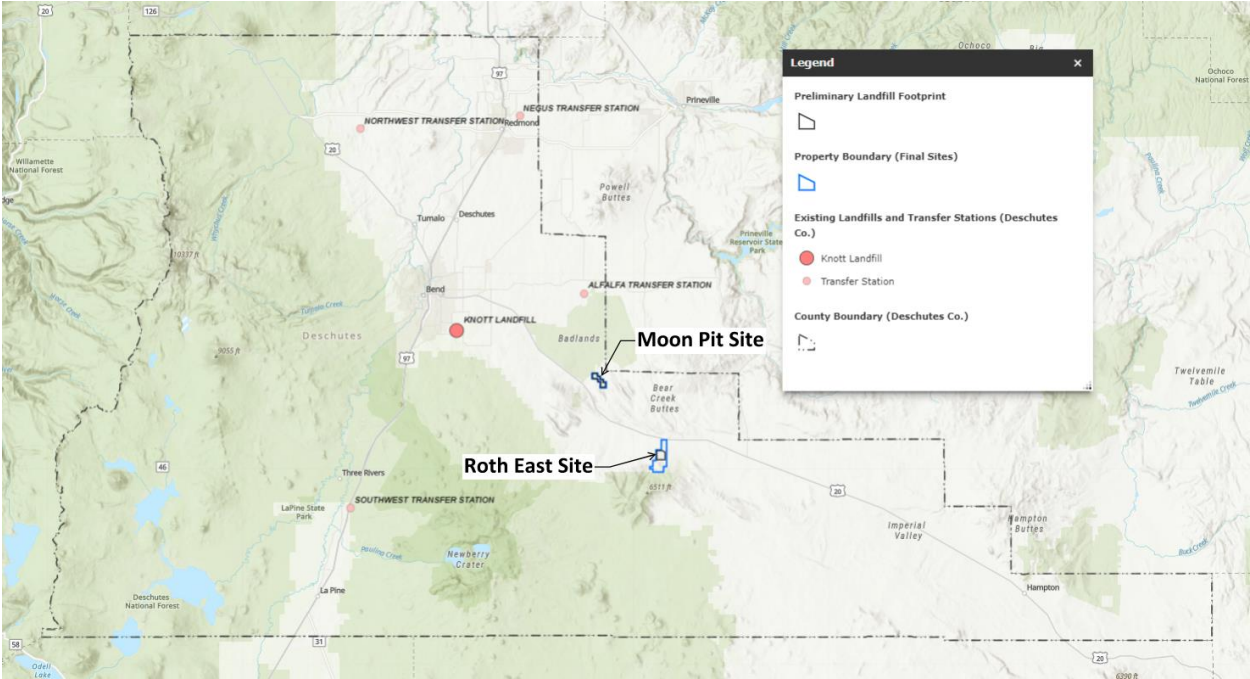


Figure 1. Final SWMF Sites in Deschutes County

### 2.3 County, State, and Federal Landfill Siting Restrictions

In 1989, the Environmental Protection Agency initiated authority under the existing Resource Conservation and Recovery Act (RCRA) to regulate the siting of new municipal solid waste (MSW) landfill units. Subpart B of the RCRA Subtitle D (40 CFR 258.60) regulations restrict the siting of new landfills based on the six federal criteria listed below, followed by state and local criteria also applicable to landfills.

#### 2.3.1 Federal

- Airport Safety: Airport safety is not a concern at either of the two sites.
- Floodplains: No floodplains are present on either site.
- Wetlands: No wetlands are present on either site.
- Fault Areas: Previous studies and the current investigations revealed no faults active in the past 10,000 years (Holocene period) at either site.
- Seismic Impact Zones: No seismic impact areas are located on either site.
- Unstable Areas: No unstable areas are located on either site.

**2.3.2 State**

- Floodplains: See federal, above.
- Critical habitat for threatened or endangered species: No sensitive species or habitat are located on either site.
- Sensitive hydrogeological environments: None are located on either site.

**2.3.3 County**

- The proposed site shall not create a fire hazard, litter, insect or rodent nuisance, or air or water pollution in the area: These hazards will be controlled by final site design and operations (not part of this report).
- The proposed site shall be located at least 0.25 miles from any existing dwelling, home, or public road (except the access road): Both sites meet this criterion.
- The proposed site shall be provided with a maintained all-weather access road: The need to construct an all-weather road is assumed for both sites as part of the cost evaluation.
- The Moon Pit site will require a change to the Deschutes County Comprehensive Plan to allow a landfill as a reclamation use in the Surface Mine (SM) zone.

**2.4 Moon Pit Site Information**

Location: Deschutes County, Township 19S, Range 14E, Sections 1-2, 12

Situs Address: 26300 Hwy 20, Bend, OR 97702

Tax Lot Number: 1914000000200

Owner: Moon Pit, LLC (owned by Hooker Creek Companies, LLC)

Area: 440 acres

Existing Use: Aggregate Surface Mine

Terrain: Flat to rolling in the northwest, rising toward the southeast, bounded by ridges

Proximity: Approximately 16 miles southeast of Bend

Nearby Features: Adjacent to the Oregon Badlands Wilderness and its trails, including the Badlands Rock Trailhead (approximately 700 feet from the site boundary)

See Appendix C for Site Owner Solicitation Responses with terms and prices for acquisition.



Deschutes County Solid Waste Management Facility (SWMF)  
Final Site Evaluation  
Deschutes County Solid Waste Department

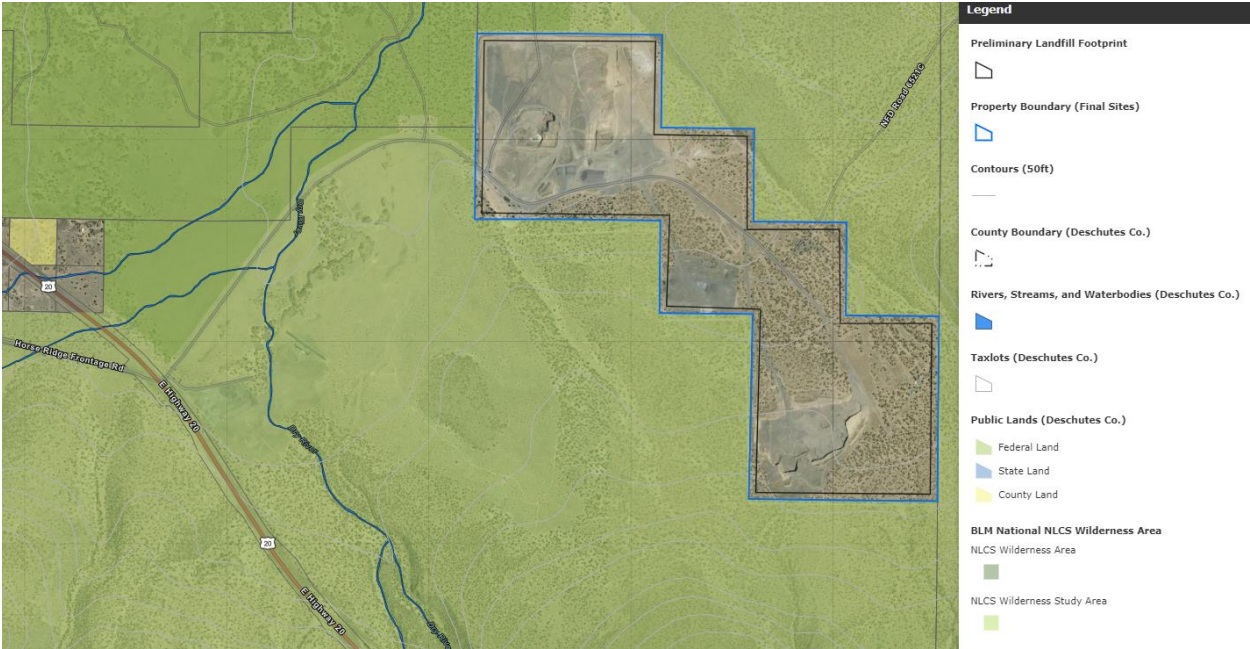


Figure 2. Moon Pit Site Map



Figure 3. Moon Pit Site Photograph

### 2.5 Roth East Site Information

- Location: Deschutes County, Township 20S, Range 15E, Sections 1, 11, 12, 13, 14
- Situs Address: 56200 Pine Mountain Rd, Bend, OR 97701
- Tax Lot Number: 2015000000301
- Owner: Roth, Stephen F & Clancy R
- Area: Approximately 1,706 acres
- Terrain: Flat to rolling, gradually rising toward the southern portions
- Proximity: Approximately 24 miles southeast of Bend
- Nearby Features: Adjacent to a rural residential property in the northeast, OHV trails of the Millican Valley OHV Trail System to the north and west, Bureau of Land Management (BLM)-managed land to the south, and Pine Mountain (a paragliding launch area and observatory site) within the Deschutes National Forest to the south

Deschutes County Solid Waste Management Facility (SWMF)  
Final Site Evaluation  
Deschutes County Solid Waste Department

See Appendix C for Site Owner Solicitation Responses with terms and prices for acquisition.

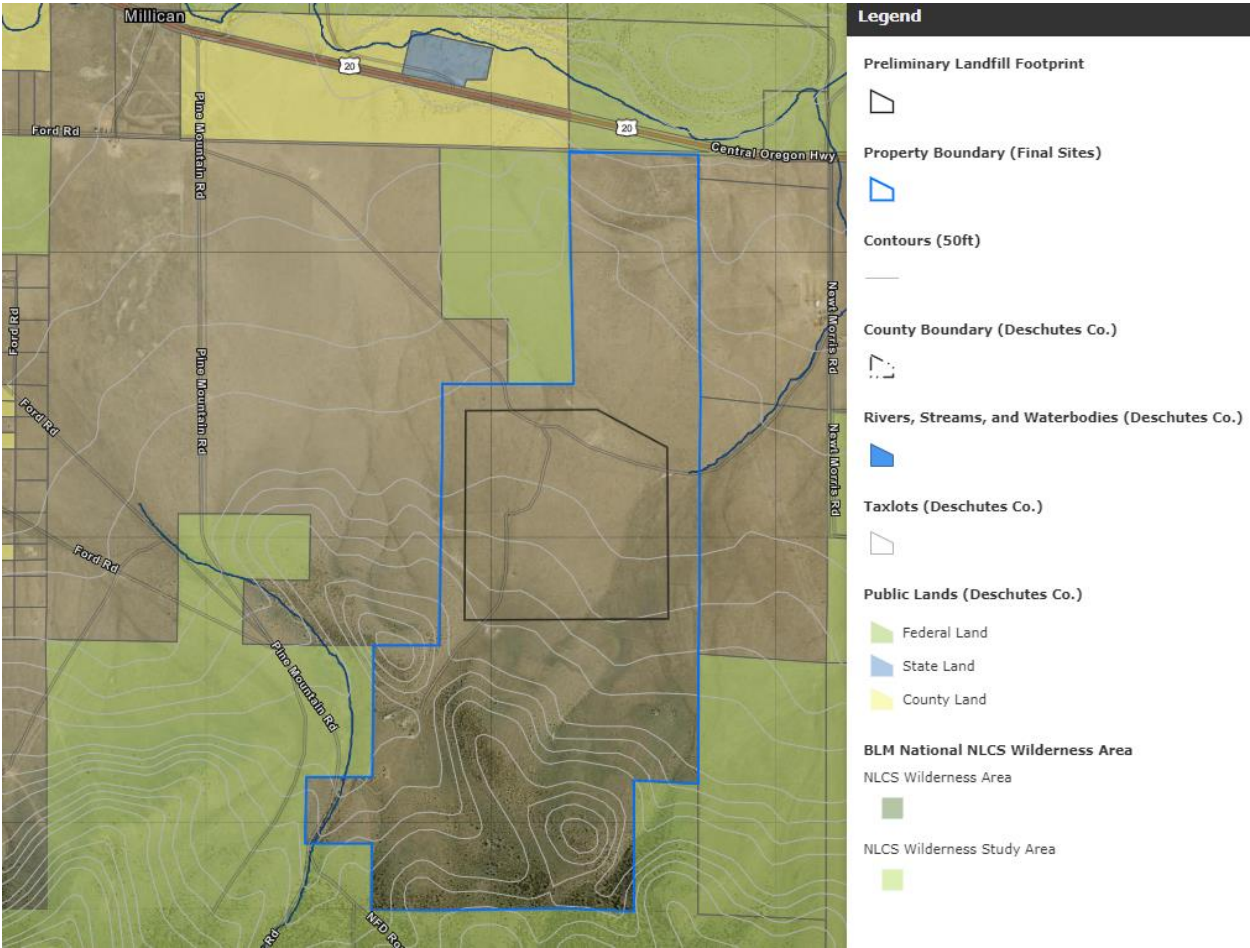


Figure 4. Roth East Site Map



Figure 5. Roth East Site Photo

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### 3. Conceptual Facility Layouts

This section describes the design criteria used in the development plans for each site and shows how these criteria were used to determine the shape of each landfill in its final configuration.

The layouts for Moon Pit and Roth East that were developed for this evaluation are conceptual. These conceptual layouts represent a level of accuracy that will remain undefined until the actual landfill is designed. These conceptual layouts are based on regulatory agency requirements, state-of-the-art standard landfill design practices, typical operating procedures for a municipal solid waste landfill and site-specific geologic information generated for this evaluation. Conceptual landfill layouts can be more accurately designed as more information becomes known or made available. The information gathered for this study is preliminary and does not represent the level of information necessary to design a landfill beyond a conceptual level.

#### 3.1 Landfill Footprint

Each conceptual landfill footprint was dictated by the following site constraints and design criteria:

- Develop a landfill with at least 100 years of solid waste disposal capacity.
- Provide a 150-foot buffer between the property line and refuse disposal area at Moon Pit.
- Provide a 550-foot buffer between the property line and refuse disposal area at Roth East.
- Provide an area for leachate (liquid resulting from water flowing through solid waste) and surface water management at the downstream side of each landfill.
- Continue to maintain the on-site wells at Moon Pit.

Based on these constraints, the footprint for each of the sites was established as shown on Drawings C1 and D1 (Appendix D).

#### 3.2 Perimeter Access Road and Ditch

Drawings C2 and D2 (Appendix D) show the perimeter access roads that would be constructed as landfilling progresses. This road would provide access for vehicles hauling refuse to the landfill and for future maintenance activities.

Located adjacent to the access road would be a perimeter ditch. On Moon Pit, this ditch would channel surface water flow around the landfill to a discharge point on the west perimeter adjacent to the landfill entrance. On Roth East, the ditch system would channel surface water flow around the landfill to a discharge point on the north perimeter.

Design criteria that have been established for the perimeter road and ditch system are as follows:

- Minimum slope of 1.0% to enable the perimeter road ditch to drain.
- Minimum 50-foot bench width for liner, final cover system anchor trenches, and access road.
- Minimum roadway width of 24 ft.
- Minimum exterior side slope of 2 horizontal to 1 vertical.



- Minimum interior side slope of 3 horizontal to 1 vertical.
- Surface water run-on and run-off control system sized to handle the 24-hour, 25-year design storm.

### 3.3 Excavation Plan

The bottom elevation for the landfill at each site was established by the need to provide proper drainage slopes to the leachate collection system. Drawings C2 and D2 (Appendix D) show the subgrade plan for each of the two sites.

At Moon Pit, leachate drains by gravity to 8 leachate collection sumps located along the west perimeter. At Roth East, leachate drains by gravity to 4 leachate collection sumps located along the north perimeter.

Design criteria used to develop the subgrade plans are as follows:

- Minimum bottom slope toward the leachate transmission line of 4% to promote drainage.
- Minimum leachate transmission line slope of 2%.
- Maximum excavated side slope of 3 horizontal to 1 vertical.
- Ability to access and clean leachate transmission lines.

### 3.4 Liner System

The design for the primary landfill liner system proposed for both sites is shown in Detail 1 of Drawings A6 and B6 (Appendix D). Components from top to bottom for the landfill floor area include:

- A separating geotextile used to prevent clogging of the drainage layer and provide additional protection to the liner system.
- A 12-inch drainage layer used to transmit leachate to the leachate collection system that maintains less than 1 foot (30 cm) of hydraulic head on the liner.
- A geonet composite used to transmit leachate to the leachate collection system and protect the underlying geosynthetics.
- A 60-mil high-density polyethylene (HDPE) geomembrane which is used to contain leachate.
- A geosynthetic clay liner (GCL) used as the lower component within the liner system.
- A cushioning layer (1/4-inch minus material) used to provide a stable foundation for the liner system and protect the overlying GCL from the excavated subgrade.
- A prepared subgrade that is used to provide a uniform surface for liner system construction.

This liner profile meets the requirements for an alternative liner system under RCRA Subtitle D and applicable Oregon rules. The GCL is being used in place of compacted soil due to the lack of availability of fine-grained, cohesive, low-permeability soils at or within the vicinity of either site.

### 3.5 Primary Leachate Collection and Removal System

The leachate collection and removal system (LCRS) includes the drainage layer within the liner system, perforated leachate collection pipes and collection trenches. Each landfill has been

designed with a series of leachate collection trenches, with the collection pipes located within these trenches as shown in Detail 3 of Drawings A6 and B6 (Appendix D). The LCRS has been designed to operate by gravity and maintain less than 1-foot (30 cm) depth of leachate over the liner as required by RCRA Subtitle D. The leachate collection lines extend up both the east and west sidewalls at Moon Pit and the north and south sidewalls at Roth East as solid pipe to allow for clean-out access from both ends.

The entire base of Moon Pit slopes toward the west so that both the drainage layer and the leachate collection lines drain to collection sumps located along the base of the sideslope on the west side of the landfill (Drawing C2). The entire base of Roth East slopes toward the north so that both the drainage layer and the leachate collection lines drain to collection sumps located along the base of the sideslope on the north side of the landfill (Drawing D2). These collection sumps are depressed, lined areas within the landfill where leachate will be temporarily stored. An 18-inch HDPE riser will allow a pump to be used for the removal of leachate from the sump. The sideslope riser would be accessible from the perimeter of the landfill during all phases of the landfill development. Liquid level sensors would be used within the sumps to detect the depth of leachate on the liner system.

The following design criteria were used in the analysis:

- Granular drainage layer in-place hydraulic conductivity greater than or equal to 1 cm/sec.
- Less than 3% of the granular drainage layer fines passing No. 40 sieve.
- Collection pipe slope greater than or equal to 2%.
- Drainage layer slope toward the leachate collection trench greater than or equal to 4%.
- Cleanouts would be provided at both ends of all collection pipes with sweep bends used to allow cleanout equipment access.

Average annual precipitation at both sites is less than 10 inches per year. For the analysis, it is assumed that a 1-acre double composite-lined leachate pond would be required at each of the sites for evaporation and/or containment for leachate recirculation.

### 3.6 Secondary Leachate Collection and Removal System

A secondary LCRS beneath the leachate collection trenches and sumps, as shown in Detail 3 on Drawings A6 and B6 (Appendix D), is provided in the cost analysis for each of the sites.

Components of the secondary leachate collection and removal system from top to bottom include:

- A 16-ounce cushioning geotextile.
- A geonet composite to transmit leachate.
- A 60-mil HDPE geomembrane.
- A GCL as the lower component within the secondary liner system.
- A cushioning layer (1/4-inch minus material) used to provide a stable foundation for the liner system and protect the overlying GCL from the excavated subgrade.
- A prepared subgrade used to provide a uniform surface liner system construction.

### 3.7 Cell Construction and Fill Sequence

The landfill planned for each of the sites would be developed in a series of stages. Each stage, or refuse cell, would be developed as additional refuse disposal capacity is required. The landfill at Moon Pit has been divided into 33 refuse cells, and at Roth East into 37 refuse cells. The order of cell development is shown on Drawings C200 and C200, respectively (Appendix D). Each of these cells, when combined with previous cells, would generally provide 3 years of landfill capacity.

The following criteria served as the basis for layout of the individual cells and construction sequencing:

- To control capital expenditures and minimize leachate production, each cell would provide a minimum of 3 years of disposal capacity.
- Each cell would have a minimum dimension of 300 feet in any direction to allow for truck turnaround.
- To minimize construction cost, excavation for future refuse cells would be performed as part of daily and intermediate cover borrow operations, liner system construction, final cover system construction, or access road construction.
- To conserve space and minimize costs, on-site stockpiling would be kept to a minimum.
- To minimize leachate production, each cell would be filled to final closure elevation and closed with a final cover cap as quickly as possible.

### 3.8 Final Configuration

The final grading plan for each landfill site when fully developed is shown in drawings C4 and D4 (Appendix D). Filling to these elevations would provide a total of 64 million cubic yards of air space (capacity) at Moon Pit and 80 million cubic yards of net air space at Roth East. The grading that is shown is based on the following design criteria:

- Minimum top of landfill slope of 3%.
- Maximum final outer side slope of 4H:1V.
- Match access road grade around the landfill perimeter.

At Moon Pit, the depth of refuse at completion would vary from zero at the landfill perimeter to 240 feet at the landfill center. At Roth East, the depth of refuse at completion would vary from 0 at the landfill perimeter to 180 feet at the landfill center. Drawings C5 and D5 show the MSW fill depths when each landfill is completed.

### 3.9 Closure and End Use

The objective in closing either landfill would be to minimize potential threats to human health and the environment. RCRA Subtitle D requires at least 30 years of post-closure monitoring and maintenance activities. In addition, it specifies that a final cover system be installed that:

- Minimizes infiltration and erosion.
- Minimizes the escape of waste or waste constituents to the groundwater, surface water or the atmosphere.

- Minimizes the maintenance activities that would be required.

The final end use for either site after closure is limited due to (1) potential settlement within the landfilled area; (2) the generation of landfill gas as refuse decomposes; and (3) the presence of landfill gas, leachate and surface water control facilities. Consequently, final land uses are typically passive recreation or open space, including vegetative restoration for wildlife.



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# 4. Existing Conditions, Impacts, and Mitigation

## 4.1 Site Development and Permitting

See Appendix E for full reports and more information on site development and permitting.

### 4.1.1 Location and Topography

#### 4.1.1.1 Moon Pit Site

The Moon Pit site is a 440-acre property located in Deschutes County at Township 19S, Range 14E, Sections 1-2, 12, with tax lot number 1914000000200. The site is located about 16 miles southeast of Bend. The site consists of flat to rolling terrain in the northern portion of the site and gradually rises to the central and southeastern portions.

The northern portion of the site is adjacent to the Oregon Badlands Wilderness (managed by the BLM) and its hiking and horseback riding trails, including the Badlands Rock Trailhead, which is located approximately 700 feet from the site boundary.

#### 4.1.1.2 Roth East Site

The Roth East site is located in Deschutes County about 24 miles southeast of Bend at Township 20S, Range 15E, Sections 1, 11, 12, 13, 14. The tax lot number is 2015000000301, and the site is approximately 1,700 acres. The site consists of flat to rolling terrain that gradually rises to the south.

The northeastern portion of the site is adjacent to a rural residential property that includes a residence and farm outbuildings. Off-highway vehicle (OHV) trails associated with the Millican Valley OHV Trail System are north and west of the site. BLM-managed land is located adjacent to the southern portion of the property. Pine Mountain, a well-known paragliding launch area and the site of the University of Oregon’s Pine Mountain Observatory is located within the Deschutes National Forest to the south of the site.

### 4.1.2 Zoning and Existing Land Use

#### 4.1.2.1 Moon Pit Site

The Moon Pit site is zoned Surface Mining (SM) with a Wildlife Area Combining Zone (WA) overlay. Adjacent zoning includes Exclusive Farm Use – Horse Ridge (EFUHR), Flood Plain (FP) zone, Surface Mining Impact Area (SMIA) overlay, and Sage Grouse Habitat Area (General and Low-Density). Nearby zoning includes Open Space and Conservation (OS&C), Landscape Management Combining Zone (LM) overlay, and WA overlay. There is an area of floodplain located north and northwest of the site.

The existing use consists of an active surface mine. *Land disposal sites* are listed as a conditional use in the SM zone (Deschutes County Code [DCC] 18.52.050), with the requirement that a “valid DEQ permit on the effective date of Ordinance No. 92-066 for a Land Disposal Site,” exists for the use. This means that only Oregon Department of Environmental Quality (DEQ)-permitted landfills in place prior to the 1992 ordinance are allowed as conditional uses in the SM zone. As there is currently no landfill in operation at the site, land disposal is not a permitted use in the current zone.

Three potential land use approval pathways were identified that could provide the necessary zoning changes that would allow landfill operations on the Moon Pit site. See Appendix E for additional information.

3. Requesting a zone map amendment to change the base zoning from SM to Multiple Use Agriculture 10-Acre Minimum (MUA10). This option requires showing the protected mineral resource has been exhausted.
4. Proposing a text amendment to the Comprehensive Plan to allow landfill use as an approved reclamation action to use on a site after mining is complete. This option requires coordination with the Oregon Department of Geology And Mineral Industries (DOGAMI) and the Department of Land Conservation and Development. A text amendment would maintain the SM zone and SMIA combining zone, but it would require two separate hearings (hearings officer followed by Board of Commissioners).
5. Proposing a new landfill overlay zone for the site that would allow land disposal sites on lands designated with the overlay zone. This option requires a map and text amendment to County code and adoption of the landfill overlay to the site. During discussions with the County Planning Department, the County noted that the overlay should have occurred before the landfill siting process and overlays are used to limit uses or provide more restrictive development standards, not to add allowed uses and less restrictive standards.

#### 4.1.2.2 Roth East Site

The Roth East property is zoned EFUHR with the overlays of Forest Use 1 (F1), LM, Sage Grouse Habitat Area – Low Density, SMIA, and WA. The SMIA overlay only covers a small area in the northernmost portion of the lot.

Surrounding zoning includes EFUHR, SM, and F1. The existing use is rural undeveloped land that is used for grazing.

Land disposal sites are listed as a conditional use on non-high value farmland zoned Exclusive Farm Use (EFU; DCC 18.16.031). The site is designated as containing farmland of statewide importance only, which corresponds to soil types identified as non-high value farmland, therefore land disposal is a conditional use on this site.

A conditional use review would be required to approve a landfill operation at this site in compliance with DCC Chapter 18.128 Conditional Use, and specifically with DCC 18.128.015 General Standards, which require the applicant to demonstrate that there is adequate transportation access to the site, the natural and physical features of the site are considered suitable, and demonstrating that the use will be compatible with existing and projected surrounding uses.

The standards for disposal sites as conditional uses found at DCC 18.128.120 Disposal Site would also apply. These standards were used as part of the screening criteria to identify and evaluate potential new landfill sites.

Additionally, because the site is within an EFU zone, DCC 18.16.040 requires that conditional uses must meet the requirements of what is known as a Farm Impacts Test, described in ORS 215.296(1) and included in the DCC at 18.16.040.A. which states that the proposed use will not force a significant change or significantly increase the cost in accepted farm or forest practices on surrounding lands devoted to farm or forest practices, and that the actual site on which the use is to be located is the least suitable for the production of farm crops or livestock. The Farm Impacts Test could lead to the Land Use Board of Appeals. See Appendix E for more information.

### 4.1.3 Potential Permits

#### 4.1.3.1 Moon Pit Site

The following are potential required permits. See Appendix E for more information.

Depending on the zoning strategy chosen for the site, one or more County land use approval permits would be required including a **Conditional Use Permit** and **Site Plan Review**.

The Moon Pit site's existing access road crosses land owned and managed by the BLM and granting the County access rights could constitute a new **right-of-way easement** which would be subject to the National Environmental Policy Act because BLM would be issuing a permit or making a decision. An environmental assessment would be prepared if it is deemed unlikely that a proposed action would have a significant effect on the environment, or an environmental impact statement would be prepared if the proposed action would have a significant effect on the environment.

Oregon Revised Statutes 459 requires that a solid waste facility apply to the DEQ for a **Solid Waste Disposal Permit** prior to starting operation.

A DOGAMI **Transfer of Surface Mining Permit** may be required. However, if this permit process is not applicable to the site, then an **Operating Permit** may be required. Unless the County is mining aggregate for off-site export and use, mining operations related to landfill development and operations are not considered surface mining operations under DOGAMI and are covered under DEQ's permitting process (see ORS 517.750(16)(b)(F)).

Oregon DEQ requires monitoring point sources and diffuse area-wide sources for potential air contaminants. An Oregon **Title V Air Quality Operating Permit** will also be required. Under this permit program, the facility has to report on compliance with conditions of its permit at least every six months.

Natural Resource permits or compliance approvals that would be required include an **Eagle Incidental Take Permit**; Oregon Department of Fish and Wildlife (ODFW) **Wildlife Habitat Mitigation Policy** (OAR 635-415-0000); **Greater Sage-Grouse Area Combining Zone** (DCC 18.89.060); and **Wildlife Area Combining Zone** (DCC 18.88.030).

#### 4.1.3.2 Roth East Site

The following are potential required permits. See Appendix E for more information.

One or more County land use approvals or permits would be required for the EFU zoned site including a **Conditional Use Permit**, **Site Plan Review**, and **Landscape Management Review** (either Visible or Non-Visible).

An Oregon DEQ **Solid Waste Disposal Permit** would be required for this site.

Similar to the Moon Pit site, the Roth East site would be required to monitor point sources and diffuse area-wide sources for potential air contaminants. It would also be required to apply for and follow the regulations under Oregon's **Title V Air Quality Operating Permit**.

Natural Resource permits or compliance approvals that would be required include ODFW's **Wildlife Habitat Mitigation Policy** (OAR 635-415-0000); **Wildlife Area Combining Zone** (DCC 18.88.030); **Greater Sage-Grouse Area Combining Zone** (DCC 18.89.060); **Sage-Grouse** (OAR 635-140-0000).

## 4.2 Transportation System

A brief description of the daily transportation activities anticipated at both sites, as well the location and the associated findings with each is presented below. Appendix E Appendix F provides a summary of the overall transportation-related considerations and findings for both sites.

### 4.2.1 Daily Landfill Activities at Both Sites

The Solid Waste Department anticipates that the daily activities would be comprised of the following:

- The landfill would not be open to public use so all traffic generated by the site would be associated with employees, the transfer of materials via truck, and service providers.
- Seven employees would be on-site per day for operations and maintenance.
- Approximately 35 haul trucks would transfer materials to the site per day, 7 days per week.

Based on these estimates, either site would generate a total of 84 vehicle trips on a typical day (i.e., seven employee trips in and seven trips out and 35 truck trips in and 35 truck trips out). All the existing transfer stations are located to the northwest of both sites being considered so the majority of traffic would use US 20 to travel to/from the northwest of each.

### 4.2.2 Moon Pit Site

The Moon Pit site is located between Bend and Millican and currently functions as an active surface mine. The mine is accessed via an existing roadway that intersects US 20 opposite the Horse Ridge Frontage Road to the south. The use of this existing roadway would minimize the upfront capital expenditures needed if this site were selected.

The existing access road to the mine also provides access to the Badlands Wilderness area and trailhead, which could create a perception about the interaction between large trucks and trail users. Given that large trucks use the road today, it is suggested that if this site is selected, the County add signage along the route to alert landfill drivers to the location of the Badlands Trailhead parking lot.

Field observations revealed that pavement repair and some roadway widening may be needed at various locations along the existing access. Given that the access road abuts BLM lands, any widening of the roadway to accommodate the landfill trucks would be subject to BLM review which could be timely and costly, depending on the extent of repairs/widening needed.

As such, if this site is selected, a detailed engineering evaluation of the structural sufficiency of the existing roadway and the need to re-pave and/or widen in places would need to occur and can inform overall costs of this site. However, this site offers transportation and cost-related benefits that are more optimal than those offered at the Roth East location.

### 4.2.3 Roth East Site

The Roth East site is located southwest of the Newt Morris Road/US 20 intersection. There is an existing dirt road to the property that connects to Pine Mountain Road. As such, access to a landfill at this site would occur via the existing Pine Mountain Road/US 20 intersection or via construction of a new access between Pine Mountain Road and Newt Morris Road that would connect to US 20. If the existing dirt roadway connecting to Pine Mountain Road is used for access, this road would need to be reconstructed to provide for both employee and truck traffic. In addition to anticipated trips

described above for both sites, up to 5 water truck trips may be needed per day to supplement exempt well water supplies at the Roth East site during the summer months.

Given that this site has no existing improved access road to US 20, the primary cost and siting considerations relate to the construction of an access roadway of sufficient width and structural integrity between the site and US 20. The need for a new roadway would require more upfront capital expenditures compared to the Moon Pit site. A detailed engineering study would be needed to assess the potential routes between the site and US 20. A preliminary review of possible alignments identified at least four potential routes but more detailed evaluation is needed. This evaluation will need to consider the length of the route between the site and US 20, how and where the route intersects with US 20 (particularly related to the availability of sight distance along US 20), the potential for impacts to and/or avoiding the adjacent BLM properties, and the availability of right-of-way.

Finally, if the Roth East site were selected and the existing Pine Mountain Road/US 20 intersection were the preferred access to the landfill, it is recommended that the County consider improving the intersection to a traditional intersection design (T intersection) and adding wayfinding signage at both the US 20 intersection and along the site access route.

#### **4.2.4 Overall Conclusions**

From a transportation perspective, it appears that the Moon Pit site might be the optimal site given the presence of the existing access road and its use by large trucks serving the existing surface mine. However, if either site is selected, it is recommended that a detailed engineering study of roadway construction (and/or reconstruction) feasibility be conducted to better understand potential capital expenditures as well as impacts to adjacent BLM lands.

### **4.3 Water Infrastructure Assessment**

Examination of Knott Landfill's 2020 water usage data revealed that average daily water demand drops below 5,000 gallons per day (gpd) in the winter months and peaks around 50,000 gpd in the summer months. The total annual water use for landfill operations in 2020 was approximately 6.8 million gallons. See Appendix G for more information.

Based on these historical water usage patterns, it is recommended that water rights are obtained with an annual duty of 21.5 acre-feet, based on an estimated annual use of 7.0 million gallons per year. Maximum daily demand for future operations is estimated to be 100,000 gallons per day (gpd), assuming a peak month average daily flow of 50,000 gpd multiplied by a peak day factor of 2. A well production rate of 208 gallons per minute (gpm) is recommended to supply this maximum daily demand of 100,000 gpd during an 8-hour time frame. Additionally, a water storage capacity of 200,000 gallons is recommended to sustain maximum day demand and fire suppression water storage needs in the event well or power supply issues.

Both sites are located within the Deschutes Groundwater Study Area, where mitigation is required for new water right permits. In late 2023, the Oregon Water Resources Department declared an indefinite basin-wide pause on processing new water right applications in this area, citing injury to the hydrologic health of the basin. As a result of these two factors, the timeframe for securing and mitigating for new water rights permits may extend beyond 2029 when the new landfill will need to be operational. If Oregon Water Resources Department considers these two sites to be part of the General Zone of Impact, General Zone temporary mitigation rights may be a viable short-term option with an understood cost of around \$3,300 per year. General Zone permanent mitigation credits

could also be a possible long-term option from private water rights brokers at around \$200,000 to \$250,000.

### 4.3.1 Moon Pit

There are two wells on-site at Moon Pit, referred to as Well A and Well B. Well A was installed in 1986 and is currently inactive. Well B has been operational since 1994, is capable of producing 1,000 gpm, and is primarily utilized for on-site dust suppression. Water right permit G-12860 is appurtenant to the Moon Pit site property for industrial use (dust control and gravel washing). The maximum use rate for this permit is 1.09 cubic feet per second, which is equivalent to 490 gpm and significantly greater than the anticipated future landfill operation water requirements. Although transfer the water rights is not offered with the property acquisition, the seller is willing to lease a partial water right to the County for landfill operational needs at a reasonable cost until the County can secure its own water rights.

The Moon Pit site is located inside the Deschutes Groundwater Study area and the General Zone of Impact Area. If a new water right permit is needed, General Zone temporary mitigation rights may be a viable short-term option until permanent mitigation requirements can be satisfied. The estimated costs for water infrastructure upgrades are \$215,000 for water rights, \$100,000 for well improvements, \$400,000 for a water storage tank, and \$50,000 for site water piping, totaling an estimated \$765,000. See Appendix G for more information.

### 4.3.2 Roth East

The Roth East site, located within the Deschutes Groundwater Study area and the General Zone of Impact Area, has one existing well, the Powell Well (DESC 194), which is primarily used by a nearby residence and for stock watering. The occurrence of groundwater at the Roth East proposed facility site area is unknown, and available data suggest depth to first water is around 500 feet. The Powell well can produce 50 gpm with no drawdown, suggesting it can produce water at a higher rate. However, the reported well production occurred in 1990 following well installation, and the current well yield capacity is unknown. The well would need to be upgraded or replaced to function as a supply well for a future solid waste facility.

The existing Powell Well (also referred to as the “Deep Well”) on the Roth East site does not have water rights and is thus limited to the exempt well production rate of 5,000 gallons per day. Until water rights can be secured, it is assumed that water trucks from Knott Landfill would be needed to meet elevated water demands in March-October. It may be possible to purchase and transfer water rights from an existing water rights holder in the vicinity.

There are no identified water rights appurtenant to the Roth property. The closest identified water right to the Roth East site is a water right issued to the Bend Trap Club (water right permit G-16505). If a new water right permit is needed, General Zone temporary mitigation rights may be a viable short-term option until permanent mitigation requirements can be satisfied. The estimated costs for water infrastructure upgrades are \$215,000 for water rights, \$500,000 for well improvements, \$400,000 for a water storage tank, \$50,000 for site water piping, and a new water truck fill station, totaling an estimated \$1,190,000. See Appendix G for more information.



## 4.4 Electrical Power Supply

### 4.4.1 Moon Pit Electrical Infrastructure Needs

The Moon Pit landfill site, served by Central Electric Cooperative (CEC), necessitates significant upgrades to the existing electrical infrastructure to meet both initial and future power demands. The site requires a new electrical service that is adequately sized to power initial landfill loads and future landfill gas power generation.

The specific anticipated landfill electrical loads at Moon Pit include a Scale House/Electric Gate, Office/Admin Building, Maintenance Building, Water Supply Well Pump, eight Leachate Pump Stations, and a Gas Vacuum Blower. The need for 8 Leachate Pump Stations distinguishes Moon Pit from Roth East in terms of power demand.

To accommodate these needs, CEC would need to upgrade and extend about 9.5 miles of existing overhead utility lines from the closest three-phase power connection point to the Moon Pit location. This includes upgrading 2.6 miles of an existing single-phase pole line and extending new three-phase power lines (overhead or underground) for an additional 7 miles along US 20 with potential easements through BLM property. The estimated utility cost for these upgrades is approximately \$2,000,000. See Appendix H for more information.

### 4.4.2 Roth East Electrical Infrastructure Needs

Roth East also falls under the jurisdiction of CEC for its electrical needs. Similar to Moon Pit, Roth East will need a new electrical service tailored to support both the initial landfill operational requirements and future landfill gas power generation.

Anticipated landfill electrical loads for Roth East are similar to those at Moon Pit but with only four Leachate Pump Stations indicating a lower power demand compared to Moon Pit.

The infrastructure upgrade for Roth East involves approximately 2.3 miles of overhead utility line enhancements from the nearest three-phase connection point. This comprises upgrading about 1.2 miles of an existing single-phase pole line and extending new three-phase lines (overhead or underground) an additional 1.1 miles toward the landfill location possibly requiring easements through private property. The estimated utility upgrade cost is \$700,000; this is significantly lower than that of Moon Pit. See Appendix H for more information.

## 4.5 Flood Risks

### 4.5.1 Moon Pit Site

The flood risk assessment for the Moon Pit site reveals that while the site itself is not directly within mapped flood hazard areas, the northern part of the site is near the 100-year floodplain for the Dry River, an ephemeral stream. This proximity increases the risk of flood impacts, especially from intense thunderstorms and periods of rapid snowmelt, which can lead to flash flooding. The site is influenced by a relatively large upstream drainage basin of approximately 3 square miles, which further elevates the risk of flash flooding.

Several existing drainage channels on the site convey runoff from the upstream drainage basin northwest toward Dry River. The assessment emphasizes the potential impacts of climate change, which may increase flood frequencies and extents. To mitigate these risks, the assessment



recommends further study and the implementation of mitigation strategies, such as conservatively sized perimeter ditches, to manage and reduce flood risks effectively. See Appendix I for more information.

## 4.5.2 Roth East Site

The flood risk assessment for the Roth East site indicates that the site is not directly within mapped flood hazard areas. However, there is an upstream drainage basin of approximately 1 square mile that presents a moderate risk of flash flooding. This risk is particularly pronounced during intense thunderstorms and periods of rapid snowmelt, which can result in significant runoff.

Several channels on the site collect runoff from the northeast slope of Pine Mountain and drain north through the site, discharging to Dry River, an ephemeral stream, near US 20. The assessment highlights that the mapped floodplain for Dry River crosses US 20 in several locations, posing a secondary flood risk to site access. To address this risk, coordination with state transportation and hazard mitigation agencies is recommended to identify detours and alternate routes in case of disruptions to US 20 due to flooding. See Appendix I for more information.

## 4.6 Geology/Hydrogeology

### 4.6.1 Geology

The Moon Pit site is located within the High Lava Plains physiographic province with pre-Holocene northwest trending normal faults bounding Moon Pit, expressed by the site's fault bounded basin (Appendix J). This setting provides the opportunity to readily screen the operations from public view. In the southeastern two-thirds of Moon Pit, the surface geology consists of mid-Miocene-aged basalts that erupted from vents within the Brothers Fault Zone and High Lava Plains to create the Bear Creek Buttes. In the northwestern third of the site, the surface geology comprises alluvium that is believed to have been deposited by the Dry River drainage. Gravel-rich alluvium and the underlying basalt bedrock are quarried in this portion of the site. The northwest portion of the Site contains up to 42 feet of layered sand and gravel alluvial sediment overlying approximately 20 to 30 feet of basalt. This unit of basalt is underlain by approximately 6 feet of inter-flow sediment.

Test pits excavated in 1993, boreholes advanced in 1996, and test pits advanced in 2023 (Delve) identified the following general strata in the alluvial (northwest; approximately 135-acre) portion of Moon Pit:

- Sand with silt topsoil – Lightweight pumiceous topsoil, loamier and more organic than underlying sediment, thickness up to about 5 feet.
- Gravel with sand and cobbles – Horizontally bedded, thickness about 8 to 10 feet.
- Sand with fine gravel – The predominant soil type in this portion of the site; thickness up to 42 feet.
- Quaternary basalt – Believed to be a continuation of the Oregon Badlands basalt that has been capped with alluvial sediment deposited within fault-bounded basins at the northwest edge of Bear Creek Buttes.

The Roth East site is also located within the High Lava Plains physiographic province with only pre-Holocene faults present nearby that affected the deposition of volcanic features surrounding Roth East (Appendix J). Unlike Moon Pit, there are no visible expressions of these older faults. Roth East lies southeast of the Millican Valley, a dry high desert perched basin bordered to the south by

the Pine Mountain and to the north by Bear Creek Buttes. The Roth East development area would require more effort to screen operations as compared to Moon Pit as it lies atop alluvial deposits forming the northern flank of Pine Mountain. The deposits include talus, slope wash, fanglomerates and windblown material.

A geophysical study carried out by Siemens and Associates in 2023 estimated at least 300 feet of unconsolidated alluvial deposits overlying bedrock beneath the proposed development area. During the 2023 geotechnical investigation, borings drilled in the upper 150 feet of subsurface strata encountered subrounded basalt and tuff gravel mixed with varying proportions of silt and sand in 6- to 12-inch layers typical of alluvial deposits. Groundwater or saturated strata was not encountered in the borings. Bedrock was also not encountered. Roth East's surface soil includes a notable quantity of pebbles and cobbles, which gradually diminishes in size and quantity downslope toward the lacustrine Millican Valley floor to the northwest. See Appendix J for more information.

## 4.6.2 Hydrogeology

The Moon Pit site is located near the eastern edge of the Upper Deschutes Basin. The regional groundwater flow direction from Moon Pit within the basin is to the north-northwest. Two water wells are located on-site, DESC 5750 (Well A), which was developed in 1986 and is currently not in use, and DESC 9126 (Well B), which was developed in 1994 and is currently used. Well B is located at an elevation of approximately 3,600 feet and reports a depth to water of 852 feet, indicating a groundwater elevation of approximately 2,750 feet. The yield for Well B is estimated at 1,000 gpm based on purging rates from the owner during the well sampling procedure.

Given the depth to groundwater is greater than 800 feet and the geology consists of a heterogeneous and disconnected suite of volcanic units the potential for vertical migration of fluids from Moon Pit to reach groundwater is low.

Water samples collected from Well B and analyzed for the typical suite of landfill parameters indicate very good quality with no constituents reported above the EPA Maximum Contaminant Levels (MCL) and only one parameter (iron) at a concentration above the OAR 340-40 numerical groundwater quality reference levels. Slight exceedances of trace metals can be expected from water supply well grab samples not specifically designed for compliance groundwater monitoring.

Roth East is located along the far east margin of the Upper Deschutes Basin. The regional groundwater flow direction from the Millican Valley is likely to the north-northwest, roughly following topography and the path of Dry River, which once catastrophically drained Lake Millican. There are no wells in close proximity to the proposed development area. However, based on modelling using existing water wells the regional groundwater elevation at the proposed development area is anticipated to be approximately 3,800 feet above mean level.

A well located near the southwestern corner of Roth East (DESC 194; a.k.a., the Powell Well or Deep Well) and situated approximately 1.1 miles from the proposed development area at an elevation of roughly 4,800 feet (600 feet above the Millican Valley floor), reports a depth to water of 970 feet (groundwater elevation of approximately 3830 feet) and a yield of 50 gpm. Given this well was designed for residential uses the yield for a larger diameter well designed for industrial uses would likely provide a higher yield. The geophysical investigation conducted by Siemens and Associates indicates that first bedrock is located at a depth of greater than 300 feet below the surface of the proposed development area, corresponding to an approximate elevation range of 4,150 to 4,300 feet.

Water wells within the presumed footprint of prehistoric Lake Millican (below an elevation of approximately 4,300 feet) have reportedly encountered a saturated zone near the bottom of the

approximately 450-foot-thick sedimentary sequence, with low yields. It is unknown whether this shallower saturated zone is present beneath Roth East's development area. Assuming there is no saturated zone above the bedrock in the development area, the groundwater would be expected to be at least 500 feet below the development area. The potential for vertical migration of fluids from Roth East through the thick sedimentary sequence and the unknown thickness of volcanic bedrock to groundwater is low.

Groundwater samples were collected from the Powell Well (DESC 194) following purging and the stabilization of the field indicator parameters and analytical results of typical landfill parameters indicate very good water quality with no constituents reported above the EPA MCL or the OAR 340-40 numerical groundwater quality reference levels. See Appendix J for more information.

## 4.7 Preliminary Geotechnical Feasibility

### 4.7.1 Moon Pit

Delve Underground conducted a preliminary geotechnical feasibility assessment related to the siting of a new landfill on a 346-acre portion of the Moon Pit property. A copy of the preliminary geotechnical feasibility report is included in Appendix K.

The preliminary geotechnical feasibility assessment included a combination of a desktop study and limited geotechnical explorations consisting of test pits to provide a preliminary summary of the subsurface conditions. The subsurface exploration program included 12 test pits excavated to depths ranging from 2.6 to 7.0 feet below ground surface (bgs). All but two test pits were terminated as a result of practical refusal of equipment on shallow bedrock. Bedrock observations were limited to exposures created by quarrying activities, which indicated a variability within the underlying rock mass. No laboratory tests have been performed to assess the adequacy of bedrock for future use as a construction aggregate.

The preliminary assessment of the site did not identify geotechnical critical flaws for future development as a municipal solid waste landfill. However, because of the shallow nature of bedrock encountered, earthwork and site excavation will require extensive drilling and blasting methods to excavate future waste cells to their proposed depths. Additional key summaries include:

- Faults that bound the graben (geologic term for earth crust between two faults and on which the Moon Pit quarry is situated) are not included within the U.S. Geological Survey Quaternary Fault and Fold Database. Alluvial units and the Newberry Volcano lava flow do not exhibit offsets along the northwest projections of the faults; therefore, the faults are interpreted to be inactive.
- Shallow bedrock is persistent throughout the site and covered with a thin (less than 10 feet thick) veneer of undifferentiated alluvium and loess. Thicker amounts of alluvium may be present where it has not been mined out in the northwestern portion of the site.
- Practical refusal with conventional equipment occurred during the excavation of all test pits which resulted in termination less than 10 feet bgs. Shallow bedrock conditions will likely require drilling and blasting techniques to excavate the desired depth of the waste cells.
- Bedrock exposed in quarry exposures in the southeastern portion of the site consisted of a complex sequence of basaltic lava flows and cinder-filled interbeds. Both lava flow and interbeds generally varied between 2 and 10 feet thick.
- Review of seismic surveys and cross sections compiled by Siemens & Associates within the David Evans and Associates, Inc. report entitled "Deschutes County Landfill Site Evaluation"

(prepared for Deschutes County Department of Solid Waste, dated August 7, 1996) indicated an irregular bedrock contact with varying depths of sediment accumulation within the northwest portion of the site. Some drill and blast mining (for basalt rock products) was conducted in this area but was discontinued because of poor rock quality.

- Depth to groundwater is anticipated to be well below the bottom of the proposed landfill cells (see Section 4.6.2).
- Based on the shallow bedrock conditions and the waste cells excavated into the underlying bedrock, Delve does not anticipate issues with bearing capacity or settlement associated with future site development.
- On-site materials will require laboratory testing to assess whether materials meet the specification of intended use per Oregon Standard Specifications for Construction.
- Site Class B is preliminarily recommended for future seismic design based on the materials encountered in the subsurface exploration program.
- Review of the site development plans by G. Friesen Associates, Inc., dated September 26, 2023, indicate 3H:1V (horizontal to vertical) slopes along the perimeter of the waste cells. These slopes are suitable at this time based on the current understanding of the subsurface conditions and that waste cells will be excavated into the underlying bedrock.

As noted above, the results of this study are based on a limited subsurface investigation and should be considered preliminary in nature. Additional site characterization will be required to complete the geotechnical characterization of this site if it is selected for final design, as well as to determine the quality of rock for potential on-site use.

The estimated thickness of subsurface materials encountered at the time of exploration and the anticipated use of materials is presented in Table 1. Across the site, the average thickness of overburden materials (alluvium, loess, and colluvium) is estimated to be 5 feet, plus or minus 3 feet. No laboratory tests have been performed to assess the durability of bedrock for future use as a construction aggregate. Note that the current coverage of test pits is inadequate for fully assessing the subsurface conditions for a 346-acre development, and lateral variations of materials likely exist.

**Table 1. Soil Usage Summary for Moon Pit**

Geologic Unit	ASTM Classification	Estimated Thickness (feet)	Anticipated Use <sup>1</sup>
Alluvium/Loess <sup>2</sup>	Silty SAND (SM)	1 to 5.5	Daily cover
	Well-graded GRAVEL with sand and cobbles (GW)		
	Well-graded SAND with silt (SW-SM)		
Colluvium <sup>3</sup>	Well-graded GRAVEL (GW)	>6	Daily cover
Bedrock (extremely weathered) <sup>4</sup>	Well-graded GRAVEL with silt and SAND (GW-GM)	1 to 4	Daily cover for gravel-sized or finer; crush/screen oversize rock clasts for drain rock, structural fill, and road base
	Well-graded GRAVEL with sand (GW)		
	Silty SAND with gravel and cobbles (SW)		
Bedrock <sup>5</sup> (unweathered)	N/A	Unknown	Crush for drain rock, structural fill, and road base

Notes:

1. Anticipated uses are assumed. No laboratory testing has been performed and bedrock quality is currently unknown. Laboratory testing is required for approval of on-site use.

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- 2 Alluvium and loess accumulation throughout the undisturbed areas of the site and overlies bedrock, and old alluvial gravels previously mined in the northwest portion of the site.
- 3 Colluvium limited to areas adjacent to fault scarp and only encountered in TP-3 and TP-4.
- 4 Bedrock encountered within test pits represents the upper weathering profile and contains varying amounts of sand and fines. Bedrock quality is currently unknown and requires evaluation and laboratory testing to determine durability and quality.
- 5 Bedrock quality determination is beyond the scope of this exploration although visual observations of cuts and other exposures suggest high variability ranging from poor to moderate.

## 4.7.2 Roth East

Delve Underground conducted a preliminary geotechnical feasibility assessment related to the siting of a new landfill on a 382-acre portion of the Roth East property. A copy of the preliminary geotechnical feasibility report is included in Appendix K.

The preliminary geotechnical feasibility assessment included a combination of a desktop study and limited geotechnical explorations consisting of four geotechnical borings, and two parallel geophysical surveys utilizing electrical resistivity and seismic resistivity. Borings were advanced to depths ranging from between 46.5 to 150 feet bgs and were terminated in predominantly gravelly alluvial fan deposits. Bedrock was not encountered within the borings and is estimated to be at a depth of approximately 400 feet based on the results of the geophysical surveys.

Disturbed soil samples were collected in conjunction with standard penetration tests (SPT) using a standard split-spoon sampler and a modified California split-barrel sampler. However, because of the relatively small sampler opening sizes (i.e., 1.375 to 2.4 inches), they do not provide an adequate sample size to accurately describe a predominantly gravel soil type.

The preliminary assessment of the site did not identify geotechnical critical flaws for future development as a municipal solid waste landfill. Additional key summaries include the following:

- The unnamed faults near Millican Valley (U.S. Geological Survey fault ID 841) have an age constraint of less than 750 thousand years (ka); considerably older than the 12,000 years Holocene age defined by RCRA Subtitle D.
- The Pine Mountain catchment basin now drains to the northwest of Pine Mountain, and the paleochannel that previously supplied sediment for the alluvial fan beneath the site is now separated from the upslope catchment basin, and thus inactive. The elimination of this sediment supply likely resulted from faulting of the linear ridge with a poor age constraint but is likely older than mid Quaternary (>750,000 years), and considerably older than the Holocene.
- The geomorphic relationship between the alluvial fan and surrounding topography suggests that the fan is mid Quaternary or older in age, and that the upslope sediment supply for the fan was disconnected around the same time, or before the faulting and uplift of the knob by the unnamed faults near Millican Valley.
- Faulting of the knob is likely older than the Holocene (12,000 years) and not a hazard for the future development of the site. However, a lack of Holocene deposition of sediments within the site makes the age constraint relative to preliminary observations elsewhere within Millican Valley.
- Preliminary review of the limited extent of lidar (light detection and ranging) within the western extent of Millican Valley near Horse Ridge does not indicate any offsets of Newberry Volcano lava flows, alluvial fans, or sediments associated with Lake Millican. All units within this area are late Pleistocene in age, thus indicating faulting along the unnamed faults of Millican Valley is older than 12,000 years, and not active by the RCRA Subtitle D definition of Holocene (10,000 years to 12,000 years). However, the lack of deformation and offset within

these units may indicate (1) a lack of deformation within the last 100,000 years, (2) geomorphic overprinting as a result of a prolonged recurrence interval, and (3) discontinuous fault structures across the basin.

- Preliminary geotechnical drilling encountered coarse-grained soils to a maximum depth of 150 feet bgs that largely consist of gravels of varying sizes, consistent with materials generally encountered within an alluvial fan. The materials appear to be predominantly gravels, but SPT samples limit the ability to quantify the amount of gravel because of sampling intervals and the limited size of what can enter the sampling tube.
- Geophysical surveys indicate that up to 400 feet of what are interpreted as coarse-grained soils are within the limits of the survey profiles. The boundary of the site has changed from the time of original planning of the subsurface program, and it has since been moved farther to the southwest; this area currently lacks coverage from the geophysical survey. Shallowing of bedrock should be anticipated toward the south of the site near the linear ridge.
- Based on the materials encountered, conventional earth-moving equipment for mass grading and excavation of soil is anticipated; however, large boulders on the order of 4-foot diameter may be encountered.
- Based on the materials encountered, issues with bearing capacity or settlement associated with future site development are not expected.
- On-site materials are likely suitable for use in site development pending future lab testing to identify the durability of the material.
- Site Class C is recommended for future seismic design based on the materials encountered in the subsurface exploration program.
- Site development plans by G. Friesen Associates, Inc., dated September 26, 2023, indicate 3H:1V (horizontal to vertical) slopes along the perimeter of the waste cells. These slopes are suitable at this time based on the current understanding of the subsurface conditions, but additional input may be required as plans for site development progress.
- Site development plans by G. Friesen Associates, Inc., dated September 26, 2023, indicate excavation extending to close proximity of the linear ridge. This area lacks subsurface information because of the limitation of the exploration program, and shallow bedrock may be encountered. To reduce cost overrun, a comprehensive geotechnical exploration program should be completed as a future phase of work if this site is selected for future development.

As noted above, the results of this study are based on a very limited subsurface investigation and should be considered preliminary in nature. Additional site characterization will be required to complete the geotechnical characterization of this site if it is selected for final design, as well as to determine the quality of gravels within the alluvial fan deposit for potential on-site use.

The estimated thickness of subsurface materials encountered at the time of the explorations and the anticipated use of materials is presented on Table 2. Across the site, the average thickness of overburden materials (alluvial fan deposits) is estimated to be greater than 150 feet. No laboratory tests have been performed to assess the durability of gravels within the overburden materials for future use as a construction aggregate. Note that the current coverage of borings and geophysical surveys is inadequate for fully assessing the subsurface conditions for a 382-acre development, and lateral variations of materials likely exists.

**Table 2. Soil Usage Summary for Roth East**

Geologic Unit	ASTM Classification	Estimated Thickness	Anticipated Use <sup>1</sup>
Alluvial Fan Deposits <sup>2</sup>	Silty SAND (SM)	>150 feet	Daily cover; crush/screen for drain rock, structural fill, and road base
	Well-graded SAND with silt (SW-SM)		
	Silty GRAVEL (GM)		
	Well-graded GRAVEL with silt and sand (GW-GM)		
	Well-graded GRAVEL with sand (GW)		
Bedrock <sup>3</sup>	N/A	Unknown	Unknown

Notes:

- 1 Anticipated uses are assumed. No laboratory testing has been performed to determine the durability of on-site gravel. Durability tests will be required before final approval of on-site use.
- 2 Gravel percentage poorly constrained due to the limited opening diameter within the SPT and ModCal sampling tube.
- 3 Bedrock was not encountered in the geotechnical drilling exploration and estimated at around 400 feet below grade by geophysical exploration.

## 4.8 Environmental Site Assessment Phase I

### 4.8.1 Moon Pit

Parametrix conducted a Phase I Environmental Site Assessment (ESA) of the Moon Pit Alternative including a review of available documentation pertaining to the subject property, a site reconnaissance, and a review of relevant public agency documents. The Phase I ESA was conducted in general accordance with ASTM Standard E1527-21, which defines the generally accepted industry practices and procedures currently applicable at the time and place of this study. The purpose of the Phase I ESA was to identify recognized environmental conditions (RECs) on or near the subject property.

A review of historical aerial photographs, topographic maps, and the Hooker Creek construction materials website indicate that the subject property was undeveloped until the late 1980s/early 1990s, when aggregate mining operations began. A former asphalt plant was reportedly located on the subject property. Historical aerials can be referenced in the Phase I ESA, Appendix L.

As part of the Phase I ESA, regulatory database-listed sites by federal and Oregon agencies were reviewed. Additionally, a compilation of historical uses of the subject property and site vicinity was reviewed to determine whether past operations pose a risk to the subject property. The subject property is listed on the Environmental Cleanup Site Information (ECSI) database. A comment dated April 24, 1997, notes that there is no release reported and that the site was added to the ECSI list for tracking purposes. The listing indicates that historical site use at the subject property is unknown, but it may have been used by the military during World War II (historical document review did not indicate any military usage on the subject property). No contamination at the site has been documented. Listing of the site on the ECSI database for tracking purposes does not represent a REC to the subject property. A full list of the databases reviewed can be found in Appendix L.

Parametrix conducted a site examination on October 5, 2023. The site examination consisted of observing the area, providing observations of the general environmental conditions, and visually assessing the area for evidence of hazardous substances and petroleum products. Two diesel aboveground storage tanks (ASTs) are in use at the property: an approximately 250-gallon AST near the gate and a 10,000- to 20,000-gallon AST that provides fuel to the generator for the groundwater



supply well on-site. Minor staining was noted near the 250-gallon AST. De minimis staining was also noted near the site entrance, in operation areas, at the equipment boneyard, and in the vicinity of the former asphalt plant. None of the staining appeared to be extensive or associated with active releases. A number of labeled and unlabeled drums (some still containing liquids) were also noted throughout the site, primarily in the boneyard and near the generator building. Photographs taken during the site reconnaissance can be found in the Phase I ESA, Appendix L.

#### **4.8.1.1 Recognized Environmental Conditions**

The former presence of the asphalt plant operations, as well as observed petroleum staining in several areas of the property, represents a REC to the subject property.

#### **4.8.1.2 Recommendations**

Based upon the conclusions of this investigation of the subject property, a limited Phase II ESA is recommended on the subject property to delineate shallow soil contamination, if any, and to establish baseline conditions. The Phase II ESA should include surface and shallow depth soil sampling in the former asphalt plant area, as well as other operational areas, near ASTs, and in areas of observed petroleum staining.

#### **4.8.2 Roth East**

Parametrix conducted a Phase I ESA of the Roth East Alternative including a review of available documentation pertaining to the subject property, a site reconnaissance, and a review of relevant public agency documents. The Phase I ESA was conducted in general accordance with ASTM Standard E1527-21, which defines the generally accepted industry practices and procedures currently applicable at the time and place of this study. The purpose of the Phase I ESA was to identify RECs on or near the subject property.

A review of historical aerial photographs and topographic maps indicate that the subject property has been undeveloped, aside from a single residence (constructed after 1994), since at least 1951. Historical aerials can be referenced in the Phase I ESA, Appendix L.

As part of the Phase I ESA, regulatory database-listed sites by federal and Oregon agencies were reviewed. Additionally, a compilation of historical uses of the subject property and site vicinity was reviewed to determine whether past operations pose a risk to the subject property. The subject property and adjacent properties are not listed on any regulatory database that would indicate a past or current release or storage of hazardous materials. A full list of the databases reviewed can be found in Appendix L.

Parametrix conducted a site examination on October 4, 2023. The site examination consisted of observing the area, providing observations of the general environmental conditions, and visually assessing the area for evidence of hazardous substances and petroleum products. There is one residence on the subject property along with a couple of outbuildings and ranch infrastructure (corrals, cattle watering trough, etc.). A domestic water well is located on the subject property, and a large water storage tank was noted on the ridge above the well. Two small (approximately 250-gallon), locked fuel ASTs were noted in the vicinity of the other ranch infrastructure. The ASTs appeared to contain residual fuel. No staining or distressed vegetation was noted in the vicinity. Photographs taken during the site reconnaissance can be found in the Phase I ESA, Appendix L.



#### 4.8.2.1 Recognized Environmental Conditions

No RECs were identified for the Roth East site during Phase I ESA.

#### 4.8.2.2 Recommendations

Based upon the conclusions of this investigation of the subject property, no further environmental investigation is warranted at this time.

### 4.9 Air Quality, Weather, and Greenhouse Gas Emissions

Parametrix prepared a technical memorandum that summarizes local air quality data, weather data, and a greenhouse gas (GHG) analysis for the Moon Pit and Roth East sites. Please see Appendix M. It also discusses facilities in close proximity to the site that may contribute to local air quality issues. The weather data from the past five years were acquired from two weather stations east of Bend, Oregon. The data included minimum and maximum temperatures, daily precipitation, PM2.5 and ozone (air quality) data, and wind speed and direction data.

The wind rose diagram from Redmond Roberts Field indicates dominant wind directions out of the northwest and southeast, with the most frequently occurring wind speeds between 8 and 13 miles per hour (mph). The Moon Pit site is located between two weather stations, and the Roth East site is located farther east of the Horse Ridge station. General sustained wind speeds and gusts at the Horse Ridge station are higher than at the Calgary Loop station indicating that wind conditions at Roth East are likely more intense than at the Moon Pit site, though these station data do not necessarily represent site conditions. During development and operation of the landfill, an on-site weather station will be located at the site to inform the County's adaptation of landfill operations based on current weather conditions.

Local air quality data was reviewed from the past five years, which were downloaded from the Oregon Department of Environmental Quality (DEQ) website. The closest publicly owned air quality monitoring station is located at Prineville Davidson Park. The maximum PM2.5 level measured at this station was recorded on September 12, 2020. The spikes in monitored PM2.5 are likely associated with large wildfires in Oregon, Washington, and California during those time periods. The maximum ozone level was recorded on September 12, 2020. The vicinity of both sites is predominantly vacant, undeveloped land. There are no industrial or power-generating plants within a 3-mile radius of either site that would contribute to areawide air quality conditions.

Mapped wildfire risk data indicate that both the Moon Pit and the Roth East sites have a high burn probability. According to the U.S. Forest Service, burn probability is based on the likelihood of over 250 acres burning at a given location (determined by wildfire simulation modeling). A high probability indicates between 1 in 500 and 1 in 50 chance of a wildfire over 250 acres in a single year. For both sites, fire protection measures would be in-place and the selected site is expected to function as a fire break – relatively devoid of fuel sources - that would interrupt the continuation of wildfires moving towards the site.

GHG emissions were calculated for scenarios involving the haul transportation of municipal solid waste from transfer stations to Moon Pit and Roth East. The baseline fleet transition that was evaluated (diesel to renewable natural gas [RNG] to electric) resulted in a contribution of Moon Pit of ~50,000 MT CO<sub>2</sub>e whereas Roth East would generate ~75,000 MT CO<sub>2</sub>e of GHG emissions over the 2029 to 2129 timeframe. The transition to renewable diesel is already underway, and RNG is also a reasonable, present-day option. These fuel transitions would reduce GHG emissions further but also offer opportunities for cost reduction and revenue streams.

## 4.9.1 Moon Pit

### 4.9.1.1 Temperature

The 5-year record of temperature data collected at the BEND station reported a minimum temperature of -7 degrees Fahrenheit (F) on February 23, 2022, and a maximum temperature of 107 degrees F on June 30, 2021. Temperature data at this station are spotty for the latter part of 2022 and 2023. Additional station data can be referenced in the Air Quality Technical Report, Appendix M.

### 4.9.1.2 Precipitation

The 5-year record of precipitation data collected at the BEND station reported sixteen precipitation events exceeding 0.5 inches in a day, occurring in fall, winter, and spring. Fewer significant precipitation events occurred during summer. Average daily precipitation data collected at the BEND station reported eleven daily averages above 0.2 inches and significantly lower averages during summer months. Additional station data can be referenced in the Air Quality Technical Report, Appendix M.

Lightning susceptibility in the vicinity of the Moon Pit site is relatively low (a risk index score of 20.7 based on FEMA National Risk Index methodology <sup>1</sup>).

### 4.9.1.3 Wind Speed

Dominant wind directions at the Redmond Roberts Field station (22 miles northwest of the site) are out of the southeast. Most often occurring wind speeds are between 8 and 13 miles per hour. The Calgary Loop (EW8160) weather station reports sustained winds up to 18 miles per hour and gusts up to 31 miles per hour. The US 20 Horse Ridge station reports sustained winds up to 26 miles per hour and gusts up to 43 miles per hour. Winds speeds at the Moon Pit site are expected to be between these ranges.

### 4.9.1.4 Air Quality

Available relevant air quality data from the past 5 years were downloaded from the DEQ website.<sup>2</sup> The closest publicly owned air quality monitoring station is located at Prineville Davidson Park, approximately 25.4 miles northeast of the site. Air quality data from this station monitors particulate matter, or PM<sub>2.5</sub>, and ozone. PM<sub>2.5</sub> is atmospheric particulate matter with a diameter less than 2.5 micrometers. Ozone can cause oxidation of electronics and sensitive instruments.

The maximum PM<sub>2.5</sub> level (518.1 micrograms per cubic meter [ $\mu\text{g}/\text{m}^3$ ]) measured at the Prineville Davidson Park station was recorded on September 12, 2020. These data were supplemented with PM<sub>2.5</sub> data from the Bend NE 8th and Emerson station, which is 16 miles northwest of the site. The maximum PM<sub>2.5</sub> level (547.1  $\mu\text{g}/\text{m}^3$ ) measured at the Bend NE 8th and Emerson station was recorded on August 16, 2021. The spikes in monitored PM<sub>2.5</sub> are likely associated with large wildfires in Oregon, Washington, and California during those time periods. Local and regional wildfires are generally the largest contributor to spikes in airborne particulates in eastern Oregon.

<sup>1</sup> <https://hazards.fema.gov/nri/lightning>

<sup>2</sup> <https://oraqi.deq.state.or.us/Report/stationreport>

The maximum ozone level (39 parts per billion) was recorded on September 12, 2020.

#### 4.9.1.5 Local Air Quality Activities and Impacts

The vicinity of the site is predominantly vacant, undeveloped land. There are no industrial or power-generating plants within a 3-mile radius that would contribute to areawide air quality conditions.

#### 4.9.1.6 Wildfire Risk

The Moon Pit site is mapped by the US Forest Service as having a high burn probability. Although the frequency of lightning strikes is higher near Moon Pit, the extent of historical fires suggests that fires near the Moon site are typically smaller and less-likely to propagate. The soils and landforms of the Moon Pit site have low vegetation production potential which limits the accumulation of fuels. Thus, fire events historically have been typically limited to a few trees. Stand replacement, and mixed-severity fire events were infrequent (more than 150 years).

### 4.9.2 Roth East

#### 4.9.2.1 Temperature

The 5-year record of temperature data collected at the BEND station reported a minimum temperature of -7 degrees Fahrenheit (F) on February 23, 2022, and a maximum temperature of 107 degrees F on June 30, 2021. Temperature data at this station are spotty for the latter part of 2022 and 2023. Additional station data can be referenced in the Air Quality Technical Report, Appendix M.

#### 4.9.2.2 Precipitation

The 5-year record of precipitation data collected at the BEND station reported sixteen precipitation events exceeding 0.5 inches in a day, occurring in fall, winter, and spring. Fewer significant precipitation events occurred during summer. Average daily precipitation data collected at the BEND station reported eleven daily averages above 0.2 inches and significantly lower averages during summer months. Additional station data can be referenced in the Air Quality Technical Report, Appendix M.

Lightning susceptibility in the vicinity of the Roth East site is relatively low (a risk index score of 20.7 based on FEMA National Risk Index methodology<sup>3</sup>).

#### 4.9.2.3 Wind Speed

Dominant wind directions at the Redmond Roberts Field station (22 miles northwest of the site) are out of the southeast. Most often occurring wind speeds are between 8 and 13 miles per hour. The US 20 Horse Ridge station reports sustained winds up to 26 miles per hour and gusts up to 43 miles per hour. Wind speeds at the Roth East site are expected to generally resemble what has been observed at this weather station.

Concerns have been raised by the public regarding high winds, whirlwinds carrying dust and debris, and thermal draft that are utilized by paragliders. These concerns relate to landfill operations, as

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<sup>3</sup> <https://hazards.fema.gov/nri/lightning>

strong winds can exacerbate various environmental and operational challenges. Wind has the potential to spread litter and debris beyond the landfill boundaries. Additionally, airborne particles carrying odors from decomposing waste may be dispersed, causing nuisance to nearby communities.

Operationally, high winds can disrupt daily landfill activities, affecting waste deposition and compaction processes. To mitigate wind-related risks, landfill operators often implement engineering controls such as windbreaks, cover systems, and dust suppression measures. Regular monitoring and contingency plans are crucial to promptly address adverse weather conditions and ensure the effective and environmentally responsible management of landfill sites.

#### **4.9.2.4 Air Quality**

Available relevant air quality data from the past 5 years were downloaded from the DEQ website.<sup>4</sup> The closest publicly owned air quality monitoring station is located at Prineville Davidson Park, approximately 31 miles northeast of the site. Air quality data from this station monitors particulate matter, or PM<sub>2.5</sub>, and ozone. PM<sub>2.5</sub> is atmospheric particulate matter with a diameter less than 2.5 micrometers. Ozone can cause oxidation of electronics and sensitive instruments.

The maximum PM<sub>2.5</sub> level (518.1 µg/m<sup>3</sup>) measured at the Prineville Davidson Park station was recorded on September 12, 2020. These data were supplemented with PM<sub>2.5</sub> data from the Bend NE 8th and Emerson station, which is 25 miles northwest of the site. The maximum PM<sub>2.5</sub> level (547.1 µg/m<sup>3</sup>) measured at the Bend NE 8th and Emerson station was recorded on August 16, 2021. The spikes in monitored PM<sub>2.5</sub> are likely associated with large wildfires in Oregon, Washington, and California during those time periods. Local and regional wildfires are generally the largest contributor to spikes in airborne particulates in eastern Oregon.

The maximum ozone level (39 parts per billion) was recorded on September 12, 2020.

#### **4.9.2.5 Local Air Quality Activities and Impacts**

The vicinity of the site is predominantly vacant, with a handful of rural residential properties located throughout the area. There are no industrial or power-generating plants within a 3-mile radius that would contribute to areawide air quality conditions.

#### **4.9.2.6 Wildfire Risk**

The Roth East site is mapped by the US Forest Service as having a high burn probability. This site has more productive soils supporting sage steppe and more invasive species, especially cheatgrass, that have a higher potential of carrying wildfire. Where there is an abundance of invasive nonnative species such as cheatgrass, areas that used to burn once every 20 to 100 years can now burn every 7.5 to 15 years in sage steppe habitat.

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<sup>4</sup> <https://oraqi.deq.state.or.us/Report/stationreport>

## 4.10 Natural Resources

### 4.10.1 Moon Pit Site Characteristics

#### 4.10.1.1 Landscape Setting and Site Use

The site is located in the Smith Canyon-Dry River (HUC 170703050710) watershed, with general slope to the northwest. The site consists of an active aggregate material mine interspersed with juniper woodland and shrubland. The site is incidentally grazed by cattle entering through gaps in fencing. The site is bordered by BLM land and is nearby to Oregon Badlands Wilderness. The topography of the site is slightly sloped to the northwest with hillsides directly outside the site to its north, east, and south. The site elevation ranges from 3,600 to 3,860 feet.

#### 4.10.1.2 Vegetation

Present within the site is 167.1 acres of juniper woodland and 10.9 acres of shrub steppe. The remainder of the site consist of disturbed mined out areas, roads, and buildings (206.82 acres). The vegetation in the juniper woodland was dominated by western juniper (*Juniperus occidentalis*), big sagebrush (*Artemisia tridentata*), rubber rabbitbrush (*Ericameria nauseosa*), cheatgrass (*Bromus tectorum*), bluebunch wheat grass (*Pseudoroegneria spicata*), and Idaho fescue (*Festuca idahoensis*). Shrub steppe habitat was dominated by big sagebrush, rubber rabbitbrush, cheatgrass, bluebunch wheat grass, and Idaho fescue. Other native species found include antelope bitterbrush (*Purshia tridentata*), cushion wild buckwheat (*Eriogonum ovalifolium*), common yarrow (*Achillea millefolium*), needle and thread (*Hesperostipa comata*), and Sandberg bluegrass (*Poa secunda*). Common weedy species found within disturbed areas include cheatgrass, night-flowering catchfly (*Silene noctiflora*), Russian thistle (*Salsola tragus*), Mexican fireweed (*Bassia scoparia*), and tumble mustard (*Sisymbrium altissimum*). Mexican fireweed is listed as a noxious weed by the Oregon Department of Agriculture.

### 4.10.2 Moon Pit Site Protected Species, Habitat, and Permitting

#### 4.10.2.1 Wetland and Waters

An artificial pond built within uplands adjacent to a mine cell in the site's northwest was found to have wetland characteristics (Appendix N). The pond was originally used for gravel and sand washing but is now used for dust control and for fire suppression. Three streambeds are mapped as intermittent seasonally flooded riverine features by National Wetland Inventory to occur within the eastern half of the site. These features are located in gullies with upland vegetation. The gullies lacked stream bed and bank features and did not contain hydric soils or hydrophytic vegetation (Appendix N). These gullies are likely ephemeral systems that only have flow during spring melt in high snowpack years. The artificial pond and the ephemeral gullies would not be considered jurisdictional. No other wetland or water features were observed on-site. Site development would not require permitting under Sections 404 and 401 of the Clean Water Act and Oregon's Removal-Fill Law (OAR 196-795-990).

#### 4.10.2.2 Federal and State Listed Species

Federally listed threatened and endangered species or designated critical habitat are not likely to be present using habitat found within the site (Appendix N); therefore, site development would not initially require permitting under Section 10 or Section 7 of the Endangered Species Act. If greater

sage grouse ([sage-grouse] *Centrocercus urophasianus*) or pygmy rabbit (*Brachylagus idahoensis*) are listed as threatened or endangered during planning and construction of the SWMF or during major operational changes once constructed, the County would need to consult with USFWS for compliance under Section 10 or Section 7 of the ESA (Appendix M).

#### 4.10.2.3 Bald and Gold Eagle Protection Act

The site is within 2 miles of a golden eagle nest and its development will result in a permanent alteration of habitat and an Eagle Incidental Take Permit may be required for project development. The permit would be used for consultation and to determine a take statement and associated required mitigation. Potential mitigation can be conducted via an in-lieu fee which is calculated as take over time. Alternatively, Deschutes County could allocate money to a local utility company to retrofit utility poles to protect raptors and other birds from electrocution through a Memorandum of Agreement. See Appendix N for further information Bald and Gold Eagle Protection Act and requirements for permitting site development.

#### 4.10.2.4 Migratory Bird Treaty Act

Various migratory birds that are protected under the Migratory Bird Treaty Act of 1918 may forage on or nest on the site. To avoid and minimize effects to migratory birds, initial site development (vegetation clearing and grubbing) should be conducted during the non-nesting season. If vegetation disturbance occurs during the nesting season, the site should be surveyed for nesting birds by a qualified biologist. See Appendix N for further information on Migratory Bird Treaty Act species that may be present on-site and for construction best management practice to minimize impacts.

#### 4.10.2.5 Big Game Range

The site is entirely within mule deer (*Odocoileus hemionus*) and elk (*Cervus canadensis*) winter range designated by ODFW and is partially in a Wildlife Area Combining Zone for North Paulina Winter Range designated by Deschutes County. The site is also entirely within essential and limited pronghorn (*Antilocapra americana*) habitat as designated by ODFW. Tracks and scat of mule deer and elk were observed throughout the site. The habitat on-site is of low to moderate quality for these big game species (Appendix N). Site development would result in a permanent loss of 167.1 acres of juniper woodland and 10.9 acres of shrub steppe which would require mitigation (see below in Section 4.10.3)

#### 4.10.2.6 Sage-Grouse

The Site is not sage-grouse habitat (Appendix N). However, site development would result in indirect impacts that would impact low density sage-grouse habitat. Indirect impacts can include sound disturbance and from increased densities of ravens (*Corvus corax*). Landfills can result in elevated densities of ravens due to additional food sources and roosting locations. Ravens predate on sage-grouse and higher abundance of the species within sage-grouse habitat has been linked with lower sage-grouse reproductive success.

In coordination with ODFW, the estimated impact of site development on sage-grouse is a loss of 7.8 functional acres which would require mitigation (see below in Section 4.10.3).



## 4.10.3 Moon Pit Site Development Compensatory Mitigation

### 4.10.3.1 Big Game Habitat

Mule Deer and elk winter range and essential and limited pronghorn habitat are considered Category 2 habitat by ODFW's Wildlife Habitat Mitigation Policy (OAR 635-415-0000). Category 2 habitat is deemed to be essential for a species, populations, or species assemblage (OAR 635-415-0025). Avoidance of impacts through alternatives to the proposed action are recommended. If impacts are unavoidable, mitigation of impacts would be required through in-kind, in-proximity, habitat mitigation to achieve "no net loss" and a "net benefit" of habitat quantity or quality (OAR 635-415-0025(B)).

A mitigation plan would need to be developed to characterize compensatory mitigation to impacts to 167.1 acres of juniper woodland and 10.9 acres of shrub steppe. Because impacts to mule deer and elk winter range essential and limited pronghorn habitat spatial overlap, mitigation for each can be stacked into one mitigation project. Mitigation may involve making on-site habitat improvements or acquiring a parcel of land with those habitats to prevent its development (avoided loss) or improve its habitat (enhancement). Enhancement can include a combination of actions that may include livestock grazing restrictions, weed treatment, native revegetation/restoration, fire readiness, and fence removal/fence upgrade. Further information on mitigation options for mule deer, elk and pronghorn habitat can be found in Appendix N.

### 4.10.3.2 Sage-Grouse

Site development would be considered a large-scale development (>40 acres) which would impact significant sage-grouse habitat and thus is considered a conflicting use (OAR 660-023-0115(7)). Conflicting uses require compliance with the mitigation hierarchy and ODFW's Sage-grouse Mitigation Program and Policy. The development of the site must show that the overall public benefits outweigh the damage to the significant sage-grouse habitat (DCC 18.89.110). The development of the SWMF at the site must demonstrate that impacts to sage-grouse habitat are unavoidable and the project was developed to minimize impacts. The extent of direct and indirect impacts on significant sage-grouse habitats must be mitigated for and provide a net conservation benefit to sage-grouse (OAR 635-140-0010(e)).

Site development would result in the loss of 7.8 functional acres of sage-grouse habitat. To achieve a net conservation benefit, ODFW requires compensatory mitigation to restore 115% of impacted functional acres. Thus, a mitigation plan would need to be developed to characterize the restoration of 9 functional acres of sage-grouse habitat. Mitigation actions include acquisition of bank credits, payment in-lieu, and permittee responsible on or off-site mitigation. At present, there is no mitigation bank available with approved credits. ODFW is currently reviewing documents for a mitigation bank that could be a future option for mitigation for site development. The estimated in-lieu fee cost provided by ODFW is \$500,000. The in-lieu fee cost should be considered as the maximum cost for sage-grouse mitigation. Permittee-responsible on-site mitigation is not possible given the extent of the SWMF on the site. Off-site mitigation could involve acquiring a parcel of land and performing mitigation actions or working with private or public landowners on a conservation plan. Common mitigation measures that could result in restoration of sage-grouse habitat include juniper removal, cattle grazing management, reseeding of native forbs and grasses, fence removal, and invasive removal. Further information on mitigation options for sage-grouse habitat can be found in Appendix N.

#### 4.10.4 Moon Pit Site Summary

The development of the SWMF at the site would require minimization and avoidance through site design, employing best management practices during construction and operations to avoid impacts to Migratory Bird Treaty Act-protected species, and to mitigate for impacts to golden eagle habitat, mule deer and elk winter range, essential and limited pronghorn habitat, and significant sage-grouse habitat. The initial cost of mitigation is estimated to be \$700,000 with \$800,000 in operations and maintenance. These values are approximations of costs for site development and should only be used for site selection comparisons for the SWMF. Further development of a mitigation plan and coordination with ODFW, the County, and others would be required to determine the cost of natural resource mitigation for the development of the SWMF at Moon Pit. Further information on cost estimates can be found in Appendix N.

#### 4.10.5 Roth East Site Characteristics

##### 4.10.5.1 Landscape Setting and Site Use

The site is located in the Mahogany Butte-Dry River (HUC 170703050706) watershed, with general slope to the northwest. The site consists of sage brush steppe environment with native and non-native grasses and bunchgrasses and is currently used for grazing. The site is bordered by private lands that are also used for grazing. The topography of the site is slightly sloped to the north. The site elevation ranges from 4,480 to 4,600 feet.

##### 4.10.5.2 Vegetation

The site is entirely composed of shrub steppe habitat. Vegetation within the site is dominated by big sagebrush, rubber rabbitbrush, crested wheat grass (*Agropyron cristatum*), and Idaho fescue. Other native species found include western juniper, bluebunch wheat grass, cushion wild buckwheat, antelope bitterbrush, lupine (*Lupinus species*), and prairie June grass (*Koeleria macrantha*). Invasive and non-native species present in low densities included cheatgrass, spotted knapweed (*Centaurea stoebe*), tumble mustard, medusahead rye (*Taeniatherum canput-medusae*), and clasping pepper weed (*Lepidium perfoliatum*). Medusa rye and spotted knapweed are listed as noxious weeds by the Oregon Department of Agriculture.

#### 4.10.6 Roth East Site Protected Species, Habitat, and Permitting

##### 4.10.6.1 Wetland and Waters

Within the site, nine streambeds are mapped as intermittent seasonally flooded riverine streambeds by National Wetland Inventory. These features are located in gullies with upland vegetation. The gullies lacked stream bed and bank features and did not contain hydric soils or hydrophytic vegetation (Appendix N). These gullies are likely relict topographical features from previous climatic conditions and are currently ephemeral systems that may only have flowing water during spring of high snow pack years. No other wetland or water features were observed on-site. Site development would not require permitting under Sections 404 and 401 of the Clean Water Act and Oregon's Removal-Fill Law (Oregon Administrative Record [OAR] 196.795-990) as features present on-site are not jurisdictional.



#### 4.10.6.2 Federal and State Listed Species

Federally listed threatened and endangered species or designated critical habitat are not likely to be present using habitat found within the site (Appendix N); therefore, Site development would not initially require permitting under Section 10 or Section 7 of the Endangered Species Act. If sage-grouse or pygmy rabbit are listed as threatened or endangered during planning and construction of the SWMF or during major operational changes once constructed, the County would need to consult with USFWS for compliance under Section 10 or Section 7 of the ESA (Appendix M).

#### 4.10.6.3 Bald and Gold Eagle Protection Act

The site is not within 2 miles of a golden eagle or bald eagle nest and thus site development is unlikely to impact these species. Site development would not require permitting under the Bald and Gold Eagle Protection Act.

#### 4.10.6.4 Migratory Bird Treaty Act

Various migratory birds that are protected under the Migratory Bird Treaty Act of 1918 may forage on or nest on the site. To avoid and minimize effects to migratory birds, initial site development (vegetation clearing and grubbing) should be conducted during the non-nesting season. If vegetation disturbance occurs during the nesting season, the site should be surveyed for nesting birds by a qualified biologist. See Appendix N for further information on Migratory Bird Treaty Act species that may be present on-site and for construction best management practice to minimize impacts.

#### 4.10.6.5 Big Game Range

The site is entirely within mule deer (*Odocoileus hemionus*) and elk (*Cervus canadensis*) winter range designated by Oregon Department of Fish and Wildlife (ODFW) and is partially in a Wildlife Area Combining Zone for Deer Winter Range designated by Deschutes County. The site is also entirely within essential and limited pronghorn (*Antilocapra americana*) habitat as designated by ODFW and is within a Wildlife Area Combining Zone for Antelope Range as designated by Deschutes County.

No tracks or scat of these big game species were observed on-site. The habitat on-site is of moderate to high quality for these big game species. Site development would result in a permanent loss of 309.3 acres intact shrub steppe habitat which would require mitigation (see below in Section 4.10.7)

#### 4.10.6.6 Sage-Grouse

The site is entirely within low-density greater sage-grouse habitat and is adjacent to core area sage-grouse habitat as designated by ODFW. The site is used lightly by sage-grouse during the summer and winter and is located within a corridor that connects leks located to the site's east and west (Appendix N).

The habitat on-site is of moderate quality for sage-grouse. Site development would result in direct and indirect impacts to sage-grouse habitat. Direct habitat includes habitat removal whereas indirect impacts can include noise disturbance during construction and operations and predation from increased densities of ravens (*Corvus corax*). Landfills can result in elevated densities of ravens due to additional food sources and roosting locations. Ravens predate on sage-grouse and higher abundance of the species within sage-grouse habitat has been linked with lower sage-grouse reproductive success.

In coordination with ODFW, the estimated impact of site development on sage-grouse is a loss of 173.3 functional acres which would require mitigation (see below in Section 4.10.7).

## 4.10.7 Roth East Site Development Compensatory Mitigation

### 4.10.7.1 Big Game Habitat

Mule Deer and elk winter range and essential and limited pronghorn habitat are considered Category 2 habitat by ODFW's Wildlife Habitat Mitigation Policy (OAR 635-415-0000). Category 2 habitat is deemed to be essential for a species, populations, or species assemblage (OAR 635-415-0025). Avoidance of impacts through alternatives to the proposed action are recommended. If impacts are unavoidable, mitigation of impacts would be required through in-kind, in-proximity, habitat mitigation to achieve "no net loss" and a "net benefit" of habitat quantity or quality (OAR 635-415-0025(B)).

A mitigation plan would need to be developed to characterize compensatory mitigation to impacts to 309.3 acres of shrub steppe. Because impacts to mule deer and elk winter range essential and limited pronghorn habitat spatial overlap, mitigation for each can be stacked into one mitigation project. Mitigation may involve making on-site habitat improvements or acquiring a parcel of land with those habitats to prevent its development (avoided loss) or improve its habitat (enhancement). Enhancement can include a combination of actions that may include livestock grazing restrictions, weed treatment, native revegetation/restoration, fire readiness, and fence removal/fence upgrade. Further information on mitigation options for mule deer, elk and pronghorn habitat can be found in Appendix N.

### 4.10.7.2 Sage-Grouse

Site development would be considered a large-scale development (>40 acres) which would impact significant sage-grouse habitat and thus is considered a conflicting use (OAR 660-023-0115(7)). Conflicting uses require compliance with the mitigation hierarchy and ODFW's Sage-grouse Mitigation Program and Policy. The development of the site must show that the overall public benefits outweigh the damage to the significant sage-grouse habitat (DCC 18.89.110). The development of the SWMF at the site must demonstrate that impacts to sage-grouse habitat are unavoidable and the project was developed to minimize impacts. The extent of direct and indirect impacts on significant sage-grouse habitats must be mitigated for and provide a net conservation benefit to sage-grouse (635-140-0010(e)).

Site development would result in the loss of 173.7 functional acres of sage-grouse habitat. To achieve a net conservation benefit, ODFW requires compensatory mitigation to restore 115% of impacted functional acres. Thus, a mitigation plan would need to be developed to characterize the restoration of 199.3 functional acres of sage-grouse habitat. Mitigation actions include acquisition of bank credits, payment in-lieu, and permittee responsible on or off-site mitigation. At present, there is no mitigation bank available with approved credits. ODFW is currently reviewing documents for a mitigation bank that could be a future option for mitigation for site development. The estimated in-lieu fee cost provided by ODFW is \$7.6 million. The in-lieu fee cost should be considered as the maximum cost for sage-grouse mitigation. On-site mitigation would involve improving habitat conditions within the parcel of land on or adjacent to the impact site, whereas off-site mitigation could involve acquiring a parcel of land and performing mitigation actions or working with private or public landowners on a conservation plan. Common mitigation measures that could result in restoration of sage-grouse habitat include juniper removal, cattle grazing management, reseeding of native forbs and grasses, fence removal, and invasive removal. Further information on mitigation options for sage-grouse habitat can be found in Appendix N.

## 4.10.8 Roth East Site Summary

The development of the SWMF at the site would require minimization and avoidance through site design, employing best management practices during construction and operations to avoid impacts to Migratory Bird Treaty Act-protected species, and to mitigate for impacts to mule deer and elk winter range, essential and limited pronghorn habitat, and significant sage-grouse habitat. The initial cost of mitigation is estimated to be \$1,500,000 with \$2,500,000 in operations and maintenance. The maximum cost of mitigation is estimated to be \$8,800,000 with \$7,600,000 for in-lieu payment to ODFW for sage-grouse habitat impacts. These values are approximations of costs for site development and should only be used for site selection comparisons for the SWMF. Further development of a mitigation plan and coordination with ODFW would be required to determine the cost of natural resource mitigation for the development of the SWMF at Roth East. Further information on cost estimates can be found in Appendix N.

## 4.11 Archaeology and Cultural Heritage

### 4.11.1 Archaeological and Historical Resources

A reconnaissance survey for archaeological and historical resources was completed by Willamette Cultural Resources Associates, Ltd. (WillametteCRA) at the Moon Pit and Roth East locations in September 2023. The intent of the reconnaissance survey was to assess the potential for cultural resources at each location and provide further actions that may be necessary to address cultural resources requirements. The reconnaissance was not a compliance-level survey (by state or federal standards) as the project areas were not surveyed systematically to cover all of the potential impact areas, and identified resources were not formally recorded with the Oregon State Historic Preservation Office (SHPO). The following is a summary of WillametteCRA's reports, which are included in their entirety in Appendix O.

### 4.11.2 Cultural Resources Literature Search and Records Review

WillametteCRA performed a records and literature review of sites and survey data on file with the Oregon SHPO, General Land Office maps and survey notes, historic topographic maps and aerial photographs, and historical references in the WillametteCRA in-house library.

#### 4.11.2.1 Moon Pit.

Three previous archaeological surveys have occurred within portions of the Moon Pit location. These prior surveys resulted in the identification of two archaeological resources within Moon Pit, and three archaeological resources immediately adjacent to Moon Pit. These resources are primarily single precontact lithic artifacts and small lithic scatters. The exception to this is a large multicomponent site near to Moon Pit. This site (35DS2384) is comprised of multiple precontact rock art panels, several concentrations of lithic debitage, multiple formed tools, and remnant features of a historic period farmstead/ranch bracketing a slot canyon located north of Moon Pit. The site has been recommended as eligible for listing in the National Register of Historic Places (NRHP).

Historic maps and aerial imagery depict no developments within Moon Pit with the exception of informal roads/trails. Historically, no buildings or structures were present.

Moon Pit is located on a parcel that encompasses both a relatively level lowland and gentle slopes leading up to Horse Ridge in the south, as well as a level upland area in the northwest. Relic drainages bisect the property in the southeast and east. Intensive mining and quarrying activity has

modified the topography and hydrology of the project parcel over the last 20 to 30 years. Given the proximity of a large, NRHP-eligible archaeological site (35DS2384), the presence of drainages, and the distribution pattern of previously identified sites in the broader vicinity, portions of the parcel undisturbed by mining activity have a moderate to high probability of containing precontact archaeological resources. Based on previous archaeological investigations, sparse lithic scatters and/or lithic isolates that may represent ephemeral habitation areas related to 35DS2384 are likely present.

Extant buildings and structures within the parcel do not date to the historic period and there are no historic built environment resources within or in the immediate vicinity of Moon Pit. WillametteCRA suspects there is a low probability for historic-period archaeological resources.

#### **4.11.2.2 Roth East.**

There has only been one previous archaeological study within Roth East; however, it did not involve field survey. As a result, the Roth East location has never been surveyed and there are no previously recorded archaeological resources.

A review of historic maps and aerial imagery of Roth East shows historic development limited to informal roads and trails and limited agricultural activity. There is one structure present in the north central portion of Roth East visible as early as the 1960s. Modern aerial imagery suggests the ruins of the structure may still be present.

Roth East is located on a parcel that encompasses both a relatively level lowland, and gentle slopes leading up to Pine Mountain in the south and a level upland area in the northeast part of the project that overlooks the valley. Relic drainages bisect the property. Given the lack of previous survey, presence of drainages, and the distribution pattern of previously identified sites in the broader vicinity, the area has a high probability of containing precontact archaeological resources. Based on previous archaeological investigations, sparse lithic scatters and/or lithic isolates that may represent ephemeral habitation areas are likely present.

There are no historic built environment resources in Roth East. Historic map research shows little to no historic-period development within or near the project area. WillametteCRA suspects there is a low probability of historic-period archaeological resources in Roth East. The exception to this would be the potential ruins of the 1960s structure, which would be recorded as an archaeological resource.

### **4.11.3 Cultural Resources Reconnaissance Survey**

The reconnaissance-level field survey consisted of meandering transects spaced approximately 20 meters apart within each quadrant. Archaeological resources were noted and mapped with a GPS (global positioning system) but were not formally recorded or delineated.

#### **4.11.3.1 Moon Pit.**

WillametteCRA staff conducted a visual inspection of approximately 100 of the 560 total acres. The previously recorded resources were not relocated during the reconnaissance. Five new archaeological resources (three sites and two isolates) were identified. The sites were all small lithic scatters comprised of flakes, flaked tools, and formed tools, including a possible Plateau side-notched point. Obsidian was among the raw materials represented. The isolates were both single historic hole-in-top cans.

#### 4.11.3.2 Roth East.

WillametteCRA staff conducted a visual inspection of approximately 128 of the 645 total acres. Twelve archaeological resources (six sites and six isolates) were identified during the reconnaissance. The majority of resources (n=10) were precontact lithic isolates (one artifact) or sparse lithic scatters. The precontact sites vary in size and content, with the largest and most diverse site consisting of 14 artifacts. This artifact assemblage included a projectile point, flakes, and flaked tools. The projectile point resembled a Plateau side-notched point which dates to ca. 1500 years before present.

In general, the precontact archaeological resources at Roth East consisted of flakes and formed tools made from obsidian and fine-grained volcanic material. The historic resources consisted of a scatter of cans and lumber, and a spoked wheel.

#### 4.11.4 Cultural Resources Impacts

A comparison of the relative density of cultural resources between Moon Pit and Roth East indicates that Roth East has more abundant cultural resources. Both locations are considered to have a moderate to high probability for precontact archaeological resources and a low probability for historic-period archaeological resources. No historic built environment resources are anticipated. Present land use is a relevant factor contributing to the difference in cultural resource densities between Moon Pit and Roth East. At Moon Pit, half of the proposed landfill footprint is disturbed by gravel and rock mining, which greatly reduces the potential for cultural resources, particularly intact archaeological resources. Since Roth East is largely undisturbed, the potential for discovery of intact cultural resources is greater.

#### 4.11.5 Cultural Resources Mitigation

Based on the available data, Roth East carries the greatest degree of schedule and cost risk. A formal survey of both Roth East and Moon Pit would better define the potential schedule and cost implications. Below is the general process for addressing cultural resources which impacts the schedule and cost.

A systematic pedestrian survey of the entire area proposed for development is recommended. If an archaeological site or isolate is identified, and the project has the potential to impact it, then the resource needs to be delineated and formally evaluated under Oregon state law (assuming there is no federal nexus to the project). With some exceptions, evaluating whether an archaeological resource is significant requires an Oregon SHPO archaeological permit. To obtain a SHPO permit, a Secretary of Interior-qualified archaeologist on the Oregon SHPO's approved list must apply. The application requires a research design, which takes time to prepare. Once submitted, the application goes through a 30-day review period (realistically closer to 35 days) with SHPO during which time interested Tribes may comment. SHPO or tribal comments or questions about the application may delay the process. Once the permit is obtained, field investigations may commence. The duration of the field investigations depends on the complexity of the resource. Once field investigations and post-field analysis are completed, the permit holder presents the findings (report and resource forms) to SHPO for concurrence. SHPO has 30 days to review the findings.

If the resource is determined significant, then impacts to the resource will need to be avoided or mitigated (e.g., archaeological data recovery, public interpretation, etc.); mitigation is specific to the individual resource and impact. If the resource is determined not significant, then the resource is not protected by Oregon law and requires no avoidance or mitigation, and the project may proceed as planned. If SHPO disagrees with a finding or requests more information to support a finding, the



SHPO review clock starts over at 30 days. Under state law, Oregon SHPO has the final say as to whether a resource is significant.

## 4.12 Community Assessment

### 4.12.1 Site-Specific Community Assessment Summary

The Deschutes County Department of Solid Waste is working with a SWAC to evaluate siting options for the new solid waste management facility. The SWAC has been meeting regularly since April 2022 to review and discuss information during the multi-step siting evaluation. In June 2023, the SWAC recommended further study of the Moon Pit and Roth East finalist sites.

### 4.12.2 Community Characteristics

The County is looking to enter into negotiations with a willing seller and is engaged in direct outreach with the Moon Pit and Roth East property owners. Both sites are in the same census tract in Deschutes County (41017000100). The census tract population is approximately 1,962 people and is not identified as disadvantaged.

- For the Moon Pit site, there are no known residences within 1 mile of the site and one residence within 2 miles of the site. There are a variety of active recreational uses in the vicinity of the site, including the Badlands Rock Trailhead and parking area and general outdoor use by mountain bikers (outside the Badlands Wildlands Wilderness) and others.
- For the Roth East site, there are two known residences within 1 mile of the site and eight within 2 miles of the site location. There are a variety of active recreational uses in the vicinity of the site, including an off-road vehicle trail system, a Pine Mountain launch area for paragliders and hang gliders, a shooting range, and general outdoor use by mountain bikers, hikers, birdwatchers, and others.

Throughout the siting evaluation, the County has been working to share information with interested parties and the community and collect public input in writing and during public meetings held with the SWAC. As part of ongoing outreach, the County has contacted area residents, public agencies, Tribes, recreation and environmental interests, and others. No response has been received from contacted Tribes (as of May 22, 2024). In addition to individual community members, agencies and organizations that submitted comments included the Bureau of Land Management, US Fish and Wildlife Service, East Cascades Audubon Chapter, Oregon Natural Desert Association, Central Oregon Landwatch, League of Conservation Voters, University of Oregon Department of Physics/Pine Mountain Observatory, and the United States Hang Gliding and Paragliding Association. These written comments from agencies and organizations are included in Appendix R.

Based on the comments received, the Moon Pit and Roth East site locations in a comparatively less developed part of the county have been viewed as a positive by some community members, while others highlight considerations about operational hauling costs and winter roadway conditions.

Site-specific concerns expressed by local community members generally relate to potential environmental issues, health risks or other local impacts. For the Moon Pit site, this includes consideration of the proximity to the Badlands Wilderness, concerns about nearby cultural resources, and potential disruption of area recreation uses. For the Roth East site, this includes consideration of potential local impacts to Millican Valley landowners, light pollution and related impacts to the Pine Mountain Observatory, and potential disruption of area recreation uses such as paragliding.

Specifically, the potential for high winds at Roth East to spread debris and dust and concerns about contamination of local groundwater have been noted.

For both sites, there are concerns about potential impacts to habitat and area wildlife resulting from site development and operation. Of the two sites, development of Roth East is generally viewed as having more potential visual and residential impacts while development of Moon Pit is perceived as having minimal new impacts because of its current use as a gravel mine. Because the Moon Pit site is already disturbed and will continue to support surface mining (regardless of landfill siting), concerns were raised that development of a new landfill at the Roth East site would cause a greater disruption to the surrounding area than at the Moon Pit site.

An abbreviated tabular summary of public comments for the two sites is presented below in Table 3. These comments are part of the public record for the siting evaluation work and have been made available to the project team, SWAC, and Board of County Commissioners.

**Table 3. Public Comments Received by County (December 2022-October 2023)**

	<b>Moon Pit Site</b>	<b>Roth East Site</b>
<b>Total Public Comments</b>	<b>224</b>	<b>300</b>
<b>Top Categories</b> (over 100 mentions)	<p><b>Wildlife</b> 218 sage grouse, 218 eagles and raptors, 216 deer</p> <p><b>Environment</b> 218 noise</p> <p><b>Recreation</b> 206 general</p> <p><b>Zoning</b> 206 wildlife</p>	<p><b>Wildlife</b> 274 sage grouse, 227 general, 245 deer, 208 elk, 205 cougar</p> <p><b>Environment</b> 267 noise</p> <p><b>Zoning</b> 243 wildlife</p> <p><b>Recreation</b> 225 general, 131 paragliding</p>

Notes: Some comments identified in this summary referenced the area near the site (e.g., Badlands Wilderness or Millican Valley) not the specific site. The full record is available through the County’s project webpage at [deschutescounty.gov/managethefuture](https://deschutescounty.gov/managethefuture).

**4.12.3 Continued Outreach**

Once a final site is selected, the site permitting process is expected to include additional outreach and public process such as notifications and opportunities for comment. This consultation with federal, state, and local agencies, along with Tribal governments, can help identify strategies to mitigate potential impacts during site development and operations. Along with informative outreach for the broader community, providing ongoing opportunities for two-way communication with adjacent property owners, local community groups, and interested parties is recommended to invite feedback and help identify concerns and potential solutions. For example, continued briefings and small group discussions with stakeholder organizations and interested parties, backyard and small group engagement with neighbors to discuss property-specific considerations, and periodic meetings with the SWAC are suggested methods of sharing information and inviting input.

**4.12.4 Siting Evaluation Outreach Summary**

The County is committed to a transparent process and is working with a SWAC to evaluate siting options. SWAC members are appointed and represent incorporated cities, franchise haulers, the Environmental Center, and the community at-large. The SWAC has been meeting regularly since April 2022 to review and discuss information during the multi-step siting evaluation. The meetings allow for in-person and online attendance and include public comment periods.

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As part of the siting evaluation process, County staff have received and responded to hundreds of public comments. These comments are part of the public record for the siting evaluation work and have been made available to the project team, SWAC, and Board of County Commissioners.

In addition to the SWAC meetings, the County has been sharing information and inviting community input using a range of outreach tools including updates to the Board of County Commissioners, direct outreach and mailings to property owners and site neighbors, direct outreach to Tribes, briefings to community groups and public agencies, news media interviews and press releases, e-news updates, group mailings to interested parties, and a community open house. The County has also created a project webpage and a StoryMap dedicated to the siting evaluation process with information about the project timeline, maps, frequently asked questions, and various resource links. See Appendix P for more information in the Community Assessment.



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## 5. Cost Analysis

The Parametrix team prepared planning level opinions of probable cost (costs) for both sites. These opinions have ranges of -30% to +50%, which is an appropriate level of accuracy for comparison of sites. See Appendix C for Site Owner Solicitation Responses with terms and prices for acquisition. See Appendix Q for SWMF waste projections and cost estimates for development and operations at each site.

### 5.1 Capacity and Projected Life

Moon Pit has an estimated airspace capacity of 64 million cubic yards over 346 acres. The available airspace on this footprint provides a project lifespan of 100 years.

Roth East has a footprint of 387 acres with an estimated 80 million cubic yards of airspace. The projected life of the landfill is 125 years based on the preliminary design. The MSW disposal area footprint on the site has the possibility of expansion horizontally and vertically and could provide over 250+ years of solid waste disposal capacity for Deschutes County residents if needed.

### 5.2 Population to be Served

As with the existing Knott Landfill, the new Deschutes County landfill would serve the population of Deschutes County. Portland State University Population Research Center issued the Coordinated Population Forecast for Deschutes County (2022–2072) in 2022 with estimates of current and future population. The population estimate for Deschutes County in 2022 is 207,921. The forecast predicts that the population in Deschutes County will continue to grow over the next 50 years, but with a declining average annual growth rate (AAGR) that falls from 2.2% in 2022 down to 1.1% 2047. For the remainder of the forecast period (2047–2072) it is projected that the AAGR will hold steady at 1.1%. For municipal solid waste projections, it was assumed that this terminal 1.1% AAGR would continue into the future for the remainder of the 100-year landfill planning period. See Appendix Q for population projection tables.

### 5.3 Accepted and Prohibited Wastes

The SWMF will accept MSW from Deschutes County transfer stations. The site will continue following the current waste screening and acceptance policies that are currently in place at Knott Landfill. Hazardous waste will not be accepted for disposal at the new landfill site.

### 5.4 Rate of Waste Disposal

It is estimated that the annual total waste generated in Deschutes County in 2020 was 296,500 tons. Of this total, it is estimated that 98,000 tons of material was recycled which computes to a recovery rate of 33%. In 2020, the quantity of waste that was landfilled at Knott Landfill was 198,000 tons. Deschutes County has implemented a recovery rate goal of 45% waste diversion by 2025. For municipal solid waste projections, it was assumed that the recovery rate would increase at a rate of 1% per year, up to 45% in 2038, and then remain at 45%. The annual waste disposed is still estimated to grow even with the increased recovery rate due to population growth in the county.

The current annual per capita waste generation in Deschutes County is approximately 3,050 lbs./capita. It is assumed that this per capita waste generation rate will remain steady through planning period. Waste generation, recovery rates, and waste projections were based on the Deschutes County Solid Waste Management Plan (2019), 2018-2021 Material Recovery and Waste Generation Rates Reports, and 2022 Knott Landfill Tonnage Analysis provided by Deschutes County Solid Waste. See Appendix Q for waste projection tables.

## 5.5 Mineral Resources

Moon Pit has potential for mineral and surface mining operations on site due to the existing surface mine. The mining can continue in areas where the landfill is planning future fill and expansion. This can assist in subsidizing the initial and ongoing operations cost associated with the landfill. Surface mining can be utilized to subsidize landfill operation costs through re-purposing of mined areas. This dual utilization optimizes the economic potential of the land, helping offset the expenses associated with landfill development and operation. By repurposing mined areas for waste disposal, operators can effectively rehabilitate the land for a new purpose, contributing to sustainable land use practices. Balancing economic benefits with environmental stewardship is essential to ensure a sustainable and responsible approach to resource extraction and waste management.

Roth East has enough material on-site for all the current and future landfill needs. This includes drainage, daily cover, and final cap cover.

## 5.6 Initial Development Costs

The Parametrix team prepared planning-level opinions of probable cost (costs) for both sites. These opinions have ranges of -30% to +50%, which is an appropriate level of accuracy for comparison of sites. See Appendix C for Site Owner Solicitation Responses with terms and prices for acquisition. See Appendix Q for SWMF Cost Estimates for development and operations at each site.

### 5.6.1 Moon Pit Site

Initial development costs are estimated at \$50 to \$64 million, which includes \$15.4-15.9 million for land acquisition. Landfill cell development costs are estimated at \$705,000 to \$1,075,000 per acre. Annual operating costs are estimated at \$7.6 million per year, which includes \$2.5 million/year for waste hauling. The estimated average cost per ton is \$43 to \$48 in 2023 dollars, to dispose of 37.6 million tons over a 100-year lifespan. The cost estimate ranges presented here depend on the extent and cost of cell excavation that could occur as a part of on-site aggregate mining operations.

### 5.6.2 Roth East Site

Initial development costs are estimated at \$36 to \$44 million, which includes \$5.5-7.0 million for land acquisition and \$1.5-7.6 million for natural resource mitigation. Landfill cell development costs are estimated at \$393,000 per acre. Annual operating costs are estimated at \$8.4 million/year, which includes \$3.3 million/year for waste hauling. The estimated average cost per ton is \$44 in 2023 dollars, to dispose of 46.3 million tons over a 113-year lifespan. If the disposal capacity is increased beyond 200 years, the cost per ton could be significantly reduced.

## 5.7 Refuse Cell Construction

Moon Pit cell construction costs are estimated at \$1.1 million per acre, primarily due to the presence of rock at the site. Excavation for refuse cells will require rock drilling, blasting and crushing to produce daily, intermediate, and final cover material, as well as materials for cell development and roads. Table 4 shows the estimated cost for the development of future landfill cells. The construction costs that are shown are based on the most recent prices paid by Deschutes County at the Knott Landfill.

If the required Rock Drilling, Blasting, and Crushing (2-inch Minus) can be completed by contractors at a reduced unit cost of \$4 per cubic yard in consideration for the aggregate resource, the estimated cost of cell development reduces to \$705,240 per acre. If this rock removal work is not subsidized by the aggregate resource value and a unit cost of \$12 per cubic yard is assumed, the estimated cost of cell development is \$1,074,600 per acre, as shown below in Table 4. Due to fluctuating aggregate and construction market conditions, the cost of cell development is expected to fall within the range of \$700,000 to \$1.1 Million per acre at Moon Pit. The range of costs presented for Moon Pit in this section and in Appendix Q are predominantly driven by these assumed unit costs for Rock Drilling, Blasting, and Crushing.

**Table 4. Estimate of per acre Cost for Landfill Cell Development at Moon Pit**

Item	Unit	Quantity	Cost	Estimated Cost (2023\$)
Excavation	CY	38,000	\$ 4.00	\$ 152,000
Rock Drilling, Blasting, and Crushing (2-inch Minus)	CY	34,200	\$ 12.00	\$ 410,400
Embankment	CY	6,000	\$ 2.00	\$ 12,000
6-inch Soil Cushion Layer	CY	900	\$ 10.00	\$ 9,000
Geosynthetic Clay Liner	SF	48,000	\$ 1.00	\$ 48,000
Geomembrane	SF	48,000	\$ 0.90	\$ 43,200
Cushioning Geotextile	SF	12,000	\$ 0.85	\$ 10,200
Geonet Composite	SF	48,000	\$ 0.95	\$ 45,600
12-inch Drainage Layer	CY	1,600	\$ 10.00	\$ 16,000
Separating Geotextile	SF	36,000	\$ 0.85	\$ 30,600
8-inch Leachate Collection Pipe	LF	300	\$ 30.00	\$ 9,000
Landfill Gas Collection System	Lump Sum	1	\$ 10,000.00	\$ 10,000
Subtotal				\$ 796,000
Engineering and Administration (15%)				\$ 119,400
Contingencies (20%)				\$ 159,200
<b>Estimated per acre Cell Development Cost</b>				<b>\$ 1,074,600</b>

Assumptions:

1. Approximately 90% of the excavation volume will require rock drilling, blasting and crushing.
  2. Rock drilling, blasting, and crushing cost assumes no contractor mining, just processing for County uses.
- CY = cubic yards; SF = square feet

The MSW disposal area at Roth East is located in an area that can be excavated by the County as part of their Daily, Intermediate and Final Cover Borrow operations. Because of this, the estimated cost for the development of future landfill cells at the Roth East site is considerably less than Moon Pit. Table 5 shows the estimated cost for the development of future landfill cells at Roth East. The estimated cell construction cost is \$394,000 per acre which is about one-third of the cost for cell development at Moon Pit.

**Table 5. Estimate of per acre Cost for Landfill Cell Development at Roth East**

Item	Unit	Quantity	Unit Cost	Estimated Cost (2023 \$)
Rough Excavation <sup>1</sup>	CY	-	\$ 4.00	\$ 0
Finish Excavation <sup>2</sup>	CY	15,000	\$ 4.00	\$ 60,000
Embankment	CY	5,000	\$ 2.00	\$ 10,000
6-inch Soil Cushion Layer	CY	900	\$ 10.00	\$ 9,000
Geosynthetic Clay Liner	SF	48,000	\$ 1.00	\$ 48,000
Geomembrane	SF	48,000	\$ 0.90	\$ 43,200
Cushioning Geotextile	SF	12,000	\$ 0.85	\$ 10,200
Geonet Composite	SF	48,000	\$ 0.95	\$ 45,600
12-inch Drainage Layer	CY	1,600	\$ 10.00	\$ 16,000
Separating Geotextile	SF	36,000	\$ 0.85	\$ 30,600
8-inch Leachate Collection Pipe	LF	300	\$ 30.00	\$ 9,000
Landfill Gas Collection System	Lump Sum	1	\$ 10,000.00	\$ 10,000
<b>Subtotal</b>				<b>\$ 291,600</b>
Engineering and Administration (15%)				\$ 43,740
Contingencies (20%)				\$ 58,320
<b>Estimated per acre Cell Development Cost</b>				<b>\$ 393,660</b>

Assumption:

1. Two thirds of cell excavation would occur as a part of daily cover borrow operations by Deschutes County Solid Waste staff.
  2. One-third of total excavation if fine grading to cell subgrade design elevations.
- CY = cubic yards; SF = square feet

### 5.8 Description of Operation

The landfill will not be open to the public and will therefore have minimal landfill staff when compared to a landfill that has a high volume of commercial haulers and the public. The daily operation of the landfill involves a systematic process to manage waste disposal efficiently. Scale house operators will weigh, screen, and direct inbound waste materials to their proper locations. It is anticipated that disposal, waste compaction, daily cover and other fill operations will be similar to what is currently happening at Knott Landfill.

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Table 6 shows the estimated total annual operating costs for hauling waste to Moon Pit and Roth East from the County’s transfer stations and disposing of it in the landfill.

**Table 6. Comparison of Estimated Annual Operating Costs**

	Moon Pit	Roth East
Administrative Labor Subtotal	\$ 1,288,000	\$ 1,288,000
Equipment Owning and Operating Subtotal	\$ 1,614,000	\$ 1,614,000
Environmental Monitoring Subtotal	\$ 868,000	\$ 902,000
Haul Cost Subtotal	\$ 2,536,000	\$ 3,280,000
Miscellaneous Subtotal	\$ 1,269,000	\$ 1,332,000
<b>Total Annual Operating Costs</b>	<b>\$ 7,576,000</b>	<b>\$ 8,417,000</b>

### 5.9 Daily and Intermediate Cover

Daily cover and intermediate cover operations are critical aspects of landfill management. Daily cover involves the application of a protective layer of soil or alternative materials over the exposed waste at the end of each operational day. This cover helps control odors, prevents the attraction of pests, and reduces windblown debris. It also contributes to overall site aesthetics. Intermediate cover, on the other hand, is applied periodically during active landfill operations to control erosion, manage surface water runoff, and create a barrier between waste and the environment. Both daily and intermediate covers play key roles in minimizing environmental impacts and maintaining regulatory compliance within the landfill operation. The cover cost for Moon Pit and Roth East has a negligible difference, both sites will operate under the same cover assumptions with similar cost. The additional costs of obtaining cover materials at Moon Pit are captured in the cell development capital costs noted above.

### 5.10 Landfill Closure

It is anticipated that Moon Pit and Roth East will have similar closure costs. The total estimated cost for each site includes final contouring and grading, landfill gas collection systems, geotextile cushion, geosynthetic clay liner (GCL), geomembrane, geonet composite layer, 24-inch topsoil/soil protective layer, seed, fertilizer and mulch, cover system irrigation, and monitoring and maintenance. The final cost for closure at both site locations is estimated to be \$378,000 per acre. Again, the additional costs of obtaining cover materials at Moon Pit are captured in the cell development capital costs noted above.

### 5.11 DEQ Permitting

Both landfill sites will require a Solid Waste Disposal Site Permit from DEQ. The DEQ permit for landfill operations is to ensure that the landfill operates in compliance with environmental laws and regulations. This permit outlines specific conditions and requirements that the landfill must adhere to, including waste acceptance criteria, operational practices, monitoring procedures, and closure plans. DEQ permits are designed to mitigate potential environmental hazards associated with landfills, such as soil and water contamination, air pollution, and wildlife disruption. The permit process involves a comprehensive review of the landfill's design, construction, and operational plans,

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with a focus on minimizing the impact on surrounding ecosystems and communities. Moon Pit and Roth East both have an estimated initial permitting cost of \$1.5 million.

## 5.12 Summary of Cost Analysis

Each site has a unique set of design challenges that contribute to their overall cost over the life of the landfill. Initial development, land acquisition, operations, and final cover all play a part in the total cost to design, operate, and close a landfill. The SWMF will accept MSW from Deschutes County transfer stations, any increased cost to the public is reflected in the tipping fees in table 6.

For the Moon Pit site, upfront costs are expected to be higher, but annual operational costs are expected to be lower. Initial development costs are estimated at \$50 to \$64 million, which includes \$15.9 million for land acquisition. Landfill cell development costs are estimated at \$705,000 to \$1,075,000 per acre. Annual operating costs are estimated at \$7.6 million per year, which includes \$2.5 million per year for hauling waste. The estimated average cost per ton is \$43 to \$48, to dispose of roughly 38 million tons over a 100-year lifespan.

The cost estimate ranges presented for Moon Pit depend on the extent and cost of cell excavation that could occur as a part of aggregate mining operations on-site. If permitting and aggregate market conditions are favorable, there is greater upside potential for the Moon Pit site with the opportunity for aggregate mining to subsidize landfill excavation costs. Initial capital costs are significantly higher at Moon Pit, which would necessitate higher tip fees for the first 30 years.

For the Roth East site, upfront costs are expected to be lower, but annual operational costs are expected to be higher due to the extended haul distance. Initial development costs are estimated at \$36-44 million, which includes \$5.5-7.0 million for land acquisition. Landfill cell development costs are estimated at \$393,000 per acre. Annual operating costs are estimated at \$8.4 million per year, which includes \$3.3 million per year for waste hauling. The estimated average cost per ton is \$44, to dispose of roughly 46 million tons over a 113-year lifespan. While the Roth East site is offered at a lower acquisition price and will have lower cell excavation costs, the additional operational costs for further waste hauling are projected to drive total cumulative costs beyond that of Moon Pit around year 83 of operations (circa 2112).

For both sites, it is assumed that upfront acquisition and development costs would be financed with a 30-year bond at a 4.75% interest rate. The total cost of debt service, landfill operations, and cell expansion have been analyzed for the first 30-years to estimate the cost per ton and related tipping fees required to cover these costs during this time period (2030-2059). For Moon Pit, the estimated 30-yr cost per ton is \$59-\$68 and the tipping fee is \$106-\$115 per ton. For Roth East, the estimated 30-yr cost per ton is \$53-\$55 and the tipping fee is \$100-102 per ton.

To further understand these costs in terms of impacts to County residents, increases to household garbage collection bills and self-haul disposal costs were estimated. Household garbage collection bills are estimated to increase from the assumed current rate of \$25 per month to around \$29 per month with Moon Pit and \$28 per month with Roth East. Self-haul household waste and construction debris disposal costs are estimated to increase from the current rate of \$14 (for up to 400lb load covered & secured) to \$21-\$23 with Moon Pit and around \$20 with Moon Pit. Table 7 below compares the estimated costs and disposal fees associated with each site.

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**Table 7. Landfill Site Cost Comparison**

Item	Moon Pit	Roth East
Operating Period	2029–2129	2029–2142
Estimated Lifespan (years)	100	113
Land Acquisition Costs	\$15,870,000	\$5,500,000 to \$6,898,000
Initial Development Costs	\$35,266,900 to \$49,036,900	\$30,580,740 to \$37,215,609
Total Initial Costs (Land + Development)	\$51,136,900 to \$64,906,900	\$36,080,740 to \$44,113,609
Landfill Cell Development Costs	\$193,125,000 to \$347,094,000	\$142,905,000
Closure Costs	\$131,404,000	\$146,548,000
Operating Costs	\$1,259,744,358	\$1,720,346,129
Post-Closure Operations Costs	\$9,068,316	\$9,068,316
Total Lifespan Costs	\$1,643,978,574 to \$1,812,217,574	\$2,054,948,185 to \$2,062,981,054
Total Waste Disposal Projection (tons)	37,686,654	46,319,902
Avg. Cost per Ton over Lifespan	\$43 to \$48	\$44
Upfront Capital Costs Financed <sup>1</sup>	\$79,551,043 to \$101,969,346	\$68,419,316 to \$83,651,914
30-yr Operational Costs (2030–2059)	\$96,021,924 to \$123,081,891	\$328,800,270
30-yr Total Costs (2030–2059)	\$344,700,390 to \$386,439,390	\$397,219,586 to \$412,452,184
30-yr Waste Disposal Projection (tons)	7,462,195	7,462,195
30-yr Cost per Ton	\$59 to \$68	\$53 to \$55
30-yr Tipping Fee	\$106 to \$115	\$100 to \$102
Est. Monthly Residential Collection Bill <sup>2</sup>	\$28.05 to \$28.83	\$27.56 to \$27.73
Monthly Res. Collection Bill \$ Increase <sup>2</sup>	\$3.05 to \$3.83	\$2.56 to \$2.73
Monthly Res. Collection Bill % Increase <sup>2</sup>	12% to 15%	10% to 11%
Est. Self-Haul Disposal Cost <sup>3</sup>	\$21.18 to \$23.02	\$20.01 to \$20.42
Self-Haul Disposal Cost \$ Increase <sup>3</sup>	\$7.18 to \$9.02	\$6.01 to \$6.42
Self-Haul Disposal Cost % Increase <sup>3</sup>	51% to 64%	43% to 46%

1. Acquisition and development costs financed with 30-yr bond at a 4.75% annual interest rate.

2. Increase of \$0.85 for every \$10 increase above current \$70/ton tipping fee. Residential collection bill assumed at \$25/month.

3. Based on current cost of \$14 for up to 0-400 lbs of household/construction waste disposal with load covered & secured.



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## 6. Conclusion

The selection of a new site for the Deschutes County SWMF is a complex decision that requires careful consideration of various factors. The two candidate sites, Moon Pit and Roth East, each present unique advantages and challenges.

Moon Pit offers the advantage of existing infrastructure, including an access road, gate, scales, and well, which could reduce site development costs. The site's current use as a gravel mine provides some "free" airspace and reduces initial excavation needs. However, the site's layout is more complex and less efficient than Roth East, resulting in a lower capacity-to-acreage ratio and the need for more leachate pump stations. The presence of shallow bedrock increases excavation costs, although this could be offset by potential aggregate mining operations. Risks may emerge from the land use approval process and a potentially extended National Environmental Policy Act process for the access road. The Moon Pit site has upside potential and downside risk related to aggregate mining for cell excavation, depending on marketability of on-site rock. Initial capital costs are significantly higher at Moon Pit, which would necessitate higher tip fees for the first 20 years. However, the existing and useful transportation network that provides direct access from US 20 is a significant advantage. The Moon Pit site is generally viewed as having fewer visual and residential impacts, and because the site is currently used as a gravel mine, there is a perception that use as a landfill would pose minimal new impacts.

Roth East, on the other hand, has a more efficient square shape, resulting in a better capacity-to-acreage ratio and fewer leachate sumps/pumps. The mix of sand, gravel, and cobbles within the excavation depth on-site is very favorable for efficient landfill development and operation. However, there is no existing infrastructure on-site and no existing improved access road between the site and US 20 support landfill operations. Potential risks may arise from the Farm Impacts Test which could lead to a Land Use Board of Appeals appeal which can be a lengthy process. While the Roth East site is offered at a lower acquisition price and would have lower cell excavation costs, the additional operational costs for further waste hauling are projected to drive total cumulative costs beyond that of Moon Pit around year 83 of operations (circa 2112). Of the two sites, development of Roth East is generally viewed as having more visual and residential impacts, Appendix P.

Given these considerations, both sites appear to be viable options for the new County SWMF. The Moon Pit site is appealing due to its existing infrastructure, lower haul costs, and lower degree of impacts to residences and wildlife. The Roth East site is appealing with its efficient layout, favorable excavation conditions, and potential for a longer lifespan. This decision is a significant step toward ensuring the long-term sustainability of waste management in Deschutes County. The selection of either site will ultimately depend on the specific priorities and needs of the County.

This process for selection of the preferred SWMF site involved thorough review, discussion, and consideration of study findings, leading to a formal recommendation to the Board of County Commissioners. The process for reviewing information and selecting the preferred Deschutes County SWMF site involves several key milestones in 2024:

- February 20 SWAC Meeting: Review executive summary, site comparison table, and study findings with the SWAC, providing the SWAC opportunity to submit written comments.
- March 8: Distribute draft report for SWAC members, commissioners, and other relevant parties for detailed review and consideration, prior to March SWAC meeting.
- March 19 SWAC Meeting: Review and discuss draft report with the SWAC.

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Final Site Evaluation  
Deschutes County Solid Waste Department

- April 5: Submit final report to Deschutes County Solid Waste for distribution to SWAC members, commissioners, and other relevant parties for detailed review and consideration.
- April 16 SWAC Meeting: SWAC members provide a formal recommendation to the Board of County Commissioners regarding their preferred site for the new County SWMF.
- June 12: First Board of County Commissioners Public Hearing.
- July (date TBD): Second Board of County Commissioners Public Hearing and Board selection of preferred County SWMF site.

On April 16, 2024, the Solid Waste Advisory Committee unanimously recommended the Moon Pit site for Board of County Commissioners consideration as the location for the new Solid Waste Management Facility. Key reasons for this recommendation included:

- The site is currently being used as an aggregate surface mine and is already disturbed
- Based on the current use, there is less likelihood of new impacts to area wildlife or recreation
- The site is comparatively closer to existing facilities which will help manage haul costs and greenhouse gas emissions

The Committee also recommended that the Board of County Commissioners:

- Work with stakeholders to develop and implement a robust and comprehensive mitigation strategy that reflects community values to minimize impacts to area wildlife and recreation
- Prioritize waste prevention and recovery and move as quickly as possible to implement those strategies to reduce the overall costs and greenhouse gas emissions of the new landfill

**NOTICE OF PUBLIC HEARING  
BY THE BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON**

On June 12, 2024, beginning at 9 a.m., the Deschutes County Board of County Commissioners will hold a public hearing at the Deschutes Services Center, 1300 NW Wall Street, Bend, Oregon, to consider selection of a preferred location for a future Solid Waste Management Facility that will be needed once Knott Landfill, Deschutes County's only landfill, reaches capacity in 2029.

The work of the County's Solid Waste Advisory Committee (SWAC) and the Solid Waste Management Facility Final Site Evaluation Report is available at the project planning page [deschutes.org/managethefuture](https://deschutes.org/managethefuture). The SWAC is unanimously recommending the Hooker Creek "Moon Pit" property located in eastern Deschutes County, Oregon, as the location for the new Solid Waste Management Facility. The proposed site is currently a privately owned aggregate surface mine.

The Board of County Commissioners hearing will be streamed live and will be recorded at [deschutes.org/meetings](https://deschutes.org/meetings). Public input may be provided by attending in person, or via Zoom by computer or phone, during the public comment portion of the agenda. Written comment may also be submitted prior to midnight on June 10 by emailing [managethefuture@deschutescounty.gov](mailto:managethefuture@deschutescounty.gov) or calling 541-317-3177.



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 12, 2024

**SUBJECT:** Public Hearing: Comprehensive Plan Amendment and Zone Change request for property on the northeast corner of the Deschutes Junction Highway 97 overpass

**RECOMMENDED MOTIONS:**

First, hold the public hearing. Thereafter, either continue the public hearing to a date certain, close the oral portion of the record and leave the written record open for a certain period, or commence deliberations.

**BACKGROUND AND POLICY IMPLICATIONS:**

A public hearing before the Board of County Commissioners (“BOCC”) is scheduled on June 12, 2024, for a Comprehensive Plan Amendment and Zone Change request. The subject properties are located at the northeast corner of the Deschutes Junction Highway 97 overpass (location map attached to the staff memorandum). The applicant requests approval of a Comprehensive Plan amendment to change the designation of the subject properties from Agricultural (“AG”) to Rural Industrial (“RI”) and a corresponding Zone Change to rezone the subject properties from Exclusive Farm Use (“EFU”) to Rural Industrial (“RI”). No exceptions to the Statewide Planning Goals are requested.

The BOCC hearing will be the second of two required hearings for this proposal. The first hearing was held on March 21, 2023, before a Deschutes County Hearings Officer. The Hearings Officer found the applicant demonstrated compliance with all applicable standards except the requirements of Statewide Planning Goal 5 related to protected scenic resources. For this reason, the Hearings Officer recommended the BOCC deny the applicant’s requests unless the applicant subsequently demonstrates compliance with Goal 5.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Caroline House, Senior Planner  
Anthony Raguine, Principal Planner  
Legal Counsel



**STAFF MEMORANDUM**

**TO:** Board of County Commissioners ("BOCC")

**FROM:** Caroline House, Senior Planner

**DATE:** June 12, 2024

**RE:** Public Hearing for a Comprehensive Plan Amendment and Zone Change Request (ref. File Nos. 247-22-000573-ZC & 247-22-000574-PA)

On June 12, 2024, a public hearing before the Board of County Commissioners is scheduled for a Comprehensive Plan Amendment and Zone Change request. This hearing will be the second of two (2) required hearings for this proposal.

**I. PROPOSAL**

Last Ranch, LLC ("Applicant") requests approval of a Comprehensive Plan Amendment to change the designation of the subject properties from Agricultural (AG) to Rural Industrial (RI) and a corresponding Zone Change to rezone the subject properties from Exclusive Farm Use (EFU) to Rural Industrial (RI). No exceptions to the Statewide Planning Goals are requested. The subject properties are located at northeast corner of the Deschutes Junction overpass adjacent to Highway 97 (see attached location map) and was formerly known as the "Funny Farm".

**II. BACKGROUND**

The first hearing for this proposal was held on March 21, 2023, before a Deschutes County Hearings Officer and the Hearings Officer found the Applicant demonstrated compliance with all applicable standards *except* the requirements of Statewide Planning Goal 5 related to protected scenic resources. For this reason, the Hearings Officer recommended the BOCC deny the Applicant's request *unless* the Applicant subsequently demonstrates compliance with Statewide Planning Goal 5.

Statewide Planning Goal 5 is a broad statewide planning goal that covers more than a dozen protected resources. The resources range from wildlife habitat, to scenic views, and surface mines. To protect and plan for them, local governments are asked to create a number of inventories and the Deschutes County Comprehensive Plan identifies certain roadways and rivers/streams as

inventoried Goal 5 scenic view resources. In this case, the subject properties are located within the inventoried Highway 97 Goal 5 scenic view resource.

The BOCC recently reviewed a similar Comprehensive Plan Amendment and Zone Change request submitted by LBNW, LLC, where the same issue of compliance with Statewide Planning Goal 5 was before the Board. In that case, the Land Use Board of Appeals (“LUBA”) remanded the previously approved LBNW, LLC Comprehensive Plan Amendment and Zone Change request back to the County for further review to confirm new uses allowed in the RI Zone, that were previously not allowed in the EFU Zone, would not conflict with the Highway 97 Goal 5 protected scenic resource. In the summer of 2023, LBNW, LLC initiated a Deschutes County remand application and submitted supporting materials, such as an expanded Economic, Social, Environmental, and Energy (“ESEE”) analysis, to demonstrate compliance with Statewide Planning Goal 5. Based on the submitted materials, the BOCC again approved the LBNW, LLC Comprehensive Plan Amendment and Zone Change request. This decision was not appealed and became final in the fall of 2023.

The Applicant waited for the LBNW, LLC remand application to be approved and has since submitted additional materials to demonstrate compliance with Statewide Planning Goal 5. Based on staff’s review of the Applicant’s most recent submittals, the Applicant has taken a similar approach to LBNW, LLC’s remand application to demonstrate compliance with Statewide Planning Goal 5 and the Applicant will be presenting their arguments to the BOCC at public hearing.

Staff notes, during the Hearings Officer’s review, Central Oregon LandWatch and 1,000 Friends of Oregon submitted comments in opposition to the Applicant’s proposal.

### **III. SCOPE OF REVIEW**

As the subject properties include lands designated for agricultural use, Deschutes County Code 22.28.030(C) requires the applications to be heard *de novo* before the BOCC, regardless of the Hearings Officer’s recommendation.

At the hearing, the BOCC will be asked to consider the materials in the record, new materials and arguments presented by the Applicant, and testimony from other interested parties.

### **IV. BOARD OPTIONS**

At the conclusion of the public hearing, the BOCC can choose one of the following options:

1. Continue the hearing to a date and time certain;
2. Close the oral portion of the hearing and leave the written record open to a date and time certain;
3. Close the hearing and commence deliberations; or
4. Close the hearing and schedule deliberations for a date and time to be determined.

**V. TIMELINE**

This proposal is not subject to the statutory 150-day review timeline.

**VI. RECORD**

The record is presented at the following Deschutes County Community Development Department website:

<https://www.deschutes.org/cd/page/247-22-000573-zc-247-22-000574-pa-last-ranch-llc-comprehensive-plan-amendment-zone-change>

Attachments:

1. Location Map
2. Draft Ordinance No. 2024-006





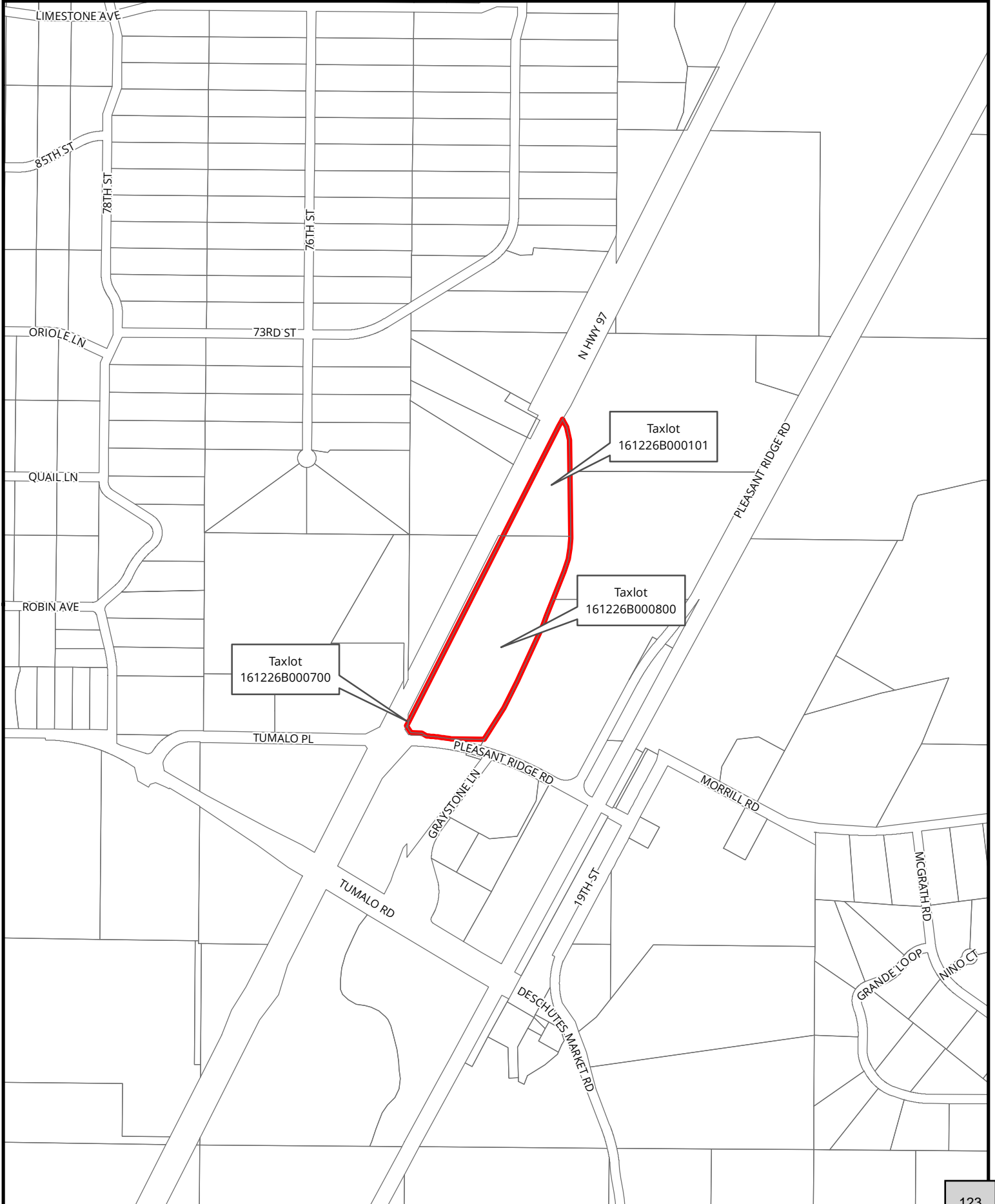
1" = 80'

# 247-22-000573-ZC / 247-22-000574-PA

06/12/2024 Item #13.



## Location Map



REVIEWED \_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County \*  
Code Title 23, the Deschutes County \*  
Comprehensive Plan, to Change the \*  
Comprehensive Plan Map Designation for \*  
Certain Property From Agriculture to Rural \*  
Industrial, and Amending Deschutes County \*  
Code Title 18, the Deschutes County Zoning \*  
Map, to Change the Zone Designation for \*  
Certain Property From Exclusive Farm Use to \*  
Rural Industrial. \*

ORDINANCE NO. 2024-006

WHEREAS, Last Ranch, LLC (“Applicant”), applied for changes to both the Deschutes County Comprehensive Plan Map (247-22-000574-PA) and the Deschutes County Zoning Map (247-22-000573-ZC), to change the comprehensive plan designation of the subject property from Agricultural (AG) to Rural Industrial (RI), and a corresponding zone change from Exclusive Farm Use (EFU) to Rural Industrial (RI); and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on March 21, 2023, before the Deschutes County Hearings Officer and, on June 12, 2023, the Hearings Officer recommended denial unless the Applicant demonstrates the requested Comprehensive Plan Amendment and Zone Change are consistent with Statewide Planning Goal 5;

WHEREAS, pursuant to DCC 22.28.030(C), the Board of County Commissioners (“Board”) heard *de novo* the applications to change the comprehensive plan designation of the subject property from Agricultural (AG) to Rural Industrial (RI) and a corresponding zone change from Exclusive Farm Use (EFU) to Rural Industrial (RI); now, therefore,

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

Section 1. AMENDMENT. DCC Title 23, Deschutes County Comprehensive Plan Map, is amended to change the plan designation for certain property described in Exhibit "A" and depicted on the map set forth as Exhibit "B" from AG to RI, with both exhibits attached and incorporated by reference herein.

Section 2. AMENDMENT. DCC Title 18, Zoning Map, is amended to change the zone designation from EFU to RI for certain property described in Exhibit "A" and depicted on the map set forth as Exhibit "C", with both exhibits attached and incorporated by reference herein.

Section 3. AMENDMENT. DCC Section 23.01.010, Introduction, is amended to read as described in Exhibit "D" attached and incorporated by reference herein, with new language underlined.

Section 4. AMENDMENT. Deschutes County Comprehensive Plan Section 5.12, Legislative History, is amended to read as described in Exhibit "E" attached and incorporated by reference herein, with new language underlined.

Section 5. FINDINGS. The Board adopts as its findings in support of this Ordinance the Decision of the Board of County Commissioners as set forth in Exhibit "F" and incorporated by reference herein. The Board also incorporates in its findings in support of this decision, the Recommendation of the Hearings Officer, attached as Exhibit "G" and, and site specific Economic, Social, Environmental, and Energy analysis, attached as Exhibit "H", each incorporated by reference herein.

Section 6. EFFECTIVE DATE. This Ordinance takes effect on the 90<sup>th</sup> day after the date of adoption.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
PATTI ADAIR, Chair

\_\_\_\_\_  
ANTHONY DEBONE, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

Date of 1<sup>st</sup> Reading: \_\_\_\_ day of \_\_\_\_\_, 2024.

Date of 2<sup>nd</sup> Reading: \_\_\_\_ day of \_\_\_\_\_, 2024.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Patti Adair	—	—	—	—
Anthony DeBone	—	—	—	—
Phil Chang	—	—	—	—

Effective date: \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST

\_\_\_\_\_  
Recording Secretary

**Exhibit "A" To Ordinance 2024-006**

**Legal Description of Subject Property**

**LEGAL DESCRIPTION:** Real property in the County of Deschutes, State of Oregon, described as follows:

**PARCEL I :**

**THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE1/4 NW1/4) OF SECTION 26, TOWNSHIP 16 SOUTH, RANGE 12, EAST OF THE WILLAMETTE MERIDIAN, ALSO DESCRIBED AS A PORTION OF PARCEL 1, PARTITION PLAT 1993-32, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**STARTING AT THE NW CORNER OF SAID SE1/4 NW1/4; THENCE SOUTH 89 40' EAST ALONG THE NORTH LINE OF SAID SE1/4 NW1/4, 1,084.21 FEET TO THE CENTERLINE OF THE PILOT BUTTE CANAL AS NOW LOCATED; THENCE SOUTHWESTERLY ALONG THE CENTERLINE OF SAID PILOT BUTTE CANAL AS NOW LOCATED, 1,415 FEET TO THE SOUTH LINE OF SAID SE1/4 NW1/4; THENCE NORTH 89 50'30" WEST ALONG THE SOUTH LINE OF SAID SE1/4 NW1/4, 484.6 FEET TO THE SW CORNER OF SAID SE1/4 NW1/4; THENCE NORTH 0 00', 1,330.89 FEET TO THE NW CORNER OF SAID SE1/4 NW1/4, BEING THE POINT OF BEGINNING. EXCEPTING A STRIP OF LAND HERETOFORE CONVEYED TO THE STATE OF OREGON FOR HIGHWAY PURPOSES. ALSO, EXCEPTING THEREFROM THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SW1/4 NW1/4) OF SECTION 26, TOWNSHIP 16 SOUTH, RANGE 12, EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, LYING NORTHWESTERLY OF THE DALLES-CALIFORNIA HIGHWAY NO. 97.**

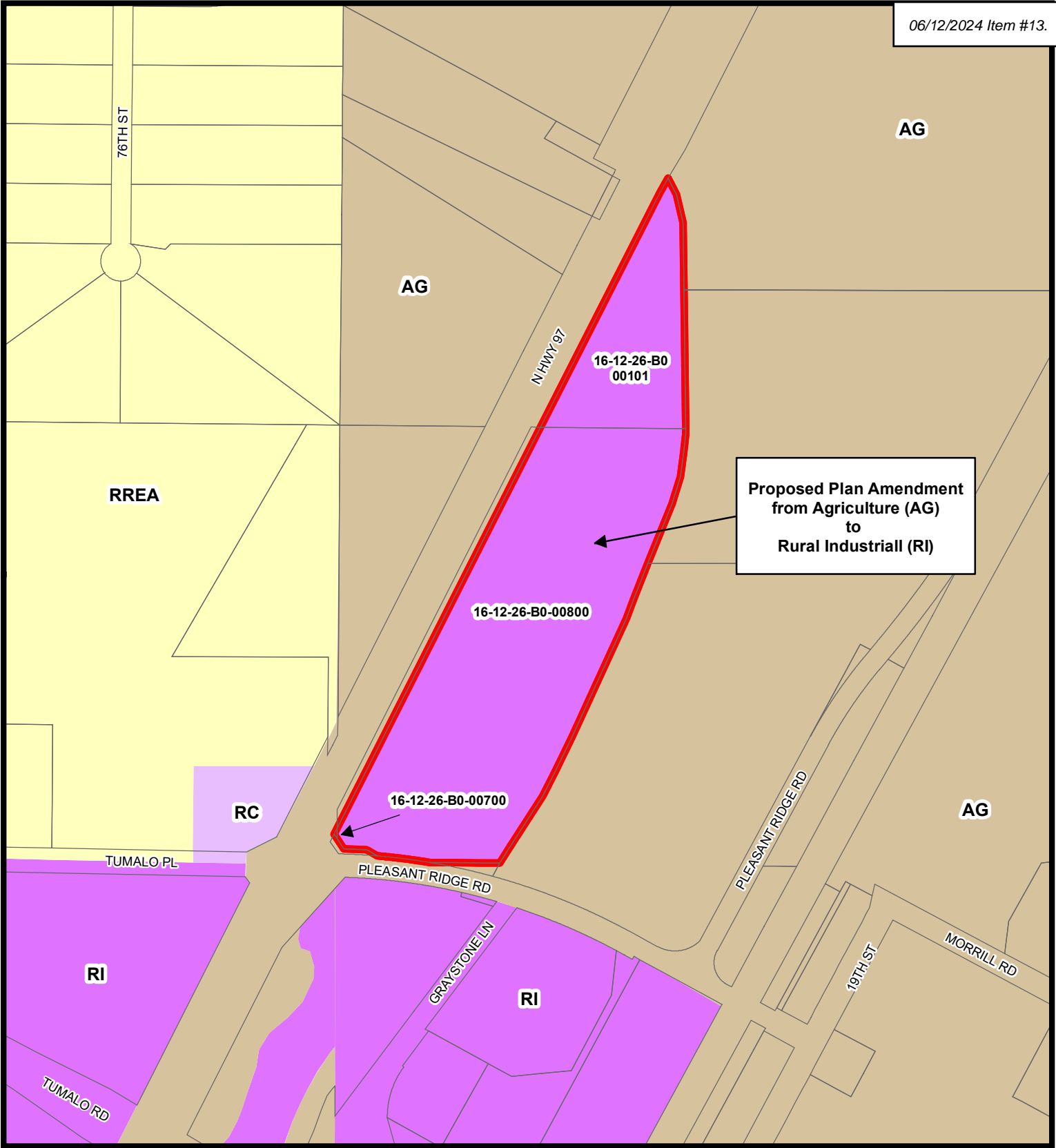
**PARCEL II:**

**THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4 NW1/4) OF SECTION 26, TOWNSHIP 16 SOUTH, RANGE 12, EAST OF THE WILLAMETTE MERIDIAN, ALSO DESCRIBED AS A PORTION OF PARCEL 1, PARTITION PLAT 1993-32, DESCHUTES COUNTY, OREGON, LYING EASTERLY OF THE DALLES-CALIFORNIA HIGHWAY AND NORTHERLY OF THE NICHOLS MARKET ROAD.**


**PARCEL III:**

**THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 16, SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, ALSO DESCRIBED AS A PORTION OF PARCEL 1, PARTITION PLAT 1993-32, DESCHUTES COUNTY, OREGON, LYING EASTERLY OF THE DALLES-CALIFORNIA HIGHWAY NO. 97 AND SOUTHERLY AND WESTERLY OF THE PILOT BUTTE CANAL.**





**NOTE: This legal description was created prior to January 1, 2008.**



**Proposed Plan Amendment  
from Agriculture (AG)  
to  
Rural Industrial (RI)**

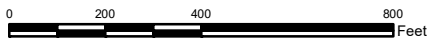
 Plan Amendment Boundary

**Comprehensive Plan**

-  RREA - Rural Residential Exception Area
-  AG - Agriculture
-  RI - Rural Industrial
-  RC - Rural Commercial

**PROPOSED  
COMPREHENSIVE PLAN**

Exhibit "B"  
to Ordinance 2024-006



May 31, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

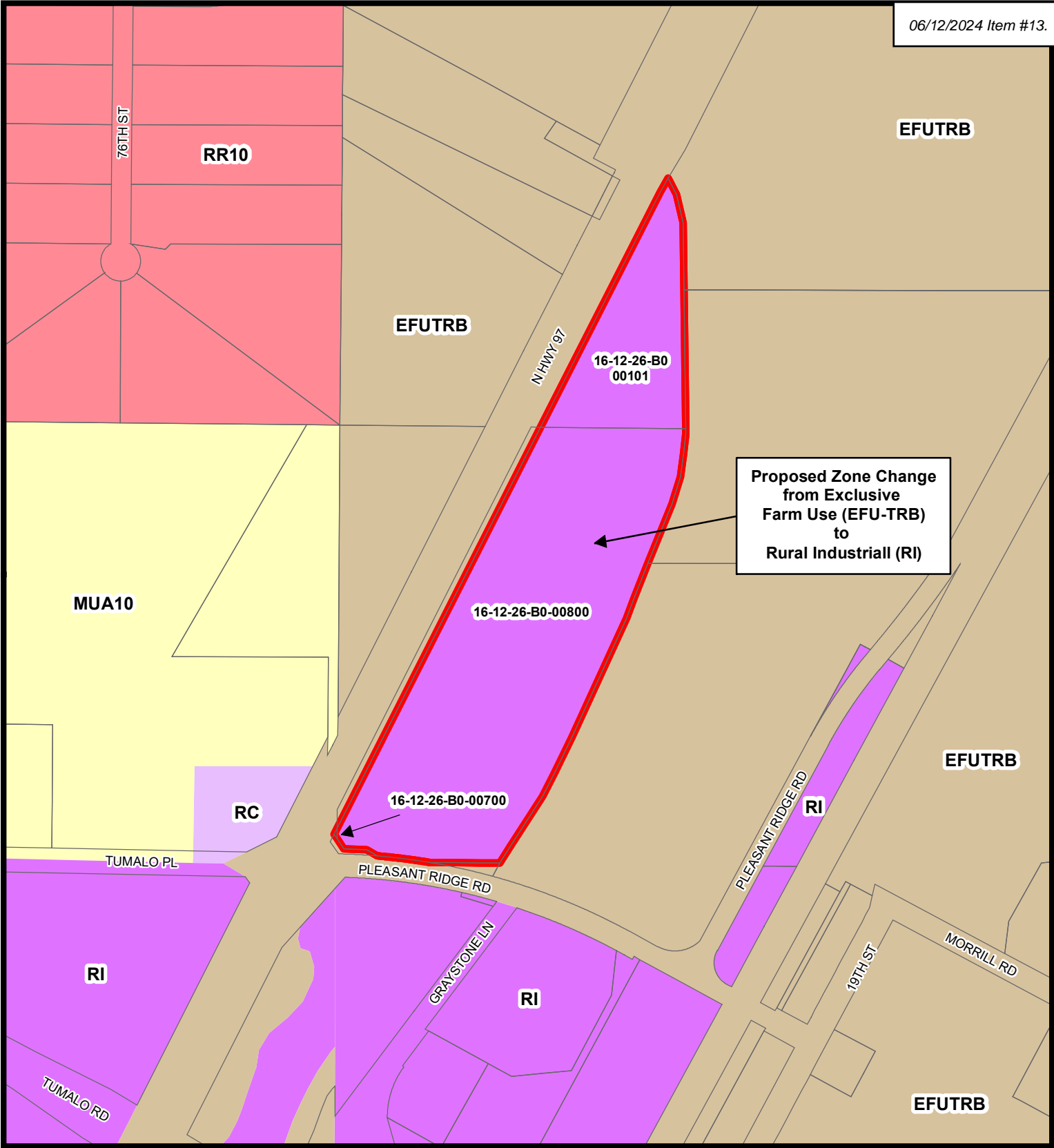
Patti Adair, Chair

Anthony DeBone, Vice Chair

Phil Chang, Commissioner






ATTEST: Recording Secretary

Dated this \_\_\_\_ day of \_\_\_\_, 2024  
Effective Date: \_\_\_\_, 2024



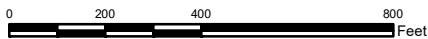
 Zone Change Boundary

**County Zoning**

-  EFUTRB - Tumalo/Redmond/Bend
-  MUA10 - Multiple Use Agricultural
-  RR10 - Rural Residential
-  RC - Rural Commercial
-  RI - Rural Industrial

# PROPOSED ZONING

Exhibit "C"  
to Ordinance 2024-006



May 31, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
Patti Adair, Chair

\_\_\_\_\_  
Anthony DeBone, Vice Chair

\_\_\_\_\_  
Phil Chang, Commissioner

ATTEST: Recording Secretary

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024  
Effective Date: \_\_\_\_\_, 2024

## TITLE 23 COMPREHENSIVE PLAN

### CHAPTER 23.01 COMPREHENSIVE PLAN

- A. The Deschutes County Comprehensive Plan, adopted by the Board in Ordinance 2011-003 and found on the Deschutes County Community Development Department website, is incorporated by reference herein.
- B. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2011-027, are incorporated by reference herein.
- C. [Repealed by Ordinance 2013-001, §1]
- D. [Repealed by Ordinance 2023-017]
- E. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-012, are incorporated by reference herein.
- F. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2012-016, are incorporated by reference herein.
- G. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-002, are incorporated by reference herein.
- H. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-009, are incorporated by reference herein.
- I. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-012, are incorporated by reference herein.
- J. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2013-007, are incorporated by reference herein.
- K. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-005, are incorporated by reference herein.
- L. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-006, are incorporated by reference herein.
- M. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-012, are incorporated by reference herein.
- N. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-021, are incorporated by reference herein.
- O. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2014-027, are incorporated by reference herein.
- P. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-021, are incorporated by reference herein.



- Q. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-029, are incorporated by reference herein.
- R. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-018, are incorporated by reference herein.
- S. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2015-010, are incorporated by reference herein.
- T. [Repealed by Ordinance 2016-027 §1]
- U. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-022, are incorporated by reference herein.
- V. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-005, are incorporated by reference herein.
- W. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-027, are incorporated by reference herein.
- X. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2016-029, are incorporated by reference herein.
- Y. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2017-007, are incorporated by reference herein.
- Z. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-002, are incorporated by reference herein.
- AA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-006, are incorporated by reference herein.
- AB. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-011, are incorporated by reference herein.
- AC. [repealed by Ord. 2019-010 §1, 2019]
- AD. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2018-008, are incorporated by reference herein.
- AE. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-002, are incorporated by reference herein.
- AF. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-001, are incorporated by reference herein.
- AG. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-003, are incorporated by reference herein.
- AH. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-004, are incorporated by reference herein.

- AI. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-011, are incorporated by reference herein.
- AJ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-006, are incorporated by reference herein.
- AK. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-019, are incorporated by reference herein.
- AL. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2019-016, are incorporated by reference herein.
- AM. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-001, are incorporated by reference herein.
- AN. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-002, are incorporated by reference herein.
- AO. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-003, are incorporated by reference herein.
- AP. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-008, are incorporated by reference herein.
- AQ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-007, are incorporated by reference herein.
- AR. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-006, are incorporated by reference herein.
- AS. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-009, are incorporated by reference herein.
- AT. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2020-013, are incorporated by reference herein.
- AU. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-002, are incorporated by reference herein.
- AV. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-005, are incorporated by reference herein.
- AW. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2021-008, are incorporated by reference herein.
- AX. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-001, are incorporated by reference herein.
- AY. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-003, are incorporated by reference herein.

- AZ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-006, are incorporated by reference herein.
- BA. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-010, are incorporated by reference herein.
- BB. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-011, are incorporated by reference herein. (superseded by Ord. 2023-015)
- BC. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2022-013, are incorporated by reference herein.
- BD. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-001, are incorporated by reference herein.
- BE. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-007, are incorporated by reference herein.
- BF. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-010 are incorporated by reference herein.
- BG. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-018, are incorporated by reference herein.
- BH. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-015, are incorporated by reference herein.
- BI. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-025, are incorporated by reference herein.
- BJ. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-001, are incorporated by reference herein.
- BK. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-003, are incorporated by reference herein.
- BL. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-017, are incorporated by reference herein.
- BM. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2023-016, are incorporated by reference herein.
- BN. The Deschutes County Comprehensive Plan amendments, adopted by the Board in Ordinance 2024-006, are incorporated by reference herein.

Click here to be directed to the Comprehensive Plan (<http://www.deschutes.org/complan>)

## HISTORY

Amended by Ord. [2011-027](#) §10 on 11/9/2011  
 Adopted by Ord. [2011-003](#) §2 on 11/9/2011  
 Amended by Ord. [2011-017](#) §5 on 11/30/2011  
 Amended by Ord. [2012-012](#) §1, 2, 3, 4 on 8/20/2012  
 Amended by Ord. [2012-005](#) §1 on 11/19/2012  
 Amended by Ord. [2013-002](#) §1 on 1/7/2013  
 Repealed by Ord. [2013-001](#) §1 on 1/7/2013  
 Amended by Ord. [2013-005](#) §1 on 1/23/2013  
 Amended by Ord. [2012-016](#) §1 on 3/4/2013  
 Amended by Ord. [2013-009](#) §1 on 5/8/2013  
 Amended by Ord. [2013-012](#) §1 on 8/8/2013  
 Amended by Ord. [2013-007](#) §1 on 8/28/2013  
 Amended by Ord. [2014-005](#) §2 on 2/26/2014  
 Amended by Ord. [2014-006](#) §2 on 3/15/2014  
 Amended by Ord. [2014-012](#) §1 on 8/6/2014  
 Amended by Ord. [2014-021](#) §1 on 11/26/2014  
 Amended by Ord. [2015-029](#) §1 on 11/30/2015  
 Amended by Ord. [2015-010](#) §1 on 12/21/2015  
 Amended by Ord. [2015-021](#) §1 on 2/22/2016  
 Amended by Ord. [2015-018](#) §1 on 3/28/2016  
 Amended by Ord. [2016-001](#) §1 on 4/5/2016  
 Amended by Ord. [2016-022](#) §1 on 9/28/2016  
 Repealed & Reenacted by Ord. [2016-027](#) §1, 2 on 12/28/2016  
 Amended by Ord. [2016-005](#) §1 on 2/27/2017  
 Amended by Ord. [2016-029](#) §1 on 3/28/2017  
 Amended by Ord. [2017-007](#) §1 on 11/1/2017  
 Amended by Ord. [2018-002](#) §1 on 1/25/2018  
 Amended by Ord. [2018-005](#) §2 on 10/10/2018  
 Amended by Ord. [2018-008](#) §1 on 10/26/2018  
 Amended by Ord. [2018-008](#) §1 on 10/26/2018  
 Amended by Ord. [2018-008](#) §1 on 10/26/2018  
 Amended by Ord. [2018-006](#) §1 on 11/20/2018  
 Amended by Ord. [2018-011](#) §1 on 12/11/2018  
 Amended by Ord. [2019-004](#) §1 on 3/14/2019  
 Amended by Ord. [2019-003](#) §1 on 3/14/2019  
 Amended by Ord. [2019-002](#) §1 on 4/2/2019  
 Amended by Ord. [2019-001](#) §1 on 4/16/2019  
 Amended by Ord. [2019-010](#) §1 on 5/8/2019  
 Amended by Ord. [2019-011](#) §1 on 5/17/2019  
 Amended by Ord. [2019-006](#) §1 on 6/11/2019  
 Amended by Ord. [2019-019](#) §2 on 12/11/2019  
 Amended by Ord. [2020-001](#) §26 on 4/21/2020  
 Amended by Ord. [2020-003](#) §1 on 5/26/2020

Amended by Ord. [2020-002](#) §1 on 5/26/2020  
Amended by Ord. [2020-008](#) §5 on 9/22/2020  
Amended by Ord. [2020-007](#) §1 on 10/27/2020  
Amended by Ord. [2020-006](#) §1 on 11/10/2020  
Amended by Ord. [2020-009](#) §4 on 11/17/2020  
Amended by Ord. [2020-013](#) §1 on 11/24/2020  
Amended by Ord. [2021-002](#) §3 on 4/27/2021  
Amended by Ord. [2021-005](#) §1 on 6/16/2021  
Amended by Ord. [2021-008](#) §1 on 6/30/2021  
Amended by Ord. [2022-001](#) §2 on 7/12/2022  
Amended by Ord. [2022-003](#) §2 on 7/19/2022  
Amended by Ord. [2022-006](#) §2 on 7/22/2022  
Amended by Ord. 2022-010 §1 on 10/25/2022  
Amended by Ord. 2023-001 §1 on 3/1/2023  
Amended by Ord. 2022-013 §2 on 3/14/2023  
Amended by Ord. 2023-007 §19 on 4/26/2023  
Amended by Ord. 2023-010 §1 on 6/21/2023  
Amended by Ord. 2023-018 §1 on 8/30/2023  
Amended by Ord. 2023-015 §3 on 9/13/2023  
Amended by Ord. 2023-025 §1 on 11/29/2023  
Amended by Ord. 2024-001§1 on 01/31/2024  
Amended by Ord. 2024-003§3 on 02/21/2024  
Amended by Ord. 2023-017§1 on 03/20/2024  
Amended by Ord. 2023-016§3 on 05/8/2024  
Amended by Ord. 2024-006§3 on TBD

# Section 5.12 Legislative History

## Background

This section contains the legislative history of this Comprehensive Plan.

**Table 5.12.1 Comprehensive Plan Ordinance History**

Ordinance	Date Adopted/ Effective	Chapter/Section	Amendment
2011-003	8-10-11/11-9-11	All, except Transportation, Tumalo and Terrebonne Community Plans, Deschutes Junction, Destination Resorts and ordinances adopted in 2011	Comprehensive Plan update
2011-027	10-31-11/11-9-11	2.5, 2.6, 3.4, 3.10, 3.5, 4.6, 5.3, 5.8, 5.11, 23.40A, 23.40B, 23.40.065, 23.01.010	Housekeeping amendments to ensure a smooth transition to the updated Plan
2012-005	8-20-12/11-19-12	23.60, 23.64 (repealed), 3.7 (revised), Appendix C (added)	Updated Transportation System Plan
2012-012	8-20-12/8-20-12	4.1, 4.2	La Pine Urban Growth Boundary
2012-016	12-3-12/3-4-13	3.9	Housekeeping amendments to Destination Resort Chapter
2013-002	1-7-13/1-7-13	4.2	Central Oregon Regional Large-lot Employment Land Need Analysis
2013-009	2-6-13/5-8-13	1.3	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2013-012	5-8-13/8-6-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2013-007	5-29-13/8-27-13	3.10, 3.11	Newberry Country: A Plan for Southern Deschutes County

2013-016	10-21-13/10-21-13	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Sisters Urban Growth Boundary
2014-005	2-26-14/2-26-14	23.01.010	Comprehensive Plan Map Amendment, including certain property within City of Bend Urban Growth Boundary
2014-012	4-2-14/7-1-14	3.10, 3.11	Housekeeping amendments to Title 23.
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
2014-021	8-27-14/11-25-14	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Sunriver Urban Unincorporated Community Forest to Sunriver Urban Unincorporated Community Utility
2014-027	12-15-14/3-31-15	23.01.010, 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Industrial
2015-021	11-9-15/2-22-16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Surface Mining.
2015-029	11-23-15/11-30-15	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Tumalo Residential 5-Acre Minimum to Tumalo Industrial
2015-018	12-9-15/3-27-16	23.01.010, 2.2, 4.3	Housekeeping Amendments to Title 23.

2015-010	12-2-15/12-2-15	2.6	Comprehensive Plan Text and Map Amendment recognizing Greater Sage-Grouse Habitat Inventories
2016-001	12-21-15/04-5-16	23.01.010; 5.10	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial (exception area)
2016-007	2-10-16/5-10-16	23.01.010; 5.10	Comprehensive Plan Amendment to add an exception to Statewide Planning Goal II to allow sewers in unincorporated lands in Southern Deschutes County
2016-005	11-28-16/2-16-17	23.01.010, 2.2, 3.3	Comprehensive Plan Amendment recognizing non-resource lands process allowed under State law to change EFU zoning
2016-022	9-28-16/11-14-16	23.01.010, 1.3, 4.2	Comprehensive plan Amendment, including certain property within City of Bend Urban Growth Boundary
2016-029	12-14-16/12/28/16	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from, Agriculture to Rural Industrial
2017-007	10-30-17/10-30-17	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-002	1-3-18/1-25-18	23.01, 2.6	Comprehensive Plan Amendment permitting churches in the Wildlife Area Combining Zone



2018-006	8-22-18/11-20-18	23.01.010, 5.8, 5.9	Housekeeping Amendments correcting tax lot numbers in Non-Significant Mining Mineral and Aggregate Inventory; modifying Goal 5 Inventory of Cultural and Historic Resources
2018-011	9-12-18/12-11-18	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2018-005	9-19-18/10-10-18	23.01.010, 2.5, Tumalo Community Plan, Newberry Country Plan	Comprehensive Plan Map Amendment, removing Flood Plain Comprehensive Plan Designation; Comprehensive Plan Amendment adding Flood Plain Combining Zone purpose statement.
2018-008	9-26-18/10-26-18	23.01.010, 3.4	Comprehensive Plan Amendment allowing for the potential of new properties to be designated as Rural Commercial or Rural Industrial
2019-002	1-2-19/4-2-19	23.01.010, 5.8	Comprehensive Plan Map Amendment changing designation of certain property from Surface Mining to Rural Residential Exception Area; Modifying Goal 5 Mineral and Aggregate Inventory; Modifying Non-Significant Mining Mineral and Aggregate Inventory
2019-001	1-16-19/4-16-19	1.3, 3.3, 4.2, 5.10, 23.01	Comprehensive Plan and Text Amendment to add a new zone to Title 19: Westside Transect Zone.

2019-003	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the Large Lot Industrial Program
2019-004	02-12-19/03-12-19	23.01.010, 4.2	Comprehensive Plan Map Amendment changing designation of certain property from Agriculture to Redmond Urban Growth Area for the expansion of the Deschutes County Fairgrounds and relocation of Oregon Military Department National Guard Armory.
2019-011	05-01-19/05-16/19	23.01.010, 4.2	Comprehensive Plan Map Amendment to adjust the Bend Urban Growth Boundary to accommodate the refinement of the Skyline Ranch Road alignment and the refinement of the West Area Master Plan Area I boundary. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.
2019-006	03-13-19/06-11-19	23.01.010,	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture to Rural Residential Exception Area
2019-016	11-25-19/02-24-20	23.01.01, 2.5	Comprehensive Plan and Text amendments incorporating language from DLCD's 2014 Model Flood Ordinance and Establishing a purpose statement for the Flood Plain Zone.

2019-019	12-11-19/12-11-19	23.01.01, 2.5	Comprehensive Plan and Text amendments to provide procedures related to the division of certain split zoned properties containing Flood Plain zoning and involving a former or piped irrigation canal.
2020-001	12-11-19/12-11-19	23.01.01, 2.5	Comprehensive Plan and Text amendments to provide procedures related to the division of certain split zoned properties containing Flood Plain zoning and involving a former or piped irrigation canal.
2020-002	2-26-20/5-26-20	23.01.01, 4.2, 5.2	Comprehensive Plan Map Amendment to adjust the Redmond Urban Growth Boundary through an equal exchange of land to/from the Redmond UGB. The exchange property is being offered to better achieve land needs that were detailed in the 2012 SB 1544 by providing more development ready land within the Redmond UGB. The ordinance also amends the Comprehensive Plan designation of Urban Area Reserve for those lands leaving the UGB.
2020-003	02-26-20/05-26-20	23.01.01, 5.10	Comprehensive Plan Amendment with exception to Statewide Planning Goal II (Public Facilities and Services) to allow sewer on rural lands to serve the City of Bend Outback Water Facility.

2020-008	06-24-20/09-22-20	23.01.010, Appendix C	Comprehensive Plan Transportation System Plan Amendment to add roundabouts at US 20/Cook-O.B. Riley and US 20/Old Bend-Redmond Hwy intersections; amend Tables 5.3.T1 and 5.3.T2 and amend TSP text.
2020-007	07-29-20/10-27-20	23.01.010, 2.6	Housekeeping Amendments correcting references to two Sage Grouse ordinances.
2020-006	08-12-20/11-10-20	23.01.01, 2.11, 5.9	Comprehensive Plan and Text amendments to update the County's Resource List and Historic Preservation Ordinance to comply with the State Historic Preservation Rule.
2020-009	08-19-20/11-17-20	23.01.010, Appendix C	Comprehensive Plan Transportation System Plan Amendment to add reference to J turns on US 97 raised median between Bend and Redmond; delete language about disconnecting Vandevent Road from US 97.
2020-013	08-26-20/11/24/20	23.01.01, 5.8	Comprehensive Plan Text And Map Designation for Certain Properties from Surface Mine (SM) and Agriculture (AG) To Rural Residential Exception Area (RREA) and Remove Surface Mining Site 461 from the County's Goal 5 Inventory of Significant Mineral and Aggregate Resource Sites.
2021-002	01-27-21/04-27-21	23.01.01	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)

2021-005	06-16-21/06-16-21	23.01.01, 4.2	Comprehensive Plan Map Amendment Designation for Certain Property from Agriculture (AG) To Redmond Urban Growth Area (RUGA) and text amendment
2021-008	06-30-21/09-28-21	23.01.01	Comprehensive Plan Map Amendment Designation for Certain Property Adding Redmond Urban Growth Area (RUGA) and Fixing Scrivener’s Error in Ord. 2020-022
2022-001	04-13-22/07-12-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-003	04-20-22/07-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2022-006	06-22-22/08-19-22	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2022-011	07-27-22/10-25-22 (superseded by Ord. 2023-015)	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) To Rural Industrial (RI)
2022-013	12-14-22/03-14-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)

2023-001	03-01-23/05-30-23	23.01.010, 5.9	Housekeeping Amendments correcting the location for the Lynch and Roberts Store Advertisement, a designated Cultural and Historic Resource
2023-007	04-26-23/6-25-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-010	06-21-23/9-17-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-018	08-30-23/11-28-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Residential Exception Area (RREA)
2023-015	9-13-23/12-12-23	23.01.010	Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Industrial (RI)
2023-025	11-29-23/2-27-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area
2024-001	01-31-24/4-30-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Rural Residential Exception Area (RREA) to Bend Urban Growth Area

2024-003	2-21-24/5-21-24	23.01.010	Comprehensive Plan Map Amendment, changing designation of certain property from Surface Mining (SM) to Rural Residential Exception Area (RREA)
2023-017	3-20-24/6-18-24	23.01(D) (repealed), 23.01(BL) (added), 3.7 (amended), Appendix C (replaced)	Updated Transportation System Plan
<u>2024-006</u>	<u>TBD</u>	<u>23.01.010</u>	<u>Comprehensive Plan Map Designation for Certain Property from Agriculture (AG) to Rural Industrial (RI)</u>

**RECOMMENDATION AND FINDINGS OF  
THE DESCHUTES COUNTY HEARINGS OFFICER**

**FILE NUMBERS:** 247-22-000573-ZC / 247-22-000574-PA

**HEARING DATE:** March 21, 2023, 6:00 p.m.

**HEARING LOCATION:** Videoconference and  
Barnes & Sawyer Rooms  
Deschutes Services Center  
1300 NW Wall Street  
Bend, OR 97708

**APPLICANT/OWNER:** Mark Rubbert; Last Ranch, LLC

**SUBJECT PROPERTIES:** Map and Tax Lots:  
161226B000101  
161226B000700  
161226B000800

Situs Addresses:  
No Situs Address  
64994 Deschutes Market Road, Bend, OR 97701  
64975 Deschutes Pleasant Road, Bend, OR 97701

**REQUEST:** The Applicant requests approval of a Comprehensive Plan Amendment to change the designation of the Subject Properties from Agricultural (AG) to Rural Industrial (RI) and a corresponding Zone Change to rezone the properties from Exclusive Farm Use (EFU-TRB) to Rural Industrial (RI).

**HEARINGS OFFICER:** Tommy A. Brooks

**SUMMARY OF RECOMMENDATION:** The Hearings Officer finds that the record is not sufficient to support the requested Comprehensive Plan Amendment and Zone Change, specifically with respect to the requirements of Statewide Planning Goal 5. The Hearings Officer therefore recommends the Deschutes County Board of Commissioners DENY the Application unless the Applicant demonstrates the requested Comprehensive Plan Amendment and Zone Change are consistent with Statewide Planning Goal 5.

**I. APPLICABLE STANDARDS AND CRITERIA**

Deschutes County Code (DCC)

Title 18, Deschutes County Zoning Ordinance:

Chapter 18.04, Title, Purpose, and Definitions



Chapter 18.16, Exclusive Farm Use Zones (EFU)  
 Chapter 18.84, Landscape Management Combining Zone (LM)  
 Chapter 18.100, Rural Industrial Zone  
 Chapter 18.136, Amendments  
 Title 22, Deschutes County Development Procedures Ordinance

Deschutes County Comprehensive Plan  
 Chapter 2, Resource Management  
 Chapter 3, Rural Growth Management  
 Appendix C, Transportation System Plan

Oregon Administrative Rules (OAR) - Chapter 660  
 Division 12, Transportation Planning  
 Division 15, Statewide Planning Goals  
 Division 33, Agricultural Land

Oregon Revised Statutes (ORS)  
 Chapter 215.010, Definitions  
 Chapter 215.211, Agricultural Land, Detailed Soils Assessment

**II. BACKGROUND AND PROCEDURAL FINDINGS**

A. Nature of Proceeding

This matter comes before the Hearings Officer as a request for approval of a Comprehensive Plan Map Amendment (“Plan Amendment”) to change the designation of the Subject Properties from Agricultural (AG) to Rural Industrial (RI). The Applicant also requests approval of a corresponding Zoning Map Amendment (“Zone Change”) to change the zoning of the Subject Properties from Exclusive Farm Use (EFU-TRB) to Rural Industrial (RI). The basis of the request in the Application is the Applicant’s assertion that the Subject Properties do not qualify as “agricultural land” under the applicable provisions of the Oregon Revised Statutes or Oregon Administrative Rules governing agricultural land. Based on that assertion, the Applicants are not seeking an exception to Statewide Planning Goal 3 for the Plan Amendment or Zone Change.

B. Notices, Hearing, Record Materials

The Application was filed on July 13, 2022. Following notice from the Deschutes County Planning Division (“Staff”) that the Application was incomplete, the Applicant provided responses to the incomplete letter on November 14, 2022, and confirmed no further information or materials would be provided. Staff therefore deemed the Application to be complete as of that date.

On January 26, 2023, after the Application was deemed complete, Staff mailed a Notice of Public Hearing to all property owners within 750 feet of the Subject Properties (“Hearing Notice”). The Hearing Notice was also published in the Bend Bulletin on Sunday, January 29, 2023. Notice of the Hearing was also submitted to the Department of Land Conservation and Development (“DLCDD”).

Pursuant to the Hearing Notice, I presided over the Hearing as the Hearings Officer on March 21, 2023, opening the Hearing at 6:00 p.m. The Hearing was held in person and via videoconference, with the Hearings Officer appearing remotely. At the beginning of the Hearing, I provided an overview of the quasi-judicial process and instructed participants to direct comments to the approval criteria and standards, and to raise any issues a participant wanted to preserve for appeal if necessary. I stated I had no *ex parte* contacts to disclose or bias to declare. I invited but received no objections to the County’s jurisdiction over the matter or to my participation as the Hearings Officer.

The Hearing concluded at approximately 8:17 p.m. Prior to the conclusion of the Hearing, I announced that the written record would remain open as follows: (1) any participant could submit additional materials until April 4, 2023 (“Open Record Period”); (2) any participant could submit rebuttal materials (evidence or argument) until April 11, 2023 (“Rebuttal Period”); and (3) the Applicant could submit a final legal argument, but no additional evidence, until April 18, 2023. Staff provided further instruction to participants, noting that all post-Hearing submittals needed to be received by the County by 4:00 p.m. on the applicable due date. No participant objected to the post-hearing procedures.

A representative for the Applicant submitted a document on April 18, 2023, the due date for the Applicant’s final legal argument. That document responds to some of the arguments previously raised by other participants. However, it also includes statements and attachments that were not previously in the record. Because the Applicant’s final legal argument should have included only argument and no new evidence, I have not considered any of the evidentiary materials in that submittal that were not already in the record.<sup>1</sup>

C. Review Period

Because the Application includes a request for the Plan Amendment, the 150-day review period set forth in ORS 215.427(1) is not applicable.<sup>2</sup> The Staff Report also concludes that the 150-day review period is not applicable by virtue of Deschutes County Code (“DCC” or “Code”) 22.20.040(D). No participant to the proceeding disputes that conclusion.

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<sup>1</sup> Specifically, this submittal includes: (1) a letter, dated November 29, 2015, relating to County file 247-14-000456; (2) excerpts from a soil study relating to County file PA-11-7; and (3) testimony from the Applicant regarding its attempt to offer the Subject Properties to others for agricultural use.

<sup>2</sup> ORS 215.427(7).

### III. SUBSTANTIVE FINDINGS AND CONCLUSIONS

#### A. Staff Report

On March 7, 2023, Staff issued a report setting forth the applicable criteria and presenting evidence in the record at that time (“Staff Report”).<sup>3</sup>

The Staff Report, although it expresses agreement with the Applicant in many places, does not make a final recommendation. Instead, the Staff Report asks the Hearings Officer to determine if the Applicant has met the burden of proof necessary to justify the Plan Amendment and the Zone Change. Other participants objected to the Application, but did so primarily based on legal arguments and through the submittal of additional evidence that supported those legal arguments, rather than dispute the evidence provided by the Applicant and summarized in the Staff Report. As a result, much of the evidence provided by the Applicant and summarized in the Staff Report remains unrefuted.

#### B. Findings

The legal criteria applicable to the requested Plan Amendment and Zone Change were set forth in the Hearing Notice and also appear in the Staff Report. No participant to this proceeding asserted that those criteria do not apply, or that other criteria are applicable. This Recommendation therefore addresses each of those criteria, as set forth below.

##### 1. Exceptions to Statewide Planning Goals

Pursuant to ORS 197.175(2), if the County amends its Comprehensive Plan (“DCCP” or “Plan”), it must do so in compliance with Statewide Planning Goals (each a “Goal” and, together, the “Goals”). Because the Plan has been acknowledged, the Plan Amendment must adhere to the procedures for a post-acknowledged plan amendment (“PAPA”) set forth in state statutes and rules. The fundamental disputes raised in this proceeding relate to whether the Application satisfies the requirement for a PAPA and, more specifically, whether the Applicant is required to take an exception to Goal 3, Goal 5, and Goal 14. The disposition of those issues is relevant to the Applicant’s ability to show compliance with the other criteria applicable to the Plan Amendment and Zone Change. These findings will therefore address those issues first.<sup>4</sup>

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<sup>3</sup> Other than the evidence provided by the Applicant, much of the evidence in the record was submitted after the date of the Staff Report.

<sup>4</sup> COLW, during the Hearing, also stated that the Application requires an exception to Goal 6 and Goal 11. I find that neither of those arguments were presented with enough detail that allows me to address them in this Recommendation. With respect to Goal 6, COLW appears to be arguing that the Applicant cannot satisfy Goal 6 without identifying the specific uses that will be developed on the Subject Properties. However, COLW does not address the Application materials, which describe compliance with Goal 6 through the County’s acknowledged regulations in DCC Chapter 18.100. Based on the materials in the record, I find that Goal 6 is satisfied and does not require an exception. With respect to

### Goal 3 – Agricultural Lands

Goal 3 and its implementing rules protect agricultural lands for farm use.<sup>5</sup> The Applicant’s proposed Plan Amendment and Zone Change is premised on its assertion that the Subject Properties do not qualify as “Agricultural Land” under Goal 3 and its implementing rules and, therefore, do not require protection under Goal 3. Other participants in this proceeding – namely 1000 Friends of Oregon (“1000 Friends”) and Central Oregon Land Watch (“COLW”) – assert that the Subject Properties do qualify as “Agricultural Land” and, as a result, that the Plan Amendment requires the Applicant to seek an exception to Goal 3.

All participants addressing this issue rely on the language in OAR 660-033-0020(1) that defines “Agricultural Land” as follows:

*(a) "Agricultural Land" as defined in Goal 3 includes:*

- (A) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;*
- (B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices; and*
- (C) Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.*

*(b) Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;*

The NRCS designation for the Subject Properties indicates they are predominantly Class I through Class VI soils. Under OAR 660-033-0020(1)(a)(A), the Subject Properties would therefore qualify as Goal 3 agricultural land. Notwithstanding that designation, the Applicant relies on an Agricultural Soils Capability Assessment (an “Order 1 soil survey”) for the Subject Properties. The expert conclusion in the Applicant’s Order 1 soil survey is that the Subject Properties consist predominantly of Class VII and

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Goal 11, COLW provided no additional detail other than the bare statement that an exception is required. Again, COLW does not refute the information in the Application addressing this Goal, and I find that, based on that information, Goal 11 is satisfied and does not require an exception.

<sup>5</sup> See, e.g., OAR 660-033-0010.

Class VIII soils that are unsuitable for farm use and, therefore, do not qualify as agricultural land under Goal 3.

1000 Friends and COLW do not dispute any of the facts or conclusions regarding the soil conditions set forth in the Order 1 soil survey. Rather, they each argue that the NRCS designation is conclusive under the Goal 3 implementing rules as a matter of law. COLW specifically argues the “Hearings Officer cannot rely on information other than the predominant NRCS land capability classification to determine whether the subject property meets LCDC’s special definition of ‘agricultural land.’”

The legal argument 1000 Friends and COLW present – that only the NRCS designation can be relied on – is contrary to other state statutes and administrative rules addressing this issue. As the Land Use Board of Appeals (“LUBA”) recently explained, “ORS 215.211 allows a site-specific analysis of soils where a person believes that such information would, compared to the information provided by the NRCS, assist a county in determining whether land is agricultural land.”<sup>6</sup> In that case, which is remarkably similar to the present case, the applicant sought a PAPA to change a property’s Plan designation from AG to RI with a corresponding zone change from EFU-TRB to RI. The applicant in that case also relied on a site-specific Order 1 soil survey prepared by a qualified soil scientist. LUBA upheld the County’s reliance on that soil survey as part of its determination that the property at issue in that case consisted predominantly of Class VII and Class VIII soils unsuitable for farming.

Based on the language in ORS 215.211 and LUBA’s acknowledgment of that statute, I find that the County is not precluded from considering the Order 1 soil survey when applying OAR 660-033-0020(1)(a)(A), as long as doing so is consistent with OAR 660-033-0030(5), which implements ORS 215.211.

I again note that, because the participants raising this issue argued that the Hearings Officer must rely only on the NRCS classification, no participant disputed the information or conclusions in the Order 1 soil survey, nor did they dispute whether the survey complies with OAR 660-033-0030(5). Even so, I find that the record shows the Applicant’s Order 1 soil survey does comply with that administrative rule, as explained in the following findings.

OAR 660-033-0030(5)(a) requires that the alternative to the NRCS include more detailed data on soil capability and be “related to the NRCS land capability classification system.” Information provided by the Applicant’s soil scientist states that the NRCS classification for the Subject Property was completed at a very broad scale and based on high altitude photography, whereas the Order 1 soil survey has more detailed data based on onsite field research. Further, the soil scientist states that the Order 1 soil survey uses the same NRCS classification system, but applies more precise mapping of soil map units with better distribution and quantification of each unit.

OAR 660-033-0030(5)(b) requires the person seeking to use the alternative soil survey to request DLCD “to arrange for an assessment of the capability of the land by a professional soil classifier who is chosen

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<sup>6</sup> *Central Oregon Land Watch v. Deschutes County*, \_\_\_ Or LUBA \_\_\_ (LUBA No. 2023-008, April 24, 2023) (“LUBA No. 2023-008”).

by the person, using the process described in OAR 660-033-0045.” The Applicant asserts this requirement is met through its coordination with DLCD, and the record includes a letter from DLCD indicating the Order 1 soil survey is consistent with the agency’s reporting requirements.

The remaining portions of this rule are procedural in nature and there is no dispute among the participants whether these procedures apply to the Application or whether the Applicant followed those procedures.

Based on the foregoing, and considering the more detailed evidence provided by the Applicant’s soil scientist against the NRCS designation of the Subject Properties, I find that that the Subject Properties do not qualify as agricultural land under Goal 3 as defined in OAR 660-033-0020(1)(a)(A). That does not end the inquiry, however, as 1000 Friends and COLW each argue that the Subject Properties qualify as agricultural land under the other sections of OAR 660-033-0020(1)(a).

Turning to OAR 660-033-0020(1)(a)(B), the Subject Properties may qualify for Goal 3 protections if they are “suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices.”

1000 Friends argues that the Subject Properties are currently in farm tax deferral status, have water rights, and contain certain farm structures such as a goat barn and farm implement garage. COLW provides an exhaustive list of various farm commodities that occur throughout the County and, like 1000 Friends, asserts that the Applicant has not demonstrated that the Subject Properties cannot be used for some of those purposes.

The Applicant provides an exhaustive history of the site and its relationship to various farm activities. According to that history, the chain of owners for the Subject Property since 1941 has mostly consisted of retirees who were not engaged in farming. Prior to that time, there were apparently limited farming activities on the site at a time when the Subject Properties were part of larger holdings that also had farm uses. While the Subject Property does have some historical water rights, the Applicant notes that not all of those rights have been developed. Other structures were apparently used for small-scale hobby farming activities rather than for profitable farm uses. More recent uses of the site, however, included use as a roadside attraction called the “Funny Farm” which, according to the Applicant, at one point had a “hot dog eating goat.”

Testimony opposing the Application describing how the property could be used, and the Applicant’s testimony describing how the property has been used, do not resolve this issue. Instead, OAR 660-033-0020(1)(a)(B) requires an assessment of whether the Subject Properties are “suitable for farm use as defined in ORS 215.203(2)(a)” based on the various factors set forth in this rule. To that end, only the Applicant has fully addressed those factors.

With respect to soil fertility and cattle grazing, the Applicant relies on the Order 1 soil survey to demonstrate that the soils are not fertile and that the property is unsuitable for grazing. The Applicant notes that this also makes it difficult to provide food for other non-grazing animals. With respect to

climatic conditions, the Applicant notes the limited growing season, cold temperatures, and current drought conditions also hamper farm activities. While some water for farm irrigation purposes is available, the Applicant notes that irrigating the soils on the Subject Property is not warranted in light of their low classification. The Applicant also asserts that existing land use patterns in the area are not conducive to agriculture, for example because the Subject Properties are surrounded by non-farm uses and disrupted by the transportation system.

Overall, the Applicant asserts that the technological and energy inputs required to conduct farm uses are too great, which the Applicant believes is a major reason the Subject Properties have not historically been farmed.

ORS 215.203(2)(a) defines “farm use” in part as “the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof.”

Considering the factors set forth in OAR 660-033-0020(1)(a)(B), I find that it is more likely than not that the Subject Properties are not suitable for farm use as defined in ORS 215.203(2)(a). While it may be possible to conduct some farm activities on the site, that is not the same as employing the land for the primary purpose of obtaining a profit in money from those activities. The low productive soils serve as an initial limit on any profitable farm activities. As the Applicant’s soil scientist notes, even irrigating the soils found on site does not improve their quality for farm uses. The Subject Properties are relatively small, irregularly-shaped, and bisected by a rocky outcropping, compounding the difficulties associated with the soil conditions. The portion of the site with the best soils is even smaller and not large enough to support meaningful farming activities. Further, while historical use of the site is not determinative of its current suitability, it is notable that the majority of the farming activities taking place on the site occurred at a time when the Subject Properties were part of a larger tract, or were part of a residential use.

Finally, under OAR 660-033-0020(1)(a)(C), the Subject Properties may still be considered agricultural land if they include land “that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.”

1000 Friends asserts that the presence of a Central Oregon Irrigation District (“COID”) canal on the Subject Properties, which is used to convey irrigation water to other farms, demonstrates the Subject Properties qualify as agricultural land under this rule. That argument, however, is difficult to follow because it is based on the assertion that the Applicant “must address the proposed rezone’s potential impact on agricultural uses in the surrounding area based on the presence of the COID irrigation canals on and abutting the property.” This rule does not appear to impose any sort of “impacts test,” and the question is whether the Subject Properties, not a canal on the property owned by a third party, are necessary to permit farm practices on adjacent and nearby lands. In contrast, the Applicant notes that very few farm practices occur on adjacent and nearby lands, even on nearby lands that currently have a farm use designation. The Applicant was unable to identify any land that relies on the Surrounding

Properties for their farm practices. In the absence of any evidence to the contrary, I find that the Applicant has met its burden of addressing that rule provision.

Based on the foregoing, I find that the Applicant has met its burden of demonstrating the Subject Properties do not qualify as agricultural lands under Goal 3 and, as a result, an exception to Goal 3 is not required.

### **Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces**

Goal 5 and its implementing rules protect natural resources, scenic and historic areas, and open spaces. Pursuant to OAR 660-023-0250(3), the County does not have to apply Goal 5 as part of a PAPA “unless the PAPA affects a Goal 5 resource.” One scenario in which a PAPA may affect a Goal 5 resource is when the “PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list.”<sup>7</sup>

COLW argues that the Plan Amendment and Zone Change is in direct conflict with a Goal 5 resource and, therefore, requires compliance with Goal 5. The Goal 5 resource COLW refers to is the County’s designation of a scenic corridor along Highway 97 between Bend and Redmond as a scenic resource.

The County regulates conflicting uses with the Highway 97 scenic resource through the application of the Landscape Management Combining Zone (“LM Zone”), which the County applies to the area that is within one-quarter mile of the highway. The Subject Properties fall within the area subject to that zone.

The Applicant does not fully respond to COLW’s Goal 5 argument. Instead, the Applicant asserts that there is no need to apply Goal 5 in light of the County’s acknowledged Plan, which contains the LM Zone. According to the Applicant, to the extent there are any conflicts with the scenic resource, those will be resolved at the time when specific development occurs and the County requires site plan approval for any structures within the LM Zone. The Applicant specifically states that “[t]he zone change and plan amendment do not trigger this provision.”

The Applicant’s argument appears consistent with prior County decisions. However, LUBA No. 2023-008 is again instructive, and it rejects the Applicant’s approach to Goal 5. In that case, LUBA explained that its prior decisions require a local jurisdiction “to apply Goal 5 if the PAPA allows a new use that could conflict with Goal 5 resources.” LUBA then directly addressed the situation presented in this case and analyzed “whether the new RI zoning allows uses on the subject property that were not allowed under the previous EFU zoning and whether those uses could conflict with protected Goal 5 resources.”

LUBA’s decision acknowledged that the County previously conducted the appropriate Goal 5 analysis for other RI-zoned properties and applied the LM Zone to protect the Highway 97 scenic resource from conflicting uses on those properties. However, LUBA determined that, in the absence of evidence showing the prior Goal 5 analysis considered impacts from RI-type development on all properties, that analysis did not consider whether RI uses on farm-zoned property affected a Goal 5 resource. Indeed, LUBA concluded

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<sup>7</sup> OAR 660-023-0250(3)(b).



that “the county could not have, in its [prior Goal 5 analysis], evaluated whether development of those new uses on the subject property would excessively interfere with the protected scenic resource because those uses were not allowed on the property” at that time. Because the County’s decision in that case allowed “new uses that could conflict with inventoried Goal 5 resources,” LUBA concluded the County was required to address Goal 5 and, specifically, to comply with OAR 660-023-0250(3).

Based on that LUBA decision, I find that the Applicant’s argument that Goal 5 is not applicable is incorrect. The Plan Amendment and Zone Change would allow new uses on the Subject Property that could conflict with a protected Goal 5 resource. It may be possible for the Applicant to show that the County’s prior Goal 5 analysis considered such development on the Subject Properties, or, if not, the Applicant may be able to demonstrate that the new uses allowed on the Subject Properties do not significantly affect a Goal 5 resource. However, I find that the current record does not allow me to address either option. I therefore find that I cannot recommend approval of the Application on this basis and the Applicant must address this issue further before the Application is approved.

### **Goal 14 – Urbanization**

Goal 14 and its implementing rules “provide for an orderly and efficient transition from rural to urban land use.” *See* OAR 660-015-0000(14).

COLW asserts that the Application violates Goal 14. COLW’s specific argument is that the designation of the Subject Properties to the RI zone would constitute urbanization of the Subject Properties. COLW asserts that the County must further analyze the Application and either make a determination that the Plan Amendment “does not offend the goal because it does not in fact convert rural land to urban uses, or it may comply with the goal by obtaining acknowledgment of an urban growth boundary based upon considering [sic] of factors specified in the goal, or it may justify an exception to the goal.”

The heart of this issue is whether the RI zone actually authorizes urban uses. COLW argues that this can be determined only by the application of a “*Shaffer* analysis.” The *Shaffer* analysis is a reference to *Shaffer v. Jackson County*, 17 Or LUBA 922 (1989), in which LUBA concluded that the determination of whether a use is urban or rural must be made on a case-by-case basis, considering factors discussed in that case (e.g. workforce size, dependency on resources, public facility requirements).

The flaw in COLW’s argument is that the County has already determined that all uses in the RI Zone are rural in nature. That decision was upheld on review by LUBA and the Court of Appeals. *See Central Oregon Landwatch v. Deschutes County*, \_\_ Or LUBA \_\_ (LUBA No. 2022-075, Dec. 6, 2002); *aff’d* 324 Or App 655 (2023). In that case, LUBA concluded in part:

the county correctly determined that the policies and provisions of the DCCP and DCC that apply to the RI zone are independently sufficient to demonstrate that PAPAs that apply the RI plan designation and zone to rural land are consistent with Goal 14 and that uses and development permitted pursuant to those acknowledged provisions constitute rural uses, do not constitute urban uses, and maintain the land as rural land.

LUBA addressed the same issue in LUBA No. 2023-008. In that case, LUBA reiterated its holding and rationale in an earlier case, again concluding “that the county was entitled to rely on its acknowledged RI zone to ensure compliance with Goal 14.

The two prior LUBA cases, one of which has already been affirmed by the Court of Appeals, are clear. The County’s RI zone complies with Goal 14. For that reason, I find that the Applicant has demonstrated the Application does not propose urban uses and Goal 14 is satisfied without the need to take an exception to that Goal.

2. Title 18 of the Deschutes County Code, County Zoning

Section 18.136.010, Amendments

*DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.*

The owner of the Subject Properties has requested a quasi-judicial Plan Amendment and filed an application for that purpose, together with an application for the requested Zone Change. No participant to this proceeding objects to this process. I find it appropriate to review the Application using the applicable procedures contained in Title 22 of the Deschutes County Code.

Section 18.136.020, Rezoning Standards

*The applicant for a quasi-judicial rezoning must establish that the public interest is best served by rezoning the property. Factors to be demonstrated by the applicant are:*

- A. *That the change conforms with the Comprehensive Plan, and the change is consistent with the plan's introductory statement and goals.*

According to the Applicant, this Code provision requires a consideration of the public interest based on whether: (1) the Zone Change conforms to the Comprehensive Plan; and (2) the change is consistent with the Comprehensive Plan’s introductory statement and goals. No participant to this proceeding disputes that interpretation. I also find that this is the appropriate method for applying this Code provision.

With respect to the first factor, the Applicant asserts the Application conforms to the Comprehensive Plan because it conforms to the procedural components of the Comprehensive Plan, re-designates the Subject Properties to a designation allowed by the Comprehensive Plan, does not result in the loss of resource land, and is compatible with the surrounding land uses and character of the land in the vicinity of the Subject Properties. With the exception of the assertion that no loss of resource land will result – addressed in more detail above relating to Goal 3 – no participant in this proceeding objects to the Applicant’s assertions in this regard.

With respect to the second factor, the Applicant notes that introductory statements and goals in the Comprehensive Plan are not approval criteria, and no participant to this proceeding asserts otherwise. Additionally, the Applicant identifies several Comprehensive Plan policies and goals, and then analyzes whether the Application is consistent with those policies and goals. The Applicant specifically points to some of the policies and goals in Chapter 3, Rural Growth Management, of the Comprehensive Plan. The Applicant states that the Application is consistent with those policies and goals, largely based on their reference to “Deschutes Junction”, which is the area encompassing the Subject Properties, and the historic non-resource use of that area. While some participants to this proceeding dispute the extent to which the Plan Amendment and Zone Change would “urbanize” the Subject Properties, there does not appear to be any dispute about the historical non-resource use of the Deschutes Junction area or whether the Plan Amendment and Zone Change are consistent with the goals and policies the Applicant identifies.

As explained in more detail in earlier findings, the contested issues in this proceeding address whether the Application satisfies the standards for a Plan Amendment as required by state law (e.g. whether the request requires an exception to Statewide Planning Goals 3, 5, and 14). The arguments raised in support of those contested issues do mention some policies in the County’s current Plan. However, those policies are relied on as the basis for arguing that certain exceptions are required to the Goals, and they are not presented in support of any specific argument that the Application violates Plan policies. Even so, for the same reason that the Application is consistent with the Goals (other than Goal 5), I find that the Application conforms to the Plan. Additional findings addressing Plan goals and policies are set forth later in this Recommendation.

However, because the Plan also contains goals and policies implementing Goal 5, which I have concluded has not been satisfied, I cannot conclude that the Zone Change conforms to all Plan policies, particularly those that implement Goal 5, discussed below. I therefore find that this Code provision is not satisfied unless and until the Applicant demonstrates compliance with that Goal.

*B. That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.*

Only the Applicant and Staff offer any evidence or argument with respect to whether the Zone Change is consistent with the purpose and intent of the RI zoning district. Unlike almost every other zoning district, DCC 18.100, which governs uses in the RI zoning district, does not contain a purpose statement. The RI zoning district, appears to implement the Rural Industrial plan designation in the Comprehensive Plan, and Section 3.4 of the Comprehensive Plan provides the following:

The county may apply the Rural Industrial plan designation to specific property within existing Rural Industrial exception areas, or to any other specific property that satisfies the requirements for a comprehensive plan designation change set forth by State Statute, Oregon Administrative Rules, this Comprehensive Plan and the Deschutes County Development Code, and that is located outside unincorporated communities and urban growth boundaries. The Rural Industrial plan designation and zoning brings these areas and specific properties into compliance with state rules by adopting zoning to ensure that they remain rural and that the uses allowed are less

intensive than those allowed in unincorporated communities as defined in OAR 660-022.

As the Staff Report notes, the Subject Properties are not within existing Rural Industrial exception areas, but they are located outside unincorporated communities and urban growth boundaries. This Code section is therefore satisfied only if the Application “satisfies the requirements for a Comprehensive Plan designation change set forth by State Statute, Oregon Administrative Rules, the DCCP and the Deschutes County Development Code.”

This recommendation determines that the Application satisfies the requirements for a Plan designation change, except as it relates to Goal 5. I therefore find that this Code provision is not satisfied unless and until the Applicant demonstrates compliance with that Goal.

*C. That changing the zoning will presently serve the public health, safety and welfare considering the following factors:*

*1. The availability and efficiency of providing necessary public services and facilities.*

Only the Applicant addresses this Code provision, and the Applicant provided the following as support for why this criterion is met:

- The Applicant has received “will serve” letters from applicable service providers.
- Public facilities and services are available to serve future industrial development.
- On-site wastewater and sewage and disposal systems can be developed to meet specific user needs.
- The proposal satisfies the Transportation Planning Rule.

The Staff Report asks the Hearings Officer to determine the scope of public services and facilities that must be reviewed as part of this Code provision. However, such a determination is likely to change on a case-by-case basis, informed in part by the zoning designation being requested. As it applies to this case, the Applicant has identified fire, police, electric power, domestic water, wastewater, and transportation as being relevant. No participant has disputed the necessity of those services or identified other services that are necessary. Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that this Code provision is satisfied as set forth in the Application.

*2. The impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan.*

The Applicant states that the Applicant’s proposal is consistent with all applicable Plan goals and policies. In support of that statement, the Applicant refers to its discussion of those goals and policies as they relate to DCC 18.136.020(A). The only discussion of those goals and policies by other participants relates to their arguments that certain statewide Goals have not been satisfied. Those arguments are addressed above. Although I conclude the Application is consistent with most Plan goals and policies, for the same reasons I concluded DCC 18.136.020(A) is not satisfied, I conclude that this Code provision is not satisfied; the current record does not demonstrate that impacts on surrounding land uses will be consistent with some of the Plan’s goals and policies implementing Goal 5.

*D. That there has been a change in circumstances since the property was last zoned, or a mistake was made in the zoning of the property in question.*

Only the Applicant offers any evidence or argument with respect to this Code provision. According to the Applicant, the original zoning of the Subject Properties did not take into account several factors, including the low agricultural capability of the site. Further, conditions have changed over time, especially with respect to the transportation system in the area and the development of other non-resource uses. No other participant addresses this Code provision or otherwise disputes the Applicant's characterization of the change in circumstances.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that this Code provision is satisfied.

### *3. Deschutes County Comprehensive Plan Goals and Policies*

The Applicant and the Staff Report identified several Plan goals and policies that may be relevant to the Application.<sup>8</sup>

#### **Chapter 2, Resource Management**

Chapter 2 of the Plan relates to Resource Management. Section 2.2 of that Chapter relates specifically to Agricultural Lands.

##### *Goal 1, Preserve and maintain agricultural lands and the agricultural industry.*

According to the Applicant, it is pursuing the Plan Amendment and Zone Change because the Subject Properties do not constitute "agricultural lands", and therefore, it is not necessary to preserve or maintain the Subject Properties as such. In support of that conclusion, the Applicant relies primarily on a soils report showing the Subject Properties consist predominantly of Class VII and Class VIII non-agricultural soils. Such soils have severe limitations for agricultural use as well as low soil fertility, shallow and very shallow soils, abundant rock outcrops, low available water capacity, and major management limitations for livestock grazing.

Other comments in the record assert that the Subject Properties qualify as agricultural land because of their NRCS classification, or because they satisfy other definitions of "agricultural land" in OAR 660-030-0020(1). Those arguments are addressed in earlier findings, which conclude the Subject Properties are not agricultural land.

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<sup>8</sup> The Applicant and Staff Report note that earlier County decisions have concluded that many Plan goals and policies are directed at the County rather than at an Applicant in a quasi-judicial proceeding. I generally agree with respect to Plan goals, which provide the context for Plan policies. Plan goals are therefore listed in this section to better explain the Plan policies that are being applied and considered. However, some of the findings below do address the goal language specifically. Where the goal language is not discussed, I have deemed that goal to not apply directly to a quasi-judicial application.

With respect to the agricultural industry, the Applicant provides an analysis of surrounding land uses and notes that the surrounding area contains mostly non-agricultural uses. Some opposing comments in the record can be construed as asserting that the conversion of this land to an industrial use has a larger impact on the agricultural industry. However, those comments presume that the Subject Properties are agricultural land. Not only are the Subject Properties not agricultural land, the Applicant has demonstrated that no other farm parcels rely on this parcel.

Based on the foregoing, I find that the Application is consistent with this Plan goal.

*Policy 2.2.2 Exclusive Farm Use sub-zones shall remain as described in the 1992 Farm Study and shown in the table below, unless adequate legal findings for amending the sub-zones are adopted or an individual parcel is rezoned as allowed by Policy 2.2.3.*

The Applicant has not asked to amend the EFU subzone that applies to the Subject Properties. Instead, the Applicant requests a change under Plan Policy 2.2.3 and has provided evidence to support rezoning the Subject Properties to the RI zone.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Plan.

*Policy 2.2.3 Allow comprehensive plan and zoning map amendments, including for those that qualify as non-resource land, for individual EFU parcels as allowed by State Statute, Oregon Administrative Rules and this Comprehensive Plan.*

The Applicant requests approval of the Plan Amendment and Zone Change to re-designate the Subject Properties from Agricultural to Rural Industrial and to rezone the Subject Properties from EFU to RI. The Applicant does not seek an exception to Goal 3 for that purpose, but rather seeks to demonstrate that the Subject Properties do not meet the state definition of “Agricultural Land” as defined in Goal 3 and its implementing rules.

The Staff Report notes that the County has previously relied on LUBA’s decision in *Wetherell v. Douglas County*, 52 Or LUBA 677 (2006), where LUBA states as follows:

As we explained in *DLCD v. Klamath County*, 16 Or LUBA 817, 820 (1988), there are two ways a county can justify a decision to allow nonresource use of land previously designated and zoned for farm use or forest uses. One is to take an exception to Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands). The other is to adopt findings which demonstrate the land does not qualify either as forest lands or agricultural lands under the statewide planning goals. When a county pursues the latter option, it must demonstrate that despite the prior resource plan and zoning designation, neither Goal 3 or Goal 4 applies to the property.

The facts presented in the Application are similar to those in the *Wetherall* decision and in other Deschutes County plan amendment and zone change applications. Under this reasoning, the Applicant

has the potential to prove the Subject Properties are not agricultural land, in which case an exception to Goal 3 under state law is not required.

Notwithstanding the foregoing, Policy 2.2.3 is satisfied only if the Plan Amendment is consistent with state law. As discussed in previous findings, I have concluded that the Applicant has not demonstrated compliance with Goal 5, which is a necessary requirement of the Plan Amendment. The Application is therefore not consistent with this portion of the Plan unless and until the Applicant demonstrates compliance with Goal 5.

*Policy 2.2.4 Develop comprehensive policy criteria and code to provide clarity on when and how EFU parcels can be converted to other designations.*

The Applicant assert this plan policy is not an approval criterion and, instead, provides direction to Deschutes County to develop new policies to provide clarity when EFU parcels can be converted to other designations and that the Application is consistent with this policy. The Applicant also notes that prior County decisions interpreting this policy have concluded that any failure on the County's part to adopt Plan policies and Code provisions describing the circumstances under which EFU-zoned land may be converted to a non-resource designation does not preclude the County from considering requests for quasi-judicial plan amendments and zone changes.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Plan as described by the Applicant.

*Goal 3, Ensure Exclusive Farm Use policies, classifications and codes are consistent with local and emerging agricultural conditions and markets.*

*Policy 2.2.13 Identify and retain accurately designated agricultural lands.*

This Plan policy requires the County to identify and retain agricultural lands that are accurately designated. The Applicant proposes that the Subject Properties were not accurately designated, as discussed in more detail in the findings above. While some participants have argued that the Subject Properties should retain an agricultural designation, no participant has expressly asserted that the Application is inconsistent with this Plan policy.

Based on the earlier findings that the Subject Properties are not agricultural land, I find that the Application is consistent with Policy 2.2.13.

\* \* \*

Section 2.5 of Plan Chapter 2 relates specifically to Water Resource Policies. The Applicant has identified the following goal and policy in that section as relevant to the Application.

*Goal 6, Coordinate land use and water policies.*

*Policy 2.5.24 Ensure water impacts are reviewed and, if necessary, addressed for significant land uses or developments.*

**FINDING:** The Applicant asserts that the Applicant is not required to address water impacts associated with development because no specific development application is proposed at this time. Instead, the Applicant will be required to address this criterion during development of the Subject Properties, which would be reviewed under any necessary land use process for the site.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with Policy 2.5.24.

\* \* \*

Section 2.7 of Plan Chapter 2 relates specifically to Open Spaces, Scenic Views and Sites and is the County's implementation of Goal 5. Among the specific policies in this Section are:

*Goal 1, Coordinate with property owners to ensure protection of significant open spaces and scenic view and sites.*

*Policy 2.7.3 Support efforts to identify and protect significant open spaces and visually important areas including those that provide a visual separation between communities such as the open spaces of Bend and Redmond or lands that are visually prominent.*

*Policy 2.7.5 Encourage new development to be sensitive to scenic views and sites.*

The initial Application did not address these policies, but the Applicant did provide supplemental information and argument in response to a comment from Staff.

The Applicant assert that these policies are met because the Subject Properties are not visually prominent and are relatively hidden by and lower than Highway 97 and other transportation facilities. The Applicant notes that a 100-foot setback and 30-foot height limit will ensure that any new structures will be sensitive to the LM zone.

COLW, although it did not address these policies directly, argues that the Plan Amendment is not consistent with Goal 5 because it allows new uses that may conflict with a Goal 5 resource – the scenic corridor along Highway 97. I find that these issues are related and, therefore, consider COLW's argument applicable to these policies.

The Applicant responds to that argument by relying on the County's application of the LM zone as the protection for that resource. The findings above, however, conclude that the current record is not sufficient to demonstrate compliance with Goal 5.

Only the Applicant addresses whether the Application will allow development that is "sensitive to" scenic resources. Based on the Applicant's unrefuted evidence and argument, I find that the Application is consistent with Policy 2.7.5.

However, I do not arrive at the same conclusion for Policy 2.7.3. For the same reasons set forth in the earlier findings relating to Goal 5, I find that the Application is not consistent with policy 2.7.3. The policy



requires the County to support efforts to identify and protect scenic resources. The County has identified the scenic corridor along Highway 97 as a scenic resource. That resource is protected through the County’s application of the LM zone. That protection, however, was put into place in the context of the Subject Properties being zoned for farm use rather than industrial uses. The Applicant must demonstrate that the County can continue to protect that inventoried resource with the Plan Amendment. It is not clear from the record if the LM Zone protects the resource with the Plan Amendment.

\* \* \*

Chapter 3 of the Plan relates to Rural Growth. Within that chapter, Section 3.4 relates specifically to Rural Industrial uses. The Applicant and Staff have identified the following language in that section as relevant to the Application.

*In Deschutes County some properties are zoned Rural Commercial and Rural Industrial. The initial applications for the zoning designations recognize uses that predated State land use laws. However, it may be in the best interest of the County to provide opportunities for the establishment of new Rural Industrial and Rural Commercial properties when they are appropriate and regulations are met. Requests to re-designate property as Rural Commercial or Rural Industrial will be reviewed on a property-specific basis in accordance with state and local regulations.*

...

*Rural Industrial*

*The county may apply the Rural Industrial plan designation to specific property within existing Rural Industrial exception areas, or to any other specific property that satisfies the requirements for a comprehensive plan designation change set forth by State Statute, Oregon Administrative Rules, this Comprehensive Plan and the Deschutes County Development Code, and that is located outside unincorporated communities and urban growth boundaries. The Rural Industrial plan designation and zoning brings these areas and specific properties into compliance with state rules by adopting zoning to ensure that they remain rural and that the uses allowed are less intensive than those allowed in unincorporated communities as defined in OAR 660-022.*

The language in this portion of the Plan is addressed in findings above relating to DCC Section 18.136.020(B). Those findings are incorporated here by this reference.<sup>9</sup>

\* \* \*

Section 3.4 of Plan Chapter 3 relates to the County’s goals for its rural economy.

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<sup>9</sup> The Staff Report also identifies Policy 3.4.36 as applicable. That policy simply states that properties for which it can be demonstrated Goal 3 does not apply may be considered for the RI designation under the Plan. Because I have concluded that the Subject Properties are not agricultural land and do not qualify for Goal 3 protections, the Application is consistent with that policy and the County can consider applying the RI designation.

*Goal 1, Maintain a stable and sustainable rural economy, compatible with rural lifestyles and a healthy environment.*

*Policy 3.4.1 Promote rural economic initiatives, including home-based businesses, that maintain the integrity of the rural character and natural environment.*

*a. Review land use regulations to identify legal and appropriate rural economic development opportunities.*

...

*Policy 3.4.3 Support a regional approach to economic development in concert with Economic Development for Central Oregon or similar organizations.*

Addressing these policies, the Applicant asserts that the rural industrial designation will maintain a stable and sustainable rural economy that is compatible with a rural lifestyle. In support of that argument, the Applicant notes the potential number of jobs that can occur on the Subject Properties, some of which can be held by rural residents. No participant refutes the Applicant’s evidence or argument in this regard.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with these policies.

*Lands Designated and Zoned Rural Industrial*

...

*Policy 3.4.23 To assure that urban uses are not permitted on rural industrial lands, land use regulations in the Rural Industrial zones shall ensure that the uses allowed are less intensive than those allowed for unincorporated communities in OAR 660-22 or any successor.*

Whether the Plan Amendment and Zone Change would allow urban uses is the same issue raised in COLW’s arguments that an exception to Goal 14 is required. Those arguments are addressed in more detail in the findings above relating to Goal 14. Those findings are incorporated here and, based on those findings, I find the Application is consistent with this Plan policy.

*Policy 3.4.27 Land use regulations shall ensure that new uses authorized within the Rural Industrial sites do not adversely affect agricultural and forest uses in the surrounding area.*

The Applicant asserts that there are no forest uses in the surrounding area, and that assertion is unchallenged by any participant.

The Applicant addresses the agricultural component of this Plan policy by asserting that the Plan Amendment and Zone Change do not have an adverse effect on agricultural uses in the surrounding area. The Applicant notes there is one hobby farm nearby, and a nearby parcel with apple trees. The Applicant consulted with the owners of both properties, each of which indicated the Applicant’s proposal will not

adversely affect them. The Applicant states it has also done an exhaustive inventory of uses within half mile of the site and found no conflict with any agricultural uses. No participant to this proceeding asserts this policy is not met or otherwise refutes the evidence the Applicant relies on.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this Plan policy.

*Policy 3.4.28 New industrial uses shall be limited in size to a maximum floor area of 7,500 square feet per use within a building, except for the primary processing of raw materials produced in rural areas, for which there is no floor area per use limitation.*

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*Policy 3.4.31 Residential and industrial uses shall be served by DEQ approved on-site sewage disposal systems.*

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*Policy 3.4.32 Residential and industrial uses shall be served by on-site wells or public water systems.*

The Applicant asserts that these policies are codified in Chapter 18.100 governing the RI Zone and are implemented through those provisions. The Applicant also notes that the current residential and future industrial uses are already being served by and will be served by a public water system. No participant to this proceeding asserts this policy is not met or otherwise refutes the evidence the Applicant relies on.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with these policies.

\* \* \*

Section 3.5 of Plan Chapter 3 relates to natural hazards. Goal 1 of that section is to “protect people, property, infrastructure, the economy and the environment from natural hazards.” Addressing this Plan goal, the Applicant notes that there are no mapped flood or volcano hazards on the Subject Properties and that there is no evidence of increased risk from hazards from wildfire, earthquake, or winter storm risks. No participant to this proceeding asserts this goal is not met or otherwise refutes the evidence or argument the Applicant relies on.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Plan.

\* \* \*

Section 3.7 of Comprehensive Plan Chapter 3 relates specifically to Transportation. The Applicants and Staff have identified the following goal and policy in that section as relevant to the Application.

*Appendix C – Transportation System Plan  
ARTERIAL AND COLLECTOR ROAD PLAN*

...

*Goal 4. Establish a transportation system, supportive of a geographically distributed and diversified economic base, while also providing a safe, efficient network for residential mobility and tourism.*

*Policy 4.1 Deschutes County shall:*

- a. Consider the road network to be the most important and valuable component of the transportation system; and*
- b. Consider the preservation and maintenance and repair of the County road network to be vital to the continued and future utility of the County’s transportation system.*

...

*Policy 4.3 Deschutes County shall make transportation decisions with consideration of land use impacts, including but not limited to, adjacent land use patterns, both existing and planned, and their designated uses and densities.*

*Policy 4.4 Deschutes County shall consider roadway function, classification and capacity as criteria for plan map amendments and zone changes. This shall assure that proposed land uses do not exceed the planned capacity of the transportation system.*

The Applicant asserts that the Application is consistent with these policies. In support of that assertion, the Applicant relies on a Transportation Impact Analysis (“TIA”) prepared by a transportation engineer. The County’s Senior Transportation Planner reviewed the TIA, which the Applicant notes constitutes the County’s consideration of land use impacts and roadway function, classification, and capacity. No participant to this proceeding asserts these goals and policies are not met or otherwise refutes the evidence or argument the Applicant relies on.<sup>10</sup>

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Plan.

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Section 3.10 of Plan Chapter 3 contains provisions for “Area Specific Policies.”

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<sup>10</sup> The Staff Report notes that the County previously denied an application on the Subject Properties based in part on certain traffic impacts. Staff requests the Hearings Officer address whether that prior decision has any bearing on the present Application. I find that it does not. As noted by the County’s Senior Transportation Planner, that decision predates various transportation improvements the County made on Highway 97. The Applicant can rely on the more recent TIA that is based on the transportation system as it currently exists.

*Goal 1, Create area specific land use policies and/or regulations when requested by a community and only after an extensive public process.*

...

*Deschutes Junction*

*Policy 3.10.5 Maximize protection of the rural character of neighborhoods in the Deschutes Junction area while recognizing the intended development of properties designated for commercial, industrial and agricultural uses.*

The Applicant addresses this Plan policy with a detailed description of the history, previous owners, surrounding uses and the transportation system of the Deschutes Junction area. The Applicant asserts that the Plan Amendment and Zone Change is consistent with how the Deschutes Junction area has developed and the rural character of that particular area. No participant to this proceeding asserts these goals and policies are not met or otherwise refutes the evidence or argument the Applicant relies on.<sup>11</sup>

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this portion of the Plan.

*4. Oregon Administrative Rules*

In addition to the administrative rules discussed in the findings above relating to Goal 3, Goal 5, and Goal 14, the Applicant and the Staff Report identify and address several administrative rules as potentially applicable to the Application. No other participant in this proceeding identified other applicable rules.<sup>12</sup>

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<sup>11</sup> The Staff Report also identifies Policies 3.10.6 through 3.10.8 as potentially relevant and asks the Hearings Officer to determine either if the policies apply or if they are satisfied. Policy 3.10.6 and 3.10.7 require the County to review impacts to the transportation system. The County has done that through the review of the Applicant’s TIA. Policy 3.10.8 requires the County to review other policies and initiate a Deschutes Junction Master Plan. I find that policy to be directed solely to the County and not applicable to a quasi-judicial land use application.

<sup>12</sup> Some administrative rules the Applicants address, or which appear in the Staff Report, have been omitted from this Recommendation where the rule does not expressly impose an approval criterion.

OAR 660-006-0005

- (7) *“Forest lands” as defined in Goal 4 are those lands acknowledged as forest lands, or, in the case of a plan amendment, forest lands shall include:*
- (a) *Lands that are suitable for commercial forest uses, including adjacent or nearby lands which are necessary to permit forest operations or practices; and*
  - (b) *Other forested lands that maintain soil, air, water and fish and wildlife resources.*

The Applicant asserts that the Subject Properties do not qualify as forest land and, therefore, the administrative rules relating to forest land are not applicable.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application is consistent with this administrative rule.

OAR 660-033-0030

- (1) *All land defined as "agricultural land" in OAR 660-033-0020(1) shall be inventoried as agricultural land.*
- (2) *When a jurisdiction determines the predominant soil capability classification of a lot or parcel it need only look to the land within the lot or parcel being inventoried. However, whether land is "suitable for farm use" requires an inquiry into factors beyond the mere identification of scientific soil classifications. The factors are listed in the definition of agricultural land set forth at OAR 660-033-0020(1)(a)(B). This inquiry requires the consideration of conditions existing outside the lot or parcel being inventoried. Even if a lot or parcel is not predominantly Class I-IV soils or suitable for farm use, Goal 3 nonetheless defines as agricultural “lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands”. A determination that a lot or parcel is not agricultural land requires findings supported by substantial evidence that addresses each of the factors set forth in 660-033-0020(1).*
- (3) *Goal 3 attaches no significance to the ownership of a lot or parcel when determining whether it is agricultural land. Nearby or adjacent land, regardless of ownership, shall be examined to the extent that a lot or parcel is either "suitable for farm use" or "necessary to permit farm practices to be undertaken on adjacent or nearby lands" outside the lot or parcel.*

This Recommendation finds that the Subject Properties do not qualify as agricultural land as defined by administrative rule, and they are not suitable for farming. Based on the foregoing, I find that the administrative rules do not require the Subject Properties to be inventoried as agricultural land. This conclusion, however, does not alter other findings in this Recommendation relating to the process for

redesignating the Subject Properties and the requirement to demonstrate the Plan Amendment is consistent with Goal 5.

OAR 660-012-0060

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
  - (b) *Change standards implementing a functional classification system; or*
  - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
    - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
    - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
    - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

This administrative rule is applicable to the Plan Amendment because it involves an amendment to an acknowledged comprehensive plan. The Applicant asserts that the Plan Amendment will not result in a significant effect to the transportation system. In support of that assertion, the Applicant submitted its TIA (and supplemental information), discussed above. No participant to this proceeding disputed the information in the TIA or otherwise objected to the use of that information. The County Transportation Planner agreed with the TIA's conclusions as supplemented.

Based on the foregoing, and in the absence of any countervailing evidence or argument, I find that the Application satisfies this administrative rule.

(2) *If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.*

- (a) *Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
- (b) *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
- (c) *Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
- (d) *Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.*
- (e) *Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:*
  - (A) *The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;*



(B) *The providers of facilities being improved at other locations provide written statements of approval; and*

(C) *The local jurisdictions where facilities are being improved provide written statements of approval.*

While the Applicant’s TIA concludes that the Plan Amendment and Zone Change would not have a significant effect on the transportation system, that analysis appears to be premised on various recommendations. As stated in the TIA:

1. It is recommended that right of way dedications along Pleasant Ridge Road be provided to the County standard as part of any future development application. County standards identify a 60-foot standard for Collectors.
2. The existing driveway onto Pleasant Ridge Road may require relocation to support realignment of Graystone Lane's connection to Pleasant Ridge Road. The need for access relocation should be addressed as part of any future land use application and coordinated with the County's transportation planning and engineering departments. An approved approach permit is required by the County for property access.
3. At the time of future property development transportation system development charges will be applied, based on the specific use, to help fund regional transportation system improvements.

Although these findings conclude that the record as a whole does not support approval of the Application, the County Board may arrive at a different conclusion. If it does, I recommend the Board incorporate the recommendations from the TIA in any final decision.

*Statewide Planning Goals and Guidelines*

Division 15 of OAR chapter 660 sets forth the Statewide Planning Goals and Guidelines, with which all comprehensive plan amendments must demonstrate compliance. The Applicant asserts the Application is consistent with all applicable Goals and Guidelines. Except for Goal 3, Goal 5, Goal 6, Goal 11, and Goal 14, which are addressed in more detail in earlier findings, and in the absence of any counter evidence or argument, I adopt the Applicants’ position on the remaining Goals and find that the Plan Amendment and Zone Change are consistent with the applicable Goals and Guidelines as follows:

**Goal 1, Citizen Involvement.** Deschutes County will provide notice of the application to the public through mailed notice to affected property owners and by requiring the Applicants to post a "proposed land use action sign" on the Subject Properties. Notice of the Hearings held regarding this application was placed in the Bend Bulletin. A minimum of two public hearings will be held to consider the Application.

**Goal 2, Land Use Planning.** Goals, policies and processes related to zone change applications are included in the Deschutes County Comprehensive Plan and Titles 18 and 23 of the Deschutes County Code. The outcome of the Application will be based on findings of fact and conclusions of law related to the applicable provisions of those laws as required by Goal 2.

**Goal 4, Forest Lands.** Goal 4 is not applicable because the Subject Properties do not include any lands that are zoned for, or that support, forest uses.

**Goal 7, Areas Subject to Natural Disasters and Hazards.** here are no mapped flood or volcano hazards on the subject property. Wildfire, earthquake, and winter storm risks are identified in the County’s DCCP. The subject property is not subject to unusual natural hazards nor is there any evidence in the record that the proposal would exacerbate the risk to people, property, infrastructure, the economy, and/or the environment from these hazards on-site or on surrounding lands.

**Goal 8, Recreational Needs.** The property is not a recreational site. The proposed plan amendment and zone change do not affect recreational needs, and nonspecific development of the property is proposed. Therefore, the proposal does not implicate Goal 8.

**Goal 9, Economy of the State.** This goal is to provide adequate opportunities throughout the state for a variety of economic activities. The Applicant asserts that the proposed plan amendment and zone change are consistent with this goal because it will provide opportunities for economic development in the county in general, and in the Deschutes Junction area in particular, by allowing the property to be put to a more productive use.

**Goal 10, Housing.** There are already two houses on site, which can be used, adaptively reused or demolished. The proposed plan amendment and zone change will not affect existing or needed housing and Goal 10 is not applicable.

**Goal 12, Transportation.** This application complies with the Transportation System Planning Rule, OAR 660-012-0060, the rule that implements Goal 12. Compliance with that rule also demonstrates compliance with Goal 12.

**Goal 13, Energy Conservation.** The Applicant's proposal, in and of itself, will have no effect on energy use or conservation since no specific development has been proposed in conjunction with the subject applications. The record shows that providing additional economic opportunities on the subject property may decrease vehicle trips for persons working in the Deschutes Junction area, therefore conserving energy.

**Goals 15 through 19.** These goals do not apply to land in Central Oregon.

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**IV. CONCLUSION**

Based on the foregoing findings, I find the Applicant has NOT met the burden of proof with respect to the standards for approving the requested Plan Amendment and Zone Change. I therefore recommend to the County Board of Commissioners that the Application be DENIED unless the Applicant can meet that burden.

Dated this 12<sup>th</sup> day of June 2023



Tommy A. Brooks  
Deschutes County Hearings Officer

# Exhibit "H" - Site Specific Economic, Social, Environmental, and Energy analysis

## APPENDIX 2.

### Introduction

This expanded Economic Social Environmental Energy (ESEE) analysis was prepared by the applicant for the Board of County Commissioners' consideration to supplement the Board's findings supporting Ordinance No 2022-011 (File Nos. 247-21-000881-PA / 000882-ZC) or a subsequent Ordinance that the Board may adopt as part of these remand proceedings. The applicant had submitted a more condensed version to the record on June 23, 2023. This ESEE addresses all permissible and conditional uses listed in DCC 18.100.

As mentioned in that submittal, although the subject property is located within the Landscape Management Road combining zone, the resource that the LM combining zone looks to protect - scenic views - is diminished at this point along Highway 97. The scenic impacts from a conflicting use whether it be a feed lot, a substation, a cell tower, or a building to house a welding business are all generally the same. None of the allowed or conditional uses would enhance or detract from the view at this point along Highway 97 due to the fact that there is a hill that obscures views to the west and there is a rural residential subdivision developed on the hill. The view from Highway 97 consists of roof tops, siding of the houses, the hill, and the existing structures on the subject property. Additional structures for various types of uses on the subject property will only minimally affect the view. If there were unobstructed views of, for example, the Three Sisters or other Cascade peaks, or perhaps a view of the Deschutes River, those impacts could be significant. This is not the case for the subject property and the viewshed provided by the adjoining property to the west.

As the Board considers whether or how to allow new conflicting uses, the context of the site and the value it contains as a Goal 5 resource is important. Here, the relevant context includes: diminished viewshed quality, existing development on adjoining property, and development on the subject property.

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Common to all Conflicting Uses	<p>Continuing to allow each of the conflicting uses would provide direct economic benefits to the owners of the subject properties as well as the various industries that would market and develop the new uses.</p> <p>For commercial uses, ongoing employment</p>	<p>The County's original ESEE analysis contained in Ordinance 92-052 notes that "[t]he economic impact of maintaining the visual quality of the area would be positive. Deschutes County would remain a desirable place to live, thereby maintaining neighborhood property values. Maintaining</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
	<p>opportunities and income streams are anticipated.</p> <p>The subject property would offer needed services to the rural land owners between Bend and Redmond.</p> <p>Conversations with commercial brokers reveal high demand and low vacancies for Industrial land in Central Oregon. The Quarterly Compass Commercial industry report identifies that there is 0.80% vacancy rate in the Bend industrial market and a 2.45% vacancy rate in the Redmond industrial market. Additional supply of such industrial land will provide business opportunities.</p>	<p>or enhancing visual quality makes the county a more attractive place visit, thereby attracting more visitors and inducing people to stay longer.”</p> <p>Although those observations are still generally true 30 years later, it is undeniable that at this location along Highway 97 the scenic viewshed is of marginal value. Accordingly, there would be minimal detractor to the viewshed from RI development on site. The identified conflicting uses permissible in the RI zone on this particular site will have a minimal negative economic consequence on the property or the county overall.</p>
<b>Farming or forest use.</b>	<p>Farm or forest uses on the subject property are already permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>	<p>Farm or forest uses on the subject property are already permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>
<b>Primary processing, packaging, treatment, bulk storage and distribution of the following products:</b>	<p>Additional job opportunities associated with processing, packaging and distribution of various agricultural, timber-related and aggregate-related products on site would be a positive economic consequence for</p>	<p>Processing, packaging and distribution of various agricultural, timber-related and aggregate-related products on site would have no negative economic consequences which differ from the “Common”</p>



Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
<p>1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.</p> <p>2. Ornamental horticultural products and nurseries.</p> <p>3. Softwood and hardwood products excluding pulp and paper manufacturing.</p> <p>4. Sand, gravel, clay and other mineral products.</p>	<p>the community. Such uses could provide needed construction materials (hardwood products &amp; sand/gravel) in closer proximity to projects located in the vicinity versus driving to Redmond or Bend for such products.</p>	<p>economic consequences noted above.</p> <p>Additionally, processing facilities on the subject property are already conditionally permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>
<p>Residence for caretaker or night watchman on property.</p> <p><i>1</i></p> <p><i>Handwritten notes:</i> Houses 10/10/2024</p>	<p>A residence for a caretaker would provide economic benefit to the caretaker and construction of such a residence would be positive economic activity for the housing construction industry in central Oregon. It could also have a positive economic consequence by deterring theft of materials on site impacting the specific business.</p>	<p>There are no negative economic consequences from a residence for a caretaker on the property which differ from the "Common" economic consequences noted above.</p>
<p>Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.</p> <p><i>2</i></p>	<p>Additional job opportunities arising from a Freight Depot on site would be a positive economic consequence for the community.</p>	<p><del>Construction of likely necessary access improvements to Highway 97 for a use with such substantial traffic impacts could interrupt traffic and cause delays which can disrupt economic activity.</del></p>
<p>Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc., provided such use is wholly enclosed within a building or no outside storage is</p>	<p>Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community.</p>	<p>There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
permitted unless enclosed by sight-obscuring fencing.		
Ice or cold storage plant.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community. For example, The benefits offered to the local brewery and cidery industries could be substantial.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.
Wholesale distribution outlet including warehousing but excluding open outside storage.  3	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community.	<del>Construction of likely necessary access improvements to Highway 97 for a use with such substantial traffic impacts could interrupt traffic and cause delays which can disrupt economic activity.</del>
Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community. For example, such a service at this location could be a benefit to local homeowners and businesses who need such service without the need to drive to Redmond or Bend for such services.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above..

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Kennel or a Veterinary clinic.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community. Such a service at this location could be a benefit to local homeowners and businesses who need such service without the need to drive to Redmond or Bend for such services.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.  Additionally, commercial dog boarding kennels on the subject property are already permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.
Lumber manufacturing and wood processing except pulp and paper manufacturing.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.
Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.	Additional job opportunities from a class I or II road project on site would be a positive economic consequence for the community.	Loss of potential economic use of the land resulting from the Class I or II road project could be a negative economic consequence for the community and land owner.
Class III road or street project.	Additional job opportunities from allowing a class III road project on site would be a positive economic consequence for the community.	Loss of potential economic use of the land resulting from the Class I or II road project could be a negative economic consequence for the community and land owner.



Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
<p>Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.</p> <p style="text-align: center; font-size: 2em;">4.</p>	<p>There is an existing Central Oregon Irrigation District canal that splits the property. Continued operation, maintenance and potential piping are positive economic consequences as irrigation water drives agricultural economic activity. Further piping such canal facilities would likely improve the view shed, further enhancing the economic value of Deschutes County's view shed as seen from the subject property.</p>	<p>There are no negative economic consequences from this type of use locating on the subject property because of the existing Central Oregon Irrigation District facilities adjacent to and on the property.</p>
<p>Concrete or ready-mix plant.</p>	<p>Such a use on the subject property could benefit nearby residents and agricultural uses by providing needed services in close proximity. It also provides potential employment opportunities. Ready mix plants in Bend and Redmond are all at least 10 miles from this location. Projects in the rural residential areas in this vicinity would benefit from the shorter trip.</p>	<p>There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.</p>
<p>Petroleum products storage and distribution.</p>	<p>Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community.</p>	<p>There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community. Further, availability of such materials to local land and business owners could be of benefit removing time and cost to travel to Bend or Redmond for such resource.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.
Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community. Further, such a use at this location close to agricultural uses in central Oregon may provide additional options for livestock and similar operations.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.
Railroad trackage and related facilities.  5.  500	The Burlington Northern Santa Fe railroad is roughly <del>1700</del> 500 feet east of the property with Highway 97 and the COID canal between. Although such facilities are allowed technically in the RI Zone, it is highly unlikely the subject property would ever actually be utilized for railroad trackage and related facilities. Accordingly, the economic consequences of allowing such uses are minimal in this case.	The Burlington Northern Santa Fe railroad is roughly <del>1700</del> 500 feet east of the property with Highway 97 and the COID canal between. Although such facilities are allowed technically in the RI Zone, it is highly unlikely the subject property would ever actually be utilized for railroad trackage and related facilities. Accordingly, the economic consequences of allowing such uses are minimal in this case.

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Pulp and paper manufacturing.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.
<p>Any use permitted by DCC 18.100.010, which is expected to exceed the following standards:</p> <ol style="list-style-type: none"> <li>1. Lot coverage in excess of 70 percent.</li> <li>2. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the property line of the subject use.</li> </ol>	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community.	Although outside of the identified impact area, uses that generate odor, fumes, glare, flashing lights or noise perceptible beyond 500 feet could impact property values of the rural residential homes on the subdivision directly west. This would have negative economic consequences for those landowners.
<p>Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stones or metal, wax, wire, wood, rubber, yarn or similar materials, provided such uses do not create a disturbance because of odor, noise, dust, smoke, gas, traffic or other factors.</p>	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community. Further, the materials used for such manufacturing could drive additional local business opportunities for those looking to source such materials.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.
<p>Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.</p>	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community. The benefits offered to the local brewery and cidery industries could be substantial.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.



Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Public Land Disposal Site Transfer Station, including recycling and other related activities.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community.	Although outside of the identified impact area, a transfer station at this location could have a negative impact on the value of the homes in the rural residential subdivision directly west of the subject property.
Mini-storage facility.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community. Providing for the storage needs of business and property owners in proximity would be an economic benefit as well to reduce cost of driving to Bend or Redmond.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.
Automotive wrecking yard totally enclosed by a sight-obscuring fence.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.
Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).	Due to the limited staffing required on site to operate such facilities, economic benefits likely focus on job opportunities associated with construction of such facilities and increased bandwidth in the vicinity.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.
Utility facility.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
		<p>Additionally, commercial utility facilities on the subject property are already conditionally permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>
<p><b>Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities.</b></p>	<p>Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community. The central location of this facility would be an economic benefit to farms and similar uses in the area saving travel time.</p>	<p>There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.</p>
<p><b>Electrical substations.</b></p>	<p>Due to the limited staffing required on site to operate such facilities, economic benefits likely focus on job opportunities associated with construction of such facilities</p>	<p>There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.</p> <p>Additionally, commercial utility facilities on the subject property are already conditionally permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>

Conflicting Use	Positive Economic Consequences of Allowing	Negative Economic Consequences of Allowing
Marijuana retailing, subject to the provisions of DCC 18.116.330.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.
Psilocybin testing laboratories.	Additional job opportunities from allowing such economic activity on site would be a positive economic consequence for the community.	There are no negative economic consequences from this type of use locating on the subject property which differ from the "Common" economic consequences noted above.

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
<p><b>Common to all Conflicting Uses</b></p>	<p>The variety of uses permissible in the RI zone would offer positive social consequences to nearby residents in the rural areas between Redmond and Bend by offering needed services and employment opportunities. A welding sheet metal or machine shop, for example, located on site could offer any agricultural operations in the area access to those needed services without having to drive to Redmond or Bend.</p>	<p>The social value of the LM zone to preserve the natural appearance of landscape could be marginally impacted. As noted in Ordinance 92-052, "[h]aving good visual quality areas more accessible to the public enhances the livability of Deschutes County. As Deschutes County continues to urbanize, the need for the public to have ready access to areas of good visual quality will become more important." The same observations are equally true today, although mitigated in this case by the diminished viewshed from Highway 97 adjacent to the subject properties.</p>
<p><b>Farming or forest use.</b></p>	<p>Farm or forest uses on the subject property are already permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>	<p>Farm or forest uses on the subject property are already permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>
<p><b>Primary processing, packaging, treatment, bulk storage and distribution of the following products:</b></p> <ol style="list-style-type: none"> <li>1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.</li> <li>2. Ornamental horticultural products and nurseries.</li> <li>3. Softwood and hardwood products</li> </ol>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. There are therefore minimal negative social consequences of allowing such uses on site.</p> <p>Additionally, processing facilities on the subject property are already conditionally permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was</p>



Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
<p>excluding pulp and paper manufacturing.</p> <p>4. Sand, gravel, clay and other mineral products.</p>		<p>contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>
<p>Residence for caretaker or night watchman on property.</p> <p>6. <i>Residence</i></p>	<p>A residence for a caretaker could create a positive social consequence by deterring theft of materials on site and surrounding properties.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. There are therefore minimal negative social consequences of allowing such uses on site.</p>
<p>Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.</p> <p>7.</p>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. There are therefore minimal negative social consequences of allowing such uses on site. <del>Additionally, construction of necessary access improvements to Highway 97 for a use with substantial traffic impacts could interrupt traffic and minimally affect scenic views on Highway 97, potentially being a negative social consequence of allowing such uses on site.</del></p>
<p>Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc., provided such use is wholly enclosed within a building or no</p>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. There are therefore minimal negative social consequences of allowing such uses on site.</p>



Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
outside storage is permitted unless enclosed by sight-obscuring fencing.		
Ice or cold storage plant.	The positive social value of allowing such uses on site is access to additional potential employment opportunities.	While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. There are therefore minimal negative social consequences of allowing such uses on site.
Wholesale distribution outlet including warehousing but excluding open outside storage.  8.	The positive social value of allowing such uses on site is access to additional potential employment opportunities.	While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. There are therefore minimal negative social consequences of allowing such uses on site. <del>(Additionally, construction of necessary access improvements to Highway 97 for a use with substantial traffic impacts could interrupt traffic and minimally affect scenic views on Highway 97, potentially being a negative social consequence of allowing such uses on site.)</del>
Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.	The positive social value of allowing such uses on site is access to additional potential employment opportunities.	While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. There are therefore minimal negative social consequences of allowing such uses on site.

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
<p><b>Kennel or a Veterinary clinic.</b></p>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities. Such a service at this location could be benefit to local homeowners and businesses who need such service for livestock, pets, etc. without the need to drive to Redmond or Bend for such services.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. There are therefore minimal negative social consequences of allowing such uses on site.</p> <p>Additionally, commercial dog boarding kennels on the subject property are already permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>
<p><b>Lumber manufacturing and wood processing except pulp and paper manufacturing.</b></p>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities. There may be additional positive social consequences of a new business tied to Central Oregon's timber industry roots.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. There are therefore minimal negative social consequences of allowing such uses on site.</p>
<p><b>Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.</b></p>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities. There may also be new "short cuts" that benefit residents of the area – a positive social consequence for those residents.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. There are therefore minimal negative social consequences of allowing such uses on site. Further, any minimal negative social consequence is likely to diminish further when the construction of such road or street project is completed.</p>

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
<p><b>Class III road or street project.</b></p>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities. Further, if such a project improved traffic flow on Highway 97, there could be positive social consequences from allowing such a use.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. There are therefore minimal negative social consequences of allowing such uses on site. Further, any minimal negative social consequence is likely to diminish further when the construction of such road or street project is completed.</p>
<p><b>Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.</b></p> <p style="text-align: center;">9.</p>	<p>There is an existing Central Oregon Irrigation District canal that splits on the property. Continued operation, maintenance and potential piping are positive social consequences as irrigation water drives agricultural economic activity and a rural country lifestyle.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. Additionally, there is an existing canal on the subject property. There are therefore minimal negative social consequences of allowing such uses on site.</p>
<p><b>Concrete or ready-mix plant.</b></p>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. Additionally, while a concrete plant is potentially among uses that present the most significant impacts to scenic views, the proposed RI zone limits the scale of any operation on the subject property. For example, the height of any building within the RI zone is limited to 45 feet pursuant to DCC 18.100.040. Therefore the impact will not be as significant compared to a similar use developed within a UGB.</p>



Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
<p><b>Petroleum products storage and distribution.</b></p>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. Additionally, while petroleum storage and distribution is potentially among uses that present the most significant impacts to scenic views, the proposed RI zone limits the scale of any operation on the subject property. For example, the height of any building within the RI zone is limited to 45 feet pursuant to DCC 18.100.040. Therefore the impact will not be as significant compared to a similar use developed within a UGB.</p>
<p><b>Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.</b></p>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. Additionally, while mineral operations are potentially among uses that present the most significant impacts to scenic views, the proposed RI zone limits the scale of any operation on the subject property. For example, the height of any building within the RI zone is limited to 45 feet pursuant to DCC 18.100.040. Therefore the impact will not be as significant compared to a similar use developed within a UGB.</p>
<p><b>Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.</b></p>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities. Additional facilities for livestock operations would be of value to the local ranching community.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site.</p>

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
		<p>Additionally, while slaughterhouses and rendering plants are potentially among uses that present the most significant impacts to scenic views, the proposed RI zone limits the scale of any operation on the subject property. For example, the maximum size of any building within the RI zone is limited to 7,500 square feet of floor space pursuant to DCC 18.100.040. Therefore the impact will not be as significant compared to a similar use developed within a UGB height of any structure to 45 feet under DCC 18.100.040. Therefore, the impact will not be significant.</p>
<p>10. Railroad trackage and related facilities.</p>	<p>The Burlington Northern Santa Fe railroad is roughly 1,700 feet east of the property with Highway 97 and the COID canal between. Although such facilities are allowed technically in the RI Zone, it is highly unlikely the subject property would ever actually be utilized for railroad trackage and related facilities. Accordingly, the social consequences of allowing such uses are minimal in this case.</p>	<p>The Burlington Northern Santa Fe railroad is roughly 1,700 feet east of the property with Highway 97 and the COID canal between. Although such facilities are allowed technically in the RI Zone, it is highly unlikely the subject property would ever actually be utilized for railroad trackage and related facilities. Accordingly, the social consequences of allowing such uses are minimal in this case.</p>
<p>Pulp and paper manufacturing.</p>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site. Additionally, while pulp and paper manufacturing plants are potentially among uses that present the most significant impacts to scenic views, the proposed RI zone limits the scale of any operation on the subject property. For example, the height of any building within the RI zone is limited to 45 feet pursuant to DCC 18.100.040. Therefore</p>

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
		the impact will not be as significant compared to a similar use developed within a UGB.
<p>Any use permitted by DCC 18.100.010, which is expected to exceed the following standards:</p> <ol style="list-style-type: none"> <li>1. Lot coverage in excess of 70 percent.</li> <li>2. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the property line of the subject use.</li> </ol>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities.</p>	<p>Although outside of the identified impact area, uses that generate odor, fumes, glare, flashing lights or noise perceptible beyond 500 feet could impact property values and lifestyles of the neighbors in the rural residential subdivision directly west of the subject property. Limited enjoyment of outdoor areas on their private property could result. This would have negative social consequences for those landowners.</p>
<p>Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stones or metal, wax, wire, wood, rubber, yarn or similar materials, provided such uses do not create a disturbance because of</p>	<p>The positive social value of allowing such uses on site is access to additional potential employment opportunities.</p>	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site.</p>



Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
odor, noise, dust, smoke, gas, traffic or other factors.		
Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.	The positive social value of allowing such uses on site is access to additional potential employment opportunities.	While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site.
Public Land Disposal Site Transfer Station, including recycling and other related activities.	The positive social value of allowing such uses on site is access to additional potential employment opportunities.	Although outside of the identified impact area, a transfer station at this location could have a negative impact on the value of the homes in the rural residential subdivision directly west of the subject property and associated dust, odors and other externalities could impact outdoor lifestyles of those property owners. Both are negative social consequences of allowing this particular use.
Mini-storage facility.	The positive social value of allowing such uses on site is access to additional potential employment opportunities.	While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site.
Automotive wrecking yard totally enclosed by a sight-obscuring fence.	The positive social value of allowing such uses on site is access to additional potential employment opportunities.	While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site.
Wireless telecommunications facilities, except those facilities meeting the	Such a facility could improve wireless access for our increasingly wireless-device dependent society.	Tier 3 wireless telecommunications facilities as they are defined in DCC 18.116.250(C) could be taller than 75 feet with required aviation lighting. The site and light impacts of such a facility

Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
requirements of DCC 18.116.250(A) or (B).		of this magnitude would be difficult if not impossible to mitigate. Light pollution could be a concern and impact the many rural residential properties in direct and close proximity. Additionally, the proposed RI zone limits the height of any structure to 45 feet under DCC 18.100.040. Therefore, the impact will not be significant.
Utility facility.	The positive social value of allowing such uses on site is access to additional potential employment opportunities.	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site.</p> <p>Additionally, commercial utility facilities on the subject property are already conditionally permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>
Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities.	The positive social value of allowing such uses on site is access to additional potential employment opportunities. Businesses that have a connection to some of central Oregon's traditional industries such as logging and farming could have overall positive social consequences.	While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site.



Conflicting Use	Positive Social Consequences of Allowing	Negative Social Consequences of Allowing
Electrical substations.	Due to the limited staffing required on site to operate such facilities, social benefits likely focus on access to job opportunities associated with construction of such facilities	<p>While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site.</p> <p>Additionally, commercial utility facilities on the subject property are already conditionally permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>
Marijuana retailing, subject to the provisions of DCC 18.116.330.	The positive social value of allowing such uses on site is access to additional potential employment opportunities.	While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site.
Psilocybin testing laboratories.	The positive social value of allowing such uses on site is access to additional potential employment opportunities.	While any development on the subject property could impact the scenic quality from Highway 97, the limited scenic quality from Highway 97 relating to the subject property will not be significantly improved through prohibiting such uses on site.

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
Farming or forest use.	Farm or forest uses on the subject property are already permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.	Farm or forest uses on the subject property are already permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.
<p><b>Primary processing, packaging, treatment, bulk storage and distribution of the following products:</b></p> <ol style="list-style-type: none"> <li>1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.</li> <li>2. Ornamental horticultural products and nurseries.</li> <li>3. Softwood and hardwood products excluding pulp and paper manufacturing.</li> <li>4. Sand, gravel, clay and other mineral products.</li> </ol>	The positive environmental consequences of such a use would be the reduced travel distance and associated reduced carbon emissions for suppliers of agricultural products, ornamental horticultural products, softwood and hardwood products or aggregate products in the vicinity without having to travel to Bend or Redmond or elsewhere for processing, packaging, treatment, storage or distribution of their product.	<p>Development of the site with facilities for such uses could remove existing trees and brushes that provide habitat for small vertebrates. Increased dust from aggregate activities could impact air quality for those in close proximity.</p> <p>Additionally, processing facilities on the subject property are already conditionally permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>
Residence for caretaker or night watchman on property.	The positive environmental consequence of a caretaker residence on site is the reduced travel distance and associated reduced carbon emissions that result from the commute to and from the site from a community in central Oregon. Additionally, a caretaker or night watchman	Development of the site with facilities for such uses could remove existing trees and brushes that provide habitat for small vertebrates.

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
	may be able to alert potential wildfires on the subject property.	
<b>Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.</b>	Due to the nature of the materials managed at freight depots, such a use could offer agricultural uses in the area a closer distribution point for commodities such as hay, reducing carbon emissions for transport of such products.	Development of the site with facilities for such uses could remove existing trees and brushes that provide habitat for small vertebrates.
<b>Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc., provided such use is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight-obscuring fencing.</b>	The positive environmental consequences of such a use would be the reduced travel distance and associated reduced carbon emissions for such businesses serving the local homes and businesses.	Development of the site with facilities for such uses could remove existing trees and brushes that provide habitat for small vertebrates.
<b>Ice or cold storage plant.</b>	The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for those businesses that requires this type of storage in southern Deschutes County versus having to access cold storage in Redmond.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.
<b>Wholesale distribution outlet including warehousing but excluding open outside storage.</b>	The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for local businesses and property owners who could access such service without	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.



Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
	having to travel to Redmond or Bend.	
<b>Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is enclosed by sight-obscuring fencing.</b>	The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for local businesses and property owners who could access such service without having to travel to Redmond or Bend.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.
<b>Kennel or a Veterinary clinic.</b>	The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for local businesses and property owners who could access such services without having to travel to Redmond or Bend.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.  Additionally, commercial dog boarding kennels on the subject property are already permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.
<b>Lumber manufacturing and wood processing except pulp and paper manufacturing.</b>	Such a use could offer a shorter trip for hauling lumber from areas in central Oregon versus to mills in Redmond or La Pine thereby potentially reducing carbon emissions.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
<p>Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.</p>	<p>There are minimal positive environmental consequences from such a project on the subject property other than a potential minimal reduction in travel time for area residents and businesses that may benefit from such a project.</p>	<p>Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.</p>
<p>Class III road or street project.</p>	<p>There are minimal positive environmental consequences from such a project on the subject property versus a minimal reduction in travel time for area residents and businesses that may benefit from such a project.</p>	<p>Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.</p>
<p>Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.</p> <p style="text-align: center;"><i>n.</i></p>	<p>There is an existing Central Oregon Irrigation District canal that splits the property. Continued operation, maintenance and potential piping of the canal provide minimal environmental benefit save for continued delivery of water to agricultural uses and habitat offered by such uses.</p>	<p>There are no negative environmental consequences of allowing such uses on site.</p>
<p>Concrete or ready-mix plant.</p>	<p>Such a use on the subject property could benefit nearby residents and agricultural uses by providing needed services in close proximity. Ready mix plants in Bend and Redmond are all at least 10 miles from this location. Projects in the rural residential areas in this vicinity would benefit from the shorter trip. This would reduce the carbon footprint of such projects if travel distance is cut substantially.</p>	<p>The dust from such uses can introduce particles into the air, reducing air quality for the many nearby rural residential properties (especially for those with compromised respiratory systems). Particulate matter (PM) emissions from batch plants if inhaled, can affect the heart and lungs and cause serious health effects, including increased risk of heart attacks, aggravation of asthma, and decreases in lung function. See EPA Particulate Matter Pollution link on list of attachments.</p>

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
<p>Petroleum products storage and distribution.</p>	<p>Such uses typically do not contain a retail component so would not offer a closer fueling option for local businesses and property owners. There are limited positive environmental consequences of such a use at the site.</p>	<p>Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.</p>
<p>Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.</p>	<p>The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for local businesses and property owners who could access such goods without having to travel to Redmond or Bend.</p>	<p>Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates. Dust from such uses could adversely impact nearby residents and business owners with respiratory issues.</p>
<p>Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.</p>	<p>The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for local livestock operations that could benefit from such a facility at this location.</p>	<p>Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates. Dust from such uses could adversely impact nearby residents and business owners with respiratory issues.</p>
<p>Railroad trackage and related facilities.</p> <p>12.</p>	<p>The Burlington Northern Santa Fe railroad is roughly <del>4700</del><sup>500</sup> feet east of the property with Highway 97 and the COID canal between. Although such facilities are allowed technically in the RI Zone, it is highly unlikely the subject property would ever actually be utilized for railroad trackage and related facilities. Accordingly, the environmental consequences of allowing such uses are minimal in this case.</p>	<p>The Burlington Northern Santa Fe railroad is roughly <del>1700</del><sup>500</sup> feet east of the property with Highway 97 and the COID canal between. Although such facilities are allowed technically in the RI Zone, it is highly unlikely the subject property would ever actually be utilized for railroad trackage and related facilities. Accordingly, the environmental consequences of allowing such uses are minimal in this case.</p>



Skidmore Consulting, LLC  
 Land Use Planning & Development Services

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
Pulp and paper manufacturing.	Such uses typically do not contain a retail component local businesses and property owners could access. There are limited positive environmental consequences of such a use at the site.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates. Dust from such uses could adversely impact nearby residents and business owners with respiratory issues.
<p>Any use permitted by DCC 18.100.010, which is expected to exceed the following standards:</p> <ol style="list-style-type: none"> <li>1. Lot coverage in excess of 70 percent.</li> <li>2. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the property line of the subject use.</li> </ol>	Expansion of the lot coverage for permitted uses generally wouldn't provide positive environmental consequences of such uses on the subject property. Additional emissions would not be a positive environmental consequence.	Although outside of the identified impact area, uses that generate odor, fumes, glare, flashing lights or noise perceptible beyond 500 feet could have negative environmental consequences impacting air quality for nearby businesses and property owners. Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates with the increased lot coverage allowance.
<p>Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stones or metal, wax, wire, wood, rubber, yarn or similar materials, provided such uses do not create a disturbance because of odor, noise, dust,</p>	The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for local businesses and property owners who would use such services or provide raw materials for manufacturing purposes.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.

Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
smoke, gas, traffic or other factors.		
Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.	The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for local businesses and property owners who would use such services.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.
Public Land Disposal Site Transfer Station, including recycling and other related activities.	The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for local businesses and property owners who would use such services.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.
Mini-storage facility.	The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for local businesses and property owners who would use such services.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.
Automotive wrecking yard totally enclosed by a sight-obscuring fence.	The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for local businesses and property owners who would use such services.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.
Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).	There are no known environmental benefits from such a use at the site.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.



Conflicting Use	Positive Environmental Consequences of Allowing	Negative Environmental Consequences of Allowing
Utility facility.	Positive environmental consequences of such a use on site are limited.	<p>Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.</p> <p>Additionally, commercial utility facilities on the subject property are already conditionally permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>
<b>Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities.</b>	The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for local businesses and property owners who would use such services.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.
Electrical substations.	The positive environmental consequences of such a use on site are limited.	<p>Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.</p> <p>Additionally, commercial utility facilities on the subject property are already conditionally permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>

<b>Conflicting Use</b>	<b>Positive Environmental Consequences of Allowing</b>	<b>Negative Environmental Consequences of Allowing</b>
<b>Marijuana retailing, subject to the provisions of DCC 18.116.330.</b>	The positive environmental consequences of such a use would be the reduced travel distance and reduced carbon emissions for local businesses and property owners who would use such services versus having to travel to Bend.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.
<b>Psilocybin testing laboratories.</b>	There are limited positive environmental consequences of allowing such a use on site.	Development of the site for such a use could remove existing trees and brushes that provide habitat for small vertebrates.

Conflicting Use	Positive Energy Consequences of Allowing	Negative Energy Consequences of Allowing
Farming or forest use.	Farm or forest uses on the subject property are already permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.	Farm or forest uses on the subject property are already permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.
<p><b>Primary processing, packaging, treatment, bulk storage and distribution of the following products:</b></p> <ol style="list-style-type: none"> <li>1. Agricultural products, including foodstuffs, animal and fish products, and animal feeds.</li> <li>2. Ornamental horticultural products and nurseries.</li> <li>3. Softwood and hardwood products excluding pulp and paper manufacturing.</li> <li>4. Sand, gravel, clay and other mineral products.</li> </ol>	<p>The positive energy consequences of such a use would be the reduced travel distance and conserved energy for suppliers of agricultural products, ornamental horticultural products, softwood and hardwood products or aggregate products in the vicinity without having to travel to Bend or Redmond or elsewhere for processing, packaging, treatment, storage or distribution of their product.</p>	<p>The energy usage for these uses would vary. There could be substantial energy needs for processing raw materials into consumer goods.</p> <p>Additionally, processing facilities on the subject property are already conditionally permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.</p>
Residence for caretaker or night watchman on property.	Such a use would reduce energy usage associated with travel to and from the site for security needs.	There are limited negative energy consequences associated with such a use on site.

Conflicting Use	Positive Energy Consequences of Allowing	Negative Energy Consequences of Allowing
Freight Depot, including the loading, unloading, storage and distribution of goods and materials by railcar or truck.	Due to the nature of the materials managed at freight depots, such a use could offer agricultural uses in the area a closer distribution point for commodities such as hay, reducing the amount of energy needed to transport items to market.	There are limited negative energy consequences associated with such a use on site.
Contractor's or building materials business and other construction-related business including plumbing, electrical, roof, siding, etc., provided such use is wholly enclosed within a building or no outside storage is permitted unless enclosed by sight-obscuring fencing.	The positive energy consequences of such a use would be the reduced consumption of energy for such businesses serving the local homes and businesses versus contractors having to drive from Redmond or Bend.	There are limited negative energy consequences associated with such a use on site.
Ice or cold storage plant.	The positive energy consequences of such a use would be the reduced energy consumption for those businesses that requires this type of storage in southern Deschutes County versus having to access cold storage in Redmond.	The energy usage associated with a cold storage plant is anticipated to be substantial.
Wholesale distribution outlet including warehousing but excluding open outside storage.	The positive energy consequences of such a use would be the reduced energy consumption for local businesses and property owners who could access such service without having to travel to Redmond or Bend.	There are limited negative energy consequences associated with such a use on site.
Welding, sheet metal or machine shop provided such is wholly enclosed within a building or all outside storage is	The positive energy consequences of such a use would be the reduced energy consumption for local businesses and property owners	There are limited negative energy consequences associated with such a use on site.



Conflicting Use	Positive Energy Consequences of Allowing	Negative Energy Consequences of Allowing
enclosed by sight-obscuring fencing.	who could access such service without having to travel to Redmond or Bend.	
Kennel or a Veterinary clinic.	The positive energy consequences of such a use would be the reduced energy consumption for local businesses and property owners who could access such services without having to travel to Redmond or Bend.	There are limited negative energy consequences associated with such a use on site.  Additionally, commercial dog boarding kennels on the subject property are already permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.
Lumber manufacturing and wood processing except pulp and paper manufacturing.	Such a use could offer a shorter trip for hauling lumber from areas in central Oregon versus to mills in Redmond or La Pine thereby potentially reducing energy consumption.	There are limited negative energy consequences associated with such a use on site.
Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.	There are limited positive energy consequences from such a use on site.	There are limited negative energy consequences associated with such a use on site.
Class III road or street project.	There are limited positive energy consequences from such a use on site other than a potential minimal reduction in travel time for area residents and businesses that may benefit from such a project.	There are limited negative energy consequences associated with such a use on site.

Conflicting Use	Positive Energy Consequences of Allowing	Negative Energy Consequences of Allowing
<p>Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District except as provided in DCC 18.120.050.</p>	<p>There is an existing Central Oregon Irrigation District canal that splits the property. Continued operation, maintenance and potential piping of the canal provide positive energy consequences by assuring continued delivery of water to agricultural uses primarily through gravity delivery.</p>	<p>There are no negative energy consequences of allowing such uses on site.</p>
<p>Concrete or ready-mix plant.</p>	<p>Such a use on the subject property could benefit nearby residents and agricultural uses by providing needed services in close proximity. Ready mix plants in Bend and Redmond are all at least 10 miles from this location. Projects in the rural residential areas in this vicinity would benefit from the shorter trip and reduced energy consumption.</p>	<p>There are no negative energy consequences of allowing such uses on site.</p>
<p>Petroleum products storage and distribution.</p>	<p>Such uses typically do not contain a retail component so would not offer a closer fueling option for local businesses and property owners. There are limited positive energy consequences of such a use at the site.</p>	<p>There are no negative energy consequences of allowing such uses on site.</p>
<p>Storage, crushing and processing of minerals, including the processing of aggregate into asphaltic concrete or Portland Cement Concrete.</p>	<p>The positive energy consequences of such a use would be the reduced travel distance and reduced energy consumption for local businesses and property owners who could access such goods without having to travel to Redmond or Bend.</p>	<p>There are no known negative energy consequences of allowing such uses on site.</p>

Conflicting Use	Positive Energy Consequences of Allowing	Negative Energy Consequences of Allowing
Commercial feedlot, stockyard, sales yard, slaughterhouse and rendering plant.	The positive energy consequences of such a use would be the reduced energy consumption for local livestock operations that could benefit from such a facility at this location.	There are no known negative energy consequences of allowing such uses on site.
<p style="text-align: center;">13.</p> Railroad trackage and related facilities.	The Burlington Northern Santa Fe railroad is roughly 4700 feet east of the property with Highway 97 and the COID canal between. Although such facilities are allowed technically in the RI Zone, it is highly unlikely the subject property would ever actually be utilized for railroad trackage and related facilities. Accordingly, the energy consequences of allowing such uses are minimal in this case.	The Burlington Northern Santa Fe railroad is roughly 4700 feet east of the property with Highway 97 and the COID canal between. Although such facilities are allowed technically in the RI Zone, it is highly unlikely the subject property would ever actually be utilized for railroad trackage and related facilities. Accordingly, the energy consequences of allowing such uses are minimal in this case.
Pulp and paper manufacturing.	Such uses typically do not contain a retail component local businesses and property owners could access. There are limited positive energy consequences of such a use at the site.	Pulp and paper manufacturing could require substantial energy consumption.
Any use permitted by DCC 18.100.010, which is expected to exceed the following standards: <ol style="list-style-type: none"> <li>1. Lot coverage in excess of 70 percent.</li> <li>2. Generation of any odor, dust, fumes, glare, flashing lights or noise that is perceptible without instruments 500 feet from the</li> </ol>	There are no identified positive energy consequences from such a use on site.	There are no known negative energy consequences from such a use on site.



Conflicting Use	Positive Energy Consequences of Allowing	Negative Energy Consequences of Allowing
property line of the subject use.		
<p>Manufacture, repair or storage of articles manufactured from bone, cellophane, cloth, cork, feathers, felt, fiber, glass, stone, paper, plastic, precious or semiprecious stones or metal, wax, wire, wood, rubber, yarn or similar materials, provided such uses do not create a disturbance because of odor, noise, dust, smoke, gas, traffic or other factors.</p>	<p>The positive energy consequences of such a use would be the reduced energy consumption for local businesses and property owners who would use such services or provide raw materials for manufacturing purposes.</p>	<p>There are no known negative energy consequences from such a use on site.</p>
<p>Processing, packaging and storage of food and beverages including those requiring distillation and fermentation.</p>	<p>The positive energy consequences of such a use would be the reduced energy consumption for local businesses and property owners who would use such services.</p>	<p>There are no known negative energy consequences from such a use on site.</p>
<p>Public Land Disposal Site Transfer Station, including recycling and other related activities.</p>	<p>The positive energy consequences of such a use would be the reduced energy consumption for local businesses and property owners who would use such services.</p>	<p>There are no known negative energy consequences from such a use on site.</p>
<p>Mini-storage facility.</p>	<p>The positive energy consequences of such a use would be the reduced energy consumption for local businesses and property owners who would use such services.</p>	<p>There are no known negative energy consequences from such a use on site.</p>

Conflicting Use	Positive Energy Consequences of Allowing	Negative Energy Consequences of Allowing
Automotive wrecking yard totally enclosed by a sight-obscuring fence.	The positive energy consequences of such a use would be the reduced energy consumption for local businesses and property owners who would use such services.	There are no known negative energy consequences from such a use on site.
Wireless telecommunications facilities, except those facilities meeting the requirements of DCC 18.116.250(A) or (B).	There are no known energy benefits from such a use at the site.	There are no known negative energy consequences from such a use on site.
Utility facility.	There could be positive energy consequences of such a use on site if developed for photovoltaic energy production or an energy substation.	There are no known negative energy consequences from such a use on site.  Additionally, commercial utility facilities on the subject property are already conditionally permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.
Manufacturing, storage, sales, rental, repair and servicing of equipment and materials associated with farm and forest uses, logging, road maintenance, mineral extraction, construction or similar rural activities.	The positive energy consequences of such a use would be the reduced energy consumption for local businesses and property owners who would use such services.	There are no known negative energy consequences from such a use on site.

Conflicting Use	Positive Energy Consequences of Allowing	Negative Energy Consequences of Allowing
Electrical substations.	There would be positive energy consequences of such a use at this site as it would provide additional energy capacity for the community.	There are no known negative energy consequences from such a use on site.  Additionally, commercial utility facilities on the subject property are already conditionally permissible via the existing EFU zoning and the property has been zoned EFU since the 1992 adoption of the LM regulations. Allowance of such uses was contemplated in the original ESEE and does not warrant a new ESEE here as it is a not a new conflicting use.
Marijuana retailing, subject to the provisions of DCC 18.116.330.	The positive energy consequences of such a use would be the reduced energy consumption for local businesses and property owners who would use such services versus having to travel to Bend.	There are no known negative energy consequences from such a use on site.
Psilocybin testing laboratories.	There are no known positive energy consequences from such a use on site.	There are no known negative energy consequences from such a use on site.

**Allowing Conflicting Uses, Prohibiting Conflicting Uses, or Limiting Conflicting Uses:**

The ESEE consequences of the permitted and conditional uses in DCC 18.100 have been analyzed and are provided for consideration by the Board of County Commissioners in deciding this land use application. This exhaustive list provides sufficient detail to consider the economic, social, environmental and energy factors to balance in making this decision regarding the proposal and the Landscape Management Roads Goal 5 resource.



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 12, 2024

**SUBJECT:** Public Hearing: FY 2025 Deschutes County Fee Schedule and consideration of Resolution No. 2024-26 adopting the Fee Schedule

**RECOMMENDED MOTION:**

Following the public hearing, consider approval of Resolution No. 2024-026 adopting the FY 2025 Deschutes County Fee Schedule.

**BACKGROUND AND POLICY IMPLICATIONS:**

Per chapter 4.12 of Deschutes County Code, "Fees and charges for services shall be reviewed for compatibility with the actual cost of providing service each year, and shall be adjusted and set as of each July 1<sup>st</sup>."

**BUDGET IMPACTS:**

The FY 2025 Deschutes County Fee Schedule changes are reflected in the FY 2025 proposed budget.

**ATTENDANCE:**

Dan Emerson, Budget and Financial Planning Manager  
Laura Skundrick, Management Analyst

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
<b>Assessor</b>					
ASR 1	Research Fee / Professional Services (1/2 hour minimum)	\$ 76.00	hour		
<del>ASR 2</del>	<del>Standard Assessment, Appraisal &amp; Tax Computer Printout</del>	<del>0.25</del>	<del>per page</del>		
NEW	B/W copies of any documents				\$ 0.50
<del>ASR</del>	<del>Diagram card</del>	<del>0.25</del>	<del>per page</del>		
ASR 3	Color copies of any documents	\$ 0.50	per page		\$ 1.00
ASR 4	8½" x 11" map	\$ 0.25	per page		\$ 0.50
ASR 5	8½" x 11" map (full set)	\$ 0.25	per page		\$ 0.50
ASR 6	18" x 20" tax lot maps	\$ 5.00	per page		
ASR 7	18" x 20" tax lot maps (full set)	\$ 5.00	per page		
ASR 8	Tax lot maps - mailed	\$ 5.00	plus postage		
<b>Computer listings:</b>					
ASR 9	Report Base fee (76.00 per hour; 1/2 hour minimum)	\$38.00-\$76.00	per hour after base fee		
ASR 10	E-mailed	\$ 5.00	plus base fee		
<del>ASR 11</del>	<del>Disk/CD</del>	<del>5</del>	<del>per disk plus base fee</del>		
<del>ASR 12</del>	<del>Per page</del>	<del>0.25</del>			
<b>Computer labels:</b>					
<del>ASR 13</del>	<del>Base fee (76.00 per hour; 1/2 hour minimum)</del>	<del>\$38.00-\$76.00</del>	<del>per hour after base fee</del>		
<del>ASR 14</del>	<del>Per page</del>	<del>5</del>	<del>plus base fee</del>		
ASR 11	County data set	\$ 175.00			
ASR 12	Low income housing application fee	\$ 200.00			
ASR 13	Fee to estimate PATL (Potential Additional Tax Liability) on specially assessed property	\$ 75.00			
<del>ASR 18</del>	<del>CD-ROM of assessment roll</del>	<del>175</del>	-		
<del>ASR 20</del>	<del>Color photos printed (once scanned)</del>	<del>0.5</del>	<del>per page</del>		
<b>Manufactured Structure Transactions:</b>					
ASR 14	All transactions, except movement (trip) permits	\$ 120.00		ORS 446.646	
ASR 15	Movement (trip) permit	\$ 5.00	per side	ORS 446.646	
ASR 16	Movement (trip) permit fee	\$ 30.00			
ASR 17	Applications for MS transactions not located in Deschutes County	\$ 76.00			
<b>Applicable Discounts:</b>					
All taxing districts within Deschutes County (for requests regarding their respective districts) are provided at no charge. All other government agencies receive a 50% discount. Taxpayer's own account (except large maps) are provided at no charge.					
<b>County Clerk</b>					
<b>Recording Fees</b>					
Overpayments of \$10.00 or less shall be deemed part of the original fee and no automatic refund shall be provided. The person originally paying the fee may request a refund of the overpayment within 90 days of payment, otherwise any claim for refund shall be deemed waived. Overpayments of greater than \$10.00 shall automatically be refunded by the county, provided the county has the address of the payer.					
CLK 1	One page instruments - minimum fee	\$ 5.00	per instrument		
CLK 2	Additional pages	\$ 5.00	per page		
Land Corner Preservation fund (LCP)					
CLK 3	Applies to all instruments <b>except</b> for liens, Military Discharge (DD 214), Satisfaction of Judgments, Federal documents, County internal documents not usually charged a recording fee.	\$ 10.00	per instrument (note exceptions)	ORS 203.148 & 205.130(2)	
Assessment and Taxation (A&T) Fee					
CLK 4	Applies to all instruments <b>except</b> for Military Discharge (DD 214), Satisfaction of Judgments, Federal documents, County internal documents not usually charged a recording fee.	\$ 10.00	per instrument (note exceptions)	ORS 205.323	
Oregon Land Information System (OLIF) Fee					
CLK 5	Applies to all instruments <b>except</b> for Military Discharge (DD 214), Satisfaction of Judgments, Federal documents, County internal documents not usually charged a recording fee.	\$ 1.00	per instrument (note exceptions)	ORS 205.323	
Affordable Housing (AH) Fee					
CLK 6	Applies to all instruments <b>except</b> for Military Discharges (DD 214), Federal documents, County internal document not usually charged a recording fee, documents required under ORS 517.210 to maintain mining claims, warrants issued by Employment Department pursuant to ORS 657.396, 657.642 and 657.646, a certified copy of a judgment, a lien record abstract as described in ORS 18.170, a satisfaction of a judgment, including a judgment noticed by recordation of a lien record abstract, Department of Revenue documents and tax collectors.	\$ 60.00	per instrument (note exceptions)	ORS 205.320 - HB2417 & HB4007, effective 6-2-2018	

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.		DESCRIPTION	FY 2024 FEE			UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee	
CLK	7	Affordable Housing Collection Fee GIS Fee	\$	1.00			per instrument assessed AH fee	ORS 205.320 (9)	
CLK	8	Applies to all instruments <u>except</u> for liens, Military Discharge (DD 214), Satisfaction of Judgments, Federal documents, County internal documents not usually charged a recording fee. Multiple Transaction Fee	\$	6.00			per instrument (note exceptions)	ORS 205.236	
CLK	9	When recording instruments that describe two or more transactions, each additional transaction will be charged when involving the same property. Additional References	\$	5.00			each additional transaction	ORS 205.320 (12)	
CLK	10	In addition to and not in lieu of the fees charged for recording the assignment, release or satisfaction of any recorded instrument, \$5 for each additional instrument being assigned, released or satisfied. Non-Standard Fee	\$	5.00			each additional reference	ORS 205.234 & 205.237	
CLK	11	Additional fee for non-standard documents. Examples of fees for a <u>one page</u> document with exceptions noted above	\$	20.00			per instrument		
					<b>Mortgage Records</b>				
					<b>Deed Records</b>				
					<b>Lien Records</b>				
		Recording		+ 5.00	+ 5.00	+ 5.00			
		LCP		+ 10.00	+ 10.00	+ 0.00			
		A&T		+ 10.00	+ 10.00	+ 10.00			
		<del>OLIF</del> OLIS		+ 1.00	+ 1.00	+ 1.00			
		AH		+ 61.00	+ 61.00	+ 61.00			
		GIS		+ 6.00	+ 6.00	+ 0.00			
		Total		= 93.00	= 93.00	= 77.00			
		Mineral and Mining Record						ORS 517.180,210,280,320	
CLK	12	Statement of Claim	\$	32.00			1st page (\$5.00/ea add. claim)		
CLK	13	Notice or Affidavit of Publication of Notice	\$	32.00					
CLK	14	Affidavit of Assessment Work	\$	32.00					
CLK	15	Mining Claim Affidavit	\$	32.00					
CLK	16	Certificate of Ownership - Mineral and Mining Records	\$	32.00			per certificate	ORS 517.280	
CLK	17	Dormant Mineral Interest	\$	32.00			1st page	ORS 517.180 (5)(f) & 517.180 (9)	
CLK	18	Articles of Incorporation (Irrigation, Drainage, Water Supply or Flood Control)	\$	53.00					
CLK	19	Military Discharge Location and Copy Fees	\$	-				ORS 205.320	
CLK	20	Location fee	\$	3.75					
CLK	21	Copies	\$	0.25			per page	ORS 205.320 (4)(c)	
CLK	22	Certification Fee	\$	3.75					
CLK	23	Copies for veterans seeking G.I. benefits	\$	-					
CLK	24	Copies of 24 x 18 maps	\$	1.75			per page		
CLK	25	Copy of BOPTA Audio File, 1st record	\$	10.00					
CLK	26	Copy of BOPTA Audio File, each additional file	\$	1.00					
CLK	27	Redaction Fee	\$	5.00			per instrument		
CLK	28	Microfilm	\$	20.00			per roll		
CLK	29	Passport Processing Fee	\$	35.00			each		
		Research Services: Fees @ hourly rate based on ACS. Amounts of less than one hour shall be charged in 1/2 hour increments.							
CLK	30	Staff	\$	46.00			per hour		
CLK	31	Supervisor	\$	68.00			per hour		
CLK	32	Recording FTP Access Fee - Images	\$	635.00			per month		
CLK	33	Recording FTP Access Fee - Index - Daily Report/Month	\$	1,383.00					
CLK	34	Recording FTP Access Fee - Index - Weekly Report/Month	\$	1,115.00					
CLK	35	Recording FTP Access Fee - Index - Monthly Report/Month	\$	1,152.00					
		Plats - By Lot / Tracts Size - Price Varies						ORS 205.320 & 205.350	
CLK	36	20 lots / tracts or less	\$	50.00			Plus fees CLK 3 - CLK 8		
CLK	37	21 through 29 lots / tracts	\$	55.00			Plus fees CLK 3 - CLK 8		
CLK	38	30 through 49 lots / tracts	\$	60.00			Plus fees CLK 3 - CLK 8		
CLK	39	50 through 74 lots / tracts	\$	65.00			Plus fees CLK 3 - CLK 8		



**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
CLK 40	75 through 100 lots / tracts	\$ 70.00	Plus fees CLK 3 - CLK 8		
CLK 41	over 100 lots / tracts	\$ 70.00	+ \$0.10 per lot / tract over 100 Plus fees CLK 3 - CLK 8		
CLK 42	Partition Plats	\$ 25.00	Plus fees CLK 3 - CLK 8		
	Antique Dealers License				
CLK 43	Initial Fee	\$ 50.00			
CLK 44	Renewal Fee	\$ 25.00			
	Marriage License	<del>\$ 55.00</del>		<b>ORS 205.320</b>	
45	<b>Base Fee</b>	<b>\$ 25.00</b>		<b>ORS 205.320(1)(e)</b>	
46	<b>Conciliation Fee</b>	<b>\$ 5.00</b>		<b>ORS 107.615</b>	
47	<b>Domestic Violence Fund</b>	<b>\$ 25.00</b>		<b>ORS 106.045</b>	
CLK 48	Replacement of lost marriage license	\$ 10.00			
CLK 49	Replacement of memento marriage certificate	\$ 3.50			
CLK 50	Amend marriage record	\$ 45.00	each marriage record		
	Solemnizing a Marriage			ORS 106.120 & 205.320	
CLK 51	During business hours	\$ 117.00			
CLK 52	After business hours	\$ 117.00	+ mileage		
CLK 53	Declaration of Domestic Partnership registration fee	\$ 55.00		HB 2007 & HB 2032	
CLK 54	Request for waiver of three day waiting period for marriage license.	\$ 10.00	per waiver	ORS 205.320(1)(i)	
<b>NEW</b>	<b>Digital Research Room Subscription</b>				
<b>NEW</b>	<b>Digital Research Room Subscription - Monthly Access Fee</b>				\$ 50.00
<b>NEW</b>	<b>Digital Research Room Subscription - Six Month Access Fee</b>				\$ 150.00
<b>NEW</b>	<b>Digital Research Room Subscription - Yearly Access Fee</b>				\$ 300.00
	<b>Community Development</b>				
CDD 1	Refund request processing	<del>\$ 35.00</del>			\$ 40.00
	No refunds if refund amount is less than <del>\$35.00</del> \$40.00. Other amounts may be deducted from refund for work already performed.				
CDD 2	Address Issuance	<del>\$ 38.00</del>	per dwelling		\$ 43.00
CDD 3	New use with separate address (charged at time of building permit or <b>plot site</b> plan review, except revised <b>plot site</b> plan review)	<del>\$ 38.00</del>			\$ 43.00
<b>CDD 4</b>	<b>Copy fee</b>	<b>0.25</b>	<b>per page</b>		
<b>CDD 5</b>	<b>Coin-copy machine</b>	<b>0.4</b>	<b>per page</b>		
CDD 6	<b>Plot Site</b> plan review	<del>\$ 107.75</del>			\$ 127.00
CDD 7	Advanced planning fee (supports long-range planning and regular code updates and review)	<b>0.34%</b>	of bldg valuation		<b>0.43%</b>
CDD 8	Public Information fee (supports public information and assistance in Bend, Redmond and LaPine and allows for consolidated permit processing at one location)	<b>0.35%</b>	of bldg valuation		<b>0.44%</b>
CDD 9	Code <b>compliance enforcement</b> fee (supports code enforcement program)	<b>0.27%</b>	of bldg valuation		<b>0.34%</b>
CDD 10	Code <b>Compliance enforcement</b> court fine or fee	ACS		Circuit court or hearings officer determination	
CDD 11	Research/file review supervision	\$ 191.25	per hour		\$ 406.00
CDD 12	Road Access Permit	\$ 81.50			\$ 93.00
CDD 13	Second Road Access Permit	\$ 40.50			\$ 46.00
CDD 14	Three or more Road Access Permits	\$ 20.25	each		\$ 23.00
CDD 15	Consultation by CDD professional staff	ACS			
CDD 16	Consultation by CDD building safety staff	ACS			
CDD 17	Consultation by CDD electrical staff	ACS			
CDD 18	Consultation by CDD code enforcement staff	ACS			
CDD 19	Consultation by CDD <b>environmental</b> onsite <b>wastewater</b> staff	ACS			
CDD 20	Consultation by CDD current planning staff	ACS			
CDD 21	Consultation by CDD long range planning staff	ACS			
<b>-CDD-</b>	<b>22 -Collection/administration fee for system development charges-</b>	<del>\$ 36.50</del>	<b>-per fee collected-</b>		
	<b>Policy Regarding Refunds:</b>				

**Deschutes County Fee Schedule  
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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
	A 75% refund may be made after an application has been received. The 25% withheld covers work associated with the application, including zoning, septic and <b>plot site</b> plan review, file creation and staff assignment. An additional percentage will be withheld as each additional phase of the permitting process is completed (i.e. plan review, inspections, staff report preparation). Refunds must be requested within 180 days of application. In every case, the <b>\$35 \$40</b> refund request processing fee will be charged to cover the cost of refund check processing and issuance.				
CDD 23	Bend Park and Recreations SDC for Accessory Dwelling Unit (ADU)	<del>4,689.00</del>			\$ 4,867.00
CDD 24	Bend Park and Recreations SDC for Multi Family <b>Average (0 bedrooms)</b>	\$ 4,689.00			\$ 7,661.00
<del>CDD- 26</del>	<del>Bend Park and Recreations SDC for Multi Family, (1 bedroom)-</del>	<del>6,166.00</del>			
<del>CDD- 26</del>	<del>Bend Park and Recreations SDC for Multi Family, (2 bedrooms)-</del>	<del>8,377.00</del>			
<del>CDD- 27</del>	<del>Bend Park and Recreations SDC for Multi Family, (3 bedrooms)-</del>	<del>10,862.00</del>			
CDD 28	Bend Park and Recreations SDC for Hotel/Motel, each unit	<del>7,491.00</del>	per room		\$ 7,776.00
CDD 29	Bend Park and Recreations SDC for Single Family Home (< 5600 sq ft)	<del>7,425.00</del>			\$ 8,066.00
CDD 30	Bend Park and Recreations SDC for Single Family Home (500-1,000-600-1,200 sq ft)	<del>8,074.00</del>			\$ 9,058.00
CDD 31	Bend Park and Recreations SDC for Single Family Home (1,000 1,201- 1,600 sq ft)	<del>9,376.00</del>			\$ 10,004.00
CDD 32	Bend Park and Recreations SDC for Single Family Home (1,601 - 3,000 2,200 sq ft)	<del>10,635.00</del>			\$ 10,680.00
<b>NEW</b>	<b>Bend Park and Recreations SDC for Single Family Home (2,201 - 3,000 sq ft)</b>				\$ 11,311.00
CDD 33	Bend Park and Recreations SDC for Single Family Home (> 3,001 sq ft)	<del>11,895.00</del>			\$ 12,348.00
CDD 34	Bend Park and Recreation SDC for Manufactured/Mobile Home Placement Permit (in a Park)	<del>9,810.00</del>			\$ 10,184.00
CDD 35	Transportation SDCs - base rate	<del>5,603.00</del>	Per peak hour trip		\$ 5,670.00
CDD 36	Transportation SDCs - Single Family Home	<del>4,538.00</del>	Per single family home		\$ 4,593.00
CDD 37	System development charge payment plan administrative fee	\$ 300.00			
	<b>CDD - Building Safety Division</b>				
<del>CDBS- 1</del>	<del>Reproduction printing of electronically submitted plans at customer request-</del>	<del>4.50</del>	<del>-per page/sheet-</del>		
CDBS 2	Phased Project Plan Review Fee - in addition to project plan review fees	\$ 604.75		plus 10% of the total project building permit fee not to exceed \$1,500.00 for each phase or portion of the project	
CDBS 3	Deferred Submittal Plan Review Fee - in addition to project plan review fees	65%		calculated using the value of the deferred portion with a \$250 minimum	
	<b>Expedited Review (optional program):</b>				
CDBS 4	Structures require engineer/architect stamped plans	\$ 461.50		in addition to bldg permit fee	
CDBS 5	All others	\$ 196.30		in addition to bldg permit fee	
CDBS 6	Special Inspection - <b>applies to all disciplines inspections that do not fit into the specific type of permits under the building code</b>	<del>103.00</del>		<b>or ACS</b>	\$ 125.00
CDBS 7	Agricultural building exemption fee	\$ 67.75			
CDBS 8	Building inspections outside of normal business hours (min charge - two hours) - <b>applies to all disciplines</b>	\$ 111.25	per hour		\$ 187.50
CDBS 9	Re-inspection fee - <b>applies to all disciplines</b>	\$ 96.75	each		\$ 125.00
<b>NEW</b>	<b>Additional inspection above allowable - applies to all disciplines</b>				\$ 125.00
<b>NEW</b>	<b>Reinstatement Fee - applies to all disciplines</b>				\$ 150.50
<b>NEW</b>	<b>Structural Permit Extension Fee</b>				\$ 100.00
<b>NEW</b>	<b>Investigation Fee - applies to all disciplines</b>				\$ 125.00
CDBS 10	Inspections for which no fee is specifically indicated (min charge - ½ hour) - <b>applies to all disciplines</b>	<del>111.25</del>	per hour		\$ 125.00
CDBS 11	Additional plan review required by changes, addition or revisions to approved plans (min charge - ½ hour)	<del>111.25</del>	per hour		\$ 125.00
CDBS 12	Demolition permits	\$ 194.00			
CDBS 13	Consultation fee (min 1 hour)	<del>96.75</del>	per hour		\$ 125.00
CDBS 14	Temporary certificate of occupancy - <b>valid 180 days</b> (commercial)	\$ 572.75			
CDBS 15	Temporary certificate of occupancy - <b>valid 180 days</b> (residential)	\$ 161.25			
CDBS 16	Solar Building Permit - Prescriptive ( <b>includes plan review</b> )	\$ 109.75		ORS 455.020 & OAR 918-050-0180	

**Deschutes County Fee Schedule  
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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
CDBS 17	Solar Building Permit - Non-Prescriptive Path System - valuation to include the solar panels, racking, mounting elements, rails and the cost of labor to install. Solar electrical equipment including collector panels and inverters shall be excluded from the Structural Permit valuation. New construction and additions shall be calculated using the ICC Building Valuation Data Table current as of April 1st of each year.		Fee as per Structural Permit Fee table by valuation		
	CDD may charge the average or actual additional cost for <b>an investigation fee</b> ensuring a building, structure or system is in conformance with state building code for work commenced prior to permit issuance.				
	<b>Residential Fire Suppression</b>				
CDBS 18	Residential Sprinklers 0-2000 sq ft, includes plan review, applies to standalone and multipurpose/continuous loop ( <b>plumbing</b> )	\$ 200.00		OAR 918-050-0140	
CDBS 19	Residential Sprinklers 2001-3600 sq ft, includes plan review, applies to standalone and multipurpose/continuous loop ( <b>plumbing</b> )	\$ 250.00		OAR 918-050-0140	
CDBS 20	Residential Sprinklers 3601-7200 sq ft, includes plan review, applies to standalone and multipurpose/continuous loop ( <b>plumbing</b> )	\$ 325.00		OAR 918-050-0140	
CDBS 21	Residential Sprinklers 7201 sq ft and greater, includes plan review, applies to standalone and multipurpose/continuous loop ( <b>plumbing</b> )	\$ 410.00		OAR 918-050-0140	
	<b>Commercial Fire Suppression</b>				
CDBS 22	Commercial Fire Suppression		See Structural Permit Fee table by valuation	<b>OAR 918-050-0100</b>	
CDBS 23	Re-inspection fee: A <del>\$96.75</del> <b>\$125</b> re-inspection fee shall be charged for inspections of violations found by the division on or after the second inspection and for inspections requested but which cannot be performed due to inability to get access to work to be inspected.	<del>\$ 96.75</del>			<b>\$ 125.00</b>
	<b>PLAN REVIEW:</b>				
<del>CDBS 24</del>	<del>Approval of additional set of plans</del>	<del>\$ 25.50</del>			
CDBS 25	Plan check fee	65%	bldg permit fee		
CDBS 26	Plan check fee for electrical and mechanical systems of commercial/residential buildings	25%	bldg permit fee		
CDBS 27	Plan check fee for plumbing of commercial/residential bldgs	30%	bldg permit fee		
CDBS 28	Plan check fee for fire/life safety/over 4,000 sq ft	40%	bldg permit fee		
CDBS 29	Plan check for manufactured dwelling/rec park plan review	65%	permit fee		
	<b>The current State of Oregon surcharge is added to all fees, including reinstatement fees and excluding extension fees, in the Building Safety Division. Additional State fees may apply.</b>				
	Total valuation:				
CDBS 30	\$1.00 to \$500.00	\$ 10.25			
CDBS 31	\$501.00 to \$2,000.00	\$ 10.25	first \$500 + \$1.75 for each additional \$100 or fraction thereof, to and including \$2,000		
CDBS 32	\$2,001.00 to \$25,000.00	\$ 36.50	first \$2,000 +\$6.50 for each additional \$1,000 or fraction thereof, to and including \$25,000		
CDBS 33	\$25,001.00 to \$50,000.00	\$ 186.00	first \$25,000 +\$5.00 for each additional \$1,000 or fraction thereof, to and including \$50,000		
CDBS 34	\$50,001.00 to \$100,000.00	\$ 311.00	first \$50,000 +\$4.50 for each additional \$1,000 or fraction thereof, to and including \$100,000		
CDBS 35	\$100,001.00 and up	\$ 536.00	first \$100,000 +\$5.50 for each additional \$1,000 or fraction thereof		

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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
<b>NEW</b>	<b>Minimum Fee - Structural</b>				\$ 150.00
	<b>Plumbing: includes one kitchen, first 100 feet each of site utilities, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system. Half bath counted as whole.</b>				
CDBSPL 1	One and Two Family / 1 bath	\$ 371.25			
CDBSPL 2	One and Two Family / 2 bath	\$ 477.25			
CDBSPL 3	One and Two Family / 3 bath	\$ 530.50			
CDBSPL 5	Baths greater than-4 3	\$ 53.00			
CDBSPL 6	One and two family/solar (when connected with potable water)	\$ 143.75			
	Residential and U1 plumbing: Fixtures:				
CDBSPL 7	<b>Kitchen sink/Sink/basin/lavatory</b>	\$ 29.50			
CDBSPL 8	Water heater	\$ 29.50			
CDBSPL 9	<b>Disposal Garbage disposal</b>	\$ 29.50			
CDBSPL 10	Water closet	\$ 29.50			
CDBSPL 11	<b>Basin-Catch basin or area drain</b>	\$ 29.50			
CDBSPL 12	<b>Tub (bathing)/shower/shower pan</b>	\$ 29.50			
CDBSPL 13	<b>Shower-Absorption valve</b>	\$ 29.50			
CDBSPL 14	Clothes washer	\$ 29.50			
CDBSPL 15	<b>Laundry tub-Backwater valve</b>	\$ 29.50			
CDBSPL 16	Other Plumbing	\$ 29.50			
CDBSPL 17	<b>Floor drain/floor sink/hub drain</b>	\$ 29.50			
CDBSPL 18	Backflow Preventer	\$ 29.50			
CDBSPL 19	Urinal	\$ 29.50			
CDBSPL 20	Hose bibbs	\$ 29.50			
<b>NEW</b>	<b>Dishwasher</b>				\$ 29.50
<b>NEW</b>	<b>Drinking fountain</b>				\$ 29.50
<b>NEW</b>	<b>Trench drain</b>				\$ 29.50
<b>NEW</b>	<b>Ejectors/sump pump</b>				\$ 29.50
<b>NEW</b>	<b>Expansion tank</b>				\$ 29.50
<b>NEW</b>	<b>Fixture cap</b>				\$ 29.50
<b>NEW</b>	<b>Ice maker</b>				\$ 29.50
<b>NEW</b>	<b>Primer</b>				\$ 29.50
	Water service/sanitary/storm sewer:				
CDBSPL 21	Water service (first 100 feet or fraction thereof)	\$ 101.50			
CDBSPL 22	Water service (second 100 ft. or fraction thereof)	\$ 57.75			
CDBSPL 23	Building sewer (first 100 feet or fraction thereof)	\$ 101.50			
CDBSPL 24	Building sewer (each additional 100 ft. or fraction thereof)	\$ 57.75			
CDBSPL 25	Building storm sewer or rain drain (each 100 feet or fraction thereof)	\$ 101.50			
CDBSPL 26	Storm or rain drain (each additional 100 feet or fraction thereof)	\$ 57.75			
CDBSPL 27	Alternate potable water heating system (coil, heat pumps, extractor, water treatment equipment, etc.)	\$ 101.50			
	<b>Manufactured Homes:</b>				
CDBSPL 28	M/H park sewer connection & water distribution system	\$ 101.50	per space		
CDBSPL 29	Prefabricated structures site inspections (includes site development & connection of the prefabricated structure)	\$ 101.50			
<del>CDBSPL 30</del>	<del>Special inspections-</del>	<del>\$ 144.25</del>	<del>per hour</del>		
	<b>Commercial Plumbing</b> (all buildings other than R-3 & U-1):				
CDBSPL 31	Minimum Fee	\$ 149.25			
CDBSPL 32	Fixture <del>fee cap</del> - commercial	\$ 29.50			
CDBSPL 33	Backflow <del>prevention device</del> preventer	\$ 29.50			
CDBSPL 34	<del>Sink-kitchen_bar_laundry-sink/basin/lavatory</del>	\$ 29.50			
CDBSPL 35	<del>Lavatory--bathrooms-only</del> -Absorption valve	\$ 29.50			
CDBSPL 36	<del>Tub/shower-combinations-Tub/shower/shower pan</del>	\$ 29.50			
CDBSPL 37	<del>Separate-shower-and-tub</del> -Backwater valve	\$ 29.50			
CDBSPL 38	Water closets	\$ 29.50			
CDBSPL 39	Dishwashers	\$ 29.50			
CDBSPL 40	Garbage <del>Disposal</del>	\$ 29.50			
CDBSPL 41	<del>Washing-machine</del> -Clothes washer	\$ 29.50			
CDBSPL 42	Water heater	\$ 29.50			
CDBSPL 43	Urinal	\$ 29.50			

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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
CDBSPL 44	Hose bibs	\$ 29.50			
CDBSPL 45	<del>Bidet-Trench drain</del>	\$ 29.50			
CDBSPL 46	Catch Basins or area drain	\$ 29.50			
CDBSPL 47	Drinking fountain	\$ 29.50			
CDBSPL 48	<del>Receptors-Expansion tank</del>	\$ 29.50			
CDBSPL 49	Interceptor/grease trap	\$ 29.50			
CDBSPL 50	Floor drains/floor sink/hub drain	\$ 29.50			
CDBSPL 51	<del>Sewage and Ejectors/sump pump</del>	\$ 29.50			
CDBSPL 52	<del>Special water connection-Ice maker</del>	\$ 29.50			
NEW	Primer				\$ 29.50
NEW	Roof drain (commercial)				\$ 29.50
CDBSPL 53	Storm drain - first 100 feet	\$ 63.25			
CDBSPL 54	Storm drain - each additional 100 feet	\$ 29.50			
CDBSPL 55	Swimming pool piping	\$ 96.75			
CDBSPL 56	Solar	\$ 29.50			
CDBSPL 57	<del>Plumbing alteration not specified Other - plumbing</del>	\$ 29.50			
CDBSPL 58	Water service - first 100 feet	\$ 101.50			
CDBSPL 59	Water service (each additional 100 ft)	\$ 57.75			
CDBSPL 60	Sewer - first 100 feet	\$ 101.50			
CDBSPL 61	Sewer - each additional 100 feet	\$ 57.75			
	Medical Gas - fee based on installation costs and system equipment, including but not limited to inlets, outlets, fixtures and appliances				
NEW	Storm sewer - first 100 feet				\$ 101.50
NEW	Storm sewer - each additional 100 feet				\$ 57.75
	Valuation:				
CDBSPL 62	\$0 - \$25,000	\$ 142.50			
CDBSPL 63	\$25,001 - \$50,000	\$ 142.50		\$142.50 for the first \$25,000 plus \$3.25 for each additional \$1,000 or fraction thereof, to and including \$50,000	
CDBSPL 64	\$50,001 - \$100,000	\$ 223.75		\$223.75 for the first \$50,000 plus \$2.25 for each additional \$1,000 or fraction thereof, to and including \$100,000	
CDBSPL 65	\$100,001 and above	<del>\$ 336.00</del>		\$336.00 for the first \$100,000 plus \$1.25 for each additional \$1,000 or fraction thereof	\$ 336.25
CDBSPL 66	M/H park sewer collection/water distribution system	\$ 96.75		per space	
<del>CDBSPL 67</del>	<del>Special inspection-</del>	<del>\$ 84.75</del>		<del>per hour</del>	
CDBSPL 68	Alternative potable water heating systems (coils, extractors, heat pumps, etc.)	\$ 61.75			
CDBSPL 69	M/H Park Installation Connection	\$ 78.00			
	<b>Recreational Vehicle and Manufactured Dwelling Parks</b>				
CDBSPL 70	Five or fewer spaces	\$ 308.75			
CDBSPL 71	Six to 19 spaces	\$ 308.75		plus \$53.00 per space	
CDBSPL 72	Twenty or more spaces	\$ 742.00		plus \$40.50 per space	
	<b>MECHANICAL:</b>				
CDBSM 1	Minimum Fee	\$ 87.75		each	
CDBSM 2	<del>Installation or relocation of forced-air or gravity-type furnace or burner, including ducts &amp; vents attached to such appliance</del> Furnace - up to/including 100,000 Btu/h, up to 100,000 cfm air handler BTU	\$ 21.75		each	
CDBSM 3	<del>Installation or relocation of forced-air or gravity-type furnace or burner, including ducts and vents attached to each appliance over</del> Furnace - greater than 100,000 Btu/h, over 100,000 cfm air handler BTU	\$ 25.25		each	
NEW	Furnace/burner including duct work/vent/liner				\$ 21.75

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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
CDBSM 4	<del>Installation or relocation of floor furnace, including vent</del>	\$ 16.25	each		
NEW	Chimney/liner/flue/vent				\$ 16.25
NEW	Flue vent for water heater or gas fireplace				\$ 16.25
CDBSM 5	Installation or relocation of suspended heater, recessed wall heater or floor-mounted heater	\$ 16.25	each		
NEW	Water heater				\$ 16.25
NEW	Wood/pellet stove				\$ 32.00
NEW	Pool or spa heater, kiln				\$ 16.25
CDBSM 6	<del>Installation, relocation or replacement of appliance vent installed installation, relocation or replacement and</del> not included in an appliance permit	\$ 9.75	each		
CDBSM 7	<del>Repair, alteration or addition to heating appliance, refrigeration, cooling, absorption, or heating/cooling/absorption unit or evaporative cooling system, including installation of controls- (Heat Pump)- Heat pump</del>	\$ 21.75	each		
CDBSM 8	Air-handling unit up to <del>and including</del> 10,000 cubic feet per minute (cfm), <del>including attached ducts</del>	\$ 12.00	each		
CDBSM 9	Air-handling unit of 10,000 <del>cfm and over</del>	\$ 21.75	each		
CDBSM 10	Evaporative cooler other than portable	\$ 12.00	each		
NEW	Air conditioner				\$ 12.00
NEW	Attic/crawl space fans				\$ 12.00
CDBSM 11	Ventilation fan connected to single duct	\$ 10.00	each		
NEW	Ductwork - no appliance/fixture				\$ 10.00
CDBSM 12	Ventilation system that is not a portion of any heating or air-conditioning system authorized by a permit	\$ 12.50	each		
CDBSM 13	<del>Installation of hood which is</del> served by mechanical exhaust, including ducts for hood	\$ 12.50	each		
NEW	Range hood/other kitchen equipment				\$ 12.50
NEW	Clothes dryer exhaust				\$ 12.50
NEW	Other environment exhaust/ventilation				\$ 12.50
CDBSM 14	<del>Installation/relocation of domestic type incinerator/woodstove, includes vent-Gas or wood fireplace/insert</del>	\$ 32.00	each		
NEW	Decorative gas fireplace				\$ 32.00
CDBSM 15	<del>Installation/relocation of propane or natural gas vented room heaters, gas fired appliance, includes vent-Other heating/cooling</del>	\$ 32.00	each		
CDBSM 16	<del>Appliance or piece of equipment regulated by code but not classified in other appliance categories-Other fuel appliance</del>	\$ 12.50	each		
CDBSM 17	<del>Gas-piping system - one to four outlets-Gas fuel piping outlets</del>	\$ 8.25			
<del>CDBSM 18</del>	<del>Inspection outside of normal business hours (minimum charge - two hours)-</del>	<del>\$ 126.00</del>	<del>-per hour</del>		<del>\$ 187.50</del>
<del>CDBSM 19</del>	<del>Re-inspection fee-</del>	<del>\$ 96.75</del>	<del>-each-</del>		<del>\$ 125.00</del>
<del>CDBSM 20</del>	<del>Inspections for which no fee is specifically indicated (minimum charge - 1/2 hour)-</del>	<del>\$ 94.75</del>	<del>-per hour / 1/2 hour- minimum charge-</del>		
CDBSM 21	Additional plan review required by changes, additions or revisions to approved plans (min charge 1/2 hour)	\$ 94.75	per hour / 1/2 hour minimum charge		\$ 125.00
CDBSM 22	<del>Installation or relocation of hydronic in-floor heating-Hydronic hot water system</del>	\$ 80.00			
CDBSM 23	<del>Installation or relocation of fuel fired or electrical heat exchanger (to be used in a hydronic heating system)</del>	\$ 30.75			
CDBSM 24	Mini split system	\$ 41.50			
<del>CDBSM 25</del>	<del>Heat recovery ventilator system (HRV)-</del>	<del>\$ 12.50</del>			
	<b>Commercial Mechanical Permit Fee Table</b>			OAR 918-050-100	
	Commercial and Multifamily New, Alterations, Additions, Repairs & Accessory Structures				
	<b>Total Valuation</b>				
CDBSM 26	\$1 to \$2,000	\$ 76.50			
CDBSM 27	\$2001 to \$25,000	\$ 76.50	first \$2,000 plus 11.50 for each additional \$1,000 or fraction thereof, to and including \$25,000		

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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
CDBSM 28	\$25,001 to \$50,000	\$ 341.00	first \$25,000 plus 9.50 for each additional \$1,000 or fraction thereof, to and including \$50,000		
CDBSM 29	\$50,001 to \$100,000	\$ 578.50	first \$50,000 plus 6.25 for each additional \$1,000 or fraction thereof up to and including \$100,000		
CDBSM 30	\$100,001 and up	\$ 891.00	first \$100,000 plus 4.25 for each additional \$1,000 or fraction thereof		
	<b>ELECTRICAL:</b>				
	Residential - New 1 & 2 family dwellings or new multi-family per dwelling unit. Service included.		# of inspections per permit allowed		
CDBSE 1	1,000 square feet or less	\$ 304.50	4		\$ 359.25
CDBSE 2	Each additional 500 square feet, or portion thereof	\$ 51.75			\$ 61.00
	Multi-family building containing three or more apartments; Determine fee for the largest unit using the sq. ftg. rates above, additional units are charged at 50%.		4		
CDBSE 3	Each manufactured home or modular dwelling service or feeder Service/feeders: installation, alteration or relocation:	\$ 141.75	2		\$ 167.25
CDBSE 4	200 amps or less	\$ 173.00	2		\$ 204.00
CDBSE 5	201 amps to 400 amps	\$ 210.75	2		\$ 248.75
CDBSE 6	401 amps to 600 amps	\$ 344.25	2		\$ 406.25
CDBSE 7	601 amps to 1000 amps	\$ 429.75	2		\$ 507.00
CDBSE 8	Over 1000 amps or volts	\$ 1,043.00	2		\$ 1,230.75
CDBSE 9	Reconnect only	\$ 141.50	2		\$ 167.00
	Temporary service or feeders - installation, alterations or relocation				
CDBSE 10	200 amps or less	\$ 141.50	2		\$ 167.00
CDBSE 11	201 amps to 400 amps	\$ 193.50	2		\$ 228.25
CDBSE 12	Over 4001 amps to 600 amps	\$ 257.00	2		\$ 303.25
CDBSE 13	Over 6004 amps to 1000 volts - see "service/feeders" (10 branch circuits included) above	\$ 333.50			\$ 393.50
<b>NEW</b>	<b>Over 1,000 amps or volts</b>				\$ 553.50
	Branch circuits - new, alteration or extension per panel				
	Fee for branch circuits with purchase of service or feeder fee				
CDBSE 14	Each branch circuit	\$ 13.50	2		\$ 16.00
	Fee for branch circuits without purchase of service or feeder fee				
CDBSE 15	First branch circuit	\$ 132.75	2		\$ 156.50
CDBSE 16	Each additional branch circuit	\$ 13.50	2		\$ 16.00
	Miscellaneous (service or feeder not included)		# of inspections per permit allowed		
CDBSE 17	Each water or sewage pump or irrigation circle	\$ 141.75	2		\$ 167.25
CDBSE 18	Each sign or outline lighting	\$ 141.75	2		\$ 167.25
CDBSE 19	Signal circuit(s) or a limited energy panel, alteration or extension - commercial use	\$ 141.75	2		\$ 167.25
	Renewable Energy Systems				
CDBSE 20	5 KVA or less	\$ 79.00	maximum	OAR 918-309-0070	
CDBSE 21	5.01 KVA to 15KVA	\$ 94.00	maximum	OAR 918-309-0070	
CDBSE 22	15.01 KVA to 25 KVA	\$ 156.00	maximum	OAR 918-309-0070	
			2 per KVA / \$7.50 per kva over 25 kva, \$156.00 for first 25 kva - maximum fee at 100 kva		
CDBSE 23	<b>Over 25 KVA For solar generation systems in excess of 25 KVA and up to 100 KVA</b>	\$ 7.50	maximum	OAR 918-309-0070	
	<b>Wind Generation Systems</b>				
CDBSE 24	<b>26 25.01</b> KVA to 50 KVA	\$ 204.00	maximum	OAR 918-309-0070	
CDBSE 25	<b>51 50.01</b> KVA to 100 KVA	\$ 469.00	maximum	OAR 918-309-0070	
	<b>Solar Farms -</b>				
CDBSE 26	<b>26-KVA to 50-KVA The first 25 KVA</b>	<del>\$ 204.00</del>		OAR 918-309-0070	\$ 156.00



**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
CDBSE	27 <del>51-KVA to 100-KVA - For solar generation systems in excess of 25 KVA and up to 100 KVA</del> <b>Limited energy - residential use</b>	<del>\$ 469.00</del>	2 per KVA / \$7.50 per kva over 25 kva, \$156.00 for first 25 kva - maximum fee at 100 kva	OAR 918-309-0070	\$ 7.50
CDBSE	28 One and two family	\$ 69.50			\$ 82.00
CDBSE	29 Multi-family limited energy and/or protective signaling	\$ 129.25	per floor; 2 inspections allowed per floor		\$ 152.50
<del>CDBSE</del>	<del>30 -Each additional inspection over the allowable in any of the above-</del>	<del>\$ 87.00</del>	<del>-per inspection-</del>		
<del>CDBSE</del>	<del>31 -Other inspections not listed above (portal to portal - one hour minimum)-</del>	<del>\$ 141.75</del>	<del>-per hour-</del>		
CDBSE	32 Master permit - renewed annually at no additional fee other than required annual inspections.	\$ 100.00	maximum	OAR 918-309-0100	
<del>CDBSE</del>	<del>33 -Inspections outside or normal business hours (min charge - two hours)-</del>	<del>\$ 141.60</del>	<del>-per hour-</del>		
<del>CDBSE</del>	<del>34 -Re-inspection fee-</del>	<del>\$ 108.60</del>	<del>-each-</del>		
<del>CDBSE</del>	<del>35 -Inspections for which no fee is specifically indicated (min charge - 1/2 hour)-</del>	<del>\$ 141.75</del>	<del>-per hour-</del>		
CDBSE	36 Additional plan review required by changes, additions or revisions to approved plans	<del>\$ 141.75</del>	per hour		\$ 125.00
<del>CDBSE</del>	<del>37 -Inspection for code items requiring inspection, but no specific fees are given-</del>	<del>\$ 107.25</del>	<del>-each item-</del>		
<b>MANUFACTURED DWELLINGS:</b>					
CDBSMF	1 Manufactured dwelling and cabana installation permit	\$ 798.75	per installation + applicable state fee(s)		
CDBSMF	2 Manufactured dwelling and cabana re-inspection fee	\$ 184.00	per re-inspection		
CDBSMF	3 State Cabana Fee	\$ 30.00	maximum	OAR 918-500-0105	
<b>New Manufactured Home Park Fee Schedule:</b>					
The Area Development Permit fee to be calculated based on the valuations shown in Table 2 of OAR 918-600-0030 for Manufactured Dwelling/Mobile Home Parks and Table 2 of OAR 918-650-0030 for Recreational Park & Organizational Camp - and applying the valuation amount to Table 1 as referenced for each.					
CDBSMP	1 Additional plan review required by changes, additions or revisions to approved plans (min charge - 1/2 hour)	\$ 111.25	per hour	maximum OAR 918-600-0030 & OAR 918-650-0030	\$ 125.00
<del>CDBSMP</del>	<del>2 -Consultation fee (min charge - one hour)-</del>	<del>\$ 94.75</del>	<del>-per hour-</del>		
State surcharge on manufactured home park permit fee is 12% of total					
Plan check fee for manufactured home park is 65% of building permit fee					
Prefabricated Structural Inspections (includes site development and connection of the prefabricated structure)					
CDBSMP	3 MH Park Installation connection	\$ 70.00			
<b>CDD - Environmental Soils Onsite Wastewater Division</b>					
Site evaluations, construction installation permits, renewal permits, alteration permits, authorization notices and existing system evaluation reports incur an additional \$100 surcharge per OAR 340-071-0140					
<b>On-site sewage disposal systems:</b>					
CDES	1 New site evaluation - single family dwelling	\$ 905.00			\$ 1,032.00
CDES	2 Site evaluation - springtime observation *	\$ 491.00			\$ 560.00
<b>Commercial Facility Systems:</b>					
CDES	3 First 1,000 gallons projected daily sewage flow	\$ 905.00			\$ 1,032.00
CDES	4 For each additional 500 gallons or part thereof above 1,000 gallons projected daily sewage flow up to 5,000 gallons	\$ 258.00			\$ 294.00
Each fee paid for a site evaluation report entitles the applicant to as many site inspections on a single parcel or lot as are necessary to determine site suitability for a single system. The applicant may request additional site inspections within ninety (90) days of the initial site evaluation at no extra cost. Separate fees shall be required if site inspections are to determine site suitability for more than one (1) system on a single parcel or lot.					
<b>* Not subject to surcharge</b>					
<b>Consultation Fee:</b>					
CDES	5 <b>Environmental Soils Onsite Wastewater</b> staff in office	ACS	based on loaded salary rate of staff performing the service		

**Deschutes County Fee Schedule  
FY 2025**

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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
CDES 6	<b>Environmental Soils Onsite Wastewater</b> staff in the field (one hour minimum)	ACS	based on loaded salary rate of staff performing the service		
	<b>Construction installation permit:</b>				
CDES 7	First 1,000 gallons projected daily sewage flow - standard on-site system	\$ 1,285.00			\$ 1,465.00
CDES 8	For each additional 500 gallons or part thereof above 1,000 gallons	\$ 188.00			\$ 214.00
	<b>Alternative systems:</b>				
CDES 9	Alternative Treatment Technology (ATT) System to Drain Field	\$ 1,810.00			\$ 2,063.00
CDES 10	Alternative Treatment Technology (ATT) System to Sand Filter	\$ 2,068.00			\$ 2,358.00
CDES 11	Capping fill	\$ 1,810.00			\$ 2,063.00
CDES 12	Gray water waste disposal sump	\$ 557.00			\$ 635.00
CDES 13	Pressure distribution	\$ 1,648.00			\$ 1,879.00
CDES 14	Recirculating gravel filters	\$ 2,202.00			\$ 2,510.00
CDES 15	Sand filter	\$ 2,068.00			\$ 2,358.00
CDES 16	Seepage trench	\$ 1,285.00			\$ 1,465.00
CDES 17	Steep slope	\$ 1,285.00			\$ 1,465.00
CDES 18	Tile dewatering	\$ 3,490.00			\$ 3,977.00
CDES 19	At the discretion of the Department, the permittee may be assessed a reinspection fee, not to exceed \$230.00, when a precover inspection correction notice requires correction of improper construction and at a subsequent inspection, the Department finds system construction deficiencies have not been corrected. The Department may elect not to make further precover inspections until the reinspection fee is paid.	\$ 230.00		OAR 340-071-0170 (4)	
	<b>Commercial Facility Systems (includes ADU when combined with residential), Plan Review:</b>				
CDES 20	For system with projected daily sewage flow of 600 gallons, but not more than 1,000 gallons projected daily sewage flow	\$ 439.00			\$ 500.00
CDES 21	For each additional 500 gallons or part thereof above 1,000 gallons to a maximum sewage flow limit of 5,000 gallons per day	\$ 84.00			\$ 96.00
	<b>Residential Systems Variance, Plan Review</b>				
CDES 22	For system with projected daily sewage flow of less than 600 gallons and is designed by certified professional.	\$ 439.00			\$ 500.00
	<b>Permit Transfer, Re-instatement or Renewal:</b>				
CDES 23	Field visit required	\$ 439.00			\$ 500.00
CDES 24	No field visit required	\$ 290.00			\$ 331.00
	<b>Alteration Permit</b>				
CDES 25	Major	\$ 1,163.00			\$ 1,326.00
CDES 26	Minor	\$ 581.00			\$ 662.00
	<b>Repair Permit - single family dwelling</b>				
CDES 27	Major	\$ 581.00			\$ 662.00
CDES 28	Minor	\$ 362.00			\$ 413.00
	<b>Authorization notice:</b>				
CDES 29	Field visit required	\$ 698.00			\$ 796.00
CDES 30	No field visit required	\$ 336.00			\$ 383.00
	<b>Septic location approval:</b>				
CDES 31	Site/system verification - Field visit required	\$ 362.00			\$ 413.00
CDES 32	No field visit required	\$ 96.00			\$ 109.00
CDES 33	Pumper truck inspection*	\$ 220.00			\$ 251.00
CDES 34	Existing system evaluation report	\$ 582.00			\$ 663.00
CDES 35	Holding Tanks	\$ 1,105.00			\$ 1,260.00
	<b>Report Fees</b>				
CDES 36	Holding Tanks	\$ 40.00			\$ 46.00
<del>CDES 37</del>	<del>Other Alternative systems - Service Provider -</del>	<del>\$ 68.00</del>			
CDES 38	Other Alternative systems - Individual Customer and Service Providers	\$ 84.00			\$ 96.00
<b>NEW</b>	<b>Other Alternative Systems - Compliance Recovery Fee</b>				\$ 125.00
CDES 39	Septic tank abandonment inspection	\$ 220.00	per site		\$ 251.00
	CDD may charge twice the established fee for a septic permit or approval as a compliance recovery fee.			OAR 340-071-0140 (7)	

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
	<p>Surcharges: 340-071-0140 Onsite System Fees (10) DEQ surcharge. (a) To offset a portion of the administrative and program oversight costs of the statewide onsite wastewater management program, DEQ and contract counties must levy a surcharge for each site evaluation, report permit and other activity for which an application is required in this division. The surcharge fee is listed in Table 9F as determined by DEQ. This surcharge does not apply to pumper truck inspections, annual report evaluation fees, or certification of installers or maintenance providers. Proceeds from surcharges collected by DEQ and contract counties must be accounted for separately. Each contract county must forward the proceeds to DEQ in accordance with its agreement with the DEQ.</p>				
	Activity	Surcharge			
	<b>Site evaluation, for each site examined, based on a projected flow of: (Effective through July 2024)</b>				
CDES 40	A. 1,000 gallons or less	\$ 100.00			
CDES 41	B. to 2,000 gallons	\$ 100.00			
CDES 42	C. 2,001 to 3,000 gallons	\$ 100.00			
CDES 43	D. 3,001 to 4,000 gallons	\$ 100.00			
CDES 44	E. 4,001 gallons or more	\$ 100.00			
CDES 45	Construction - installation permit	\$ 100.00			
CDES 46	Renewal permit	\$ 100.00			
CDES 47	Alteration permit	\$ 100.00			
CDES 48	Authorization notice	\$ 100.00			
CDES 49	Existing system evaluation report	\$ 100.00			
	<b>Site evaluation, for each site examined, based on a projected flow of: (Effective beginning August 2024)</b>				
CDES	A. 1,000 gallons or less				\$ 117.00
CDES	B. to 2,000 gallons				\$ 117.00
CDES	C. 2,001 to 3,000 gallons				\$ 117.00
CDES	D. 3,001 to 4,000 gallons				\$ 117.00
CDES	E. 4,001 gallons or more				\$ 117.00
CDES	Construction - installation permit				\$ 117.00
CDES	Renewal permit				\$ 117.00
CDES	Alteration permit				\$ 117.00
CDES	Authorization notice				\$ 117.00
CDES	Existing system evaluation report				\$ 117.00
	<b>CDD - Planning Division</b>				
CDPN 1	Accessory Dwelling Unit Review	\$ 730.00			\$ 861.00
CDPN 2	Administrative determination with notice - Major	\$ 1,989.00			\$ 2,347.00
CDPN 3	Administrative determination with notice - Minor	\$ 1,274.00			\$ 1,503.00
CDPN 4	Administrative determination - EFU alteration of a dwelling; Historic ADU	\$ 664.00			\$ 784.00
CDPN 5	Appeals - Administrative	\$ 250.00		maximum	
				ORs 215.416(11)	
CDPN 6	Appeals to Board of Commissioners - Deposit	\$ 3,448.00		+20% of original fee/Deposit/ ACS	\$ 4,069.00
CDPN 7	Appeals to Board of Commissioners - not accepted	ACS			
CDPN 8	Appeals - LUBA Remand Hearing	\$ 5,000.00		Deposit/ACS	
CDPN 9	Conditional Use (template dwelling)	\$ 3,620.00			\$ 4,272.00
CDPN 10	Conditional Use (template dwelling proposed in Haner Park, Section 36, Skyline Subdivision, 1st edition and a portion of Squaw Creek Canyon Recreational Estates, 1st edition)	\$ 2,535.00			\$ 2,991.00
CDPN 11	Conditional Use (Home Occupation - Type 1 for EFU or F Zone)	\$ 1,299.00			\$ 1,533.00
CDPN 12	Conditional Use (Home Occupation - Type 2)	\$ 1,739.00			\$ 2,052.00
CDPN 13	Conditional Use (Home Occupation - Type 3)	\$ 3,540.00			\$ 4,177.00
CDPN 14	Conditional Use (new destination resort)	\$ 20,381.00		or ACS	\$ 24,050.00
CDPN 15	Conditional Use (non-farm dwelling)	\$ 4,502.00			\$ 5,312.00
CDPN 16	Conditional Use (non-farm dwelling proposed in Squaw Creek Canyon Recreational Estates, 1st edition and Meadow Crest Acres)	\$ 3,152.00			\$ 3,719.00
CDPN 17	Conditional Use (power transmission line and communication tower or pole)	\$ 6,179.00		or ACS	\$ 7,291.00
CDPN 18	Conditional Use (P.U.D. or cluster development)	\$ 7,493.00			\$ 8,842.00
CDPN 19	Conditional Use (schools with 100 students or more)	\$ 5,170.00		or ACS	\$ 6,101.00
CDPN 20	Consultant Fee (for consultant or expert retained by County and paid for by applicant)	ACS			
CDPN 21	Declaratory Ruling (status determined under Chap. 22.40)	\$ 1,956.00			\$ 2,308.00
CDPN 22	Declaratory Ruling for Destination Resorts	ACS			
CDPN 23	Destination Resort Overnight Lodging Tracking (Eagle Crest)	\$ 5,000.00		Deposit/ACS	
CDPN 24	Expedited Land Divisions	\$ 5,817.00		or ACS	\$ 6,864.00

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
CDPN 25	Extension Request	\$ 477.00			\$ 563.00
CDPN 26	Filming Activities	\$ 4,217.00			\$ 4,976.00
CDPN 27	Final Plat Review (all plats)	\$ 172.00	plus \$106 \$125 per lot		\$ 203.00
	<b>Historic Landmarks Commission Public Hearing and Review:</b>				
CDPN 28	Add historic structure/site to Goal 5 Inventory	\$ 2,386.00			\$ 2,815.00
CDPN 29	Appeal of Landmarks Commission Decision to Board	\$ 1,120.00			\$ 1,322.00
CDPN 30	Exterior alteration - major	\$ 530.00			\$ 625.00
CDPN 31	Delete Historic Site/Building from Goal 5 Inventory	\$ 2,386.00			\$ 2,815.00
CDPN 32	Demolish a Historic Landmark Structure	\$ 2,386.00			\$ 2,815.00
CDPN 33	Moving a Historic Landmark Structure	\$ 530.00			\$ 625.00
	<b>Historic Administrative Review (Staff)</b>				
CDPN 34	Appeal of Administrative Decision	\$ 250.00	maximum	ORS 215.416(11)	
CDPN 35	Exterior Alteration - Pilot Butte Canal Historic District	\$ 118.00			\$ 139.00
CDPN 36	Exterior alteration - minor	\$ 371.00			\$ 438.00
CDPN 37	Improvement Agreement - Modified	\$ 1,941.00			\$ 2,290.00
CDPN 38	Improvement Agreement - New	\$ 3,235.00			\$ 3,817.00
CDPN 39	Land Use Verification Letter and/or Information Sheet	\$ 287.00			\$ 339.00
CDPN 40	Landscape Management Review (not visible from road or stream)	\$ 730.00			\$ 861.00
CDPN 41	Landscape Management Review (river)	\$ 1,723.00			\$ 2,033.00
CDPN 42	Landscape Management Review (road)	\$ 1,227.00			\$ 1,448.00
CDPN 43	Landscape Management Review (property includes river frontage, applies to non-conforming river setbacks)	\$ 2,586.00			\$ 3,051.00
CDPN 44	Landscape Management Review (river setback exception)	\$ 3,343.00			\$ 3,945.00
CDPN 45	Landscape Management Review (and less than 50 feet from rimrock)	\$ 2,380.00			\$ 2,808.00
CDPN 46	Limited Land Use Decision	\$ 5,817.00	plus \$32 \$38 per lot		\$ 6,864.00
	<b>Limited Use Permit (Agri-tourism &amp; other events in EFU zone)</b>				
CDPN 47	Type 1 or Renewal of Type 1, 2 or 3	\$ 664.00			\$ 784.00
CDPN 48	Type 2	\$ 1,299.00			\$ 1,533.00
CDPN 49	Type 3	\$ 1,299.00			\$ 1,533.00
CDPN 50	Lot of Record Verification (each proposed lot)	\$ 1,196.00			\$ 1,411.00
CDPN 51	Major Code Change (applicant will be billed for M56 Notice)	\$ 15,249.00	plus ACS (Notice)		\$ 17,994.00
CDPN 52	Master Plan (including final master plan for destination resort)	\$ 7,598.00			\$ 8,966.00
CDPN 53	Master Plan (ORS 197 - Skyline Forest)	\$ 26,522.00			\$ 31,296.00
CDPN 54	Minor code changes	\$ 7,659.00			\$ 9,038.00
CDPN 55	Modification of Conditions	\$ 1,989.00			\$ 2,347.00
CDPN 56	Modification of Submitted Application	\$ 1,274.00			\$ 1,503.00
CDPN 57	No Shooting Zone	\$ 3,787.00			\$ 4,469.00
CDPN 58	Noise Ordinance Variance/Permit	\$ 1,989.00			\$ 2,347.00
CDPN 59	Noise Ordinance Variance Appeal	\$ 1,150.00			\$ 1,357.00
CDPN 60	Non-Conforming Use Alteration (without prior verification)	\$ 2,625.00			\$ 3,098.00
CDPN 61	Non-Conforming Use Verification	\$ 2,091.00			\$ 2,467.00
CDPN 62	Non-Conforming Use Alteration (with prior verification)	\$ 2,091.00			\$ 2,467.00
CDPN 63	Non-Conforming Use Verification (River/Wetland/Flood Plain)	\$ 3,869.00			\$ 4,565.00
CDPN 64	Outdoor Mass Gathering	\$ 3,787.00			\$ 4,469.00
CDPN 65	Outdoor Mass Gathering Renewal	\$ 470.00			\$ 555.00
CDPN 66	Extended Outdoor Mass Gathering	\$ 3,787.00			\$ 4,469.00
CDPN 67	Extended Outdoor Mass Gathering Renewal	\$ 683.00			\$ 806.00
CDPN 68	Partition	\$ 4,217.00	plus \$46 \$54 per lot		\$ 4,976.00
CDPN 69	Petition for Incorporation	\$ 13,802.00		ORS 197.175	\$ 16,286.00
	<b>Permit sign-off for other agency (Role change, Land Use Compatibility Statement, DMV, Water Resources, etc.)</b>				
CDPN 70	Land Use	\$ 1,989.00			\$ 2,347.00
CDPN 71	LUCS sign off	\$ 118.00			\$ 139.00
CDPN 72	Renewal	\$ 47.00			\$ 55.00
CDPN 73	Plan Amendment (without goal exception)	\$ 9,890.00			\$ 11,670.00
CDPN 74	Plan Amendment (including goal exception/UGB expansion)	\$ 13,802.00	or ACS		\$ 16,286.00
CDPN 75	Planning Inspection Fee	\$ 995.00			\$ 1,174.00
CDPN 76	Pre-application meeting	ACS			
CDPN 77	Property Line Adjustment	\$ 730.00			\$ 861.00
CDPN 78	Property Line Adjustment with notice	\$ 1,274.00			\$ 1,503.00

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
CDPN 79	Property Line Adjustment (consolidation)	\$ 557.00			\$ 657.00
CDPN 80	Reconsideration by Hearing Officer	\$ 1,579.00			\$ 1,863.00
CDPN 81	Recreational Vehicle Used for Residential Purposes	\$ 730.00			\$ 861.00
CDPN 82	Rimrock Setback Site Plan (within 50 feet of rim outside LM zone)	\$ 1,194.00			\$ 1,409.00
CDPN 83	Road Dedication	\$ 1,274.00			\$ 1,503.00
CDPN 84	Road Name Change	\$ 1,194.00			\$ 1,409.00
CDPN 85	Road Vacation without public hearing	\$ 1,500.00		ORS 368.341(4)	\$ 1,770.00
CDPN 86	Road Vacation with public hearing	\$ 3,000.00		ORS 368.341(4)	\$ 3,540.00
CDPN 87	Sign Permit	\$ 683.00			\$ 806.00
CDPN 88	Sign Permit (change of approved sign)	\$ 205.00			\$ 242.00
CDPN 89	Sign Permit with Variance	\$ 1,684.00			\$ 1,987.00
CDPN 90	Similar Use Ruling	\$ 1,857.00			\$ 2,191.00
	<b>Site Plan:</b>				
CDPN 91	Alteration or Enlargement of 25% or less (in structural area or required parking)** if site conforms with all existing standards	\$ 1,274.00			\$ 1,503.00
CDPN 92	Alteration or Enlargement, 26% to 100% (in structural area or required parking)**	\$ 3,044.00			\$ 3,592.00
CDPN 93	Alteration or Enlargement of over 100% (in structural area or required parking)**	\$ 4,217.00			\$ 4,976.00
CDPN 94	Change of Use (no change in structural area or required parking) site conforms with all existing standards	\$ 1,274.00			\$ 1,503.00
CDPN 95	Site Plan with New Development** (no previous site plan approval)	\$ 4,893.00			\$ 5,774.00
	**All new site plans and major and minor alterations are subject to the following additional fees:				
CDPN 96	Per 1,000 sq. feet of structure	\$ 67.00			\$ 79.00
CDPN 97	Per developed acre (over 1 acre)	\$ 159.00	over 1 acre		\$ 188.00
CDPN 98	Site Plan/Surface Mining	\$ 5,736.00			\$ 6,768.00
	<b>Site Plan/Surface Mining Combining Zone (SMIA):</b>				
CDPN 99	1/4 mile from mining site and two dwellings closer	\$ 683.00			\$ 806.00
CDPN 100	250 feet to 1/4 mile from mining site	\$ 1,194.00			\$ 1,409.00
CDPN 101	Within 250 feet of mining site or special ESEE standards apply	\$ 2,081.00			\$ 2,456.00
CDPN 102	Site Plan/Wildlife Review	\$ 1,274.00			\$ 1,503.00
CDPN 103	Partition/subdivision SMIA review	\$ 1,327.00			\$ 1,566.00
CDPN 104	Solar Access Permit	\$ 1,068.00			\$ 1,260.00
CDPN 105	Solar Shade Exemption	\$ 2,083.00			\$ 2,458.00
CDPN 106	Solar Variance	\$ 1,274.00			\$ 1,503.00
CDPN 107	Special operating permit	\$ 2,991.00			\$ 3,529.00
CDPN 108	Subdivision Name Change	\$ 1,274.00			\$ 1,503.00
CDPN 109	Subdivision (cemetery)	\$ 3,242.00			\$ 3,826.00
CDPN 110	Subdivision Replat	\$ 3,356.00	plus \$46 \$54 per lot		\$ 3,960.00
CDPN 111	Subdivision (Tentative Plat)	\$ 7,493.00	plus \$54 \$64 per lot		\$ 8,842.00
	<b>Temporary Use:</b>				
CDPN 112	All other	\$ 1,274.00			\$ 1,503.00
CDPN 113	Land Use Permit	\$ 1,274.00			\$ 1,503.00
CDPN 114	Manufactured Home Storage	\$ 463.00			\$ 546.00
CDPN 115	Temporary Residence For Medical Condition	\$ 730.00			\$ 861.00
CDPN 116	Temporary Residence for Medical Condition/Hardship Dwelling EFU or Forest Zone	\$ 1,155.00			\$ 1,363.00
CDPN 117	RV as Temporary Residence	\$ 463.00		EDD DCC 18.116.095	\$ 546.00
CDPN 118	RV as Temporary Residence Renewal	\$ 147.00		EDD DCC 18.116.095	\$ 173.00
CDPN 119	Variance	\$ 3,580.00			\$ 4,224.00
CDPN 120	Variance Type II (variance from less than 25% of the standards in urban area/less than 10% of standards in the county)	\$ 2,081.00			\$ 2,456.00
CDPN 121	Zone Change	\$ 9,692.00	plus ACS (notice)		\$ 11,437.00
	<b>Note:</b> Where ACS is noted, applicant may be required to pay an advance deposit reflecting the estimated cost of service.				
CDPN 122	Oregon Liquor and Cannabis Commission License - Original Application	\$ 100.00	maximum	ORS 471.166 (8)	
CDPN 123	Oregon Liquor and Cannabis Commission License - Change in Ownership, Location or Privilege	\$ 75.00	maximum	ORS 471.166 (8)	
CDPN 124	Oregon Liquor and Cannabis Commission License - Renewal or Temporary Application	\$ 35.00	maximum	ORS 471.166 (8)	
	<b>Juvenile Community Justice</b>				
JUV 1	Juvenile Detention Center (all non-Deschutes County juveniles)	\$ 180.00	per day		
	<b>Behavioral Health and Substance Use Disorder Treatment Fees</b>				
NEW 2	Telephone assessment and management services (non-physician health care professional		5-10 Minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 10.77

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
NEW 3	Telephone assessment and management services (non-physician health care professional)		11-20 Minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 20.92
NEW 4	Telephone assessment and management services (non-physician health care professional)		21-30 Minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 30.70
NEW 5	Take-home supply of nasal naloxone		2-pack	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 127.69
NEW 6	Alcohol and/or Drug Assessment		per assessment	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 221.60
NEW 7	Behavior health screening		per screening	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 44.91
NEW 8	Behavioral health counseling		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 38.37
NEW 9	Alcohol and/or drug services: group counseling by a clinician		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 56.62
NEW 10	Alcohol and/or drug services: case management		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 23.33
NEW 11	Alcohol and/or drug intervention services		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 16.20
NEW 12	Alcohol and/or drug outreach, behavioral health outreach services		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 60.90
NEW 13	Mental health service plan development		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 151.96
NEW 14	Peer services		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 25.62
NEW 15	Alcohol and/or drug testing collection		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 18.28
NEW 16	Alcohol and/or drug services brief intervention		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 46.85
NEW 17	Crisis intervention services		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 40.33
NEW 18	Skills training and development		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 25.75
NEW 19	Activity therapy		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 25.85
NEW 20	Alcohol and/or other drug treatment program, per diem		per diem	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 239.72
NEW 21	Telehealth site facility fee		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 20.72
NEW 22	Alcohol and/or substance abuse services: Family/couple counseling		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 119.51
NEW 23	Sign language or oral interpreter services		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 65.14
NEW 24	Case management		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 30.33
NEW 25	Psychotherapy, 30 minutes with patient and/or family member		30 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 123.15
NEW 26	Psychotherapy, 30 minutes with patient and/or family member		30 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 98.52
NEW 27	Psychotherapy, 45 minutes with patient and/or family member		45 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 184.62
NEW 28	Psychotherapy, 45 minutes with patient and/or family member		45 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 147.70
NEW 29	Psychotherapy, 60 minutes with patient and/or family member		60 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 178.59
NEW 30	Psychotherapy, 60 minutes with patient and/or family member		60 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 223.25
NEW 31	Psychotherapy for crisis, first 60 minutes		60 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 166.69
NEW 32	Psychotherapy for crisis, each additional 30 minutes		30 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 75.78
NEW 33	Family psychotherapy (patient not present)		50 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 169.45
NEW 34	Family psychotherapy (patient not present)		50 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 211.81
NEW 35	Family psychotherapy (patient present)		50 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 198.71
NEW 36	Family psychotherapy (patient present)		50 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 248.39
NEW 37	Group psychotherapy		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 56.67
NEW 38	Group psychotherapy		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 70.84

**Deschutes County Fee Schedule  
FY 2025**

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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
NEW 39	Health behavior assessment, or re-assessment (ie, health focused clinical interview, behavioral observations, clinical decision making)		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 75.29
NEW 40	Health behavior intervention, individual, face-to-face; initial 30 minutes		30 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 51.48
NEW 41	Health behavior intervention, individual, face-to-face; each additional 15 minutes (List separately in addition to code for primary service)		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 17.95
NEW 42	Health behavior intervention, group (2 or more patients), face-to-face; initial 30 minutes		30 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 7.60
NEW 43	Health behavior intervention, group (2 or more patients), face-to-face; each additional 15 minutes (List separately in addition to code for primary service)		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 3.57
NEW 44	Health behavior intervention, family (with the patient present), face-to-face; initial 30 minutes		30 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 55.24
NEW 45	Health behavior intervention, family (with the patient present), face-to-face; each additional 15 minutes (List separately in addition to code for primary service)		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 19.60
NEW 46	Health behavior intervention, family (without the patient present), face-to-face; initial 30 minutes		30 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 62.02
NEW 47	Health behavior intervention, family (without the patient present), face-to-face; each additional 15 minutes (List separately in addition to code for primary service)		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 22.56
NEW 48	Telephone assessment and management service provided by a qualified non-physician health care professional 5-10 minutes of medical discussion		5-10 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 10.77
NEW 49	Telephone assessment and management service provided by a qualified non-physician health care professional 11-20 minutes of medical discussion		11-20 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 20.92
NEW 50	Telephone assessment and management service provided by a qualified non-physician health care professional 21-30 minutes of medical discussion		21-30 Minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 30.70
NEW 51	Activity therapy, such as music, dance, art or play therapies not for recreation, related to the care and treatment of patient's disabling mental health problems, per session (45 minutes or more)		45 minutes or more	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 31.64
NEW 52	Activity therapy, such as music, dance, art or play therapies not for recreation, related to the care and treatment of patient's disabling mental health problems, per session (45 minutes or more)		45 minutes or more	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 25.31
NEW 53	Training and educational services related to the care and treatment of patient's disabling mental health problems per session (45 minutes or more)		45 minutes or more	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 25.31
NEW 54	Training and educational services related to the care and treatment of patient's disabling mental health problems per session (45 minutes or more)		45 minutes or more	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 31.64
NEW 55	Brief communication technology-based service, e.g., virtual check-in, by a physician or other qualified healthcare professional who can report on evaluation and management services.		5-10 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 11.04
NEW 56	Behavioral health counseling and therapy, per 15 minutes		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 38.37
NEW 57	Behavioral health counseling and therapy, per 15 minutes		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 47.97
NEW 58	Mental health assessment, by non-physician.		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 123.15
NEW 59	Intensive in home behavioral health treatment		per month	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 4,032.60
NEW 60	Mental health assessment, by non-physician		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 153.94
NEW 61	Mental health service plan development by non-physician.		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 151.96
NEW 62	Mental health service plan development by non-physician.		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 189.95
NEW 63	Medication training and support, per 15 minutes.		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 23.61
NEW 64	Medication Training/Support, per 15 min		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 29.50
NEW 65	Child and Adolescent Needs Survey		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 132.81
NEW 66	Mental health assessment by non-physician with CANS.		per service	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 150.55
NEW 67	Crisis intervention services		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 40.33
NEW 68	Skills training and development, per 15 min		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 25.75
NEW 69	Skills training and development, per 15 min		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 32.19
NEW 70	Psychosocial Rehabilitation Services, per diem		per diem	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 201.03
NEW 71	Psychosocial Rehabilitation Services, per diem.		per diem	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 251.28



**Deschutes County Fee Schedule  
FY 2025**

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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
NEW 72	Community based wraparound services, per 15 min		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 28.25
NEW 73	Supported Employment, per 15 min		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 23.61
NEW 74	Supported Education, per 15 min		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 23.61
NEW 75	Supported Employment, per 15 min		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 29.51
NEW 76	Supported Education, per 15 min		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 29.51
NEW 77	Activity therapy, per 15 min		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 12.71
NEW 78	Multisystemic therapy for juveniles, per 15 minutes		15 minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 25.65
NEW 79	Telehealth originating site facility fee		PER SERVICE	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 20.72
NEW 80	Sign language or oral interpreter services		PER SERVICE	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 65.14
NEW 81	Case management, per 15 min		15 MINUTES	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 30.33
NEW 82	Case management, per 15 min		15 MINUTES	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 37.91
NEW 83	Screening to determine the appropriateness of consideration of an individual for participation in a specified program, project or treatment protocol, per encounter		PER SERVICE	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 102.62
NEW 84	Preadmission screening and resident review (PASSR) Level I identification screening, per screen		PER SERVICE	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 183.93
NEW 85	Preadmission screening and resident review (PASSR) Level II evaluation, per evaluation		PER SERVICE	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 643.76
NEW 86	Community psychiatric supportive treatment, face-to-face, per 15 minutes.		15 Minutes	Chapter 309 and Chapter 410 Oregon Health Authority	\$ 10.90
	<b>District Attorney</b>				
	<b>Criminal Discovery Costs (crime report copies to defense counsel)</b>				
DA 1	Per Felony	\$ 60.00	ea.		
DA 2	Per Measure 11 Felony	\$ 75.00	ea.		
DA 3	Per Misdemeanor	\$ 40.00	ea.		
DA 4	Per Murder	\$ 200.00	ea.		
DA 5	Per Probation Violation	\$ 15.00	ea.		
DA 6	District Attorney Diversion	\$ 15.00	ea.		
DA 7	Victims' Assistance - lost documentation	\$ 10.00			
DA 8	CDs/DVDs	\$ 15.00	ea.		
DA 9	Flash Drive for Discovery provided by defense	<del>\$ 20.00</del>	ea.		\$ 10.00
<del>DA 10</del>	<del>Flash Drive for Discovery provided by District Attorney</del>	<del>\$ 40.00</del>	<del>-ea-</del>		
NEW 10	<32GB Flash Drive for Discovery provided by District Attorney		each		\$ 20.00
NEW 11	64GB Flash Drive for Discovery provided by District Attorney		each		\$ 25.00
NEW 12	128GB Flash Drive for Discovery provided by District Attorney		each		\$ 30.00
NEW 13	256GB Flash Drive for Discovery provided by District Attorney		each		\$ 35.00
NEW 14	512GB Flash Drive for Discovery provided by District Attorney		each		\$ 40.00
NEW 15	1TB Flash Drive for Discovery provided by District Attorney		each		\$ 50.00
NEW 16	2TB Flash Drive for Discovery provided by District Attorney		each		\$ 100.00
<del>DA 11</del>	<del>Records Request</del>	<del>\$ 25.00</del>	<del>-1st hour-</del>		
<del>DA 12</del>	<del>Records Request (after 1st hour)</del>	<del>\$ 55.00</del>	<del>-additional hours-</del>		
<del>DA 13</del>	<del>Records Request Submitted by Insurance Services</del>	<del>\$ 55.00</del>	<del>-per hour-</del>		
NEW 17	Records Request Additional Work				
NEW 17	Clerical		per hour		\$ 30.00
NEW 18	IT Staff		per hour		\$ 40.00
NEW 19	Attorney		per hour		\$ 70.00
	<del>Community Accountability Program</del>				
<del>DA 14</del>	<del>Autopsy diagnosis sheet</del>	<del>\$ 13.00</del>			
<del>DA 15</del>	<del>Autopsy complete report</del>	<del>\$ 30.00</del>			
	<del>Commercial Exhibitors Space</del>				
	<b>Deschutes County Fair</b>				
FAIR 1	Indoor Commercial Space (10' wide x 8' deep)	<del>\$ 550.00</del>	per booth		\$ 600.00
FAIR 2	Indoor Commercial Space/Corner (10' wide x 8' deep)	<del>\$ 625.00</del>	per booth		\$ 675.00
FAIR 3	Outdoor Commercial Space (10'x10')	<del>\$ 550.00</del>	per booth		\$ 600.00
FAIR 4	Outdoor Commercial Space/End or Corner (10'x10')	<del>\$ 650.00</del>	per booth		\$ 700.00
FAIR 5	Outdoor Commercial Space/Carnival Area (10'x10')	<del>\$ 650.00</del>	per booth		\$ 750.00

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
FAIR 6	<b>Outdoor Commercial Space/Main Entrance Area &amp; Special Interest Areas Main Row/Carnival Corner (10'x10')</b>	<del>700.00</del>	per booth		<b>\$850.00</b>
	<b>Fair Admission Rates</b>				
	<b>Adult</b>				
FAIR 7	Day	<del>14.00</del>			<b>\$15.00 - \$17.00</b>
FAIR 8	Season	\$ 40.00			
	<b>Seniors (62+) &amp; Children (6-12)</b>				
FAIR 9	Day	<del>8.00</del>			<b>\$10.00</b>
FAIR 10	Season	<del>22.00</del>			<b>\$40.00</b>
	Children (5 and younger)	Free			
	<b>Deschutes County - Fair &amp; Expo</b>				
	<b>Room / Space Rental (Space only, no equipment)</b>				
F&E 1	Entire Fairgrounds Exclusive	<del>27,500.00</del>	per day		<b>\$30,000.00</b>
F&E 2	South Sister Building	<del>1,900.00</del>	per day		<b>\$2,000.00</b>
F&E 3	Lava	<del>100.00</del>	per day		<b>\$250.00</b>
F&E 4	Tumalo & Sparks	<del>175.00</del>	per day		<b>\$400.00</b>
F&E 5	Tumalo	<del>100.00</del>	per day		<b>\$250.00</b>
F&E 6	Sparks	<del>100.00</del>	per day		<b>\$250.00</b>
F&E 7	Middle Sister Building	<del>2,300.00</del>	per day		<b>\$2,500.00</b>
F&E 8	East Lake	<del>100.00</del>	per day		<b>\$250.00</b>
F&E 9	Elk, Eileen & Doris	<del>275.00</del>	per day		<b>\$400.00</b>
F&E 10	Eileen	<del>100.00</del>	per day		<b>\$250.00</b>
F&E 11	Doris	<del>100.00</del>	per day		<b>\$250.00</b>
F&E 12	North Sister Building	<del>1,700.00</del>	per day		<b>\$1,800.00</b>
F&E 13	Ochoco	<del>100.00</del>	per day		<b>\$250.00</b>
F&E 14	Haystack & Odell	<del>175.00</del>	per day		<b>\$400.00</b>
F&E 15	Haystack	<del>100.00</del>	per day		<b>\$250.00</b>
F&E 16	Odell	<del>100.00</del>	per day		<b>\$250.00</b>
F&E 17	<b>Bank of the Cascades Center-First Interstate Bank Center</b>	<del>3,750.00</del>	per day		<b>Day 1: \$5000, Day 2: \$4,500, Day 3: \$4,000</b>
F&E 18	<b>Hooker Creek Wilco Arena</b>	<del>650.00</del>	per day / dirt storage & animal use only		<b>\$700.00</b>
F&E 19	Juniper - Outdoor Arena	\$ 1,500.00	per day		
F&E 20	Sagebrush Arena	<del>1,050.00</del>	per day		<b>\$ 1,100.00</b>
F&E 21	<b>High Desert Activity Center-Coastal Pavilion</b>	<del>1,700.00</del>	per day		<b>\$1,800.00</b>
F&E 22	Food/Beverage 3rd party catering - no use of kitchen	<del>0.14</del>			<b>10% of total catering bill</b>
F&E 23	Food/Beverage 3rd party catering - use of kitchen	<del>0.17</del>	hour		<b>\$75.00</b>
	<b>Barns</b>				
F&E 24	Beef Barn	<del>600.00</del>	per day		<b>\$ 700.00</b>
F&E 25	Dairy Barn	<del>500.00</del>	per day		<b>\$ 600.00</b>
F&E 26	Horse Barn	\$ 1,200.00	per day		
F&E 27	Sheep Barn	<del>600.00</del>	per day		<del>700.00</del>
NEW	<b>Stall Rental</b>		night		<b>\$ 15.00</b>
NEW	<b>Dry Camping</b>		night		<b>\$25 + tax</b>
NEW	<b>Refundable Contingency/Damage Deposit</b>				<b>\$ 1,000.00</b>
	Charges for use of Fair facilities and equipment may be negotiated at the time of booking <b>at the discretion of the Director based on revenue generating factors, which may include Food &amp; Beverage revenue, sponsorship, increase in regional visitation, and/or other ancillary benefits or objectives.</b>				
NEW	<b>Multi day facility use may utilize tier-pricing discounting measures.</b>				
	<b>Parking Lots</b>				
F&E 31	Lot A Blacktop	<del>450.00</del>	per day		<b>\$ 500.00</b>
F&E 32	Grass behind lot A	<del>650.00</del>	per day		<b>\$ 700.00</b>
F&E 33	Lot B Blacktop	<del>600.00</del>	per day		<b>\$ 650.00</b>
F&E 34	Grass Behind Lot B	<del>875.00</del>	per day		<b>\$ 900.00</b>
F&E 35	Lot C Blacktop	<del>600.00</del>	per day		<b>\$ 650.00</b>
F&E 36	Grass Behind Lot C	<del>875.00</del>	per day		<b>\$ 900.00</b>
F&E 37	Lot D Blacktop	<del>450.00</del>	per day		<b>\$ 500.00</b>
F&E 38	Grass Behind Lot D	<del>650.00</del>	per day		<b>\$ 700.00</b>
F&E 39	Barn Grass Parking	<del>650.00</del>	per day		<b>\$ 700.00</b>

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
F&E 40	Sagebrush Grass Parking	<del>\$ 325.00</del>	per day		\$ 350.00
	<b>Grass Areas</b>				
F&E 41	Beef Barn Lawn	<del>\$ 525.00</del>	per day		\$ 550.00
F&E 42	Buckaroo Lawn	<del>\$ 525.00</del>	per day		\$ 750.00
F&E 43	Carnival Lawn	<del>\$ 1,500.00</del>	per day		\$ 1,750.00
F&E 44	Dairy Barn Lawn	<del>\$ 420.00</del>	per day		\$ 450.00
F&E 45	Event Center Lawn	<del>\$ 525.00</del>	per day		\$ 750.00
	<b>Equipment Rental</b>				
	<b>Tables</b>				
F&E 47	5' Round Folding Banquet	<del>\$ 10.00</del>	per event		\$ 13.00
F&E 48	8'x30" Folding (new)	<del>\$ 10.00</del>	per event		\$ 13.00
F&E 49	8'x30" Plastic Folding (new)	<del>\$ 10.00</del>	per event		\$ 13.00
F&E 50	6'x18" Folding (new) Classroom	<del>\$ 7.00</del>	per event		\$ 8.00
F&E 51	8'x32" Rock Hound Folding Wood	<del>\$ 4.00</del>	per event		\$ 5.00
F&E 52	8'x32" White Tall Folding Wood	<del>\$ 4.00</del>	per event		\$ 5.00
F&E 53	8' Picnic Tables w/ attached benches	<del>\$ 7.00</del>	per event		
<b>NEW</b>	<b>Bistro Table</b>				\$ 10.00
	<b>Chairs</b>				
F&E 55	Chair Pad Interlock Green (Conference Center)	<del>\$ 3.00</del>	per event		\$ 3.50
F&E 56	Chair Pad Brown (Conference Center)	\$ 3.00	per event		
F&E 57	Chair Folding Pad Interlock Brown (Event Center)	<del>\$ 1.50</del>	per event		\$ 2.00
	<b>Risers</b>				
F&E 58	4'x8'x8" Folding	<del>\$ 20.00</del>	per event		\$ 25.00
F&E 59	4'x8'x16" Folding	<del>\$ 20.00</del>	per event		\$ 25.00
F&E 60	4'x8'x24" Folding	<del>\$ 20.00</del>	per event		\$ 25.00
F&E 61	4'x4'x8" Folding Triangle Sections	<del>\$ 12.00</del>	per event		\$ 50.00
	<b>Miscellaneous Equipment</b>				
F&E 62	Basketball Floor	\$ 4,000.00	per event		
F&E 63	4'x8" Lattice	<del>\$ 4.00</del>	per event		\$ 5.00
F&E 64	4'x4" Lattice	<del>\$ 2.00</del>	per event		\$ 5.00
F&E 65	4'x5" Lattice	<del>\$ 3.00</del>	per event		\$ 5.00
F&E 66	4'x6" Lattice	<del>\$ 3.00</del>	per event		\$ 5.00
F&E 67	2'x8" Lattice	<del>\$ 2.00</del>	per event		\$ 5.00
F&E 68	Peg Boards 4'x8' w/ Legs	\$ 8.00	per event		
F&E 69	Emergency Warning Cones	\$ 3.00	per event		
F&E 70	8' Coat Racks	<del>\$ 15.00</del>	per event		\$ 20.00
F&E 71	Small Round Coat Racks	<del>\$ 8.00</del>	per event		\$ 10.00
F&E 72	Podium (2)	<del>\$ 30.00</del>	per event		\$ 40.00
F&E 73	Lectern (1)	<del>\$ 15.00</del>	per event		\$ 25.00
F&E 74	4-H Auction Stand	\$ 20.00	per event		
F&E 75	Multi-Spigot Hose Connection	<del>\$ 20.00</del>	per event		\$ 25.00
F&E 76	Porta Pottie Rental (2)	\$ 100.00	per event		
F&E 77	House Sound System				
F&E 77	Cordless Handheld Mic	included	per event		
F&E 78	Second Cordless Handheld Mic	\$ 30.00	per event		
F&E 79	Hardwired Mic	\$ 30.00	per event		
<b>NEW</b>	<b>Arena Dirt In/Out</b>				\$ 6,000.00
<b>NEW</b>	<b>A-Frame</b>				\$125.00
<b>NEW</b>	<b>Water Truck w/Operator</b>		hour		\$100.00
<b>NEW</b>	<b>Tractor w/Operator</b>		hour		\$100.00
<b>NEW</b>	<b>Pallet Disposal</b>		each		\$5.00
F&E	Charges for use of Fair facilities and equipment may be negotiated at the time of booking <b>at the discretion of the Director based on revenue generating factors, which may include Food &amp; Beverage revenue, sponsorship, increase in regional visitation, and/or other ancillary benefits or objectives.</b>				
<b>NEW</b>	<b>Multi day facility use may utilize tier-pricing discounting measures.</b>				
	<b>Deschutes Expo Center RV Park</b>				
RV	1	30 Amp RV Site	<del>\$ 40.00</del>	per night plus applicable Transient Room Tax	\$ 42.00

**Deschutes County Fee Schedule  
FY 2025**

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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
RV 2	50 Amp RV Site	\$ 45.00	per night plus applicable Transient Room Tax		\$ 48.00
RV 3	Tent Site	\$ 25.00	per night + applicable Transient Room Tax		\$ 30.00
RV 4	Extra Tent	\$ 12.00	each per night + applicable Transient Room Tax		\$ 15.00
RV 5	RV Site Lock Fee	\$ 15.00	(optional, non refundable)		
NEW	Laundry Machine Fees		per charge		\$0.25-\$4.00
NEW	RV Park buyout fee				\$5,250.00
<b>Behavioral Health</b>					
BH 1	Individual and Family Counseling (maximum)*	\$ 255.00	per hour	DHS-DMAP** (132% of DMAP)	\$ 305.00
BH 2	Assessments (maximum, excluding Physician services)*	\$ 376.00	per hour	DHS-DMAP** (170% of DMAP)	\$ 479.00
BH 3	Screenings (maximum, excluding Physician services)	\$ 263.00	per hour	DHS-DMAP** (170% of DMAP)	\$ 335.00
BH 4	Physician services (maximum)	\$ 463.00	per hour	DHS-DMAP**	\$ 587.00
BH 5	Psychiatric nurse practitioner (maximum)	\$ 354.00	per hour	DHS-DMAP**	\$ 391.00
BH 6	Psychiatric nurse (maximum)	\$ 269.00	per hour	DHS-DMAP** (132% of DMAP)	\$ 337.00
BH 7	Individual Counseling -- Assertive Community Treatment Program (community based service)	\$ 330.00			\$ 413.00
<del>BH 8</del>	<del>Group Counseling -- Assertive Community Treatment Program (community based service)</del>	<del>\$ 142.00</del>		<del>DHS-DMAP**</del>	
BH 9	Service Plan Development - Children's WRAP Program (team based service)	\$ 575.00			\$ 699.00
BH 10	Service Plan Development - Children's WRAP Program (per member per month)	\$ 1,319.00	per month	DHS-DMAP**	
BH 11	Group counseling <45 min (maximum, excluding physician services)*	\$ 100.00	per hour	DHS-DMAP**	\$ 107.00
BH 12	Group Counseling, >45 min (maximum, excluding physician services)*	\$ 146.00			\$ 186.00
BH 13	Crisis Services (maximum, including Physician services)*	\$ 591.00	per hour		\$ 749.00
BH 14	Non-cancelled appointment (maximum)	\$ 50.00			
BH	Copy fees for requested materials from other agencies				
BH 15	20+ pages of chart notes and summary	\$ 0.25	per page		
BH 16	20+ pages of chart notes and summary	\$ 20.00	per check		
BH 17	Clinical Report	\$ 35.00	per report		
BH 18	Record searches	\$ 15.00			
BH 19	Medical record searches	\$ 30.00			
BH 20	Copy of medical records (10 or fewer pages)	\$ 30.00		State of Oregon	
BH 21	Copy of medical records (additional pages over 10 and through page 50)	\$ 0.50	per page	State of Oregon	
BH 22	Copy of medical records (additional pages over 50)	\$ 0.25	per page	State of Oregon	
BH 23	Medical records processed and mailed first class within seven business days of request	\$ 5.00		State of Oregon	
<del>-Clients are encouraged to use insurance benefits, if applicable.-</del>					
**The Division of Medical Assistance Programs (DMAP), a branch of the Oregon Department of Human Services, permits cost driven fee adjustments that are based upon a DMAP approved actuarial model completed in accordance with that model. The model used for this adjustment has been approved by DMAP. The department will charge DMAP or the approved fee model, whichever may be higher.					
<del>Note: There may be some variation in charges based on different programs and whether services are performed in the clinic or out of the clinic. Additionally, most fees are based on sliding scale according to Federal Poverty income guidelines.</del>					
<b>Public Health</b>					
HLTH 1	Certified Copy of Vital Record Certificate - first copy of order (not requiring applicant identify verification)	\$ 25.00	each	State of Oregon	
HLTH 2	Certified Copy of Vital Record Certificate - additional copies (with or without applicant identify verification)	\$ 25.00	each	State of Oregon	
HLTH 3	Certificate Replacement	\$ 5.00	each	State of Oregon	
HLTH 4	Convenience/Handling Fee (on-line purchase of certificates)	3%	of transaction amount (Minimum Fee 1.50)		
HLTH 5	Applicant Verification Fee	\$ 1.25	One time fee per applicant		
HLTH 6	Expedite (handling charges)	\$ 7.00		State of Oregon	

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
	<b>Note: Most fees are based on sliding scale according to Federal Poverty income guidelines. Consult each program page for exceptions to this. When fees are set by an outside agency, those fees will be changed, if the agency changes fees.</b>				
	Fees are charged at actual cost of services based on annual cost analysis. Annual cost analysis is on file for review.				
	Clients may be eligible for FPEP coverage at no charge for contraception services.				
	<b>New Patient Office Visits and Well Service Visits</b>				
	Fees are charged at actual cost of services based on annual cost analysis. Annual cost analysis is on file for review.				
	<b>New Patient - Office Visit</b>				
HLTH 7	Problem focus straightforward	<del>\$ 151.00</del>	per visit		\$ 157.04
HLTH 8	Expanded straightforward	<del>\$ 262.00</del>	per visit		\$ 272.48
HLTH 9	Detailed Low	<del>\$ 375.00</del>	per visit		\$ 390.00
HLTH 10	Comp Moderate	<del>\$ 573.00</del>	per visit		\$ 595.92
HLTH 11	Comp High	<del>\$ 722.00</del>	per visit		\$ 750.88
	<b>Established Patient - Office Visit</b>				
HLTH 12	Incident to Minimal	<del>\$ 68.00</del>	per visit		\$ 70.72
HLTH 13	Problem focus straightforward	<del>\$ 150.00</del>	per visit		\$ 156.00
HLTH 14	Expanded problem focused	<del>\$ 255.00</del>	per visit		\$ 265.20
HLTH 15	Detailed Low	<del>\$ 376.00</del>	per visit		\$ 391.04
HLTH 16	Comp Moderate	<del>\$ 508.00</del>	per visit		\$ 528.32
	<b>Well Services - New Patient</b>				
HLTH 17	12 - 17 year	<del>\$ 476.00</del>	per visit		\$ 495.04
HLTH 18	18 - 19 year	<del>\$ 461.00</del>	per visit		\$ 479.44
HLTH 19	40 - 64 year	<del>\$ 537.00</del>	per visit		\$ 558.48
HLTH 20	65+ years	<del>\$ 537.00</del>	per visit		\$ 558.48
	<b>Well Services - Established Patient</b>				
HLTH 21	12 - 17 year	<del>\$ 406.00</del>	per visit		\$ 422.24
HLTH 22	18 - 39 year	<del>\$ 417.00</del>	per visit		\$ 433.68
HLTH 23	40 - 64 year	<del>\$ 445.00</del>	per visit		\$ 462.80
HLTH 24	65+ years	<del>\$ 445.00</del>	per visit		\$ 462.80
	STD and HIV Office Visits				
	Fees are charged at actual cost of services based on annual cost analysis. Annual cost analysis is on file for review.				
<b>NEW</b>	<b>New Patient - Office Visit</b>				
HLTH 25	Problem focus straightforward	<del>\$ 151.00</del>	per visit Sliding Fee Minimum, 30.00		\$ 157.04
HLTH 26	Expanded straightforward	<del>\$ 262.00</del>	per visit Sliding Fee Min, 30.00		\$ 272.48
HLTH 27	Detailed Low	<del>\$ 375.00</del>	per visit Sliding Fee Min, 30.00		\$ 390.00
HLTH 28	Comp Moderate	<del>\$ 573.00</del>	per visit Sliding Fee Min, 30.00		\$ 595.92
HLTH 29	Comp High	<del>\$ 722.00</del>	per visit Sliding Fee Min, 30.00		\$ 750.88
<b>NEW</b>	<b>Established Patient - Office Visit</b>				
HLTH 30	Incident to Minimal	<del>\$ 68.00</del>	per visit Sliding Fee Min, 30.00		\$ 70.72
HLTH 31	Problem focus straightforward	<del>\$ 150.00</del>	per visit Sliding Fee Min, 30.00		\$ 156.00
HLTH 32	Expanded problem focused	<del>\$ 255.00</del>	per visit Sliding Fee Min, 30.00		\$ 265.20
HLTH 33	Detailed Low	<del>\$ 376.00</del>	per visit Sliding Fee Min, 30.00		\$ 391.04
HLTH 34	Comp Moderate	<del>\$ 508.00</del>	per visit Sliding Fee Min, 30.00		\$ 528.32
	Procedures				
	Misc Medical Procedures - medical procedures are charged at actual cost of services based on annual cost analysis.				
	*Annual cost analysis is on file for review.				
	**New procedures not included in cost analysis will be billed at minimum Medicaid reimbursement rate plus any additional cost for staff or supplies.				
HLTH 35	Cervical biopsy	<del>\$ 440.00</del>			\$ 457.60

**Deschutes County Fee Schedule  
FY 2025**

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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
HLTH 36	Biopsy of Uterus Lining	<del>\$ 376.00</del>			\$ 391.04
HLTH 37	Diaphragm fit	<del>\$ 209.00</del>			\$ 217.36
HLTH 38	Lesion destruction penis cryo	<del>\$ 455.00</del>			\$ 473.20
HLTH 39	Lesion destruction vulva any	<del>\$ 450.00</del>			\$ 468.00
HLTH 40	IUD insert	<del>\$ 250.00</del>			\$ 260.00
HLTH 41	IUD remove	<del>\$ 326.00</del>			\$ 339.04
HLTH 42	Contraceptive Capsule Insert	<del>\$ 480.00</del>			\$ 499.20
HLTH 43	Contraceptive Capsule Removal	<del>\$ 463.00</del>			\$ 481.52
HLTH 44	Contraceptive Capsule Removal and Reinsertion	<del>\$ 766.00</del>			\$ 796.64
HLTH 45	SBIRT Screening: 15 to 30 minutes	<del>\$ 109.00</del>			\$ 113.36
HLTH 46	SBIRT Screening: > 30 minutes	<del>\$ 196.00</del>			\$ 203.84
HLTH 47	Colposcopy of cervix including upper vagina w/o biopsy	<del>\$ 375.00</del>			\$ 390.00
HLTH 48	Colposcopy of cervix including upper vagina w/ biopsy	<del>\$ 492.00</del>			\$ 511.68
HLTH 49	Colposcopy of entire vagina w/cervix w/o biopsy	<del>\$ 402.00</del>			\$ 418.08
HLTH 50	Colposcopy of entire vagina w/cervix w/ biopsy	<del>\$ 539.00</del>			\$ 560.56
HLTH 51	Biopsy of vulva	<del>\$ 282.00</del>			\$ 293.28
HLTH 52	Biopsy of vagina	<del>\$ 311.00</del>			\$ 323.44
HLTH 53	Endocervical curettage w/o D&C	<del>\$ 526.00</del>			\$ 547.04
HLTH 54	Cervical Cryotherapy - simple	<del>\$ 392.00</del>			\$ 407.68
HLTH 55	Conization of Cervix, LEEP	<del>\$ 379.00</del>			\$ 394.16
HLTH 56	Conization of Cervix w/ Scope, LEEP	<del>\$ 919.00</del>			\$ 955.76
	<b>STD and HIV Laboratory Processing Specimen</b>				
HLTH 57	Handling fee - varies depending on fee charged from laboratory	ACS	per lab each		
	<b>Laboratory Processing Specimen</b>				
HLTH 58	Handling fee - varies depending on fee charged from laboratory	15.00 - 30.00			
HLTH 59	Handling fee - Thin Prep with Imager	\$ 43.00			
HLTH 60	Handling fee - HR HPV Test	\$ 48.00			
	<b>In-House Testing</b>				
	In-House testing is charged at Actual Cost of Service including supply costs.				
HLTH 61	Glucose blood test	\$ 13.00			
HLTH 62	Preg test - urine	\$ 13.00			
<del>HLTH 63</del>	<del>Strep test</del>	<del>\$ 21.00</del>			
HLTH 63	UA w/o micro test	\$ 13.00			
HLTH 64	Wet Mount Test	\$ 16.00			
HLTH 65	Hemocult feces screen	\$ 13.00			
HLTH 66	HGB test	\$ 13.00			
NEW	HbA1C		83036QW		\$10.00
NEW	HIV		86703QW		\$14.00
NEW	Syphilis		86780QW		\$13.00
NEW	Trichomonas		87905QW		\$10.00
NEW	CTGC/Trich combo		87801QW		\$70.00
	<b>External Labs</b>				
HLTH 72	Lab fees - actual flow-through price from outside lab	ACS			
	<b>Medication and Lab Charges - Non Title X</b>				
	Charge at cost, no slide, client must pre-pay				
HLTH 73	Other labs and medications	ACS			
	<b>Injections</b>				
HLTH 74	Therapeutic/Antibiotic Injection Administration	\$ 29.00			
	<b>Dispensed Medications ***</b>				
	***Medications and drugs are priced at Health Department costs and may be adjusted during the year. A current fee schedule will be on file for review. Cost varies according to specials and amounts purchased.				
	Clients may be eligible for FPEP coverage at no charge for contraception services.				
	<b>Targeted Case Management*</b>				
HLTH 75	Babies First/CaCoon Targeted Case Management	\$ 460.36	T1017	per encounter	State of Oregon
	<b>Family Connects</b>				
HLTH 76	Family Connects Targeted Case Management	\$ 460.36	T1017-32		
HLTH 77	Family Connects Medical Services - pre-in-home visit	\$ 242.31	99502-TD		
HLTH 78	Family Connects Medical Services - in-home visit	\$ 592.81	99502-32		
HLTH 79	Family Connects Medical Services - in-home visit addtl child	\$ 170.65	99502-TT		
	<b>Family Connects (Commercial)</b>				
HLTH 80	Family Connects Medical Services - pre-in-home visit	\$ 293.69	99502-32, TD		

**Deschutes County Fee Schedule  
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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
HLTH 81	Family Connects Medical Services - in home visit	\$ <del>1,279.93</del>	99502-32 - COMMERCIAL		\$ 1,276.93
HLTH 82	Family Connects Medical Services - in home visit addtl child	\$ 204.31	99502-32,TT		
	<b>Certified Community Health Worker Program</b>				
HLTH 84	Preventive medicine counseling and/or risk factor reduction intervention: 15 minutes	\$ <del>28.00</del>		State of Oregon	\$ 31.14
HLTH 85	Preventive medicine counseling and/or risk factor reduction intervention: 30 minutes	\$ <del>46.00</del>		State of Oregon	\$ 50.57
HLTH 86	Preventive medicine counseling and/or risk factor reduction intervention: 45 minutes	\$ <del>63.00</del>		State of Oregon	\$ 69.49
HLTH 87	Preventive medicine counseling and/or risk factor reduction intervention: 60 minutes	\$ <del>81.00</del>		State of Oregon	\$ 88.64
	<b>Immunizations**</b>				
	Clients eligible for Vaccines for Children Program (VFC) pay only an administrative fee. This admin fee is set by the State and is subject to change.				
	Fees set by State DHS Program are adjusted as DHS adjusts fees. List of current prices is on file for review				
	Fees for clients not eligible for <b>one of the programs listed below the VFC Program</b> are based on the actual cost of the vaccine plus the admin fee.				
HLTH 88	Administration fee on first immunization - other than State	\$ 51.00			
HLTH 89	Administration fee on addtl immunization - other than State	\$ 27.00			
HLTH 90	Admin Fee for State and/or each additional immunization	\$ 21.96		DHS	
NEW	State Supplied Vaccines**				
NEW	Oregon Immunization Program vaccine list			DHS	ACS
NEW	Locally Owned Vaccines**				
NEW	Private-purchase vaccines not reimbursed through the state				ACS
<del>HLTH 86</del>	<del>DTAP</del>	<del>\$ 26.02</del>		<del>DHS</del>	
<del>HLTH 87</del>	<del>DTaP/IPV</del>	<del>\$ 62.70</del>		<del>DHS</del>	
<del>HLTH 88</del>	<del>HIB</del>	<del>\$ 11.78</del>		<del>DHS</del>	
<del>HLTH 89</del>	<del>Polio IPV (Eipv)</del>	<del>\$ 36.80</del>		<del>DHS</del>	
<del>HLTH 90</del>	<del>MMR</del>	<del>\$ 89.88</del>		<del>DHS</del>	
<del>HLTH 91</del>	<del>MMRV</del>	<del>\$ 262.36</del>		<del>DHS</del>	
<del>HLTH 92</del>	<del>Td 7+yrs</del>	<del>\$ 33.17</del>		<del>DHS</del>	
<del>HLTH 93</del>	<del>Tdap 11-16 years</del>	<del>\$ 43.13</del>		<del>DHS</del>	
<del>HLTH 94</del>	<del>Varicella</del>	<del>\$ 169.99</del>		<del>DHS</del>	
<del>HLTH 96</del>	<del>DTAP/HEPB/IPV</del>	<del>\$ 67.19</del>		<del>DHS</del>	
<del>HLTH 96</del>	<del>Hep A Peds</del>	<del>\$ 29.27</del>		<del>DHS</del>	
<del>HLTH 97</del>	<del>Hep B Ped/adol</del>	<del>\$ 16.93</del>		<del>DHS</del>	
<del>HLTH 98</del>	<del>PCV13</del>	<del>\$ 224.17</del>		<del>DHS</del>	
<del>HLTH 99</del>	<del>Rotavirus</del>	<del>\$ 123.46</del>		<del>DHS</del>	
<del>HLTH 100</del>	<del>Menveo</del>	<del>\$ 117.71</del>		<del>DHS</del>	
	<b>Special Programs**</b>				
NEW	Vaccines for Children (VFC) - Age 0-19 - Price per vaccine administered			DHS	\$ 21.96
NEW	Section 317 Vaccines (317) - Age 19+ - Price per vaccine administered			DHS	\$ 21.96
<del>HLTH 101</del>	<del>Influenza</del>	<del>\$ 30.00</del>		<del>DHS</del>	
<del>HLTH 102</del>	<del>Flumist</del>	<del>\$ 35.00</del>		<del>DHS</del>	
<del>HLTH 103</del>	<del>Immune Globulin - only pay admin fee</del>	<del>\$ -</del>		<del>DHS</del>	
<del>HLTH 104</del>	<del>HPV Vaccine 9</del>	<del>\$ 268.77</del>		<del>DHS</del>	
	<del>Vaccines Not in VFC Program**</del>				
<del>HLTH 105</del>	<del>Hep A/Hep B Adult</del>	<del>\$ 87.09</del>		<del>DHS</del>	
<del>HLTH 106</del>	<del>Hep A Adult</del>	<del>\$ 65.63</del>		<del>DHS</del>	
<del>HLTH 107</del>	<del>Hep B Adult</del>	<del>\$ 46.56</del>		<del>DHS</del>	
<del>HLTH 108</del>	<del>Pneumo - 23</del>	<del>\$ 117.08</del>		<del>DHS</del>	
<del>HLTH 109</del>	<del>PPD - TB Test</del>	<del>\$ 30.00</del>			
<del>HLTH 110</del>	<del>Antibiotic Injection Administration</del>	<del>\$ 27.00</del>			
	** If the cost of the immunization increases during the fiscal year, the Health Department will adjust the price to reflect the actual increase in cost.				
	<b>Diabetes Prevention Program (Medicare)</b>				
<del>HLTH 111</del>	<del>First core session</del>	<del>\$ 38.00</del>	<del>G9873</del>	<del>Medicare</del>	
<del>HLTH 112</del>	<del>Core session (4)</del>	<del>\$ 116.00</del>	<del>G9874</del>	<del>Medicare</del>	
<del>HLTH 113</del>	<del>Core session (9)</del>	<del>\$ 191.00</del>	<del>G9875</del>	<del>Medicare</del>	
<del>HLTH 114</del>	<del>Core maintenance session</del>	<del>\$ 76.00</del>	<del>G9876-G9877</del>	<del>Medicare</del>	
<del>HLTH 115</del>	<del>Core maintenance session w/ weight loss</del>	<del>\$ 101.00</del>	<del>G9878-G9879</del>	<del>Medicare</del>	



Deschutes County Fee Schedule  
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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
<del>HLTH</del> 416	<del>Ongoing maintenance sessions Months 13-18</del>	<del>\$ 67.00</del> -G9882-G9883		<del>Medicare</del>	
<del>HLTH</del> 417	<del>Ongoing maintenance sessions Months 19-24</del>	<del>\$ 68.00</del> -G9884-G9885		<del>Medicare</del>	
NEW	Behavioral counseling for diabetes prevention, in-person, group, 60 mins	G9886		Medicare	\$ 25.00
NEW	Behavioral counseling for diabetes prevention, distance learning, 60 mins	G9887		Medicare	\$ 25.00
HLTH 97	5% weight loss	<del>\$ 184.00</del> G9880		Medicare	\$ 145.00
HLTH 98	9% weight loss	<del>\$ 38.00</del> G9881		Medicare	\$ 25.00
NEW	Maintenance 5% WL from baseline, months 7-12	G9888		Medicare	\$ 8.00
HLTH 100	Bridge payment	<del>\$ 38.00</del> G9890		Medicare	\$ 25.00
HLTH 101	Non payable session	\$ -		Medicare	
	<b>Diabetes Prevention Program (Medicaid)</b>				
HLTH 102	Preventive Behavior Change Group	\$ 23.00	0403T	Medicaid	
HLTH 103	Preventive Behavior Change Online	<del>\$ 45.00</del> 0488T		Medicaid	\$ 49.00
	<b>Public Health - Environmental Health Division</b>				
	<b>LICENSES: Food Service</b>				
	<b>Note:</b> A supplementary inspection charge equal to 50% of the annual license fee shall be assessed for each complete inspection required because of failure to meet applicable standards when such complete inspection is performed during the license period in addition to the two semi-annual inspections normally performed. Charges accrued and not paid during the current license period will be added to the license fee for the next license period and will be subject to the late penalties specified. New licensees will not be assessed any surcharges accrued by the previous license holder. Any licensed facility opened in Oct/Nov/Dec will be charged 1/2 fee.				
	<b>Full service restaurant seating:</b>				
EH 1	0 - 15	<del>\$ 908.00</del>			\$ 944.32
EH 2	16 - 50	<del>\$ 993.00</del>			\$ 1,032.72
EH 3	51 - 150	<del>\$ 1,190.00</del>			\$ 1,237.60
EH 4	151 and over	<del>\$ 1,346.00</del>			\$ 1,399.84
EH 5	Commissary	<del>\$ 366.00</del>			\$ 380.64
EH 6	Warehouse	<del>\$ 293.00</del>			\$ 304.72
EH 7	Limited service	<del>\$ 745.00</del>			\$ 774.80
	Government Entities - fee is 100% of full service restaurant fees, based on restaurant seating.			Senate Bill 631	
	<b>Mobile Unit Annual Operating License per OAR 333-162-0020</b>				
EH 8	Class I	<del>\$ 310.00</del>			\$ 341.00
EH 9	Class II	<del>\$ 364.00</del>			\$ 400.40
EH 10	Class III	<del>\$ 476.00</del>			\$ 511.20
EH 11	Class IV	<del>\$ 571.00</del>			\$ 742.30
	<b>Temporary Restaurant License</b>				
EH 12	Temporary Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	<del>\$ 58.00</del>	per event		\$ 60.32
EH 13	Temporary for Profit	<del>\$ 184.00</del>	per event		\$ 191.36
EH 14	Temporary Prior to Event: Temporary Restaurant Applications must be received at least 7 calendar days before the day the event starts.	<del>\$ 118.00</del>	per event		\$ 122.72
EH 15	Temporary at Event (operating without a license)	<del>\$ 293.00</del>	per event		\$ 304.72
EH 16	Temporary Event - Events with five or more applicants (received 7 calendar days before the event)	<del>\$ 102.00</del>	per event		\$ 106.08
NEW	Exempt Foods Agreement Form Fee - foods exempt from licensure but still requiring review				\$ 45.00
	<b>Seasonal or Intermittent Temporary Restaurant License</b>				
EH 18	Seasonal/Intermittent Temporary Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	<del>\$ 91.00</del>			\$ 94.64
EH 19	Seven days or more before event start date (for profit)	<del>\$ 184.00</del>			\$ 191.36
EH 20	Less than seven days before event start date (for profit)	<del>\$ 219.00</del>			\$ 227.76
EH 21	Operational Review (for profit)	<del>\$ 123.00</del>			\$ 127.92
	Operational Review Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify				

**Deschutes County Fee Schedule  
FY 2025**

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ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
EH 22	Re-check fee for Temporary Restaurant	<del>\$ 123.00</del>			\$ 127.92
	<b>School Cafeteria &amp; Kitchens:</b>				
EH 23	School Inspection (production kitchen)	<del>\$ 293.00</del>			\$ 304.72
EH 24	School Inspection (satellite branch)	<del>\$ 219.00</del>			\$ 227.76
EH 25	Bed and breakfast (food facility)	<del>\$ 549.00</del>			\$ 570.96
	<b>Vending machines (of potentially hazardous foods):</b>				
EH 26	1 - 10	<del>\$ 176.00</del>			\$ 183.04
EH 27	11 - 20	<del>\$ 233.00</del>			\$ 242.32
EH 28	21 - 30	<del>\$ 293.00</del>			\$ 304.72
EH 29	31 - 40	<del>\$ 352.00</del>			\$ 366.08
EH 30	41 - 50	<del>\$ 406.00</del>			\$ 424.32
EH 31	Food handlers certification	\$ 10.00			
EH 32	Certification card replacement	\$ 5.00			
	<b>Plan Review prior to construction</b>				
EH 33	New (restaurant)	<del>\$ 732.00</del>			\$ 761.28
EH 34	Remodel (restaurant)	<del>\$ 439.00</del>			\$ 456.56
EH 35	School cafeteria plan review	<del>\$ 732.00</del>			\$ 761.28
EH 36	Childcare Plan Review	<del>\$ 292.00</del>			\$ 303.68
EH 37	Childcare Remodel Plan	<del>\$ 110.00</del>			\$ 114.40
EH 38	Commissary/Base of Operation	<del>\$ 366.00</del>			\$ 380.64
EH 39	Tourist Facility Plan review	<del>\$ 293.00</del>			\$ 304.72
EH 40	Non-profit organization plan review	<del>\$ 366.00</del>			\$ 380.64
	<b>Mobile Food Unit (review of mobile unit plan prior to construction)</b>				
EH 41	Class I	<del>\$ 315.00</del>			\$ 327.60
EH 42	Class II	<del>\$ 394.00</del>			\$ 409.76
EH 43	Class III	<del>\$ 549.00</del>			\$ 570.96
EH 44	Class IV	<del>\$ 583.00</del>			\$ 606.32
	<b>Note:</b> A penalty of \$150.00 shall be added if payment is 30 days after the license expiration date. An additional penalty of \$150.00 shall be added on the first day of each succeeding month of delinquency.				
	<b>Tourist facilities:</b>				
EH 45	Organizational camp or picnic park Traveler's accommodation	<del>\$ 198.00</del>	plus fee for each space		\$ 205.92
EH 46	1-25 units	<del>\$ 304.00</del>			\$ 364.80
EH 47	26-50 units	<del>\$ 330.00</del>			\$ 445.50
EH 48	51-75 units	<del>\$ 359.00</del>			\$ 538.50
EH 49	76-100 units	<del>\$ 386.00</del>			\$ 656.20
EH 50	101+ units Recreation park	<del>\$ 386.00</del>	plus \$3.00/unit over 100		\$ 656.20
EH 51	1-25 units	<del>\$ 378.00</del>			\$ 393.12
EH 52	26-50 units	<del>\$ 498.00</del>			\$ 517.92
EH 53	51-75 units	<del>\$ 592.00</del>			\$ 615.68
EH 54	76-100 units	<del>\$ 721.00</del>			\$ 749.84
EH 55	101+ units	<del>\$ 721.00</del>	plus \$2.00/unit over 100		\$ 749.84
	<b>Note:</b> Any person initially licensed under ORA 446.310 to 446.350 for engaging in the recreation park or travelers accommodation business who has failed to renew a license on or before the expiration date is delinquent. <b>If delinquency extends 15 days past the expiration date, a penalty fee of 50% of the annual license fee shall be added. The penalty fee shall be increased by 50% of the license fee on the first day of each succeeding month of delinquency.</b>				
	<b>Swimming Pools:</b>				
EH 56	License (first public pool, spa, bathhouse)	<del>\$ 842.00</del>			\$ 875.68
EH 57	Second pool or spa (same location)	<del>\$ 562.00</del>			\$ 584.48
EH 58	Additional pools or spas (same location)	<del>\$ 502.00</del>			\$ 522.08
EH 59	Pool plan review fee	<del>\$ 672.00</del>			\$ 698.88
EH 60	Pool construction inspections	<del>\$ 672.00</del>			\$ 698.88
EH 61	Surcharges for pools, spas & tourist facilities will be based on the amount set forth by the Oregon Health Division for local govts..	Varies			
	<b>Miscellaneous:</b>				

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
EH 62	Children's Service: Foster/Child Care Center Inspection	<del>\$ 293.00</del>			\$ 304.72
EH 63	Fee for licensed facility that requires + two re-check inspections / year	<del>\$ 219.00</del>			\$ 227.76
EH 64	Miscellaneous Inspection or Plan Review	<del>\$ 293.00</del>			\$ 304.72
EH 65	Limited Inspection or Plan Review	ACS			
EH 66	Outdoor Mass Gathering	<del>\$ 293.00</del>			\$ 304.72
EH 67	Convenience/Handling Fee (On-line renewal of license)	Varies	3.4% of transaction amount		
EH 68	Food Manager Training & Certification	\$ 125.00			
EH 69	Food Manager Training (no book, no exam or missed class)	\$ 50.00			
EH 70	Food Manager Training (paper or online exam only)	\$ 50.00			
EH 71	Food Manager Training (class, exam, no book)	\$ 100.00			
EH 72	Food Manager Training (book & exam):minimum 10 attendees	\$ 1,250.00	Plus \$110.00 per student / over 10		
	<b>Note:</b> A penalty of \$150.00 shall be added if payment is 30 days after the license expiration date. An additional penalty of \$150.00 shall be added on the first day of each succeeding month of delinquency.				
<b>Justice Court</b>					
JC 1	Taking of affidavit of a private party	\$ 1.00	each affidavit	ORS 51.310(1)(h)	
JC 2	Official certificate	\$ 10.00	each certificate	ORS 51.310(1)(k)	
JC 3	Civil Filing Defendant - first appearance	\$ 90.00	each answer	ORS 51.310(1)(b)	
JC 4	Civil Filing Plaintiff - first appearance (not to exceed \$10,000)	\$ 90.00	each complaint or petition	ORS 51.310(1)(a)	
JC 5	Civil Case Transfer to circuit court	ACS	circuit court filing fee + cost to copy file	ORS 52.530	
JC 6	Confession of Judgment	\$ 40.00	each confession	ORS 51.310(1)(a)	
JC 7	Copies of records and files (per page)	\$ 0.25	per page	ORS 51.310(1)(j); 205.320	
JC 8	Copy of Supplemental Court Rules (by mail)	\$ 5.00	per document, plus postage		
JC 9	Copy of Supplemental Court Rules (in person)	\$ 4.00	per document		
JC 10	Taking/certifying acknowledgment of proof of any instrument	\$ 3.00	each certification	ORS 51.310(1)(l)	
JC 11	Costs upon criminal conviction or forfeiture of security	\$ 5.00	each case	ORS 51.310(1)(m)	
JC 12	Depositions - For each folio	\$ 0.70	each folio	ORS 51.310(1)(i)	
JC 13	Issue Writ of Execution or Writ of Garnishment	\$ 20.00	each writ	ORS 51.310(1)(g)	
JC 14	Certified copy of judgment	\$ 9.00	each certification	ORS 51.310(1)(f)	
JC 15	Transcript of judgment	\$ 9.00	each judgment	ORS 51.310(1)(d)	
	<b>Transcript of judgment from the small claims department</b>	<b>\$ 9.00</b>	<b>each judgment</b>	<b>ORS 51.310(1)(e)</b>	
JC 16	For each payment by credit or debit card	\$ 3.00	each debit transaction	ORS 1.005	
JC 17	Justice Court Processing Fee	\$ 65.00	each distracted driving diversion or failure to appear	Desch.Co.Resolution 2000-035	
JC 18	Jury trial	\$ 125.00	each trial	ORS 52.410(2)	
JC 19	Court-ordered assessment - Minor in Possession	\$ 130.00	each case	ORS 813.030	
JC 20	Returned Check Processing fee	\$ 30.00	each check		
JC 21	Small Claim Defendant's request for hearing	\$ 37.00	each answer	ORS 51.310(1)(c)	
JC 22	Small Claim Defendant's demand for jury trial (includes trial fee)	\$ 215.00	each answer	ORS 55.065(2)(c)	
JC 23	Small Claim Plaintiff filing claim	\$ 37.00	each claim	ORS 51.310(1)(c)	
JC 24	Small Claim Plaintiff filing formal complaint after demand for jury trial	\$ 55.00	each complaint	ORS 55.075	
JC 25	Small Claim transfer to circuit court	ACS	circuit court filing fee + cost to copy file	ORS 55.095	
<b>Legal Counsel</b>					
<del>LGL 1</del>	<del>Attorney's fees</del>	<del>\$ 200.00</del>	<del>per hour</del>		
LGL 2	Special district petitions District formation and/or boundary changes.	\$ 100.00	deposit per voting precinct	ORS 198.775(1)	
LGL 3	If district formation or boundary change is effected, the deposit will be refunded to petitioner and ACS, but not Legal Department staff time, will be billed to the district.	ACS / maximum 10,000.00		ORS 198.775(2)	

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
LGL 4	If the formation or boundary change is not effected, the deposit shall be applied toward costs, but not Legal Department Staff time. Any excess costs, not including Legal department staff time, will be billed to, or any refund due will be paid to chief petitioners after completion of the request.	ACS / maximum 10,000.00		ORS 198.775 (1)(b) & ORS 198.775(3)	
LGL 5	Attorney/paralegal research fee for public records <b>and related items</b>	ACS		<b>ORS 192.324(4)</b>	
LGL 7	Deschutes County Code Book: Complete set only (hard copy)	ACS		<b>DCC 4.12.090</b>	
<del>LGL</del> 8	<del>Support Staff (non-attorney, non-paralegal)</del>	<del>ACS</del>			
<b>Property Management</b>					
<del>PRP</del> 1	<del>License to use County right-of-way</del>	<del>\$ 250.00</del>		<del>non-refundable fee</del>	
<del>PRP</del> 2	<del>Land Exchange including lot line adjustments</del>	<del>\$ 1,000.00</del>		<del>non-refundable fee</del>	
NEW	Land Exchange				\$ 1,000.00
NEW	Lot Line Adjustment				\$ 1,000.00
PRP 3	<b>Property Purchase Requests - Non-Buildable and Valued under \$15,000 - application processing fee</b> <b>Sale of Foreclosed Property for non-buildable and property valued under \$15,000</b>	\$ 1,000.00	non-refundable fee		20% of sales price
<del>PRP</del> 4	<del>Quitclaim deeds</del>	<del>\$ 500.00</del>			
<del>PRP</del> 5	<del>Maps 8 1/2 X 11 - Color</del>	<del>\$ 5.00</del>			
<del>PRP</del> 6	<del>Maps 8 1/2 X 14 - Color</del>	<del>\$ 6.00</del>			
<del>PRP</del> 7	<del>Miscellaneous Property Requests (e.g., license agreements, leases, easements, etc.)</del>	<del>\$ 250.00</del>		<del>non-refundable deposit plus ACS</del>	
PRP 8	Repurchase of Tax Foreclosed property	\$ 1,000.00			
NEW	Easements		non-refundable fee		\$ 500.00
NEW	New Lease or License		non-refundable fee		\$ 500.00
NEW	Permit of Entry		non-refundable fee		\$ 250.00
NEW	Annual Property Management Fee for the Management and Supervision of Tax Foreclosed Properties		non-refundable fee		\$ 396.00
NEW	Sale of Foreclosed Property upon Auction or Post-Auction		non-refundable fee		12% of sales price
<b>Road Department</b>					
Copy fees for microfilm, Xerox and computer copies					
RD 1	8 1/2" x 11" or 11" x 17"	\$ 0.25	per page		
RD 2	18" x 24" or larger	\$ 1.75	per page		
<b>Engineering</b>					
Road Vacations					
RD 3	Road Vacation without public hearing	<del>\$ 1,000.00</del>		ORS 368.341(4)	<b>ACS, \$1,500.00 deposit</b>
RD 4	Road Vacation with public hearing	<del>\$ 1,600.00</del>		ORS 368.341(4)	<b>ACS, \$3,000.00 deposit</b>
<del>RD</del> 5	<del>Construction plan review and inspection</del>	<del>\$ 260.00</del>		<del>plus \$1,000/f. of public road</del>	
NEW	Construction Plan Review				<b>ACS, \$330.00 deposit</b>
NEW	Construction Inspection (per inspection)				<b>ACS, \$160.00 deposit</b>
RD 6	Partition Plat review	<del>\$ 175.00</del>			<b>ACS, \$190.00 deposit</b>
RD 7	Subdivision Plat review	<del>\$ 200.00</del>	plus \$10/lot		<b>ACS, \$280.00 deposit</b>
RD 8	Going under/cutting a paved road*	\$ 750.00			
RD 9	Going along right-of-way line of road*	\$ 2.00		L.F.	
RD 10	Cuts or ditches across unpaved or dirt roads*	\$ 2.00		L.F.	
RD 11	Grading of unpaved or dirt roads*	\$ 500.00			
Other charges:					
RD 12	Bid and contract documents	\$ 10.00	per set		
RD 13	Alphabetical Road Index	\$ 3.00			
RD 14	Travel Permits - oversized load	\$ 8.00	per trip		
RD 15	Gate Permit	\$ 100.00	per gate		
RD 16	Street Name Sign Installation	ACS			
* To perform work in a public right-of-way, bond or cash deposit required.					
<b>County Surveyor</b>					
Partition plat review					
RD 17	Base <b>fee deposit</b>	<del>\$ 625.00</del>		ORS 92.100(5)	<b>ACS, \$1100.00 deposit + \$170 filing fee</b>
RD 18	Per lot, <del>tract, or parcel</del> or tract deposit	<del>\$ 85.00</del>		ORS 92.100(5)	<b>ACS, \$100.00/parcel deposit</b>

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
	Subdivision plat review (pre-monumented)				
RD 19	Base <del>fee deposit</del>	<del>\$ 900.00</del>	deposit plus ACS	ORS 92.100(5)	ACS, \$1500.00 deposit + \$170 filing fee
RD 20	Per lot, <del>tract, or parcel or tract deposit</del>	<del>\$ 85.00</del>	deposit plus ACS	ORS 92.100(5)	ACS, \$100.00/lot deposit
	Subdivision plat review (post-monumented)				
RD 21	Base <del>fee deposit</del>	<del>\$ 1,380.00</del>	deposit plus ACS	ORS 92.100(5)	ACS, \$2600.00 deposit + \$170 filing fee
RD 22	Per lot, <del>tract, or parcel or tract deposit</del>	<del>\$ 85.00</del>	deposit plus ACS	ORS 92.100(5)	ACS, \$120.00/lot deposit
	Condominium plat review				
RD 23	Base <del>fee deposit</del>	<del>\$ 900.00</del>	deposit plus ACS	ORS 92.100(5)	ACS, \$1500.00 deposit + \$170 filing fee
RD 24	Per unit <del>deposit</del>	<del>\$ 85.00</del>	deposit plus ACS	ORS 92.100(5)	ACS, \$100.00/unit deposit
	Property line adjustment				
RD 25	Base fee	<del>\$ 250.00</del>	plus \$12.00 per add'l sheet		ACS, \$500.00 deposit + \$170 filing fee
RD 26	Per new property line	<del>\$ 20.00</del>			ACS, \$20.00/line adjusted
RD 27	<del>Plat/survey recording fee Record of survey filing fee</del>	<del>\$ 185.00</del>	plus \$50.00 per add'l sheet over 2		\$200.00 + \$50.00/add'l sheet over 2 + \$170 filing fee
RD 28	Re-checking plats (field & office)	ACS	per hour		
RD 29	Review, approval, & marking of Affidavits of Correction	<del>\$ 80.00</del>			\$ 100.00
RD 30	Various surveyor products	ACS			
	Cemetary Plat Review				
RD 31	Base <del>fee deposit</del>	<del>\$ 900.00</del>		ORS 92.100(5)	ACS, \$1500.00 deposit + \$170 filing fee
RD 32	Per Block <del>deposit</del>	<del>\$ 65.00</del>			ACS, \$80/block deposit
	<del>Pre/Post Construction Survey</del>				
	<del>Base Deposit</del>			ORS 209.260	ACS, \$1000.00 deposit + \$170 filing fee
	<b>Sheriff's Office</b>				
	<b>Civil</b>				
SH 1	Service of Civil papers including notice of restitution, directed to not more than two parties at the same address	\$ 50.00		ORS 21.300(1)(a)	
SH 2	Service of Civil papers for more than two parties at the same address	\$ 28.00	for each party	ORS 21.300(1)(a)	
SH 3	Service of Writ of Garnishment	\$ 25.00	\$15.00 bank search fee	ORS 18.652(5)	
SH 4	Enforcement of any Writ	\$ 89.00	Some writs may include a service fee. Deposit may be required for specific enforcements. Additional expenses may be charged ACS	ORS 21.300(1)(a)	
SH 5	Rental of MAC - for each four hour period	\$ 50.00			
SH 6	Rental of MAC - per day	\$ 100.00			
SH 7	Computer Forensic Services	\$ 100.00	per hour		
SH 8	Sheriff property sale	\$ 4.00	per 100 words		
	Concealed Weapons Permit (includes 15.00 to the State)		Folio Fee Structure	ORS 18.930(4) and ORS 21.300	
SH 9	Concealed Weapons Permit - New	\$ 65.00		ORS 166.291(5)	
SH 10	Concealed Weapons Permit - Renewal	\$ 50.00		ORS 166.291(5)	
SH 11	Concealed Weapons Permit - Duplicate	\$ 15.00		ORS 166.291(5)	
SH 12	Sheriff's Deed	\$ 56.00		ORS 21.300(1)(c)	
SH 13	Certificate of Sale	\$ 56.00		ORS 21.300(1)(c)	

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.		DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
SH	14	Copies to Complete Civil Service	\$ 4.00	per folio (100 words)	ORS 21.300(1)	
SH	15	Voice verification long distance fee	\$ 20.00		ORS 21.410(1)(c)	
SH	16	Civil service mileage fee (travel over 75 miles round trip from court to serve civil)	\$ 50.00		ORS 21.300(4)	
SH	17	Applicant Post Test	\$ 15.00			
SH	18	D recopying fee	\$ 15.00	+ cost		
SH	19	Look-up fee	\$ 10.00			
SH	20	Photographs	\$ 25.00	+ cost		
SH	21	Copies	\$ 0.25			
SH	22	Notary Fee (For Conveyance of Real Property)	\$ 10.00			
		<b>(Fee on vehicles released from Sheriff's impound lot - forfeitures/evidence cases.)</b>				
SH	23	Administrative release fee for forfeited vehicles	\$ 150.00			
SH	24	2nd Forfeiture	\$ 300.00			
SH	25	3rd and each subsequent forfeiture	\$ 500.00			
SH	26	Vehicle impound fee	\$ 100.00			
				per hearing - only if requestor loses appeal		
SH	27	Impound vehicle hearing fee (Hearing Officer can waive the fee)	\$ 67.00			
SH	28	Fingerprinting: First Card	\$ 15.00			
SH	29	Additional cards	\$ 5.00			
		<b>Criminal Records</b>				
		Copies of police officer's reports				
SH	30	First <del>40</del> <b>eight</b> pages of each report	\$ 20.00		ORS 192324(3)	
SH	31	Each additional page of same case report	\$ 1.00		ORS 192324(3)	
SH	34	Local Records Background Check	\$ 20.00			
SH	35	Copy of photo CD <b>or thumb drive</b>	\$ 30.00			
SH	36	Additional CD	\$ 5.00			
SH	37	Computer Forensic Services	\$ 100.00	per hour		
SH	38	Voice verification long distance fee	\$ 20.00			
SH	39	Look up fee (record check taking more than 10 minutes)	\$ 10.00			
		<b>Criminal - Evidence Unit</b>				
SH	40	Copies of VHS tapes	\$ 25.00	each		
SH	41	Copies of audio cassettes	\$ 25.00	each		
SH	42	Copies of photographs	\$ 25.00	plus cost of prints		
		<b>Other</b>				
SH	43	Concealed Weapons Class	\$ 25.00			
SH	44	Seat Belt Class	\$ 35.00			
SH	45	County Employee ID Cards	\$ 15.00			
SH	46	False Alarm Response (3) in 12 month period	\$ 100.00			
SH	47	False Alarm Response (4) in 12 month period	\$ 200.00			
SH	48	False Alarm Response (5) in 12 month period	\$ 300.00			
SH	49	Applicant Post Test	\$ 15.00			
		<b>Public Information Requests</b>				
SH	50	File search - general	ACS	look-up fee		
SH	51	File search - professional	ACS	per 1/2 hour		
				per hour (1/4 hour min)		
SH	52	Estimated cost for legal counsel to review request	\$ 150.00			
SH	53	Copies	\$ 0.25	per copy		
SH	54	Postage to mail records	ACS			
SH	55	Processing distraint warrants for state agencies	\$ 6.25		ORS 21.300(1)(e)	
SH	56	Copies of Video Recording (per incident) - first copy	ACS			
SH	57	Copies of Video Recording (per incident) - each additional copy	ACS			
SH	58	Redaction of Records/Video	ACS			
		<b>Corrections</b>				
		Lodging Rate/Other:				
SH	59	All other prisoners	<del>\$ 137.35</del>	per day		\$ 175.01
SH	60	Transporting of inmates per court order (Federal rate per mile plus hourly rate of officer and meals - straight time or time and a half)	ACS			
SH	61	Inmate mugshots	\$ 25.00	per photograph		
		<b>Health Care Charges</b>				
SH	62	Medical cost for out-of-county or municipal prisoners	ACS			
SH	63	Hygiene welcome pack	\$ 2.35			

**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
SH 64	Facility Physician visit	\$ 13.00	per visit		
SH 65	Nurse Practitioner Visit	\$ 11.00	per visit		
SH 66	Facility Nurse Visit (sick call)	\$ 8.00	per visit		
SH 67	Lab work	\$ 11.00			
SH 68	Special supplies	ACS			
SH 69	Medical Imaging	\$ 21.00			
SH 70	Private physician visit	\$ 21.00			
SH 71	Dentist visit	\$ 21.00			
SH 72	Emergency room/hospital visit	\$ 21.00			
SH 73	Prescription handling fee	\$ 11.00			
SH 74	Inmate Medical Kit Fee	\$ 1.00			
SH 75	Chronic Wound Care	\$ 21.00			
	<b>Over-the-counter medications</b>				
SH 76	Acetaminophen (generic for Tylenol)	\$ 1.00	dose		
SH 77	Antacid	\$ 1.00	dose		
SH 78	Bismuth (generic for Pepto Bismol)	\$ 1.00	dose		
SH 79	Dulcolax laxative	\$ 1.00	dose		
SH 80	Fixodent	\$ 4.00	dose		
SH 81	Hydrocortisone Packet (1%)	\$ 1.00	each		
SH 82	Ibuprofen Packet (generic for Advil)	\$ 1.00	each		
SH 83	Metamucil Packet	\$ 1.00	each		
SH 84	Preparation H	\$ 4.00			
SH 85	Milk of Magnesia	\$ 1.00	dose		
SH 86	Triple antibiotic cream/ointment	\$ 1.00	dose		
SH 87	Vitamin A & D ointment	\$ 2.00	dose		
	<b>Solid Waste</b>				
	<b>Public Fees</b>				
	Knott Landfill				
SW 1	0-400 pounds	<del>\$ 24.00</del>			\$ 26.00
SW 2	Each additional 200 pounds	<del>\$ 7.00</del>			\$ 8.00
	Transfer Stations				
SW 3	Minimum load (0-1 c.y.)	<del>\$ 24.00</del>			\$ 26.00
SW 4	Each additional cubic yard	<del>\$ 10.00</del>			\$ 11.00
<b>NEW</b>	<b>0-400 pounds</b>				\$ 26.00
<b>NEW</b>	<b>Each additional 200 pounds</b>				\$ 8.00
SW 5	Yard debris per cubic yard	\$ 6.00			
	<b>Commercial Fees</b>				
	Knott Landfill				
SW 6	0-400 pounds	<del>\$ 24.00</del>			\$ 26.00
SW 7	Each additional 200 pounds	<del>\$ 7.00</del>			\$ 8.00
	Transfer Stations				
SW 8	Minimum load (0-1 c.y.)	<del>\$ 24.00</del>			\$ 26.00
SW 9	Each additional cubic yard	<del>\$ 10.00</del>			\$ 11.00
<b>NEW</b>	<b>0-400 pounds</b>				\$ 26.00
<b>NEW</b>	<b>Each additional 200 pounds</b>				\$ 8.00
SW 10	Loose yard debris	\$ 6.00	per cubic yard		
SW 11	Compacted yard debris	\$ 10.00	per cubic yard		
	<b>Franchise Fees</b>				
	Knott Landfill				
SW 12	Loose load per pound	<del>\$ 0.0350</del>			\$ 0.04
SW 13	Compacted load per pound	<del>\$ 0.0350</del>			\$ 0.04
SW 14	Industrial waste per pound	<del>\$ 0.0350</del>			\$ 0.04
	Transfer Stations				
SW 15	Truck compactor per cubic yard	<del>\$ 25.00</del>			\$ 28.00
SW 16	Loose load per cubic yard	<del>\$ 14.00</del>			\$ 16.00
<b>NEW</b>	<b>Loose load per pound</b>				\$ 0.04
<b>NEW</b>	<b>Compacted load per pound</b>				\$ 0.04
SW 17	Loose yard debris	\$ 6.00	per cubic yard		
SW 18	Compacted yard debris	\$ 10.00	per cubic yard		
	<b>Miscellaneous Fees</b>				
	Knott Landfill Only				
	Asbestos (pounds)				



**Deschutes County Fee Schedule  
FY 2025**

06/12/2024 Item #14.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	Proposed FY25 Fee
SW 19	0-2,000 pounds	<del>\$ 100.00</del>	for 0-2000 pounds		\$ 125.00
SW 20	Each additional pound	<del>\$ 0.05</del>	per pound		\$ 0.06
SW 21	<del>Petroleum contaminated soils Alternative daily cover (ADC)</del>	<del>\$ 0.02</del>	per pound		\$ 0.02
NEW	Non-ADC contaminated soils		per pound		\$ 0.02
NEW	Special Waste Material Processing Fee		per transaction		\$ 50.00
	<b>Transfer Stations</b>				
SW 22	Appliances	\$ 8.00	each		
SW 23	Freon Appliances	\$ 20.00	each		
SW 24	Clean wood waste (Negus Transfer only)	\$ 6.00	per cubic yard		
SW 25	Car Tires < 25"	\$ 2.00	each		
SW 26	Tires <25' on Rim	\$ 4.00	each		
SW 27	Rebate for properly secured loads	\$ 10.00	per load		
SW 28	Clean fill (Negus Transfer only)	\$ 6.00	per cubic yard		
	NOTES:				
	1. Appliances and tires accepted at Knott Landfill through Deschutes Recycling, LLC.				
	2. Tires over 24.5 inches not accepted at any site, including Deschutes Recycling facilities.				
	<b>Dog Licensing</b>				
DG 1	Spayed or neutered (annual)	\$ 22.00		DCC 6.04	
DG 2	Intact animal (annual)	\$ 36.00		DCC 6.04	
DG 3	Spayed or neutered (2-Yr license)	\$ 39.00		DCC 6.04	
DG 4	Intact animal (2-Yr license)	\$ 67.00		DCC 6.04	
DG 5	Spayed or neutered (3-Yr license)	\$ 58.00		DCC 6.04	
DG 6	Intact animal (3-Yr License)	\$ 98.00		DCC 6.04	
DG 7	Senior (62+) Discounted spayed or neutered (annual license)	\$ 16.00		DCC 6.04	
DG 8	Senior (62+) Discounted spayed or neutered (2-Yr license)	\$ 32.00		DCC 6.04	
DG 9	Senior (62+) Discounted spayed or neutered (3-Yr license)	\$ 48.00		DCC 6.04	
DG 10	Pet ID tag	\$ 5.00			
DG 11	Replacement tag	\$ 5.00			
	Pro-rated licenses to coincide with rabies expiration less than one year:				
DG 12	Spayed or neutered	\$ 1.84	month		
DG 13	Intact animal	\$ 3.00	month		
DG 14	Assistance Animals	\$ -			
	<b>Kennel Licensing Fees:</b>				
DG 15	First 10 dogs	\$ 10.00	per dog	DCC 6.04	
DG 16	Each additional dog	\$ 3.00	per dog	DCC 6.04	
NEW	Public records request for Dog Licensing information		per request	ACS	
	<b>Property Tax</b>				
			of the total amount of taxes and interest accrued after the 1st publication of foreclosure		
TX 1	Foreclosure	5%		ORS 312.110	
TX 2	Redemption / Foreclosed Property	\$ 50.00	at time of judgement	ORS 312.120 (5)	
TX 3	Title Search / Foreclosed Property	ACS	Est @ \$200.00+ per search	ORS 312.120 (5)	
TX 4	Personal Property Warrants Service	\$ 20.00	plus recording fees	ORS 311.633	
TX 5	Personal Property Warrant Electronic Submission Fee	\$ 1.00	per document		
TX 6	Tax research	<del>\$ 60.00</del>	per hour (1/2 hr minimum)	ACS	
TX 7	Check stop payment	\$ 30.00			
TX 8	Delinquent Tax Roll	ACS	Est. @ \$x per search/request		
TX 9	Tax roll data request for online platforms	\$ 75.00	per request		
	<b>Treasurer</b>				
TRE 1	Investment Service Fee	<del>-60,000.00</del>	per year	Budget	\$ 144,000.00

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON

A Resolution Adopting and Continuing Fees \*  
And Charges for Services and Providing an \* RESOLUTION NO. 2024-026  
Effective Date \*

WHEREAS, various departments of Deschutes County charge fees for services and permits; and

WHEREAS, it is necessary to adopt and amend the fee schedules of Deschutes County annually each July 1 in accordance with applicable State law and Chapter 4.12 of the Deschutes County Code, as amended; and

WHEREAS, various Deschutes County departments have proposed fees and charges for services and permits; and

WHEREAS, the Board of County Commissioners held a public hearing on June 12, 2024, on the proposed fees and charges for services and permits and finds that the fees and charges for services and permits as set forth in Exhibit "A" reflect the actual cost of providing services and permits; now, therefore,

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

Section 1. That the fees set forth in Exhibit "A", attached hereto and, by this reference, incorporated herein, are hereby adopted as the fees and charges of Deschutes County, Oregon.

Section 2. The fees and charges for services and permits adopted in Section 1 of this Resolution are effective July 1, 2024.

Section 3. All fees and charges for services and permits in effect prior to July 1, 2024, are hereby continued or superseded as provided herein.

DATED this \_\_\_\_\_ day of June, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
PATTI ADAIR, Chair

ATTEST:

\_\_\_\_\_  
ANTHONY DEBONE, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner



**BOARD OF  
COMMISSIONERS**

## **AGENDA REQUEST & STAFF REPORT**

**MEETING DATE:** June 12, 2024

**SUBJECT:** Public Hearing: FY 2025 Deschutes County 9-1-1 Service District Fee Schedule and consideration of Resolution No. 2024-027 approving the fee schedule

**RECOMMENDED MOTION:**

Following the public hearing, move approval of Resolution No. 2024-027 to adopt the FY 2025 Deschutes County 9-1-1 Service District Fee Schedule.

**BACKGROUND AND POLICY IMPLICATIONS:**

Per chapter 4.12 of the Deschutes County Code, "Fees and charges for services shall be reviewed for compatibility with the actual cost of providing service each year, and shall be adjusted and set as of each July 1<sup>st</sup>."

**BUDGET IMPACTS:**

No changes were made to the FY 2024 Deschutes County 9-1-1 Service District Fee Schedule.

**ATTENDANCE:**

Dan Emerson, Budget Manager  
Laura Skundrick, Management Analyst

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON, AS GOVERNING BODY FOR THE DESCHUTES COUNTY 9-1-1 COUNTY  
SERVICE DISTRICT

A Resolution Adopting and Continuing Fees           \*  
And Charges for Services and Providing an           \*           RESOLUTION NO. 2024-027  
Effective Date   \*

WHEREAS, Deschutes County 911 Service District charges fees for services and permits;  
and

WHEREAS, it is necessary to adopt and amend the fee schedules of Deschutes County 911  
Service District annually each July 1 in accordance with district requirements, applicable State  
law, and Chapter 4.12 of the Deschutes County Code, as amended; and

WHEREAS, Deschutes County 911 Service District has proposed fees and charges for  
services and permits; and

WHEREAS, the Board of County Commissioners held a public hearing on June 12, 2024,  
on the proposed fees and charges for services and permits and finds that the fees and charges for  
services and permits as set forth in Exhibit "A" reflect the actual cost of providing services and  
permits; now, therefore,

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

Section 1. That the fees set forth in Exhibit "A", attached hereto and, by this reference,  
incorporated herein, are hereby adopted as the fees and charges of Deschutes County 911 Service  
District.

Section 2. The fees and charges for services and permits adopted in Section 1 of this  
Resolution are effective July 1, 2024.

Section 3. All fees and charges for services and permits in effect prior to July 1, 2024, are  
hereby continued or superseded as provided herein.

DATED this \_\_\_\_\_ day of June, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

AS GOVERNING BODY FOR THE  
DESCHUTES COUNTY 9-1-1 COUNTY  
SERVICE DISTRICT

\_\_\_\_\_  
PATTI ADAIR, Chair

ATTEST:

\_\_\_\_\_  
ANTHONY DEBONE, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

**Deschutes County Service Districts Fee Schedule  
FY 2025**

06/12/2024 Item #15.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY
	<b>Deschutes County 9-1-1</b>			
	Tape Reproduction			
911CSD 1	First hour (includes research and associated paperwork)	\$ 50.00	per hour (1 hour minimum)	
911CSD 2	Fifteen minute increments after first hour	\$ 12.50	per 15 minute increments after first hour	
911CSD 3	Printout of dispatch incident (1 to 3 incidents)	\$ 25.00	first 3 incidents	
911CSD 4	Printout of dispatch incident (4+ incidents)	\$ 5.00	each	
911CSD 5	Returned check processing	\$ 30.00		
911CSD 6	Burden Report Processing Rate	\$ 50.00	per hour (only if extensive records are requested)	





BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: June 12, 2024

SUBJECT: Public Hearing: FY 2025 Deschutes County Extension and 4H Service District Fee Schedule and consideration of Resolution No. 2024-028 approving the fee schedule

RECOMMENDED MOTION:

Move approval of Resolution No. 2024-028 to adopt the FY 2025 Deschutes County Extension and 4H Service District Fee Schedule

BACKGROUND AND POLICY IMPLICATIONS:

Per chapter 4.12 of the Deschutes County Code, "Fees and charges for services shall be reviewed for compatibility with the actual cost of providing service each year, and shall be adjusted and set as of each July 1st."

BUDGET IMPACTS:

No changes were made to the FY 2024 Deschutes County Extension and 4H Service District Fee Schedule.

ATTENDANCE:

Dan Emerson, Budget Manager
Laura Skundrick, Management Analyst

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON, AS GOVERNING BODY FOR THE EXTENSION 4H COUNTY SERVICE  
DISTRICT

A Resolution Adopting and Continuing Fees \*  
And Charges for Services and Providing an \* RESOLUTION NO. 2024-028  
Effective Date \*

WHEREAS, Extension 4H County Service District charges fees for services and permits;  
and

WHEREAS, it is necessary to adopt and amend the fee schedules of Extension 4H County  
Service District annually each July 1 in accordance with district requirements, applicable State  
law, and Chapter 4.12 of the Deschutes County Code, as amended; and

WHEREAS, Extension 4H County Service District has proposed fees and charges for  
services and permits; and

WHEREAS, the Board of County Commissioners held a public hearing on June 12, 2024,  
on the proposed fees and charges for services and permits and finds that the fees and charges for  
services and permits as set forth in Exhibit "A" reflect the actual cost of providing services and  
permits; now, therefore,

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

Section 1. That the fees set forth in Exhibit "A", attached hereto and, by this reference,  
incorporated herein, are hereby adopted as the fees and charges of Extension 4H County Service  
District.

Section 2. The fees and charges for services and permits adopted in Section 1 of this  
Resolution are effective July 1, 2024.

Section 3. All fees and charges for services and permits in effect prior to July 1, 2024, are  
hereby continued or superseded as provided herein.

DATED this \_\_\_\_\_ day of June, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

AS GOVERNING BODY FOR THE  
EXTENSION 4H COUNTY SERVICE  
DISTRICT

\_\_\_\_\_  
PATTI ADAIR, Chair

ATTEST:

\_\_\_\_\_  
ANTHONY DEBONE, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

**Deschutes County Service Districts Fee Schedule  
FY 2025**

06/12/2024 Item #16.

ITEM NO.		DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY
		<b>Extension 4H County Service District</b>			
		General fees, unless otherwise noted			
EXT	1	Copy fee (B/W) for public & employees	\$ 0.04	per page	
EXT	2	Copy fee (color) for public & employees	\$ 0.06	per page	
EXT	3	4-H Center meeting room for public	\$25.00-500.00	various	



**BOARD OF  
COMMISSIONERS**

**AGENDA REQUEST & STAFF REPORT**

**MEETING DATE:** June 12, 2024

**SUBJECT:** Public Hearing: FY 2025 Sunriver Service District Fee Schedule and consideration of Resolution No. 2024-029 adopting the fee schedule

**RECOMMENDED MOTION:**

Folloiwnng the public hearing, move approval of Resolution No. 2024-029 to adopt the FY 2025 Sunriver Service District Fee Schedule.

**BACKGROUND AND POLICY IMPLICATIONS:**

Per chapter 4.12 of the Deschutes County Code, "Fees and charges for services shall be reviewed for compatibility with the actual cost of providing service each year, and shall be adjusted and set as of each July 1<sup>st</sup>."

**BUDGET IMPACTS:**

The FY 2025 Sunriver Service District Fee Schedule changes are reflected in the FY 2025 proposed budget.

**ATTENDANCE:**

Dan Emerson, Budget Manager  
Laura Skundrick, Management Analyst

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON, AS GOVERNING BODY FOR THE SUNRIVER SERVICE DISTRICT

A Resolution Adopting and Continuing Fees \*  
And Charges for Services and Providing an \* RESOLUTION NO. 2024-029  
Effective Date \*

WHEREAS, Sunriver Service District charges fees for services and permits; and

WHEREAS, it is necessary to adopt and amend the fee schedules of Sunriver Service District annually each July 1 in accordance with district requirements, applicable State law, and Chapter 4.12 of the Deschutes County Code, as amended; and

WHEREAS, Sunriver Service District has proposed fees and charges for services and permits; and

WHEREAS, the Board of County Commissioners held a public hearing on June 12, 2024, on the proposed fees and charges for services and permits and finds that the fees and charges for services and permits as set forth in Exhibit "A" reflect the actual cost of providing services and permits; now, therefore,

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

Section 1. That the fees set forth in Exhibit "A", attached hereto and, by this reference, incorporated herein, are hereby adopted as the fees and charges of Sunriver Service District.

Section 2. The fees and charges for services and permits adopted in Section 1 of this Resolution are effective July 1, 2024.

Section 3. All fees and charges for services and permits in effect prior to July 1, 2024, are hereby continued or superseded as provided herein.

DATED this \_\_\_\_\_ day of June, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

AS GOVERNING BODY FOR THE  
SUNRIVER SERVICE DISTRICT

\_\_\_\_\_  
PATTI ADAIR, Chair

ATTEST:

\_\_\_\_\_  
ANTHONY DEBONE, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner



**Deschutes County Service Districts Fee Schedule  
FY 2025**

06/12/2024 Item #17.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY	PROPOSED FY 25 FEE
<b>Sunriver Service District</b>					
General fees unless otherwise noted by department:					
SSD 1	Maps & Other Nonstandard Documents	\$ 25.00	per hour (minimum charge of 15 minutes)		
SSD 2	Research fee for Service District public records (after first 15 minutes)	<del>\$ 40.00</del>	per hour		\$ 60.00
SSD 3	Copies of Public Record	\$ 0.10	per page		
SSD 4	Certified copies of Public Record	\$ 5.00	additional per copy		
SSD 5	Copies of Assorted Media (tapes, CDs, digital recordings)	\$ 5.00	each		
SSD 6	Returned check processing fee	\$ 35.00	current bank charge		
SSD 7	Legal Counsel to review request	<del>\$ 250.00</del>	per hour (minimum charge of 15 minutes)		\$ 315.00
SSD 8	Public Education Class Requests	\$ 40.00	per hour		
SSD 9	Public education materials	ACS			
SSD 10	Blood Pressure Checks	\$ -			
<b>Copies of police and reports:</b>					
SSD 11	First 8 pages of each case report	\$ 20.00			
SSD 12	Each additional page of same case report	\$ 1.00			
SSD 13	Copy of dispatch report	\$ 5.00	each		
<b>Ambulance Billings</b>					
Rate Schedules					
SSD 14	EMS Transport	\$ 1,750.00			
SSD 15	EMS Non-transport	\$ 250.00			
SSD 16	Heavy Extrication/Rescue Outside the Service District Boundaries	\$ 550.00	<b>per hour</b>		
SSD 17	Mileage	\$ 22.00	per mile		
SSD 18	EMT/Paramedic - Special Event	\$ 75.00	per hour		
SSD 19	EMT/Basic - Special Event	\$ 50.00	per hour		
SSD 20	Engine	<del>\$ 100.00</del>	per hour		<b>Current OSFM Reimbursement Rate</b>
SSD 21	Truck	<del>\$ 150.00</del>	per hour		<b>Current OSFM Reimbursement Rate</b>
SSD 22	Support Rig	<del>\$ 15.00</del>	per hour		<b>Current OSFM Reimbursement Rate</b>
SSD 23	Ambulance	<del>\$ 175.00</del>	per hour		<b>Current OSFM Reimbursement Rate</b>
SSD 24	Water Tender	<del>\$ 70.00</del>	per hour		<b>Current OSFM Reimbursement Rate</b>
SSD 25	Command Vehicle - Type III	<del>\$ 35.00</del>	per hour		<b>Current OSFM Reimbursement Rate</b>
<b>Fire and Life Safety Inspection Fees</b>					
SSD 26	Existing Building Inspection	\$ -			
SSD 27	Initial Inspection conducted by Oregon State Fire Marshal	\$ -			
SSD 28	First re-inspection	\$ 50.00			
SSD 29	Second re-inspection	\$ 50.00	Plus \$25 per violation		
SSD 30	Third re-inspection	\$ 50.00	Plus \$50 per violation		
<b>Non-Payment Penalty</b>					
SSD 31	Unpaid balance more than 84 days from invoice date	\$ 0.10	of outstanding balance		
SSD 32	Unpaid balance more than 6 months from invoice date	\$ 0.25	of outstanding balance		



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 12, 2024

**SUBJECT:** Public Hearing: FY 2025 Black Butte Ranch Service District Fee Schedule and consideration of Resolution No. 2024-030 adopting the fee schedule

**RECOMMENDED MOTION:**

Following the public hearing, move approval of Resolution No. 2024-030 to adopt the FY 2025 Black Butte Ranch Service District Fee Schedule..

**BACKGROUND AND POLICY IMPLICATIONS:**

Per chapter 4.12 of the Deschutes County Code, "Fees and charges for services shall be reviewed for compatibility with the actual cost of providing service each year, and shall be adjusted and set as of each July 1<sup>st</sup>."

**BUDGET IMPACTS:**

No changes were made to the FY 2024 Black Butte Ranch Service District Fee Schedule.

**ATTENDANCE:**

Dan Emerson, Budget Manager  
Laura Skundrick, Management Analyst

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,  
OREGON, AS GOVERNING BODY FOR BLACK BUTTE RANCH COUNTY SERVICE  
DISTRICT

A Resolution Adopting and Continuing Fees \*  
And Charges for Services and Providing an \* RESOLUTION NO. 2024-030  
Effective Date \*

WHEREAS, Black Butte Ranch County Service District charges fees for services and permits; and

WHEREAS, it is necessary to adopt and amend the fee schedules of Black Butte Ranch County Service District annually each July 1 in accordance with district requirements, applicable State law, and Chapter 4.12 of the Deschutes County Code, as amended; and

WHEREAS, Black Butte Ranch County Service District has proposed fees and charges for services and permits; and

WHEREAS, the Board of County Commissioners held a public hearing on June 12, 2024, on the proposed fees and charges for services and permits and finds that the fees and charges for services and permits as set forth in Exhibit "A" reflect the actual cost of providing services and permits; now, therefore,

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

Section 1. That the fees set forth in Exhibit "A", attached hereto and, by this reference, incorporated herein, are hereby adopted as the fees and charges of Black Butte Ranch County Service District.

Section 2. The fees and charges for services and permits adopted in Section 1 of this Resolution are effective July 1, 2024.

Section 3. All fees and charges for services and permits in effect prior to July 1, 2024, are hereby continued or superseded as provided herein.

DATED this \_\_\_\_\_ day of June, 2024.

BOARD OF COUNTY COMMISSIONERS OF  
DESCHUTES COUNTY, OREGON

AS GOVERNING BODY FOR BLACK BUTTE  
RANCH COUNTY SERVICE DISTRICT

\_\_\_\_\_  
PATTI ADAIR, Chair

ATTEST:

\_\_\_\_\_  
ANTHONY DEBONE, Vice-Chair

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHIL CHANG, Commissioner

**Deschutes County Service Districts Fee Schedule  
FY 2025**

06/12/2024 Item #18.

ITEM NO.	DESCRIPTION	FY 2024 FEE	UNIT	ENACTMENT AUTHORITY
	<b>Black Butte Ranch County Service District</b>			
	General fees, unless otherwise noted			
BBR 1	Cassette tape / CD copies	\$ 25.00	per tape	
BBR 2	Copy fee (B/W) for public & county employees	\$ 0.25	per page	
BBR 3	Copy fee (color) for public & county employees	\$ 0.35	per page	
BBR 4	Copy fee for documents on disk (first document)	\$ 5.00	per document	
BBR 5	Copy fee for documents on disk (after first document)	\$ 2.00	per additional document	
BBR 6	Fee for e-mail of documents	\$ 2.00	per document	
BBR 7	Facsimile transmittal (local number)	\$ 1.00	1st page	
BBR 8	Facsimile transmittal (local number)	\$ 0.50	per additional page	
BBR 9	Facsimile transmittal (long distance number)	\$ 1.50	1st page	
BBR 10	Facsimile transmittal (long distance number)	\$ 0.50	per additional page	
BBR 11	Returned check processing fee	\$ 30.00		
BBR 12	Research & Prep fee for public records request	\$ 40.00	per hour	
BBR 13	Vehicle impound fee (storage)	\$ 15.00	per day	
BBR 14	Vehicle impound yard release fee	\$ 100.00		
BBR 15	Administrative release fee for forfeited vehicles	\$ 150.00		
BBR 16	2nd Forfeiture	\$ 300.00		
BBR 17	3rd or greater forfeiture	\$ 500.00		
BBR 18	Vehicle impound fee	\$ 100.00		
BBR 19	Impound vehicle hearing fee (Hearing Officer can waive the fee)	\$ 100.00	per hearing - only if requestor loses appeal	
BBR 20	Fingerprinting: First Card	\$ 15.00		
BBR 21	Fingerprinting: Additional Cards	\$ 5.00		
	<b>Copies of police officer's reports (Accident &amp; Criminal)</b>			
BBR 22	Case Report	\$ 30.00		
BBR 23	Service of Writ of Garnishment	\$ 25.00	\$15.00 bank search fee	
BBR 24	Enforcement of any Writ	\$ 70.00	may incl \$28.00 service fee	
	<b>Public Information Requests</b>			
BBR 25	File search - general	\$ 10.00	look-up fee	
BBR 26	File search - professional	\$ 29.00	per hour	
BBR 27	Estimated cost for legal counsel to review request	\$ 150.00	per hour (1/4 hour minimum)	
BBR 28	Postage to mail records	ACS		



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: June 12, 2024

SUBJECT: First reading of Ordinance 2024-002: Redmond Airport Master Plan Update

RECOMMENDED MOTION:

Move approval of first reading of Ordinance 2024-002 by title only.

BACKGROUND AND POLICY IMPLICATIONS:

The City of Redmond and Redmond Municipal Airport request a legislative text amendments Deschutes County Code section 18.80.030 regarding the AS Combining Zone imaginary surfaces and noise contour boundaries to conform to the updated Redmond Airport Master Plan. Following an initial public hearing on January 31, 2024 and a continued public hearing on February 21, 2024, the Board voted to adopt the text amendments as proposed.

The full record is located on the project webpage:

https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment

BUDGET IMPACTS:

None.

ATTENDANCE:

Tarik Rawlings, Senior Transportation Planner

REVIEWED  
\_\_\_\_\_  
LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Ordinance Amending Deschutes County Code 18.80.030(A-F), to update the Airport Safety (“AS”) Combining Zone Imaginary Surfaces and Noise Contour Boundaries for the Redmond Airport. \* \* \* \* \*  
ORDINANCE NO. 2024-002

WHEREAS, City of Redmond applied under land use file number 247-23-000252-TA for a text amendment to Deschutes County Code (“DCC”) Chapter 18.80, Airport Safety Combining Zone; A-S, to update the imaginary surface information and noise contour boundaries associated with the Redmond Airport to align with the 2018 Redmond Airport Master Plan (RAMP) Update; and

WHEREAS, after notice was given in accordance with applicable law, a public hearing was held on November 7, 2023 before the Deschutes County Hearings Officer and, on December 15, 2023 the Hearings Officer recommended approval of the proposed text amendment; and

WHEREAS, the Board of County Commissioners considered this matter after a duly noticed initial public hearing on January 31, 2024, and a duly noticed continued public hearing on February 21, 2024, and concluded that the proposed changes are consistent with the County’s Comprehensive Plan and that the public will benefit from changes to the land use regulations; and

WHEREAS, pursuant to Deschutes County Code 22.28.030(C), the proposal shall be heard de novo before the Board; now, therefore,

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

Section 1. AMENDMENT. DCC Chapter 18.80, Airport Safety Combining Zone; A-S, is amended to read as described in Exhibit “C”, attached and incorporated by reference herein, with new language underlined and deleted language set forth in ~~strikethrough~~.

Section 2. AMENDMENT. DCC Title 18 Zoning Map, is amended to change the zoning boundaries as described in Exhibit “A” and as depicted on the map set forth as Exhibit “B”, with both exhibits attached and incorporated by reference herein.

///

Section 3. FINDINGS. The Board adopts as its findings in support of this decision, Exhibit “D”, attached and incorporated by reference herein.

Section 4. EFFECTIVE DATE. This Ordinance takes effect on the 90<sup>th</sup> day after the date of adoption.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
PATTI ADAIR, Chair

\_\_\_\_\_  
ANTHONY DeBONE, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
PHILIP CHANG, Commissioner

Date of 1<sup>st</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Date of 2<sup>nd</sup> Reading: \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Record of Adoption Vote:

Commissioner	Yes	No	Abstained	Excused
Patti Adair	___	___	___	___
Anthony DeBone	___	___	___	___
Philip Chang	___	___	___	___

Effective date: \_\_\_\_\_ day of \_\_\_\_\_, 2024.





COMMUNITY DEVELOPMENT

MEMORANDUM

**TO:** Deschutes County Board of Commissioners (Board)

**FROM:** Tarik Rawlings, Senior Transportation Planner

**DATE:** June 5, 2024

**SUBJECT:** Consideration of First Reading of Ordinance 2024-002 – Redmond Airport Master Plan (RAMP) Update Text Amendment

The Board of County Commissioners (Board) will consider a first reading of Ordinance 2024-002 on June 12, 2024, related to a request for an applicant-initiated Legislative Text Amendment to the Airport Safety (AS) Combining Zone (DCC 18.80.030) associated with the Redmond Municipal Airport, submitted by the City of Redmond and Airport representatives. The first reading of Ordinance 2024-002 follows the conclusion of Board deliberations on February 21, 2024.

**I. BACKGROUND**

The applicant, City of Redmond and Redmond Municipal Airport, is requesting a Legislative Text Amendment to the AS Combining Zone (DCC 18.80.030) imaginary surfaces and noise contour boundaries. The Oregon Department of Aviation defines aviation-related imaginary surfaces as “imaginary areas in space and on the ground that are established in relation to the airport and its runways”. These imaginary surfaces allow for specific aviation uses and actions within them regarding travel to, from, or around a given airport. The noise contour boundary indicates the distance from the airport at which certain noise decibel-ratings could be disturbing to residential properties and land uses. The subject proposal would update the Runway and Approach information and include a corresponding update amending the AS map to reflect the new zoning boundaries for imaginary surfaces and the new 55 DNL (Average Day-Night Sound Level) noise contour boundaries associated with the Redmond Municipal Airport. The subject Text Amendment would bring the descriptions of imaginary surfaces contained in DCC 18.80.030 into alignment with the Airport’s approved 2018 Master Plan update.

Staff submitted a 35-day Post-Acknowledgement Plan Amendment (PAPA) notice to the Department of Land Conservation and Development on September 18, 2023. Agency notice was sent to relevant agency partners on September 19, 2023. One generic agency comment was received from the County Building Safety Division stating that, if structural development is involved with the project, to coordinate with Deschutes County for permitting requirements. The second agency comment was from the Oregon Department of Aviation (ODAV) expressing no specific comments other than their

support for approval of the application. Notice of the proposal was sent to all property owners within Deschutes County whose property would be affected by the newly-adjusted imaginary surfaces and 55 DNL noise contour boundaries on September 20, 2023. The Notice explained the scope of the proposal, provided a project-specific website related to the application, and gave meeting information for the initial Hearings Officer public hearing held on November 7, 2023<sup>1</sup>. Following the Hearings Officer’s public hearing, a recommendation for approval was mailed to relevant parties on December 15, 2023. On December 15, 2023, the Deschutes County Hearings Officer issued a recommendation evaluating compliance with all applicable review criteria and ultimately recommending approval of the proposed Text Amendment.

The Board conducted a work session on January 29, 2024<sup>2</sup> followed by an initial public hearing on January 31, 2024<sup>3</sup>. During the initial public hearing, the Board voted to continue the public hearing until February 21, 2024<sup>4</sup>. At the conclusion of the continued public hearing, the Board deliberated on the matter and voted unanimously to approve the proposal as drafted.

These relevant dates and events are outlined in Table 1, below.

**Table 1 – RAMP Review Timeline**

Date	Event
September 18, 2023	Notice provided to DLCD
September 19, 2023	Notice of Application sent to agency partners
September 20, 2023	Notice of proposal sent to all property owners affected by the new surfaces
November 7, 2023	Hearings Officer Public hearing
December 15, 2023	Hearings Officer issued recommendation of approval for the proposal
December 30, 2023	Notice of Public Hearing published in the Bulletin newspaper
January 29, 2024	Board work session in anticipation of public hearing
January 31, 2024	Initial public hearing before the Board
February 4, 2024	Notice of Continued Public Hearing published in the Bulletin newspaper
February 21, 2024	Continued public hearing before the Board, deliberations, and vote of approval

**II. NEXT STEPS**

As the airport’s surrounding properties include lands designated for agricultural use, Deschutes County Code 22.28.030(C) required the application to be heard de novo before the Board, regardless of the determination of the Hearings Officer. Per DCC Section 22.20.040(D), the review of the proposed Text Amendment (reflecting quasi-judicial aspects of the proposal) is not subject to the 150-day review period typically associated with land use decisions.

<sup>1</sup> <https://www.youtube.com/watch?v=7-LpibIJ5EA>  
<sup>2</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-153>  
<sup>3</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-149>  
<sup>4</sup> <https://www.deschutes.org/bcc/page/board-county-commissioners-meeting-155>

The record is available for inspection at the Planning Division and at the following link: <https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment>.

### **III. NEXT STEPS / SECOND READING**

The Board is scheduled to conduct the second reading of Ordinance 2024-002 on June 26, 2024, fourteen (14) days following the first reading.

#### **ATTACHMENTS:**

1. Draft Ordinance 2024-002 and Exhibits
  - Exhibit A: Legal Description
  - Exhibit B: Proposed Zoning Map Changes (Figure 1-4)
  - Exhibit C: Proposed Text Amendments
  - Exhibit D: Hearings Officer Recommendation



EXHIBIT "A"

DESCRIPTION PER  
REDMOND AIRPORT RUNWAYS AND CENTERLINE MONUMENTS  
LOCATED IN SECTIONS 22 AND 23, T15S, R13E, W.M.,  
CITY OF REDMOND, DESCHUTES COUNTY, OREGON

BEGINNING AT A 3" BRASS CAP IN A MONUMENT WELL MARKING THE CENTERLINE OF RUNWAY 5-23, FROM WHICH THE NORTHEAST END OF SAID RUNWAY BEARS S60°48'30"W, 100.45 FEET, AND ALSO FROM WHICH A 3-1/4" ALUMINUM CAP MARKING THE NORTHEAST CORNER OF SECTION 22 BEARS N68°44'43"W, 2936.28 FEET; THENCE S01°54'00"W, 3798.08 FEET TO A HOLE IN A CONCRETE BASE MARKING THE CENTERLINE OF RUNWAY 11-29, FROM WHICH THE SOUTHEAST END OF SAID RUNWAY BEARS N57°39'23"W, 0.06 FEET; THENCE N87°21'17"W, 6165.75 FEET TO A 3" BRASS CAP IN A MONUMENT WELL MARKING THE CENTERLINE OF RUNWAY 5-23, FROM WHICH THE SOUTHWEST END OF SAID RUNWAY BEARS N60°48'30"E, 61.03 FEET; THENCE N03°58'03"E, 3471.88 FEET TO A 2-1/2" BRASS CAP MARKING THE CENTERLINE OF RUNWAY 11-29, FROM WHICH THE NORTHWEST END OF SAID RUNWAY BEARS N57°39'23"W, 0.18 FEET, AND ALSO FROM WHICH A 2-1/2" BRASS CAP MARKING THE NORTHWEST CORNER OF SAID SECTION 22 BEARS N60°02'38"W, 2320.18 FEET; THENCE N89°32'47"E, 6045.06 FEET TO THE POINT OF BEGINNING.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON OREGON STATE PLANE SOUTH ZONE COORDINATES, MEASURED IN INTERNATIONAL FEET.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MARCH 09, 2021  
MATTHEW G. BANTON  
96574

RENEWS: 12/31/25

PREPARED: APRIL 30, 2024

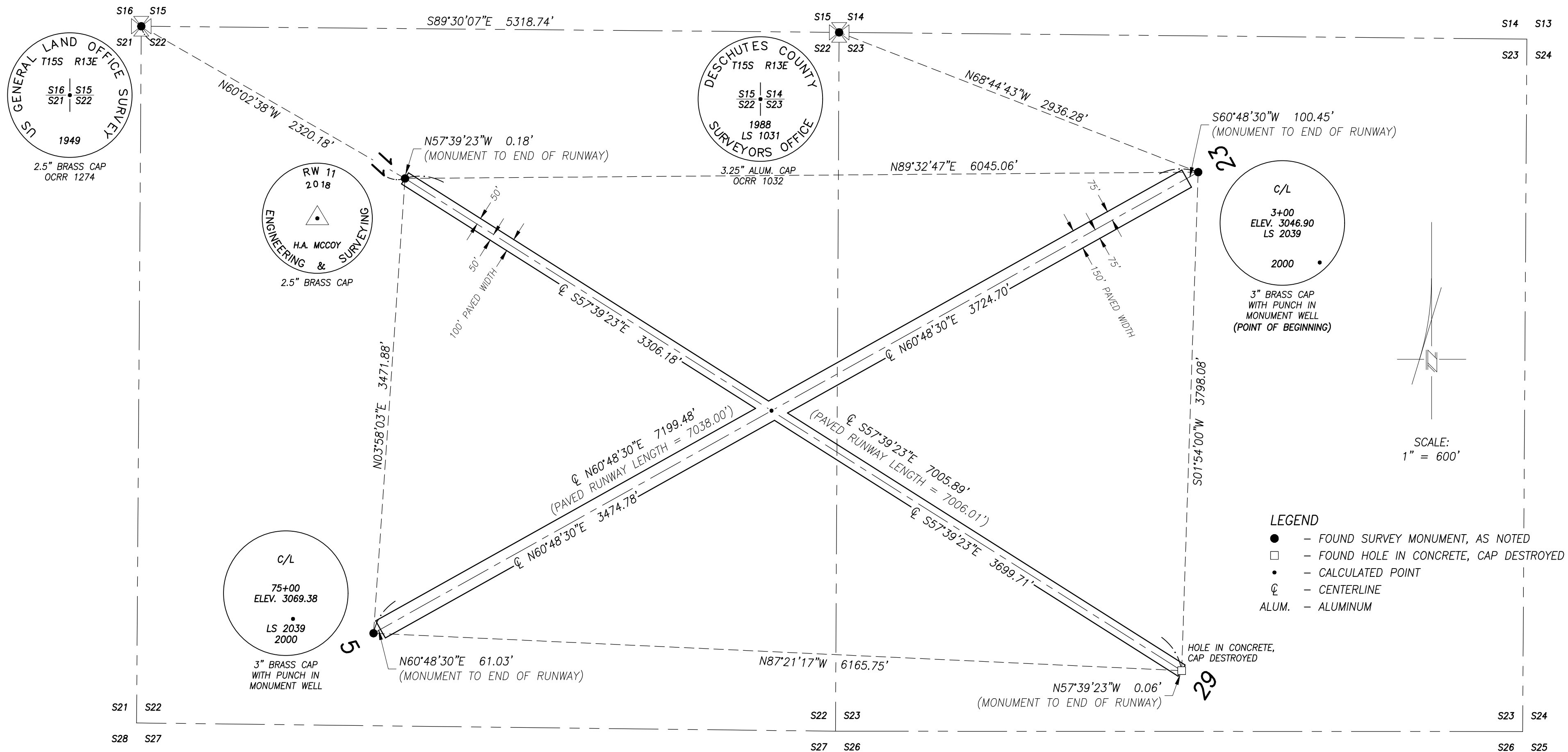
**PGA** POVEY AND ASSOCIATES

P.O. BOX 131, REDMOND, OR 97756  
(541) 548-6778 24-033CTRL.DWG



RECORD OF SURVEY FOR THE CITY OF REDMOND  
LOCATED IN SECTIONS 22 AND 23, TOWNSHIP 15 SOUTH, RANGE 13 EAST, W.M.,  
CITY OF REDMOND, DESCHUTES COUNTY, OREGON

SURVEY DATE: MARCH 26, 2024



- LEGEND**
- - FOUND SURVEY MONUMENT, AS NOTED
  - - FOUND HOLE IN CONCRETE, CAP DESTROYED
  - - CALCULATED POINT
  - ⊕ - CENTERLINE
  - ALUM. - ALUMINUM

**NARRATIVE**

LOCATION DATA FOR THIS SURVEY WAS COLLECTED IN INTERNATIONAL FEET WITH OREGON STATE PLANE SOUTH ZONE COORDINATES, AS MEASURED BY AVERAGED RTK GPS MEASUREMENTS, USING A TRIMBLE R-10 GPS SYSTEM.

CONTROL COMPARISONS BETWEEN OUR EARLIER SURVEYS, WHICH WERE PREVIOUSLY TIED USING OUR REDMOND GPS NETWORK COORDINATES, AND THE OREGON STATE PLANE SOUTH ZONE COORDINATE SYSTEM YIELDED ACCEPTABLE RESULTS WHEN CHECKING AGAINST THE DATUM TRANSFORMATION PARAMETERS PROVIDED IN UNPUBLISHED SURVEY DATA PROVIDED BY WH PACIFIC IN 2012. AFTER CONVERTING THE PREVIOUS COMPARISON FROM U.S. SURVEY FEET TO INTERNATIONAL FEET, THE AS-MEASURED POSITIONS OF RUNWAY CENTERLINE MONUMENTS CHECKED WITH A PRECISION OF 1:128500. DISTANCE CONVERSION COMPARISONS BETWEEN THE SECTION CORNERS CHECKED WITH A PRECISION OF 1:155700.

AN ANGULAR COMPARISON BETWEEN THE CONVERTED SECTION CORNER LOCATIONS CHECKED WITHIN 00°00'02". ADDITIONALLY, THE RUNWAY CENTERLINE ANGLES CHECKED WITHIN 00°00'10" ON RUNWAY 5-23 AND 00°00'03" ON RUNWAY 11-29.

ALL MONUMENTS FOUND WERE IN GOOD CONDITION, WITH THE EXCEPTION OF THE MISSING BRASS CAP AT THE SOUTHEAST END OF RUNWAY 11-29, WHERE A HOLE IN A CONCRETE BASE WAS ALL THAT REMAINS FROM THE MONUMENT MOST RECENTLY SET IN 2018 BY HAYES MCCOY. THE CENTER OF THE HOLE WAS HELD AS THE HORIZONTAL LOCATION OF THE MISSING MONUMENT.

**LEGAL DESCRIPTION**

BEGINNING AT A 3" BRASS CAP IN A MONUMENT WELL MARKING THE CENTERLINE OF RUNWAY 5-23, FROM WHICH THE NORTHEAST END OF SAID RUNWAY BEARS S60°48'30"W, 100.45 FEET, AND ALSO FROM WHICH A 3-1/4" ALUMINUM CAP MARKING THE NORTHEAST CORNER OF SECTION 22 BEARS N68°44'43"W, 2936.28 FEET; THENCE S01°54'00"W, 3798.08 FEET TO A HOLE IN A CONCRETE BASE MARKING THE CENTERLINE OF RUNWAY 11-29, FROM WHICH THE SOUTHEAST END OF SAID RUNWAY BEARS N57°39'23"W, 0.06 FEET; THENCE N87°21'17"W, 6165.75 FEET TO A 3" BRASS CAP IN A MONUMENT WELL MARKING THE CENTERLINE OF RUNWAY 5-23, FROM WHICH THE SOUTHWEST END OF SAID RUNWAY BEARS N60°48'30"E, 61.03 FEET; THENCE N03°58'03"E, 3471.88 FEET TO A 2-1/2" BRASS CAP MARKING THE CENTERLINE OF RUNWAY 11-29, FROM WHICH THE NORTHWEST END OF SAID RUNWAY BEARS N57°39'23"W, 0.18 FEET, AND ALSO FROM WHICH A 2-1/2" BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 22 BEARS N60°02'38"W, 2320.18 FEET; THENCE N89°32'47"E, 6045.06 FEET TO THE POINT OF BEGINNING.

BEARINGS FOR THIS DESCRIPTION ARE BASED ON OREGON STATE PLANE SOUTH ZONE COORDINATES, MEASURED IN INTERNATIONAL FEET.

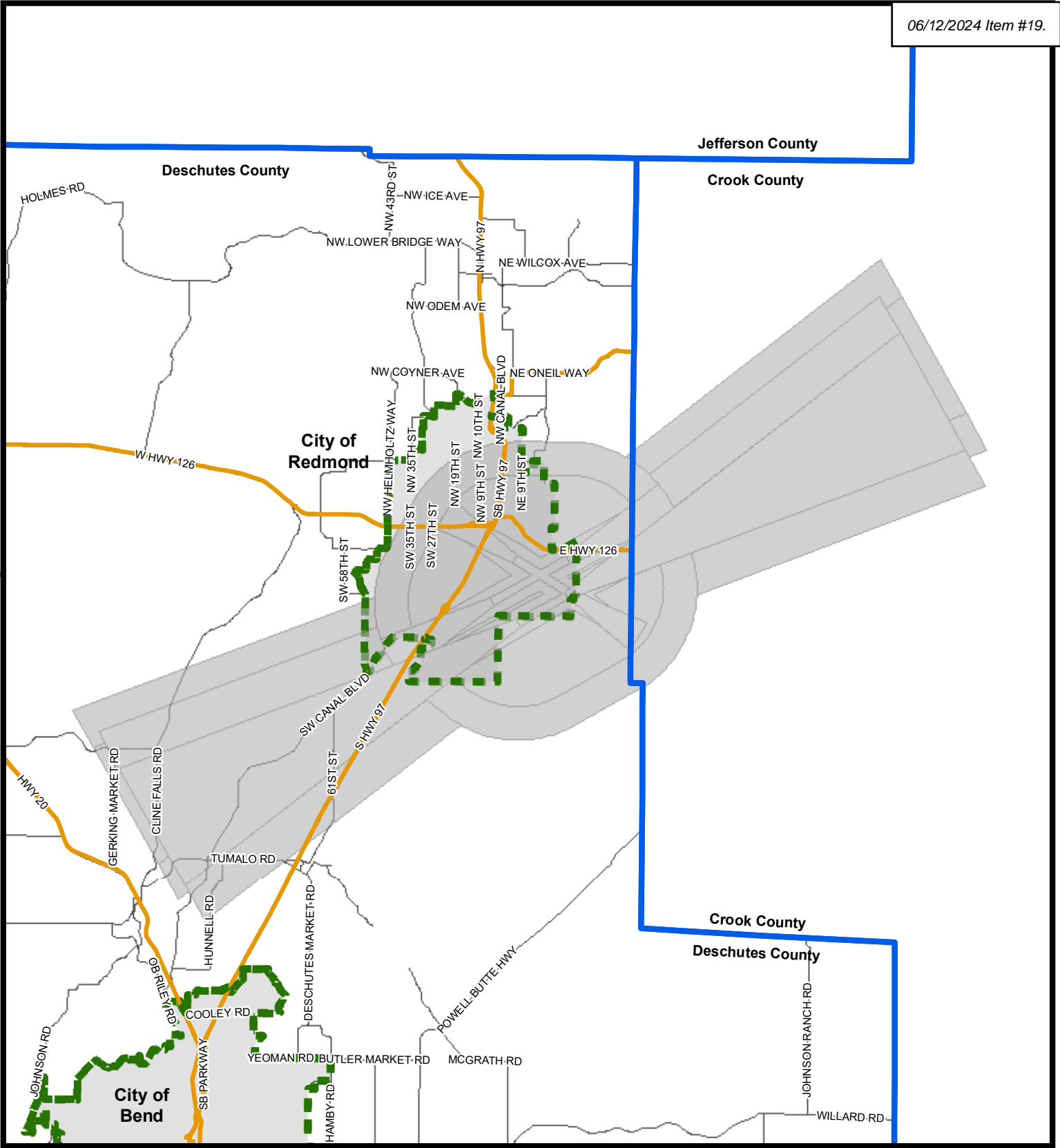
PREPARED: APRIL 30, 2024

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
**PRELIMINARY MAP  
NOT FOR RECORDING**

OREGON  
MARCH 09, 2021  
MATTHEW G. BANTON  
96574  
RENEWS: 12/31/25

SHEET 1 OF 1

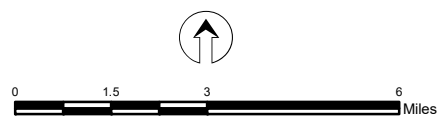
**P&A** POVEY AND ASSOCIATES  
P.O. BOX 131, REDMOND, OR 97756  
(541) 548-6778 24-033CTRL.DWG



# FIGURE 1 PROPOSED ZONING MAP CHANGE

Exhibit "B"  
to Ordinance 2024-002

- Legend**
- Highway
  - County Boundary
  - Part 77 Surfaces
  - Urban Growth Boundary



February 21, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

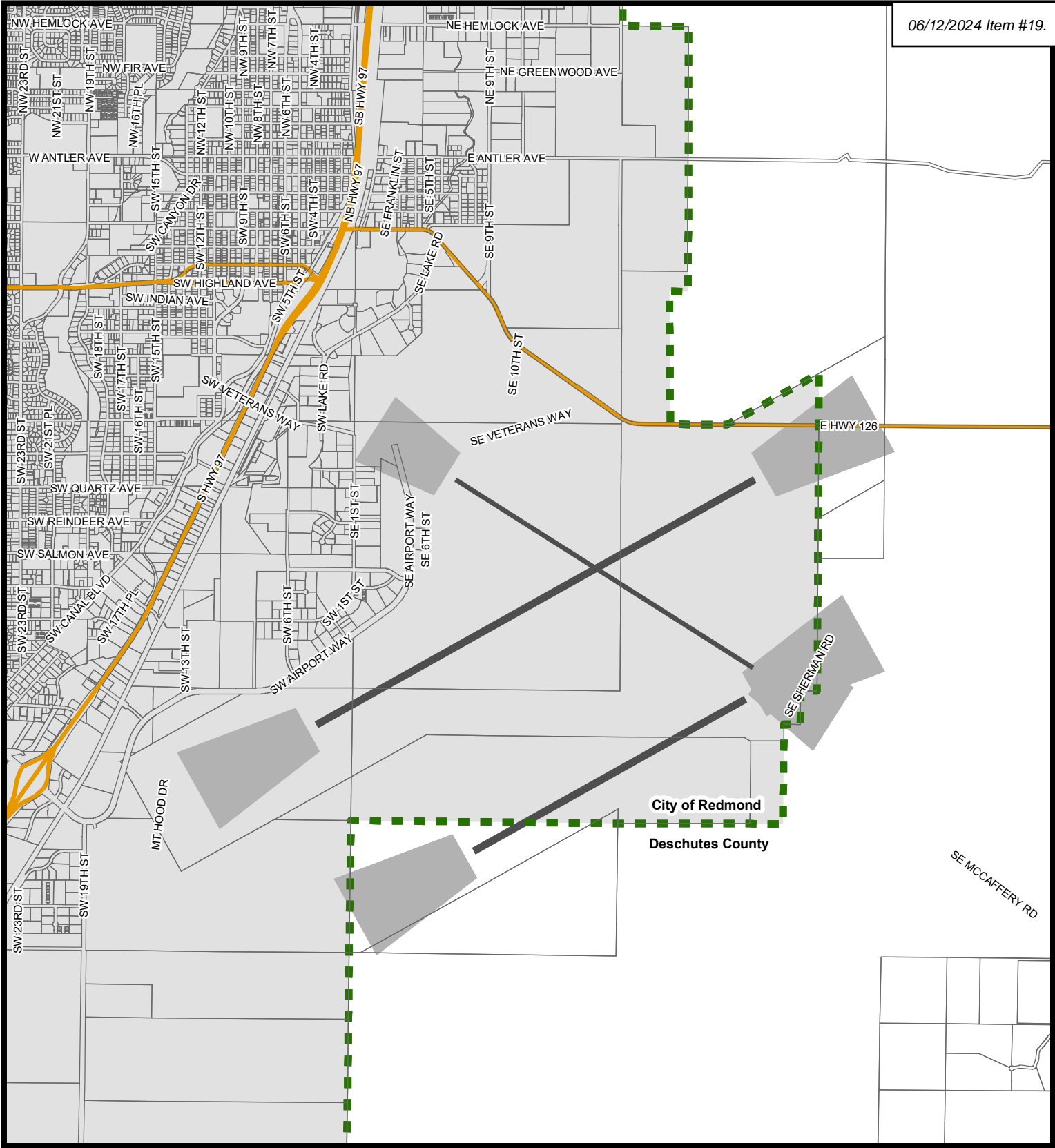
\_\_\_\_\_  
Patti Adair, Chair

\_\_\_\_\_  
Anthony DeBone, Vice Chair

\_\_\_\_\_  
Phil Chang, Commissioner

\_\_\_\_\_  
ATTEST: Recording Secretary

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024  
Effective Date: \_\_\_\_\_, 2024

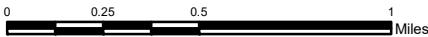


## FIGURE 2 PROPOSED ZONING MAP CHANGE

Exhibit "B"  
to Ordinance 2024-002

**Legend**

- Highway
- Runway
- Runway Protection Zone
- Redmond Urban Growth Boundary



February 21, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
Patti Adair, Chair

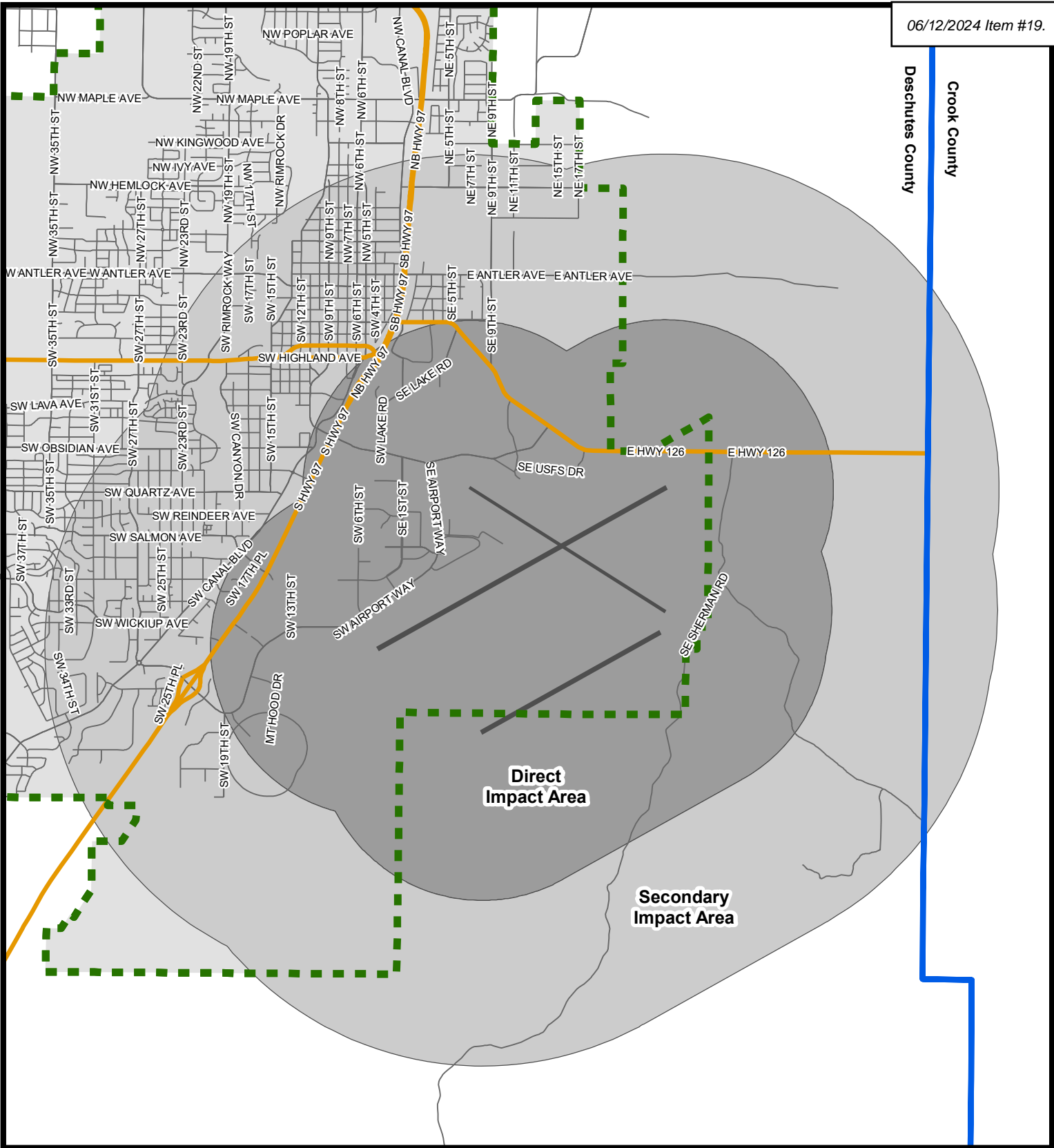
\_\_\_\_\_  
Anthony DeBone, Vice Chair

\_\_\_\_\_  
Phil Chang, Commissioner






ATTEST: Recording Secretary

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024  
Effective Date: \_\_\_\_\_, 2024

Deschutes County  
Crook County

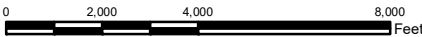


**Legend**

-  Highway
-  Direct Impact Area
-  Secondary Impact Area
-  County Boundary
-  Redmond Urban Growth Boundary

**FIGURE 3  
PROPOSED ZONING MAP CHANGE**

Exhibit "B"  
to Ordinance 2024-002



February 21, 2024

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
Patti Adair, Chair

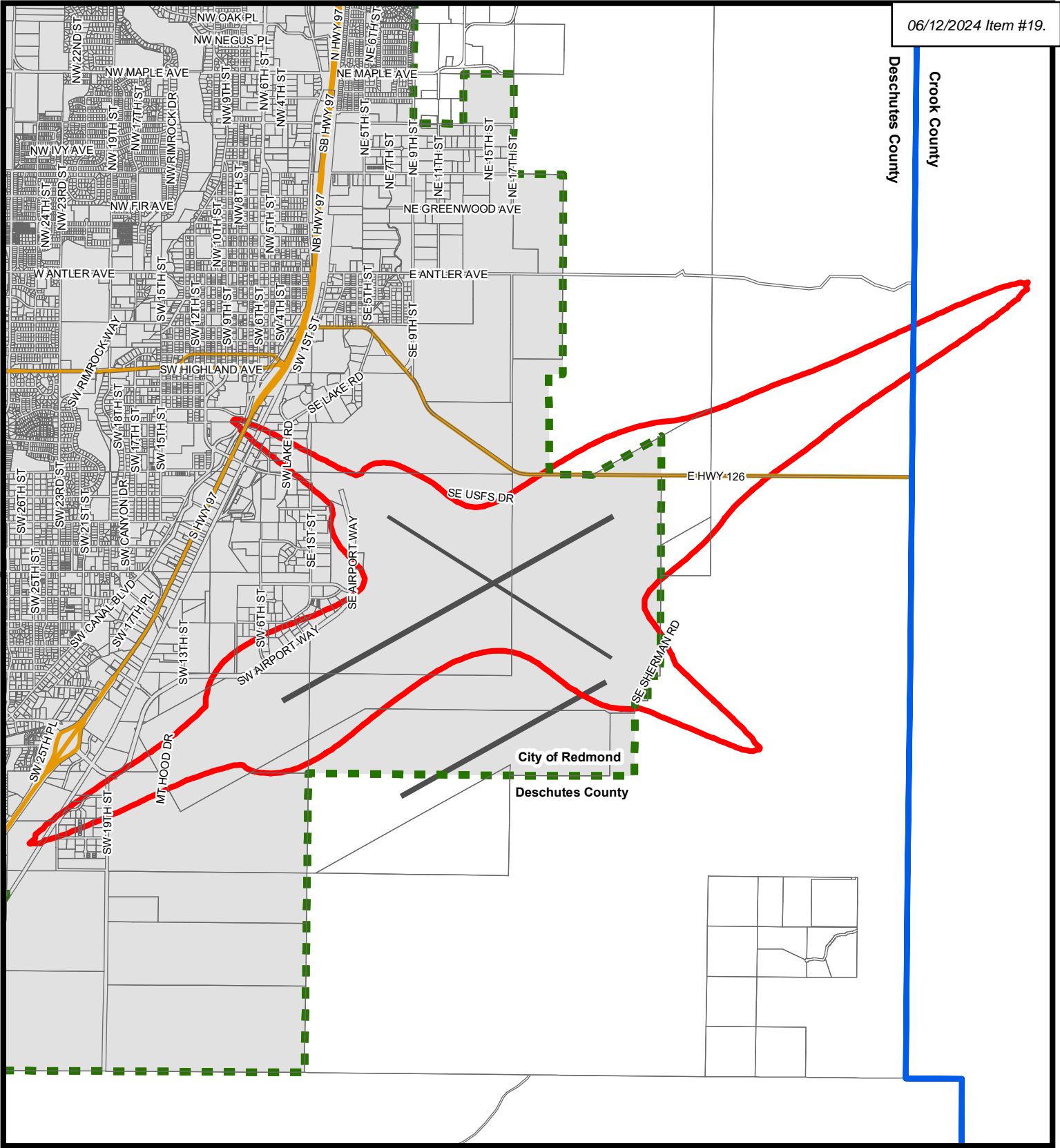
\_\_\_\_\_  
Anthony DeBone, Vice Chair

\_\_\_\_\_  
Phil Chang, Commissioner

\_\_\_\_\_  
ATTEST: Recording Secretary

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024  
Effective Date: \_\_\_\_\_, 2024



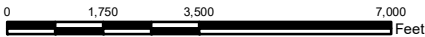


**FIGURE 4**  
**PROPOSED ZONING MAP CHANGE**

Exhibit "B"  
 to Ordinance 2024-002

**Legend**

- Highway
- Runway
- Noise Contour (55 DNL)
- County Boundary
- Redmond Urban Growth Boundary



February 21, 2024

BOARD OF COUNTY COMMISSIONERS  
 OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
 Patti Adair, Chair

\_\_\_\_\_  
 Anthony DeBone, Vice Chair

\_\_\_\_\_  
 Phil Chang, Commissioner

ATTEST: Recording Secretary

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2024  
 Effective Date: \_\_\_\_\_, 2024



**EXHIBIT C - PROPOSED TEXT AMENDMENTS**

**FILE NUMBER(S):** 247-23-000252-TA

**SUBJECT PROPERTY:** The subject Airport Safety (AS) Combining Zone and 55 DNL noise contour boundaries are associated with the Redmond Municipal Airport (Airport), which includes the following addresses and tax lots:

• **Tax Lot 1513220000100**

- 1050 SE Sisters Ave
- 1050 SE Sisters Ave (A-B)
- 1120 SE Sisters Ave
- 1120 SE Sisters Ave (A-E)
- 1300 SE USFS Dr
- 1320 SE USFS Dr
- 1350 SE USFS Dr
- 1410 SE USFS Dr (A-B)
- 1552 SE USFS Dr
- 1605 SE Ochoco Way
- 1694 SE USFS Dr
- 1900 SE Airport Way (A-1 to A-3; B; C-1 to C-2; D; E; F-1 to F-14; G1 to G14; H to V)
- 2215 SE USFS Dr
- 2234 SE 6th St
- 2234 SE Salmon Ave
- 2700 SE Airport Way
- 625 SE Salmon Ave
- 644 SE Salmon Ave
- 645 SE Salmon Ave
- 665 SE Salmon Ave
- 675 SE Salmon Ave
- 679 SE Salmon Ave
- 681 SE Salmon Ave
- 683 SE Salmon Ave
- 685 SE Salmon Ave
- 687 SE Salmon Ave
- 689 SE Salmon Ave
- 691 SE Salmon Ave
- 693 SE Salmon Ave
- 701 SE Salmon Ave
- 705 SE Salmon Ave
- 743 SE Salmon Ave
- 765 SE Salmon Ave
- 875 SE Veteran's Way
- 880 SE Veteran's Way
- 888 SE Veteran's Way (A to G; H-1 to H-2; I-1 to I-7; J-1 to J-2; K-1 to K-7)
- 905 SE Salmon Ave
- 907 SE Salmon Ave
- 911 SE Salmon Ave

• **Tax Lot 1513000001500**

- 1730 SE Ochoco Way
- 1740 SE Ochoco Way
- 1764 SE Ochoco Way
- 2000 SE USFS DR (A to D)

• **Tax Lot 1513000001503**

- 3840 SW Airport Way

• **Tax Lot 1513280000101**

- 3000 SW Airport Way

**APPLICANT:** City of Redmond  
411 SW 9<sup>th</sup> St  
Redmond, OR 97756

Redmond Municipal Airport  
2522 Jesse Butler Cir  
Redmond, OR 97756

**REQUEST:** The applicant, City of Redmond, has applied for a Text Amendment to the Airport Safety (AS) Combining Zone (DCC 18.80.030) to update the Runway and Approach information and a corresponding update amending the AS map to reflect the new zoning boundaries for imaginary surfaces and the new 55 DNL (Average Day-Night Sound Level) noise contour boundaries.

**STAFF CONTACT:** Tarik Rawlings, Senior Transportation Planner  
Phone: 541-317-3148  
Email: [tarik.rawlings@deschutes.org](mailto:tarik.rawlings@deschutes.org)

**RECORD:** Record items can be viewed and downloaded from:  
<https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment>

**I. APPLICABLE CRITERIA:**

Deschutes County Code

- Title 18, Deschutes County Zoning Ordinance:
  - Chapter 18.04, Title, Purpose and Definitions
  - Chapter 18.76, Airport Development Zone
  - Chapter 18.80, Airport Safety Combining Zone (AS)
  - Chapter 18.136, Amendments

- Title 22, Deschutes County Development Procedures Ordinance
  - Chapter 22.12, Legislative Procedures

- Title 23, Deschutes County Comprehensive Plan
  - Chapter 3, (Rural Growth Management), Section 3.4, Rural Economy

Oregon Revised Statutes

- ORS 836.610
- ORS 836.616

Oregon Administrative Rules

- OAR Chapter 660, Division 15, Statewide Planning Goals 1-14
- OAR Chapter 660, Division 12, Transportation
- OAR Chapter 660, Division 13, Airport Planning

## II. PROPOSED TEXT AMENDMENTS:

The proposed text amendments are also detailed in the referenced applicant's burden of proof materials, included as an attachment. Below are the proposed changes with removed text shown in ~~strikethrough~~ and newly-added text identified by underline.

### Title 18, County Zoning:

#### **Chapter 18.80 Airport Safety Combining Zone; A-S**

##### **Section 18.80.030 Redmond Municipal Airport**

The Redmond Municipal Airport is a Category 1, Commercial Service Airport. Its function is to accommodate scheduled major/national or regional commuter commercial air carrier service. The two existing approximately 7,040' long by 100'-150' wide, "other than utility" paved runways are located at an airport elevation of 3,080.7' 3,077'. The proposed extension to ~~runway 4-22~~ the primary runway and the planned new parallel runway are both identified on the FAA-adopted Airport Layout Plan. Therefore, these improvements are used in the layout of the Airport Safety and Combining Zone. The same safety zone dimensional standards used for ~~Runway 4-22~~ the primary runway will also apply to the planned parallel runway.

- A. Primary Surface – For Redmond, the primary surfaces are 1,000' wide by 7,406' 7,440' long for the crosswind runway Runway 10-28, 1,000' wide by 9,100' long for the primary runway Runway 4-22, and 1,000' wide by 6,600' 7,400' long for the proposed new parallel runway.
- B. Transitional Surface – The surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7:1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.
- ~~B. Runway Protection Zone (RPZ) – Two different RPZs apply to the Redmond Airport because it has a total of three potential runways with two possible approaches. Runway 4-22 and the planned parallel runway will both have precision approaches. Runway 10-28 has a non-precision approach on each end. The precision RPZ forms a 1,000' wide by 2,500' long by 1,750' wide trapezoid while the non-precision RPZ forms a 500' wide by 1,700' long by 1,010' wide trapezoid.~~
- C. Approach Surface – The current ILS precision approach surface to the primary runway runway 22 and the planned precision approaches to the Runway 4 and future parallel runway 4-22, are 1,000' wide by 50,000' long by 16,000' wide, with an upward approach slope ratio of 50:1 (one foot vertical for each 50 feet horizontal) for the first 10,000', then a slope ratio of 40:1 for the remaining 40,000'. The non-precision approach surface is 500' wide by 10,000' long by 3,500' wide, with an upward approach slope ratio of 34:1.

- D. Horizontal Surface – The surface boundary is comprised of connected arcs drawn 10,000 feet outward and centered on the ends of the primary surface. The elevation of the horizontal surface for the Redmond Airport is 3,227 230 feet (150' above airport elevation).
- E. Conical Surface – The surface extends outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000' up to an elevation of 3,430.7'.
- F. Runway Protection Zone (RPZ) – Two different RPZs apply to the Redmond Airport because it has a total of three potential runways with two possible approaches. The primary runway and the planned parallel runway will both have precision approaches. The crosswind runway has a non-precision approach on each end. The precision RPZ forms a 1,000' wide by 2,500' long by 1,750' wide trapezoid while the non-precision RPZ forms a 1,000' wide by 1,700' long by 1,510' wide trapezoid. The RPZ begins 200' from the surveyed runway end point.

**HEARINGS OFFICER RECOMMENDATION  
REDMOND AIRPORT MASTER PLAN (RAMP) UPDATE - TEXT AMENDMENT**

**FILE NUMBER(S):** 247-23-000252-TA

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411 SW 9<sup>th</sup> St  
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Redmond Municipal Airport  
2522 Jesse Butler Cir  
Redmond, OR 97756

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**STAFF CONTACT:** Tarik Rawlings, Senior Transportation Planner  
Phone: 541-317-3148  
Email: tarik.rawlings@deschutes.org

**RECORD:** Record items can be viewed and downloaded from:  
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  - Chapter 18.80, Airport Safety Combining Zone (AS)
  - Chapter 18.136, Amendments
- Title 22, Deschutes County Development Procedures Ordinance
  - Chapter 22.12, Legislative Procedures
- Title 23, Deschutes County Comprehensive Plan
  - Chapter 3, (Rural Growth Management), Section 3.4, Rural Economy

Oregon Revised Statutes

- ORS 836.610
- ORS 836.616

Oregon Administrative Rules

- OAR Chapter 660, Division 15, Statewide Planning Goals 1-14
- OAR Chapter 660, Division 12, Transportation
- OAR Chapter 660, Division 13, Airport Planning



## II. BASIC FINDINGS

**LOT OF RECORD:** DCC 22.04.040(B) does not require lot of record verification for Text Amendment applications and, as a result, lot of record verification is not required for the subject application.

**SITE DESCRIPTION:** The AS Combining Zone and 55 Day-Night Sound Level (“DNL”) noise contour boundary includes the Redmond Municipal Airport (“Roberts Field”) and surrounding properties affected by the imaginary surfaces of the AS Combining Zone, which collectively total approximately 1,934 acres. The Redmond Municipal Airport is developed with a number of aviation-related uses including taxiways, runways, internal roads and parking areas, and several structures. The Tax Lots associated with the Redmond Municipal Airport (1513220000100, 1513000001500, 1513000001503, 1513280000101) abut or contain several City of Redmond roadways to the west and north (SE Jesse Butler Cr [city local], SE Salmon Ave [city local], SE 6<sup>th</sup> St [city local], SE Airport Way [city arterial], SE Veteran’s Way [city arterial], SE Sisters Ave [city local], SE USFS Dr [city local], SE 10<sup>th</sup> St [city local]). Highway 126 (a State Primary Highway) adjoins the Airport property along its northern boundary. SE Sherman Rd and Redmond-Powell Butte Market Road border the Airport property to the east and are functionally classified as County-owned Rural Local roadways. Additional portions of SE Sherman Rd (to the east of the Airport) are owned and maintained by the Bureau of Land Management (“BLM”) and are functionally classified as Rural Local roadways.

**PROPOSAL:** The submitted Burden of Proof includes the following background on why this Text Amendment is necessary for the Airport:

*“The applicant, City of Redmond, owner of the Redmond Municipal Airport, proposes the enclosed amendments to the text of Chapter 18.80 of the Deschutes County Zoning Ordinance and the County’s Official Zoning Map to reflect the proposed improvements identified in the 2018 Airport Master Plan.*

*The Airport Master Plan evaluated the Airport’s needs over a 20-year planning period for airfield, airspace, terminal area, and landside facilities. The goal of the plan was to document the orderly development of Airport facilities essential to meeting City needs, in accordance with FAA standards, and in a manner complementary with community interests. The Plan resulted in a 20-year development strategy envisioned by the City of Redmond, reflective of the updated Airport Capital Improvement Program (CIP), and graphically depicted by the Airport Layout Plan (ALP) drawings. The approved Plan allows the City to satisfy FAA assurances and seek project funding eligible under the respective federal and state airport aid program. City of Redmond Ordinance No. 2018-18 updated the Redmond Transportation System Plan, inclusive of the 2018 Airport Master Plan, making it the transportation element of the Redmond Comprehensive Plan.”*

The proposed language of the Text Amendment is included as Attachment 1 and summarized as follows:

- The Applicant proposes to change the introductory language of DCC 18.80.030 including changes to airport elevation, and descriptions of the existing runways.

- The Applicant proposes to change the Primary Surface, Approach Surface, and Horizontal Surface dimensional description(s) at DCC 18.80.030(A, C, and D).
- The Applicant proposes to remove the existing language of DCC 18.80.030(B) and replace it with a description of the Airport’s Transitional Surface.
- The Applicant proposes to add descriptions of the Airport’s Conical Surface and Runway Protection Zone at DCC 18.80.030(E) and (F), respectively.

**PUBLIC AGENCY COMMENTS:** The Planning Division mailed notice on September 19, 2023, to several public agencies and received the following comments:

Deschutes County Building Safety Division, Randy Scheid, September 20, 2023:

*“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.”*

The following agencies/entities did not respond to the notice: Arnold Irrigation District, Bend Metro Parks & Rec., BLM Prineville District, Department of Environmental Quality, Department of Forestry, Department of Geology and Mineral Industries, Department of State Lands, Deputy State Fire Marshal, Deschutes County Assessor, Deschutes County Environmental Soils Division, Deschutes County Fire Adapted Communities Coordinator, Deschutes County Forester, Deschutes County Road Department, Deschutes County Sheriff, Deschutes National Forest, ODOT Region 4 Planning, Oregon Department of Agriculture, Oregon Department of Water Resources, Redmond Area Parks & Rec. District, Redmond City Planning, Redmond Fire & Rescue, Swalley Irrigation District, Terrebonne Domestic Water District, Three Sisters Irrigation District, Watermaster – District 11, BNSF Railway, Cascade Natural Gas Co., Central Electric Co-op, Oregon Department of Aviation, Redmond Airport, Redmond Public Works, and Redmond School District.

**PUBLIC COMMENTS:** The Planning Division mailed notice of the application to all property owners whose property would be affected by the new AS Combining Zone and 55 DNL noise contour boundaries on September 20, 2023. Comments were received from Central Oregon Irrigation District (“COID”) and Dorinne Tye.

COID, Spencer Stauffer, September 22, 2023:

*“Re: 247-23-000252-TA  
 Deschutes County Assessor’s Map 15-13-00, Tax Lots 1500 and 1503  
 Deschutes County Assessor’s Map 15-13-22, Tax Lot 100  
 Deschutes County Assessor’s Map 15-13-28, Tax Lot 101*

*Please be advised that Central Oregon Irrigation District (COID) has reviewed the Text Amendment to the Airport Safety (AS) Combining Zone (DCC 18.80.030) to update the Runway and Approach*

*information and corresponding update amending the AS Zoning Map to reflect the new zoning boundaries for imaginary surfaces and the new 55 DNL (Average Day-Night Sound Level) noise contour boundaries. (dated August 29, 2023). COID has no facilities or water rights on the subject property (TAXLOT: 15-13-00, Tax Lots 1500 and 1503, 15-13-22, Tax Lot 100, 15-13-28, Tax Lot 101)."*

Dorinne Tye, November 7, 2023

An email was received, during the conduct of the November 7, 2023 Hearing, from Dorinne Tye ("Tye"). The Tye email raised a number of issues and objections to the proposal in this case. The Hearings Officer attempted to identify and characterize Tye's email issues below.

Tye stated that aircraft noise creates negative psychological and general health impacts. The Hearings Officer considered Tye's "noise" impact comments in the findings for any relevant approval criterion.

Tye asserted that "shifting noise contours requires avigation easements." Tye provided no legal citations to assist the Hearings Officer regarding what relevant approval criteria/criterion the "avigation easement" argument applied. Further, Tye failed to provide citations or other legal authority, with sufficient specificity, to allow the Hearings Officer to comprehend or analyze the "avigation easement" issue.

Tye asserted that shifting noise contours may violate one or more EPA guidelines. The Hearings Officer finds that Tye failed to develop the "EPA" argument with sufficient specificity to allow the Hearings Officer to comprehend and analyze that issue.

Tye suggested that Applicant's proposed shifting of noise contours violates the US Constitutional provision that prohibits the taking of private property without just compensation. Tye did reference the U.S. Supreme Court case *Nollan v. California Coastal Commission* in the context of the "taking" issue. Tye indicated that the court in *Nollan* required a "nexus" test to be satisfied. The Hearings Officer finds that Tye failed to connect the *Nollan* "nexus" test, with sufficient specificity, to the present application. The Hearings Office finds that Tye failed to provide specific facts or evidence to support her *Nollan* argument(s). The Hearings Officer finds that Tye failed to adequately develop the *Nollan* "nexus" test argument such that the Hearings Officer could provide a legally competent response.

Tye asserted that the process leading up to the issuance of the Staff Report and the hearing in this case did not provide for adequate citizen involvement. The Hearings Officer addresses Tye's "citizen involvement" argument in the findings for relevant approval criterion below.

Tye stated that "there must be adequate consideration and mitigation of airside impacts and related road traffic impacts, especially from an airport..." The Hearings Officer notes that Tye raised no specific road traffic impacts that should be considered in a negative or positive light. The Hearings Officer addresses traffic impacts in the findings for relevant approval criterion below.

Tye referenced an "Airport Easement Ordinance" and stated that such law had been found unconstitutional. The Hearings Officer opened the internet link in Tye's email and determined the referenced Oregon Land Use Board of Appeals decision related to a Hillsboro, Oregon ordinance. The Hearings Officer finds Tye did not provide any legal authority that would lead the Hearings Officer to conclude that a Hillsboro ordinance was relevant to this case.

**NOTICE REQUIREMENT:** As mentioned previously, on September 20, 2023, the Planning Division mailed notice to all property owners whose property would be affected by the new AS Combining Zone and 55 DNL noise contour boundaries. This type of notice is commonly referred to as a Measure 56 Notice. A separate Notice of Application was mailed to relevant agencies on September 19, 2023. A Notice of Public Hearing was published in the Bend Bulletin on Sunday, October 8, 2023. Notice of the first evidentiary hearing was submitted to the Department of Land Conservation and Development on September 18, 2023. The Applicant complied with the posted notice requirements outlined in DCC 22.24.030(B) and submitted a Land Use Sign Affidavit confirming that the required notice was posted on October 25, 2023, for at least 10 days prior to the scheduled public hearing date of November 7, 2023.

**REVIEW PERIOD:** According to Deschutes County Code ("DCC") 22.20.040(D), the review of the proposed quasi-judicial Text Amendment application is not subject to the 150-day review period.

### III. FINDINGS & CONCLUSIONS

**Preliminary Findings.** A public hearing was held on November 7, 2023 (the "Hearing") providing the Applicant, Deschutes County Planning Staff ("County Staff") and members of the public an opportunity to provide oral and written comments related to the application in this case. Only the Applicant and County Staff offered oral testimony and written comments at the Hearing. One person submitted written comments (Tye email referenced above) in opposition. With the exception of the Tye email submission there is no evidence or argument in the record to dispute specific sections or language contained in the Staff Report. The Hearings Officer incorporates the Hearings Officer's comments included in the Public Comments section above, related to the Tye email, as additional findings for this section.

The Staff, in the Staff Report (page 11), opined that the policies set forth in the Deschutes County Comprehensive Plan Section 3.4 Rural Economy Policy 3.4.6 are not a specific approval criterion. Staff stated that if the Hearings Officer concluded that these policies were relevant approval criteria the Hearings Officer should provide findings in support of the Hearings Officer's position. The Hearings Officer concurs with Staff that the policies (i.e., Policy 3.4.6) are not mandatory approval criterion.

Finally, as noted above, only the Tye email raised any issues with the Staff Report. Specifically, the Tye email raised questions concerning noise, citizen involvement and transportation related findings. The Hearings Officer supplemented the Staff findings related to noise, citizen involvement and transportation issues. Therefore, except as noted above, the Hearings Officer adopts the Staff findings in the Staff Report as the Hearings Officer's findings.

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

### Chapter 18.136, Amendments

#### Section 18.136.010, Amendments

***DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.***

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The Applicant, as the property owner, requested a quasi-judicial Text Amendment with corresponding quasi-judicial Map Amendment. The Applicant has filed the required land use application forms for the proposal. The application will be reviewed utilizing the applicable procedures contained in Title 22 of the Deschutes County Code.*

*DCC 22.04.020 includes the following definition:*

*‘Quasi-judicial’ zone change or plan amendment generally refers to a plan amendment or zone change affecting a single or limited group of property owners and that involves the application of existing policy to a specific factual setting. (The distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.)*

*The subject application is not a request to change the zoning or Comprehensive Plan designation of the subject property. However, as described below, the quasi-judicial process of a Comprehensive Plan Amendment is the most applicable guidance regarding Text Amendments that are not squarely legislative. Therefore, staff includes the definition of a quasi-judicial process above for reference and also addresses the provisions of DCC 22.28.030, below, regarding final action on Comprehensive Plan amendments. Potentially relevant to this case, the Bend Municipal Airport most recently went through a Text Amendment in Deschutes County file 247-20-000482-TA. The Hearings Officer decision for file 247-20-000482-TA made the following findings regarding whether the application should be processed as a quasi-judicial Text Amendment:*

*Based on the foregoing, the Hearings Officer finds that, in this case, the ultimate adoption of the Text Amendments is a two-step process. The role of the Hearings Officer is to apply the law, not to change it. In the first step of the process, the Applicant has a right under the DCC to submit and to have considered an application to amend the Code’s text. This phase of the process is quasi-judicial in nature and it is appropriate to have a hearing and to build a record following the principles of a quasi-judicial process. As part of that process, the Hearings Officer is addressing the application of the County’s existing laws. The second step of the process is for the Deschutes County Board of Commissioners (“Board”) to adopt an ordinance to incorporate any text*

amendments to the Code. Amendments to the text of a zoning ordinance are a change in the County's law, and only the Board can make such a change. In other words, the Hearings Officer is without authority to amend the County's Code. The Hearings Officer, however, can make a recommendation to the Board based on what develops in the quasi-judicial phase of the process.

The Oregon Supreme Court case Strawberry Hill 4 Wheelers provides guidance on how to distinguish between a legislative and quasi-judicial process, and outlines a three-part test that continues to be applied throughout case law. The Court of Appeals applied and expanded on the Strawberry Hill 4 Wheelers decision in Hood River Valley v. Board of Cty. Commissioners, 193 Or App 485, 495, 91 P3d 748 (2004):

Given those concerns, '[t]he fact that a policymaking process is circumscribed by \* \* \* procedural requirements [such as public hearings] does not alone turn it into an adjudication.' *Id.* at 604. Rather, at least three other considerations generally bear on the determination of whether governmental action represented an 'exercise of \* \* \* quasi-judicial functions.' ORS 34.040(1). First, does 'the process, once begun, [call] for reaching a decision,' with that decision being confined by preexisting criteria rather than a wide discretionary choice of action or inaction? Strawberry Hill 4 Wheelers, 287 Or at 604. Second, to what extent is the decision-maker 'bound to apply preexisting criteria to concrete facts'? *Id.* at 602-03. Third, to what extent is the decision 'directed at a closely circumscribed factual situation or a relatively small number of persons'? *Id.* at 603.

Those three general criteria do not, however, describe a bright-line test. As we noted in Estate of Gold v. City of Portland, 87 Or App 45, 51, 740 P2d 812, rev den, 304 Or 405 (1987), Strawberry Hill 4 Wheelers 'contemplates a balancing of the various factors which militate for or against a quasi-judicial characterization and does not create [an] 'all or nothing' test[.]' (Citation omitted.) In particular, we noted that the criteria are applied in light of the reasons for their existence-viz., 'the assurance of correct factual decisions' and 'the assurance of 'fair attention to individuals particularly affected.'" Estate of Gold, 87 Or App at 51 (quoting Strawberry Hill 4 Wheelers, 287 Or at 604).

As noted above, the Strawberry Hill 4 Wheelers test requires a case-specific analysis of all three factors in combination. Individuals most affected by the proposed Text Amendment include the Redmond Municipal Airport and neighboring property owners, all of whom were mailed notice pursuant to DCC 22.24.030.

Staff addresses each component of the Strawberry Hill 4 Wheelers test below:

#### Results in a decision

The applicant has submitted an application for a Text Amendment, in order to amend text related to the Redmond Airport's AS Combining Zone in DCC 18.80.030 and to update applicable AS overlay zoning boundaries and 55 DNL noise contour boundaries identified in associated zoning maps and County records. The request will result in either an approval or a denial, and a decision will be issued by the Board of County Commissioners (Board) pursuant to DCC Title 22. As opposed to a policy change initiated by staff or decision-makers, which has a wide discretionary choice between action and inaction,

*the subject request was submitted as a land use application by the property owner and the County must take final action on it. Staff finds the subject amendment clearly meets this component of the Strawberry Hill 4 Wheelers test and may be considered a quasi-judicial process.*

*Apply existing criteria*

*The subject request is being reviewed based on criteria in DCC Chapter 18.136, Amendments, and applicable state statutes. Oregon Revised Statutes (ORS) 836.616, Rules for airport uses and activities, provides a list of the uses that may be permitted within an airport under a local jurisdiction's land use code. Staff is unclear about the specific applicability of ORS 836.616 to the subject application as there are no changes to permitted uses within the Airport, but includes that provision, below if the Hearings Officer finds it applies to the subject application. The application is being reviewed to confirm compliance with the DCC along with applicable OARs and ORSs, and staff therefore finds existing criteria are being applied to the subject application. Consequently, the application meets this component of the Strawberry Hill 4 Wheelers test for a quasi-judicial process.*

*Small number of persons*

*The AS Combining Zone encompasses the Airport, with the Zone's imaginary surfaces located above a limited number of surrounding properties. The subject property from with the AS Combining Zone is based is owned and operated by the City of Redmond, who manages leases and oversees uses within the Redmond Municipal Airport. While staff notes the Redmond Municipal Airport is utilized by members of the public and various businesses, changes to the airports imaginary surfaces and 55 DNL noise contour boundaries can only be established on the property if the City of Redmond initiates or authorizes an application. The subject request will impact the development potential of the Airport property and a limited number of surrounding properties. Therefore, staff finds the subject request complies with this component of the Strawberry Hill 4 Wheelers test and may be categorized as quasi-judicial.*

*When the factors above are considered in combination, staff finds they indicate the subject Text Amendment is a quasi-judicial process. As noted in Hood River Valley v. Board of Cty. Commissioners, the differentiation between a legislative and quasi-judicial process is important to ensure all affected parties are given a fair process. In this case the proposal was noticed to all property owners who would potentially be affected by the proposal and processing the request through a quasi-judicial process will provide for a public hearing before a Hearings Officer and final action by the Board. For these reasons, staff finds the request meets the three-part test outlined in Strawberry Hill 4 Wheelers as well as the intent of a quasi-judicial process."*

## **Title 22 of the Deschutes County Code, Development Procedures Ordinance**

### **Chapter 22.12, Legislative Procedures**

Section 22.12.010, Hearing Required

***No legislative change shall be adopted without review by the Planning Commission and a***



**public hearing before the Board of County Commissioners. Public hearings before the Planning Commission shall be set at the discretion of the Planning Director, unless otherwise required by state law.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“As described above, staff finds the subject request is a quasi-judicial Text Amendment. However, the procedural steps will be similar to those outlined in the Hearing’s Officer decision for file 247-20-000482-TA, which finds amendments to allowed airport uses carry the qualities of a legislative act. The subject amendments will be adopted through an ordinance, consistent with the process for a legislative amendment. The Planning Director has exercised their discretion not to set a hearing before the Planning Commission.”*

Section 22.12.020, Notice

- A. Published Notice.**
  - 1. Notice of a legislative change shall be published in a newspaper of general circulation in the county at least 10 days prior to each public hearing.**
  - 2. The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.**
- B. Posted Notice. Notice shall be posted at the discretion of the Planning Director and where necessary to comply with ORS 203.045.**
- C. Individual Notice. Individual notice to property owners, as defined in DCC 22.08.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS 215.503.**
- D. Media Notice. Copies of the notice of hearing shall be transmitted to other newspapers published in Deschutes County.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“Notice of the proposed Text Amendment was published in the Bend Bulletin. As noted above, the applicant complied with the posted notice requirement and staff mailed notice to all property owners who would be affected by the newly-proposed AS zoning and 55 DNL noise contour boundaries. Notice was provided to the County public information official for wider media distribution.”*

Section 22.12.030, Initiation Of Legislative Changes

**A legislative change may be initiated by application of individuals upon payment of required fees as well as by the Board of Commissioners or the Planning Commission.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"The applicant has submitted the required fees and requested a Text Amendment. Staff finds the applicant is granted permission under this criterion to initiate a legislative change and has submitted the necessary fee and materials."*

Section 22.12.040, Hearings Body

- A. The following shall serve as hearings or review body for legislative changes in this order:**
  - 1. The Planning Commission.**
  - 2. The Board of County Commissioners.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"As described above, the subject application meets the definition of a quasi-judicial application. For this reason, this application was referred to a Hearings Officer rather than the Planning Commission for a recommendation. The adoption of the proposed text amendments will follow a legislative process because it must be approved by the Board. For the purpose of this criterion, staff notes the application has properties of both a quasi-judicial and legislative amendment."*

- B. Any legislative change initiated by the Board of County Commissioners shall be reviewed by the Planning Commission prior to action being taken by the Board of Commissioners.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"The subject application was not initiated by the Board. Staff finds this criterion does not apply."*

Section 22.12.050, Final Decision

**All legislative changes shall be adopted by ordinance.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"Staff finds this criterion requires action by the Board to effect any legislative changes to Deschutes County Code. If the proposed Text Amendment is approved, it will become effective through the Board adoption of an ordinance."*

**Chapter 22.28, Land Use Action Decisions**

Section 22.28.030, Decision On Plan Amendments And Zone Changes

- A. Except as set forth herein, the Hearings Officer or the Planning Commission when acting as the Hearings Body shall have authority to make decisions on all quasi-judicial zone changes and plan amendments. Prior to becoming effective, all quasi-judicial plan amendments and zone changes shall be adopted by the Board of County Commissioners.**
- B. In considering 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.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"As detailed above, staff finds the proposal should be viewed as a quasi-judicial plan amendment. For this reason, staff finds these criteria apply. This application is being referred to a Hearings Officer for a recommendation. If an appeal is not filed and the Board does not initiate review, the Board shall adopt the Hearings Officer's recommendation as the decision of the county."*

- C. Plan amendments and zone changes requiring an exception to the goals or concerning lands designated for forest or agricultural use shall be heard de novo before the Board of County Commissioners without the necessity of filing an appeal, regardless of the determination of the Hearings Officer or Planning Commission. Such hearing before the Board shall otherwise be subject to the same procedures as an appeal to the Board under DCC Title 22.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"The subject Text Amendment does not require a goal exception and does not concern lands designated for forest or agricultural use as the base zoning of the airport subject property is within the City of Redmond's jurisdiction. For this reason, a de novo hearing before the Board is not required."*

- D. Notwithstanding DCC 22.28.030(C), when a plan amendment subject to a DCC 22.28.030(C) hearing before the Board of County Commissioners has been consolidated for hearing before the hearings Officer with a zone change or other permit application not requiring a hearing before the board under DCC 22.28.030(C), any party wishing to obtain review of the Hearings Officer's decision on any of those other applications shall file an appeal. The plan amendment shall be heard by the Board consolidated with the appeal of those other applications.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"No other application is being consolidated with the subject Text Amendment. Staff finds this criterion*

does not apply.”

## Deschutes County Comprehensive Plan

### Transportation System Plan

#### Section 3.4, Rural Economy

**Goal 1. Maintain a stable and sustainable rural economy, compatible with rural lifestyles and a healthy environment.**

...

**Policy 3.4.6 Support and participate in master planning for airports in Deschutes County**

**FINDING:** The Hearings Officer incorporates the Preliminary Findings related these policies as additional findings. Further, the Hearings Officer finds that the Staff Report findings set forth below and the underlying documentation submitted by the Applicant, constitute substantial evidence in this case. While perhaps not relevant to these findings the Hearings Officer addresses, at the end of this section, Tye email comments related to transportation (road impacts). The Hearings Officer agrees with and therefore adopts the following Staff Report comments:

*“The County’s Comprehensive Plan includes a number of guiding policies such as the rural economy goal cited above. In addition, Appendix C - Transportation System Plan includes goals specific to airport planning. Staff finds the relevant Comprehensive Plan policies are implemented through Deschutes County Code, and the Comprehensive Plan goals themselves are not specific approval criteria. However, to the extent the Hearings Officer finds this policy is an applicable approval criterion, staff notes that the proposed text amendments will support master planning for the Redmond Municipal Airport. The subject amendments are proposed to implement the changes within the 2018 Redmond Airport Master Plan, the purpose of which is to document the orderly development of Airport facilities essential to meeting the City of Redmond’s needs, in accordance with FAA standards, and in a manner complementary to community interests.”*

Tye, in the Tye email, stated the following related to transportation issues:

*“There must be adequate consideration and mitigation of airside impacts and related road traffic impacts, especially from an airport with the highest airborne lead in the state.”*

The Hearings Officer finds Tye statement that “there must be adequate consideration” of “road traffic impacts” is a reasonable and fair comment. However, without additional evidence or argument related to how the instant application fails to “adequately consider road traffic” the Hearings Officer is unable to meaningfully respond. The Hearings Officer finds the Tye email comment related to road traffic is not developed sufficiently to allow the Hearings Officer to make a reasonable analysis and decision.

## OREGON REVISED STATUTES

### Chapter 836 – Airports and Landing Fields

836.610, Local government land use plans and regulations to accommodate airport zones and uses; funding; rules.

- 1) **Local governments shall amend their comprehensive plan and land use regulations consistent with the rules for airports adopted by the Land Conservation and Development Commission under ORS 836.616 and 836.619. Airports subject to the rules shall include:**
  - (a) **Publicly owned airports registered, licensed or otherwise recognized by the Department of Transportation on or before December 31, 1994, that in 1994 were the base for three or more aircraft; and**
  - (b) **Privately owned public-use airports specifically identified in administrative rules of the Oregon Department of Aviation that:**
    - (A) **Provide important links in air traffic in this state;**
    - (B) **Provide essential safety or emergency services; or**
    - (C) **Are of economic importance to the county where the airport is located.**
- (2)(a) **Local governments shall amend their comprehensive plan and land use regulations as required under subsection (1) of this section not later than the first periodic review, as described in ORS 197.628 to 197.651, conducted after the date of the adoption of a list of airports by the Oregon Department of Aviation under subsection (3) of this section.**
- (b) **A state agency or other person may provide funding to a local government to accomplish the planning requirements of this section earlier than otherwise required under this subsection.**
- (3) **The Oregon Department of Aviation by rule shall adopt a list of airports described in subsection (1) of this section. The rules shall be reviewed and updated periodically to add or remove airports from the list. An airport may be removed from the list only upon request of the airport owner or upon closure of the airport for a period of more than three years. [1995 c.285 §4; 1997 c.859 52]**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The AS Combining Zone stems from the Redmond Municipal Airport, which is a publicly-owned airport. The proposed changes relate to dimensions and boundaries of the imaginary surfaces of the AS Combining Zone and the 55 DNL noise contour boundary. No changes to the Airport’s operational uses or activities are proposed and, as a result, the provisions of ORS 836.616 do not apply to the subject application. Additionally, staff recognizes that the underlying zoning for the Airport is based on City of Redmond zoning districts over which the County has no jurisdiction for the Airport’s allowed uses or activities.”*

836.619, State compatibility and safety standards for land uses near airports; rules.

***Following consultation with the Oregon Department of Aviation, the Land Conservation and Development Commission shall adopt rules establishing compatibility and safety standards for uses of land near airports identified in ORS 836.610 (Local government land use plans and regulations to accommodate airport zones and uses) (1). [1997 c.859 §8 (enacted in lieu of 836.620)]***

**FINDING:** Applicable Oregon Administrative Rules are addressed below.

**OREGON ADMINISTRATIVE RULES CHAPTER 660, LAND CONSERVATION AND DEVELOPMENT DEPARTMENT**

**Division 13 – Airport Planning**

OAR 660-013-0010, Purpose and Policy

- (1) This division implements ORS 836.600 through 836.630 and Statewide Planning Goal 12 (Transportation). The policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon’s airports. These rules are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce risks to aircraft operations and nearby land uses.***
- (2) Ensuring the vitality and continued operation of Oregon’s system of airports is linked to the vitality of the local economy where the airports are located. This division recognizes the interdependence between transportation systems and the communities on which they depend.***

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The above provision is a purpose and policy statement related to OAR 660 Division 13. The applicant’s burden of proof statement includes the following response to this provision:*

*‘By adopting these amendments, the County continues to encourage and support the continued development, operation and vitality of the Redmond Municipal Airport. The amendments are consistent with ORS 836.600 through 836.630 and Statewide Planning Goal 12 (Transportation).’*

*Staff notes the applicable provisions of ORS 836.600 through ORS 836.630 are reviewed in previous findings. Oregon Statewide Planning Goals, including Goal 12, are reviewed in subsequent findings.”*

OAR 660-013-0030, Preparation and Coordination of Aviation Plans

- (2) A city or county with planning authority for one or more airports, or areas within safety zones or compatibility zones described in this division, shall adopt comprehensive plan and land use regulations for airports consistent with the***

**requirements of this division and ORS 836.600 through 836.630. Local comprehensive plan and land use regulation requirements shall be coordinated with acknowledged transportation system plans for the city, county, and Metropolitan Planning Organization (MPO) required by OAR 660, division 12. Local comprehensive plan and land use regulation requirements shall be consistent with adopted elements of the state ASP and shall be coordinated with affected state and federal agencies, local governments, airport sponsors, and special districts. If a state ASP has not yet been adopted, the city or county shall coordinate the preparation of the local comprehensive plan and land use regulation requirements with ODA. Local comprehensive plan and land use regulation requirements shall encourage and support the continued operation and vitality of airports consistent with the requirements of ORS 836.600 through 836.630.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The submitted Burden of Proof provides the following statement:*

*‘The proposed Deschutes County code text and map amendments do not affect the adopted transportation planning documents. This proposed set of amendments are consistent with local comprehensive plans and the State Aviation System Plan. By adopting these amendments, the County continues to encourage and support the continued development, operation and vitality of the Redmond Municipal Airport.’*

*Staff concurs with this description and finds the proposed amendment to the DCC will encourage and support the continued operation and vitality of the Airport.”*

OAR 660-013-0050, Implementation of Local Airport Planning

***A local government with planning responsibility for one or more airports or areas within safety zones or compatibility zones described in this division or subject to requirements identified in ORS 836.608 shall adopt land use regulations to carry out the requirements of this division, or applicable requirements of ORS 836.608, consistent with the applicable elements of the adopted state ASP and applicable statewide planning requirements.***

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*“The submitted Burden of Proof provides the following statement:*

*‘Revisions to DCC Chapter 18.80, specifically DCC 18.80.030, are proposed as part of this application and the revisions update the text of the uses allowed in the safety zone, consistent with OAR 660-013-0050.’*

*This administrative rule imposes a mandatory requirement on the County to adopt land use regulations consistent with the applicable elements of the adopted state Aviation System Plan ("ASP") and applicable statewide planning requirements. The applicant proposes to amend the Airport Safety (AS) Combining Zone, which implements this administrative rule. Other applicable statewide planning requirements are addressed below, and staff finds this criterion will be met."*

OAR 660-013-0070, Local Government Safety Zones for Imaginary Surfaces

**(1) A local government shall adopt an Airport Safety Overlay Zone to promote aviation safety by prohibiting structures, trees, and other objects of natural growth from penetrating airport imaginary surfaces.**

**(a) The overlay zone for public use airports shall be based on Exhibit 1 incorporated herein by reference.**

**(b) The overlay zone for airports described in ORS 836.608(2) shall be based on Exhibit 2 incorporated herein by reference.**

**(c) The overlay zone for heliports shall be based on Exhibit 3 incorporated herein by reference.**

**(2) For areas in the safety overlay zone, but outside the approach and transition surface, where the terrain is at higher elevations than the airport runway surface such that existing structures and planned development exceed the height requirements of this rule, a local government may authorize structures up to 35 feet in height. A local government may adopt other height exceptions or approve a height variance when supported by the airport sponsor, the Oregon Department of Aviation, and the FAA.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"The submitted Burden of Proof provides the following statement:*

*'The acknowledged DCC Chapter 18.80 implements the requirements of this regulation, and this application proposed to amend the existing provisions only to update the location and dimensions of the existing safety zones.'*

*The County has adopted an Airport Safety (AS) Combining Zone, and staff therefore finds subsection (1), is met. Subsection (2), above, allows a jurisdiction to adopt height exceptions to the imaginary surfaces of the Airport Safety Overlay Zone when supported by the airport sponsor, the Oregon Department of Aviation, and the FAA. No height exceptions are included in the subject proposal. Notice of Application for the subject proposal was sent to the Oregon Department of Aviation on September 19, 2023 and no comments were received."*

OAR 660-013-0080, Local Government Land Use Compatibility Requirements for Public Use Airports



- (1) **A local government shall adopt airport compatibility requirements for each public use airport identified in ORS 836.610(1). The requirements shall:**
- (a) **Prohibit new residential development and public assembly uses within the Runway Protection Zone (RPZ) identified in Exhibit 4;**
  - (b) **Limit the establishment of uses identified in Exhibit 5 within a noise impact boundary that has been identified pursuant to OAR 340, division 35 consistent with the levels identified in Exhibit 5;**
  - (c) **Prohibit the siting of new industrial uses and the expansion of existing industrial uses where either, as a part of regular operations, would cause emissions of smoke, dust, or steam that would obscure visibility within airport approach corridors;**
  - (d) **Limit outdoor lighting for new industrial, commercial, or recreational uses or the expansion of such uses to prevent light from projecting directly onto an existing runway or taxiway or into existing airport approach corridors except where necessary for safe and convenient air travel;**
  - (e) **Coordinate the review of all radio, radiotelephone, and television transmission facilities and electrical transmission lines with the Oregon Department of Aviation;**
  - (f) **Regulate water impoundments consistent with the requirements of ORS 836.623(2) through (6); and**
  - (g) **Prohibit the establishment of new landfills near airports, consistent with Department of Environmental Quality (DEQ) rules.**
- (2) **A local government may adopt more stringent regulations than the minimum requirements in section (1)(a) through (e) and (g) based on the requirements of ORS 836.623(1).**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"The submitted Burden of Proof provides the following statement:*

*The acknowledged DCC Chapter 18.80 implements the requirements of this regulation, and this application does not propose to amend the acknowledged regulations, other than to change the dimensions and locations of the protected areas consistent with the currently adopted Airport Layout Plan.'*

*Staff agrees with the applicant's response and finds that no substantive changes to allowable uses, activities, or regulations associated with the Redmond Municipal Airport are included in the subject proposal."*

OAR 660-013-0160, Applicability

***This division applies as follows:***

- (1) ***Local government plans and land use regulations shall be updated to conform to this division at periodic review, except for provisions of chapter 859, OR Laws 1997 that became effective on passage. Prior to the adoption of the list of airports required by ORS 836.610(3), a local government shall be required to include a periodic review work task to comply with this division. However, the periodic review work task shall not begin prior to the Oregon Department of Aviation's adoption of the list of airports required by ORS 836.610(3). For airports affecting more than one local government, applicable requirements of this division shall be included in a coordinated work program developed for all affected local governments concurrent with the timing of periodic review for the jurisdiction with the most land area devoted to airport uses.***
- (2) ***Amendments to plan and land use regulations may be accomplished through plan amendment requirements of ORS 197.610 to 197.625 in advance of periodic review where such amendments include coordination with and adoption by all local governments with responsibility for areas of the airport subject to the requirements of this division.***
- (3) ***Compliance with the requirements of this division shall be deemed to satisfy the requirements of Statewide Planning Goal 12 (Transportation) and OAR 660, division 12 related Airport Planning.***
- (4) ***Uses authorized by this division shall comply with all applicable requirements of other laws.***
- (5) ***Notwithstanding the provisions of OAR 660-013-0140 amendments to acknowledged comprehensive plans and land use regulations, including map amendments and zone changes, require full compliance with the provisions of this division, except where the requirements of the new regulation or designation are the same as the requirements they replace.***

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report statements:

*"The submitted Burden of Proof provides the following statement:*

*'These amendments are being accomplished by code amendments authorized by OAR 660-013-0160(2). The amendments comply with all of OAR 660-013 and other legal requirements'*

*Staff agrees with the above statement and notes that it appears the proposal complies with the applicable provisions of OAR 660 Division 13 and other relevant legal requirements outlined in this staff report."*

## **DIVISION 12, TRANSPORTATION PLANNING**

### OAR 660-012-0060 Plan and Land use Regulation Amendments

- (1) ***If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing***

**or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- (b) Change standards implementing a functional classification system; or**
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
  - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
  - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
  - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

**FINDING:** The Hearings Officer adopts as findings for this decision the following Staff Report for this section. In addition, the Hearings Officer, at the end of the section, addresses the Tye email transportation (road impacts) comments: The incorporated Staff findings are:

*“The Applicant does not propose any changes to the uses and activities outlined within the City Zoning Districts associated with the Redmond Municipal Airport. The Airport’s underlying zoning districts, as administered by the City of Redmond, dictate the allowable uses and activities associated with the Airport. Because no changes are proposed to the uses and activities at the Airport, staff finds there are no foreseeable traffic impacts from the proposed amendments. The amendments themselves propose changes to the written descriptions, including dimensional aspects, of the Airport’s imaginary surfaces and 55 DNL noise contour boundary. Because there are no proposed changes to the base zoning, there are no foreseeable traffic impacts associated with the proposal and, as a result, the Transportation Planning Rule under OAR 660 Division 12 is not triggered.”*

The Hearings Officer finds Tye statement that “there must be adequate consideration” of “road traffic impacts” is a reasonable and fair comment. However, without additional evidence or argument related to how the instant application fails to “adequately consider road traffic” the Hearings Officer is unable to meaningfully respond. The Hearings Officer finds the Tye email

comment related to road traffic is not developed sufficiently to allow the Hearings Officer to make a reasonable analysis and decision.

**DIVISION 15, STATEWIDE PLANNING GOALS AND GUIDELINES**

OAR 660-015, Division 15, Statewide Planning Goals and Guidelines

**FINDING:** The Statewide Planning Goals and the Applicant’s responses are quoted below:

**Goal 1: Citizen Involvement. To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.**

**APPLICANT RESPONSE:** *Over the course of the master plan there were five Planning Advisory Committee (PAC) meetings and two public open house events held in 2016/2017 as part of the prescribed public involvement process.*

*These amendments are being adopted by a process that provides the opportunity for citizen involvement by including public hearings before adoption. The County will hold public hearings before its Planning Commission and Board of Commissioners before any text and map amendments are adopted.*

**HEARINGS OFFICER COMMENT:** Tye, in the Tye email, provided the following citizen involvement related comments:

*“The airport has NOT ADEQUATELY ATTEMPTED TO INCLUDE NON AVIATION BENEFACTOR CITIZENS, nor had citizen feedback or approval TO GET THIS BBUSY OR BIG in light if what that means for our farms, ecosystems, wildlife, outdoor recreation, public dollars and citizen impacts.”*

The Hearings Officer finds the Applicant’s reference to five planning advisory committee meeting and two public open house events to be credible. The Hearings Officer finds that notice of this land use action has been posted/published. The Hearings Officer finds that a quasi judicial hearing and a legislative hearing before the Board of County Commissioners are required. The Hearings Officer finds the public has had and continues to have rights to participate in this planning process. The Hearings Officer finds Tye’s citizen involvement comments are not persuasive.

**Goal 2: Land Use Planning. To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

**APPLICANT RESPONSE:** *These amendments are being adopted through the land use planning process as set forth in DCC 22.12. The decision made in this matter is based on the applicable goals, statutes, regulations as well as the Comprehensive Plan and Transportation System Plan. The amendments will provide guidelines for future decisions.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with Applicant's Response comments.

### **Goal 3: Agricultural Lands.**

**APPLICANT RESPONSE:** *The proposed amendments pertain to aircraft operations within imaginary surfaces and what land uses are allowed outright, conditionally, or not allowed within those surfaces. There are agricultural lands to the east, south, and north of the airport. These lands are zoned Exclusive Farm Use (EFU). However, the combination of the uses permitted in the EFU zone, the size of the affected parcels, the height limit of the zone, the distance from the airport's runways, and the vertical gradient of the AS zones all combine to preclude any adverse effects from the imaginary surfaces onto the EFU lands. Additionally, much of the EFU lands are in federal ownership and thus are exempt from local land use controls. Thus, the proposed changes to the mapped AS features are consistent with Goal 3.*

**STAFF COMMENT:** Staff notes that the land uses allowed outright, conditionally, or prohibited in association with the Redmond Municipal Airport are dictated by the Airport's base zones, which are within the jurisdiction of the City of Redmond.

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response and Staff Comment.

### **Goal 4: Forest Lands.**

**APPLICANT RESPONSE:** *The proposed amendments do not affect any designated Forest Lands so Goal 4 does not apply.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with Applicant's Response.

### **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces.**

**APPLICANT RESPONSE:** *The proposed amendments do not affect any inventoried Goal 5 natural resources, scenic or historic area or open space. The proposed amendments do not affect any natural, scenic, historic, open space, or surface mining resources adjacent to the Redmond Municipal Airport that may have been protected through the application of a combining zone.*

**STAFF COMMENT:** The County's Goal 5 protections are partially implemented through DCC Chapter 18.84, the Landscape Management Combining Zone. This overlay zone protects scenic resources through design limitations and additional protections for designated roadways, rivers, and streams. The subject property is not located within the Landscape Management Combining Zone and is not subject to these provisions.

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response and Staff Comment.

**Goal 6: Air, Water and Land Resources. To maintain and improve the quality of the air, water and land resources of the state.**

**APPLICANT RESPONSE:** *Goal 6 is primarily concerned with the preservation of air, land and water resources from pollution. The amendments are consistent with Goal 6 because they do not allow any additional impact on air, water or land quality compared to what is allowed under current zoning.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 7: Areas Subject to Natural Hazards**

**APPLICANT RESPONSE:** *The proposed amendments do not affect any areas subject to natural hazards, so Goal 7 does not apply.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 8: Recreational Needs. To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

**APPLICANT RESPONSE:** *General Aviation operations (aviation activities conducted by recreational and business aircraft users) makes up a significant portion of the aircraft operations at the Redmond Municipal Airport. Commercial flights into Redmond provide many visitors the first step on their way to enjoy Oregon's recreational activities. The proposed amendments do not negatively affect any areas relative to the recreational needs of the community, thus the proposed amendments are consistent with Goal 8.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 9: Economic Development. To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

**APPLICANT RESPONSE:** *The proposed amendments do not affect any economic activities as they currently exist, so Goal 9 does not apply.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 10: Housing. To provide for the housing needs of citizens of the state.**

**APPLICANT RESPONSE:** *The Redmond Municipal Airport is subject to federal grant restrictions which do not permit residential use at the airport. Goal 10 is therefore, not applicable to this application.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 11: Public Facilities and Services. To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

**APPLICANT RESPONSE:** *The proposed amendments do not include any amendments that would affect the Airport's water and sewer service. The proposed changes are therefore consistent with Goal 11.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 12: Transportation. To provide and encourage a safe, convenient and economic transportation system.**

**APPLICANT RESPONSE:** *The Redmond Municipal Airport is part of the County's multi-modal transportation system. The proposed amendments include minor text modifications and map amendments to airport safety zones to reflect future facility improvements identified in the 2018 Airport Master Plan. The proposed changes are therefore consistent with Goal 12 to provide and encourage a safe transportation system.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response. Further, the Hearings Officer incorporates as additional findings for Goal 12 the Preliminary Findings (related to Tye email transportation [road impacts]) and the findings for OAR 660-012-0060.

**Goal 13: Energy Conservation.**

**APPLICANT RESPONSE:** *The Redmond Municipal Airport has been established in its location for decades and it would not be feasible to relocate the airport. Given that it cannot be relocated, provisions that allow it to continue to function do not affect the energy needed to go to and from the airport. The proposed amendments are consistent with Goal 13.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goal 14: Urbanization.**

**APPLICANT RESPONSE:** *Goal 14 is not applicable because proposed changes to the airport safety overlay zones is outside of any urban growth boundary. The proposed amendments are consistent with Goal 14.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

**Goals 15-19.**

**APPLICANT RESPONSE:** *The Redmond Municipal Airport is not in and does not affect any area subject to Goals 15-19. The Airport is not within the Willamette River Greenway, is not adjacent to a river, and is not located no the Oregon Coast. These goals are therefore not applicable to this application.*

**HEARINGS OFFICER COMMENT:** The Hearings Officer concurs with the Applicant's Response.

PLANNING GOALS SUMMARY: The Hearings Officer notes that Staff generally accepted the Applicant's responses and concluded that the application was in compliance with the applicable Statewide Planning Goals has been effectively demonstrated. The Hearings Officer concurs with Staff summary related to the satisfaction of this application of the Statewide Planning Goals.

**IV. CONCLUSION & RECOMMENDATION**

The Hearings Officer finds that the Applicant has met/satisfied all relevant criterion and policies to justify the proposed Text Amendment.

**VI. DECISION**

**Recommended Approval of:**

Text Amendment as set forth in Attachment 1.

**Deschutes County Hearings Officer**



\_\_\_\_\_  
Gregory J. Frank

Date: December 13, 2023



## ATTACHMENT 1 - PROPOSED TEXT AMENDMENTS

**FILE NUMBER:** 247-23-000252-TA

The proposed text amendments are also detailed in the referenced applicant's burden of proof materials, included as an attachment. Below are the proposed changes with removed text shown in ~~strikethrough~~ and newly-added text identified by underline.

**Title 18, County Zoning:**

**Chapter 18.80 Airport Safety Combining Zone; A-S**

**Section 18.80.030 Redmond Municipal Airport**

The Redmond Municipal Airport is a Category 1, Commercial Service Airport. Its function is to accommodate scheduled major/national or regional commuter commercial air carrier service. The two existing ~~approximately 7,040' long by 100'-150' wide,~~ "other than utility" paved runways are located at an airport elevation of 3,080.7' ~~3,077'~~. The proposed extension to ~~runway 4-22~~ the primary runway and the planned new parallel runway are both identified on the FAA-adopted Airport Layout Plan. Therefore, these improvements are used in the layout of the Airport Safety Combining Zone. The same safety zone dimensional standards used for ~~Runway 4-22~~ the primary runway will also apply to the planned parallel runway.

- ~~B. Runway Protection Zone (RPZ) – Two different RPZs apply to the Redmond Airport because it has a total of three potential runways with two possible approaches. Runway 4-22 and the planned parallel runway will both have precision approaches. Runway 10-28 has a non-precision approach on each end. The precision RPZ forms a 1,000' wide by 2,500' long by 1,750' wide trapezoid while the non-precision RPZ forms a 500' wide by 1,700' long by 1,010' wide trapezoid.~~
- C. Approach Surface – The current ILS precision approach surface to the primary runway ~~runway 22~~ and the planned precision approaches to the Runway 4 and future parallel runway 4-22, are 1,000' wide by 50,000' long by 16,000' wide, with an upward approach slope ratio of 50:1 (one foot vertical for each 50 feet horizontal) for the first 10,000', then a slope ratio of 40:1 for the remaining 40,000'. The non-precision approach surface is 500' wide by 10,000' long by 3,500' wide, with an upward approach slope ratio of 34:1.
- D. Horizontal Surface – The surface boundary is comprised of connected arcs drawn 10,000 feet outward and centered on the ends of the primary surface. The elevation of the horizontal surface for the Redmond Airport is 3,227 230 feet (150' above airport elevation).

- E. Conical Surface – The surface extends outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000' up to an elevation of 3,430.7'.
- F. Runway Protection Zone (RPZ) – Two different RPZs apply to the Redmond Airport because it has a total of three potential runways with two possible approaches. The primary runway and the planned parallel runway will both have precision approaches. The crosswind runway has a non-precision approach on each end. The precision RPZ forms a 1,000' wide by 2,500' long by 1,750' wide trapezoid while the non-precision RPZ forms a 1,000' wide by 1,700' long by 1,510' wide trapezoid. The RPZ begins 200' from the surveyed runway end point.

owner	agent	inCareOf	address	cityStZip	type	cdd id
City of Redmond			411 SW 9th St	Redmond, OR 97756	HO Recommendation	23-252-TA
Redmond Municipal Airport			2522 Jesse Butler Cir	Redmond, OR 97756	HO Recommendation	23-252-TA
Tom Headley	Century West Engineering		1020 SW Emkay Dr. #100	Bend, OR 97701	HO Recommendation	23-252-TA



**COMMUNITY DEVELOPMENT**

**NOTICE OF HEARINGS OFFICER’S RECOMMENDATION**

The Deschutes County Hearings Officer has recommended approval of the land use application(s) described below:

**FILE NUMBERS:** 247-23-000252-TA

**SUBJECT PROPERTY:** The Airport Safety Combining Zone and 55 DNL noise contour boundaries are associated with the Redmond Municipal Airport (“Airport”), which includes the following addresses and tax lots:

• **Tax Lot 1513220000100**

- 1050 SE Sisters Ave
- 1050 SE Sisters Ave (A-B)
- 1120 SE Sisters Ave
- 1120 SE Sisters Ave (A-E)
- 1300 SE USFS Dr
- 1320 SE USFS Dr
- 1350 SE USFS Dr
- 1410 SE USFS Dr (A-B)
- 1552 SE USFS Dr
- 1605 SE Ochoco Way
- 1694 SE USFS Dr
- 1900 SE Airport Way (A-1 to A-3; B; C-1 to C-2; D; E; F-1 to F-14; G1 to G14; H to V)
- 2215 SE USFS Dr
- 2234 SE 6th St
- 2234 SE Salmon Ave
- 2700 SE Airport Way
- 625 SE Salmon Ave
- 644 SE Salmon Ave
- 645 SE Salmon Ave
- 665 SE Salmon Ave
- 675 SE Salmon Ave
- 679 SE Salmon Ave
- 681 SE Salmon Ave
- 683 SE Salmon Ave
- 685 SE Salmon Ave
- 687 SE Salmon Ave
- 689 SE Salmon Ave
- 691 SE Salmon Ave
- 693 SE Salmon Ave
- 701 SE Salmon Ave
- 705 SE Salmon Ave
- 743 SE Salmon Ave
- 765 SE Salmon Ave
- 875 SE Veteran's Way
- 880 SE Veteran's Way
- 888 SE Veteran's Way (A to G; H-1 to H-2; I-1 to I-7; J-1 to J-2; K-1 to K-7)
- 905 SE Salmon Ave
- 907 SE Salmon Ave
- 911 SE Salmon Ave

• **Tax Lot 1513000001500**

- 1730 SE Ochoco Way
- 1740 SE Ochoco Way
- 1764 SE Ochoco Way
- 2000 SE USFS DR (A to D)

• **Tax Lot 1513000001503**

- 3840 SW Airport Way

• **Tax Lot 1513280000101**

- 3000 SW Airport Way

**APPLICANT:** City of Redmond  
411 SW 9<sup>th</sup> St  
Redmond, OR 97756

Redmond Municipal Airport  
2522 Jesse Butler Cir  
Redmond, OR 97756

**REQUEST:** The City of Redmond (“Applicant”) applied for a Text Amendment to the Airport Safety (“AS”) Combining Zone (DCC 18.80.030) to update the Runway and Approach information and a corresponding update amending the AS map to reflect the new zoning boundaries for imaginary surfaces and the new 55 DNL (“Average Day-Night Sound Level”) noise contour boundaries.

**STAFF CONTACT:** Tarik Rawlings, Senior Transportation Planner  
Phone: 541-317-3148  
Email: tarik.rawlings@deschutes.org

**RECORD:** Record items can be viewed and downloaded from:  
<https://www.deschutescounty.gov/cd/page/247-23-000252-ta-redmond-airport-master-plan-ramp-text-amendment>

**I. APPLICABLE CRITERIA**

Deschutes County Code

- Title 18, Deschutes County Zoning Ordinance:
  - Chapter 18.04, Title, Purpose and Definitions
  - Chapter 18.80, Airport Safety Combining Zone (AS)
  - Chapter 18.136, Amendments
- Title 22, Deschutes County Development Procedures Ordinance
  - Chapter 22.12, Legislative Procedures
- Title 23, Deschutes County Comprehensive Plan
  - Chapter 3, (Rural Growth Management), Section 3.4, Rural Economy

Oregon Revised Statutes

- ORS 836.610
- ORS 836.616

Oregon Administrative Rules

- OAR Chapter 660, Division 15, Statewide Planning Goals 1-14
- OAR Chapter 660, Division 12, Transportation
- OAR Chapter 660, Division 13, Airport Planning

**DECISION:** The Hearings Officer finds that the application meets applicable criteria and recommends approval of the application.

*As a procedural note, the hearing on November 7, 2023, was the first of two required public hearings per DCC 22.28.030(c). The second public hearing will be held before the Board of County Commissioners at a future date to be determined.*

**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 base appeal deposit plus 20% of the original application fee(s), and a statement raising any issue relied upon for appeal with sufficient specificity to afford the Board of County Commissioners an adequate opportunity to respond to and resolve each issue.

Copies of the decision, 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.

owner	agent	address	city/zip	type	cdd id
City of Redmond	Century West Engineering	411 SW 9th St	Redmond, OR 97756	HO NOD	23-252-TA
Tom Headley	dorinne.tye@gmail.com	2522 Jesse Butler Cr	Redmond, OR 97756	HO NOD	23-252-TA
Dorinne Tye		1020 SW Emkay Dr. #100	Bend, OR 97701	HO NOD	23-252-TA
ARNOLD IRRIGATION DISTRICT	Kelsey Schwartz (kelsey@bendparksandrec.org)	19604 BUCK CANYON RD.	Bend, OR 97702	HO NOD	23-252-TA
BEND METRO PARKS & REC.	Clark Lisa M <clark@blm.gov>	ELECTRONIC		HO NOD	23-252-TA
BLM, PRINEVILLE DIST. - DESCHUTES FIELD MGR.	KELLY O'ROURKE - LANDUSE@COID.ORG CRAIG HORRELL - CHORRELL@COID.ORG	ELECTRONIC		HO NOD	23-252-TA
CENTRAL OREGON IRRIGATION DIST.	LARRY BROWN (Larry.BROWN@deq.oregon.gov), Scott Rochette (sean.rochette@deq.oregon.gov)	2843 NORTHWEST LOLO DRIVE, SUITE 200	BEND, OR 97703	HO NOD	23-252-TA
CENTRAL OREGON LANDWATCH		ELECTRONIC		HO NOD	23-252-TA
DEPT. ENV. QUALITY (DEQ)	BOB HOUSTON	475 NE BELLEVUE DRIVE, SUITE 110	Bend, OR 97701	HO NOD	23-252-TA
DEPT. ENV. QUALITY (DEQ)		P.O. BOX 670	Prineville, OR 97754	HO NOD	23-252-TA
DEPT. OF FORESTRY		229 BROADALBIN ST, SW	Albany, OR 97321	HO NOD	23-252-TA
DEPT. OF GEOLOGY & MINERAL IND.	Jackson.morgan@dsi.oregon.gov	1011 SW EMKAY DR., SUITE 108	Salem, OR 97702	HO NOD	23-252-TA
DEPT. OF LAND CONSERV. & DEVEL.	Shawn Zumwalt Shawn.ZUMWALT@dsi.oregon.gov	635 CAPITOL ST. NE, #150	Salem, OR 97301-2540	HO NOD	23-252-TA
DEPT. OF STATE LANDS (DSL-OWNED PROPERTY)	CALEB BARNES	ELECTRONIC		HO NOD	23-252-TA
DEPUTY STATE FIRE MARSHAL		1345 NW WALL ST., SUITE 202	Bend, OR 97701	HO NOD	23-252-TA
DESCHUTES CO. ASSESSOR		ELECTRONIC		HO NOD	23-252-TA
DESCHUTES CO. BUILDING SAFETY		ELECTRONIC		HO NOD	23-252-TA
DESCHUTES CO. ENVR. SOILS		ELECTRONIC		HO NOD	23-252-TA
DESCHUTES CO. FIRE ADAPTED COMMUNITIES COORDINATOR	CORINNE HEINER Corinne.Heiner@deschutes.org	ELECTRONIC		HO NOD	23-252-TA
DESCHUTES CO. FORESTER	KEVIN MORIARTY Kevin.Moriarty@deschutes.org	ELECTRONIC		HO NOD	23-252-TA
DESCHUTES CO. ROAD DEPT.	CODY SMITH	ELECTRONIC		HO NOD	23-252-TA
DESCHUTES CO. SHERIFF	SHANE NELSON	6333 HWY 20 WEST	Bend, OR 97701	HO NOD	23-252-TA
DESCHUTES NAT. FOREST	CYNTHIA ANDERSON (Cynthia.Anderson@usda.gov)	ELECTRONIC		HO NOD	23-252-TA
ODOT REGION 4 PLANNING	ODOTR4PLANMGR@odot.state.or.us	ELECTRONIC		HO NOD	23-252-TA
OR DEPT. OF AG LAND USE PLANNING COORD.	JIM JOHNSON	635 CAPITOL ST NE	SALEM, OR 97301	HO NOD	23-252-TA
OREGON DEPT OF AGRICULTURE	JON HARRANG (jharrang@oda.state.or.us - North DC) ADAM MILLER (amiller@oda.state.or.us - South DC)	ELECTRONIC		HO NOD	23-252-TA
OREGON DEPT. OF WATER RESOURCES	Kyle Gorman (Kyle.Gorman@oregon.gov)	ELECTRONIC		HO NOD	23-252-TA
REDMOND AREA PARKS & REC. DIST.		P.O. BOX 843	Redmond, OR 97756	HO NOD	23-252-TA
REDMOND CITY PLANNING	Tom Mooney (Tom.Mooney@redmondfireandrescue.org) Wade Gibson (Wade.Gibson@redmondfireandrescue.org)	411 SW 9th St	Redmond, OR 97756	HO NOD	23-252-TA
REDMOND FIRE & RESCUE		ELECTRONIC		HO NOD	23-252-TA
SWALLEY IRRIGATION DISTRICT		64672 COOK AVE.	BEND, OR 97701	HO NOD	23-252-TA
TERREBONNE DOMESTIC WATER DIST.		P.O. BOX 31	TERREBONNE, OR 97760	HO NOD	23-252-TA
THREE SISTERS IRRIGATION DISTRICT		P.O. BOX 2230	SISTERS, OR 97759-2230	HO NOD	23-252-TA
WATERMASTER - DISTRICT 11		ELECTRONIC		HO NOD	23-252-TA
BNSF RAILWAY - ASSISTANT DIR., PUBLIC PROJECTS	Sam Van Lingham (sam.j.vanlingham@oregon.gov)	740 CARNEGIE DRIVE	San Bernardino, CA 92408	HO NOD	23-252-TA
CASCADE NATURAL GAS CO.		64500 O.B. RILEY RD., SUITE 2	Bend, OR 97703	HO NOD	23-252-TA
CENTRAL ELECTRIC CO-OP		P.O. BOX 846	Redmond, OR 97756	HO NOD	23-252-TA
OREGON DEPT. OF AVIATION, PROJ. & PLANNING DIV.	Heather Peck/ Brandon Pike	ELECTRONIC		HO NOD	23-252-TA
REDMOND AIRPORT		2522 S.E. AIRPORT WAY	Redmond, OR 97756	HO NOD	23-252-TA
REDMOND PUBLIC WORKS		875 SE SISTERS	Redmond, OR 97756	HO NOD	23-252-TA
REDMOND SCHOOL DISTRICT 2J		145 SE SALMON	Redmond, OR 97756	HO NOD	23-252-TA



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 12, 2024

**SUBJECT:** Community Development Department Draft FY 2024-25 Work Plan

**RECOMMENDED MOTION:**

1. Move to approve the CDD FY 2024-25 Work Plan as recommended by the Planning Commission; or
2. Move to approve the CDD FY 2024-25 Work Plan as recommended by the Planning Commission with amendments decided by the Board of County Commissioners (Board) at this meeting.

**BACKGROUND AND POLICY IMPLICATIONS:**

The purpose of this agenda item is for the Board to deliberate and adopt the CDD FY 2024-25 Work Plan. The Board conducted a public hearing on the Draft CDD FY 2024-25 Work Plan and 2023 Annual Report on May 15 and received two written comments during the open record period.

**BUDGET IMPACTS:**

None

**ATTENDANCE:**

Peter Gutowsky, Community Development Director





COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Deschutes County Board of Commissioners
FROM: Peter Gutowsky, AICP, Director
CDD Management Team
DATE: June 5, 2024
SUBJECT: Deliberations – Community Development Department Draft Fiscal Year 2024-25 Work Plan

I. SUMMARY

The purpose of this agenda item is for the Board of County Commissioners (Board) to deliberate and adopt the Community Development Department (CDD) Fiscal year (FY) 2024-25 Work Plan (Attachment A).

II. BACKGROUND

The Board conducted a public hearing on the Draft CDD FY 2024-25 Work Plan and 2023 Annual Report on May 15, 2024 and received two written comments during the open record period (Attachment B).1 Previously, the Planning Commission conducted a public hearing and offered recommendations pertaining to the Planning Division’s long range work plan.

III. BOARD DECISIONS

Below are decision points for the Board to consider in adopting the CDD FY 2024-25 Work Plan as it pertains to the Planning Division:

- 1. Affirm or amend the projects in Table 1, which are priority discretionary and non-discretionary projects.
2. Affirm or amend the Planning Division operational responsibilities, regional coordination duties, and code maintenance tasks in Table 2.
3. Affirm or amend the low priority projects in Table 3.

The Planning Commission endorsed all of the prominent projects listed in Tables 1 and 2, considering all of them noteworthy for the community. To the extent that resources become available, they recommended several projects that contribute to livability, economic development, and environmental sustainability:

1 One resident recommended revising Deschutes County Code to allow agricultural exempt buildings on properties not receiving farm tax deferral status. Another expressed concerns of expanding agricultural exempt building opportunities.

- Community engagement
- Dark skies
- Farm stands / agritourism
- Housing related Items
- Informational panels

Table 1 captures priority discretionary and nondiscretionary projects that are supported by the Board, grant funded, or in process.

**Table 1 – Priority Discretionary and Non-discretionary Projects**

Priority Projects	
<ol style="list-style-type: none"> <li>1. Current Planning <sup>2</sup></li> <li>2. Comprehensive Plan 2040 Update</li> <li>3. Engage Southern Deschutes County residents to update the Newberry Country Plan</li> </ol>	<ol style="list-style-type: none"> <li>4. Clear and Objective Standards for Housing (HB 3197)</li> <li>5. Natural Hazards – Amend Comprehensive Plan and County Code to address defensible space and fire-resistant building material requirements per SB 762 (2021) and SB 80 (2023), Wildfire Mitigation.</li> </ol>

Table 2 identifies ongoing Planning Division operational responsibilities, regional coordination duties, and code maintenance tasks. These projects in their totality range from “minor” to “moderate,” requiring staffing resources that span 4 to 8 months to complete.

**Table 2 – Operational Responsibilities, Coordination Duties, and Code Maintenance**

Category	Projects
<b>Operational Responsibilities</b>	<ol style="list-style-type: none"> <li>1. Destination Resort and Overnight Lodging Reporting.</li> <li>2. Marijuana inspections.</li> <li>3. Population estimates and forecasting.</li> <li>4. Staffing HLC, Bicycle and Pedestrian Advisory Committee, and Deschutes River Mitigation and Enhancement Committee.</li> <li>5. Participate in 2025 Legislative Session.</li> <li>6. Support internal County departments (new landfill siting, etc.).</li> </ol>
<b>Coordination Duties</b>	<ol style="list-style-type: none"> <li>7. City of Bend / Bend Park District <ul style="list-style-type: none"> <li>• Coordinate with City of Bend on growth management issues, including technical analyses related to housing and employment needs.</li> <li>• Coordinate with Bend Parks and Recreation District for future park development in southeast Bend.</li> </ul> </li> <li>8. City of La Pine <ul style="list-style-type: none"> <li>• Participate with Property Management and the City of La Pine process to update and amend the County-owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulations.</li> <li>• Participate in La Pine 2045 Comprehensive Plan Update process.</li> </ul> </li> <li>9. City of Redmond <ul style="list-style-type: none"> <li>• Coordinate to implement the Redmond Comprehensive Plan 2040.</li> <li>• Coordinate on CORE3, a multi-stakeholder regional emergency coordination center.</li> <li>• Coordinate to update the Joint Management Agreement and Urban Holding-10 zone lands per HB 3197 requirements.</li> </ul> </li> </ol>

<sup>2</sup> Current Planning responsibilities are non-discretionary. Local land use decisions are subject to specific deadlines per state law. ORS 215.427.

Category	Projects
	<ul style="list-style-type: none"> <li>• Coordinate planning efforts for McVey interchange on South Highway 97 to access Large Lot Industrial Lands through either a Goal Exception process or legislative equivalent.</li> <li>10. City of Sisters               <ul style="list-style-type: none"> <li>• Participate in the implementation of Sisters Country Vision Plan and City of Sisters Comprehensive Plan Update.</li> <li>• Participate in Sisters UGB expansion process.</li> </ul> </li> <li>11. Dark Skies Coordination</li> <li>12. Department of Land Conservation and Development Rulemaking               <ul style="list-style-type: none"> <li>• Monitor rulemaking as it pertains to Goal 5 – Cultural Areas, Farm and Forest Conservation Program Improvements, and Eastern Oregon Solar Siting.</li> <li>• If required, initiate legislative amendments to the Comprehensive Plan and zoning code.</li> </ul> </li> <li>13. Groundwater Protection               <ul style="list-style-type: none"> <li>• Support efforts by the Oregon Department of Environmental Quality and Onsite Wastewater Division to protect South County groundwater.</li> <li>• Administer, if awarded, a U.S. Environmental Protection Agency, Community Change Grant.</li> </ul> </li> <li>14. Housing Strategies               <ul style="list-style-type: none"> <li>• Amend County Code to define family for unrelated persons HB 2538, non-familial Individuals.</li> <li>• Explore options and approaches to address rural housing and homelessness as allowed under state law.</li> </ul> </li> <li>15. Sage Grouse Coordination</li> <li>16. Transportation Planning               <ul style="list-style-type: none"> <li>• Process road naming requests associated with certain types of development on a semi-annual basis.</li> <li>• Administer the County’s Transportation System Development Charge program.</li> <li>• Coordinate with Bend Metropolitan Planning Organization on regional projects and comprehensive planning.</li> <li>• Coordinate with the Oregon Department of Transportation on roadway projects and interchange area management plans.</li> </ul> </li> </ul>
<p><b>Code Maintenance</b></p>	<ul style="list-style-type: none"> <li>17. Housekeeping Amendments               <ul style="list-style-type: none"> <li>• Initiate Comprehensive Plan and/or Zoning Text amendments to comply with and implement new or revised state laws.</li> </ul> </li> </ul>

Table 3 lists discretionary zoning text amendments. These are “lower” priority projects, requiring staffing resources that span 4 to 12 months or longer to complete.

**Table 3 – Low Priority Zoning Text Amendments**

Category	Projects
<b>Zoning Text Amendments</b>	<ol style="list-style-type: none"> <li>1. Allow “self-serve” farm stands in Rural residential Exception Areas Comply with House Bill 3109 (2021) pertaining to establishment of childcare facilities in industrial zones.</li> <li>2. Childcare facilities in Industrial Zones</li> <li>3. Define family for unrelated persons per HB 2538 (Non-familial Individuals).</li> <li>4. Forest Zone Code—Review for compliance with Oregon Administrative Rule.</li> <li>5. Lot Line Adjustments and Re-platting.</li> <li>6. Medical Hardship Dwellings—review for consistency with state law.</li> <li>7. Minor variance 10% lot area rule for farm and forest zoned properties.</li> <li>8. Outdoor Mass Gatherings update.</li> <li>9. Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments).</li> <li>10. Sign code to become consistent with federal law.</li> <li>11. Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses.</li> <li>12. Title 22—Procedures Ordinance for consistency with state law and planning department interpretations.</li> <li>13. Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands.</li> </ol>

**IV. DRAFT MOTIONS**

1. Move to approve the CDD FY 2024-25 Work Plan as recommended by the Planning Commission;  
or
2. Move to approve the CDD FY 2024-25 Work Plan as recommended by the Planning Commission with the amendments decided by the Board at this meeting.

Attachments:

- A. Draft CDD FY 2024/2025 Work Plan and 2023 Annual Report
- B. Public Comments



# COMMUNITY DEVELOPMENT

## FY 2024-25 Work Plan & 2023 Annual Report - DRAFT



117 NW Lafayette Avenue  
P.O. Box 6005  
Bend, OR 97703  
[www.deschutes.org/cd](http://www.deschutes.org/cd)  
(541) 388-6575

Building Safety  
Code Enforcement  
Coordinated Services  
Onsite Wastewater  
Planning

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# Introduction

## Community Development Mission Statement

The Community Development Department (CDD) facilitates orderly growth and development in the Deschutes County community through coordinated programs of Building Safety, Code Enforcement, Coordinated Services, Onsite Wastewater, Planning, and education and service to the public.

### Purpose

The 2023 Annual Report and FY 2024-25 Work Plan highlight the department’s accomplishments, goals and objectives and are developed to:

- Report on achievements and performance.
- Implement the Board of County Commissioners (BOCC) goals and objectives.
- Implement the Deschutes County Customer Service “Every Time” Standards.
- Effectively and efficiently manage organizational assets, capabilities and finances.
- Fulfill the department’s regulatory compliance requirements.
- Address changes in state law.
- Enhance the county as a safe, sustainable and highly desirable place to live, work, learn, recreate, visit and more.

### Adoption

The BOCC adopted this report on TBD, after considering public, stakeholder and partner organization input and Planning Commission and Historic Landmarks Commission recommendations. The Work Plan often includes more projects than there are resources available. CDD coordinates with the BOCC throughout the year to prioritize and initiate projects. Projects not initiated are often carried over to future years.





# Elected & Appointed Officials

## **BOARD OF COUNTY COMMISSIONERS**

Anthony DeBone, Chair, January 2027  
Patti Adair, Vice Chair, January 2027  
Phil Chang, Commissioner, January 2025

## **COUNTY ADMINISTRATION**

Nick Lelack, County Administrator  
Whitney Hale, Deputy County Administrator  
Erik Kropp, Deputy County Administrator

## **PLANNING COMMISSION**

Toni Williams — Chair, South County Area, 6/30/25  
Jessica Kieras — Vice Chair, Redmond Area, 6/30/26  
Susan Altman — Bend Area, 6/30/28  
Matt Cyrus — Sisters Area, 6/30/26  
Nathan Hovekamp — Vice Chair, Bend Area, 6/30/27  
Kelsey Kelley — Tumalo Area, 6/30/27  
Mark Stockamp — At Large, 6/30/27

## **HISTORIC LANDMARKS COMMISSION**

Rachel Stemach — Chair, Bend Area, 3/31/28  
Dennis Schmidling — Vice Chair, City of Sisters, 3/31/28  
Eli Ashley— At Large, 3/31/26  
Lore Christopher—At Large, 3/31/2026  
Christine Horting-Jones — Ex-Officio, 3/31/28  
Marc Hudson— At Large, 3/31/2028  
Lilian Syphers — Ex-Officio, 3/31/2028

## **HEARINGS OFFICERS**

Tommy Brooks  
Gregory J. Frank  
Alan Rappleyea  
Laura Westmeyer

## **BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE**

Dave Thomson — Chair, At Large, 6/30/24  
David Green — Vice Chair, At Large, 6/30/26  
Rachel Zakem — Secretary, At Large 6/30/26  
Neil Baungard — Bend, 6/30/24  
Christopher Cassard — At Large, 6/30/24  
Sabrina Haggerty — At Large, 6/30/24  
Wendy Holzman — At Large, 6/30/26  
Mason Lacy — At Large, 6/30/26  
Jennifer Letz — Sisters, 6/30/2026  
Matt Muchna — Redmond, 6/30/2026  
David Roth — Bend, 6/30/2026  
Mark Smith — At Large, 6/30/24  
Open — La Pine, 6/30/2026

# Board of County Commissioners

## FY 2024-25 Goals & Objectives

**Mission Statement: *Enhancing the lives of citizens by delivering quality services in a cost-effective manner.***

*Safe Communities (SC): Protect the community through planning, preparedness, and delivery of coordinated services.*

- Provide safe and secure communities through coordinated public safety and crisis management services.
- Reduce crime and recidivism and support victim restoration and well-being through equitable engagement, prevention, reparation of harm, intervention, supervision and enforcement.
- Collaborate with partners to prepare for and respond to emergencies, natural hazards and disasters.

*Healthy People (HP): Enhance and protect the health and well-being of communities and their residents.*

- Support and advance the health and safety of all Deschutes County's residents.
- Promote well-being through behavioral health and community support programs.
- Ensure children, youth and families have equitable access to mental health services, housing, nutrition, child care, and education/prevention services.
- Help to sustain natural resources and air and water quality in balance with other community needs.
- Apply lessons learned from pandemic response, community recovery, and other emergency response events to ensure we are prepared for future events.

*A Resilient County (RC): Promote policies and actions that sustain and stimulate economic resilience and a strong regional workforce.*

- Update County land use plans and policies to promote livability, economic opportunity, disaster preparedness, and a healthy environment.
- Maintain a safe, efficient and economically sustainable transportation system.
- Manage County assets and enhance partnerships that grow and sustain businesses, tourism, and recreation.

*Housing Stability and Supply (HS): Support actions to increase housing production and achieve stability.*

- Expand opportunities for residential development on appropriate County-owned properties.
- Support actions to increase housing supply.
- Collaborate with partner organizations to provide an adequate supply of short-term and permanent housing and services to address housing insecurity.



# Board of County Commissioners

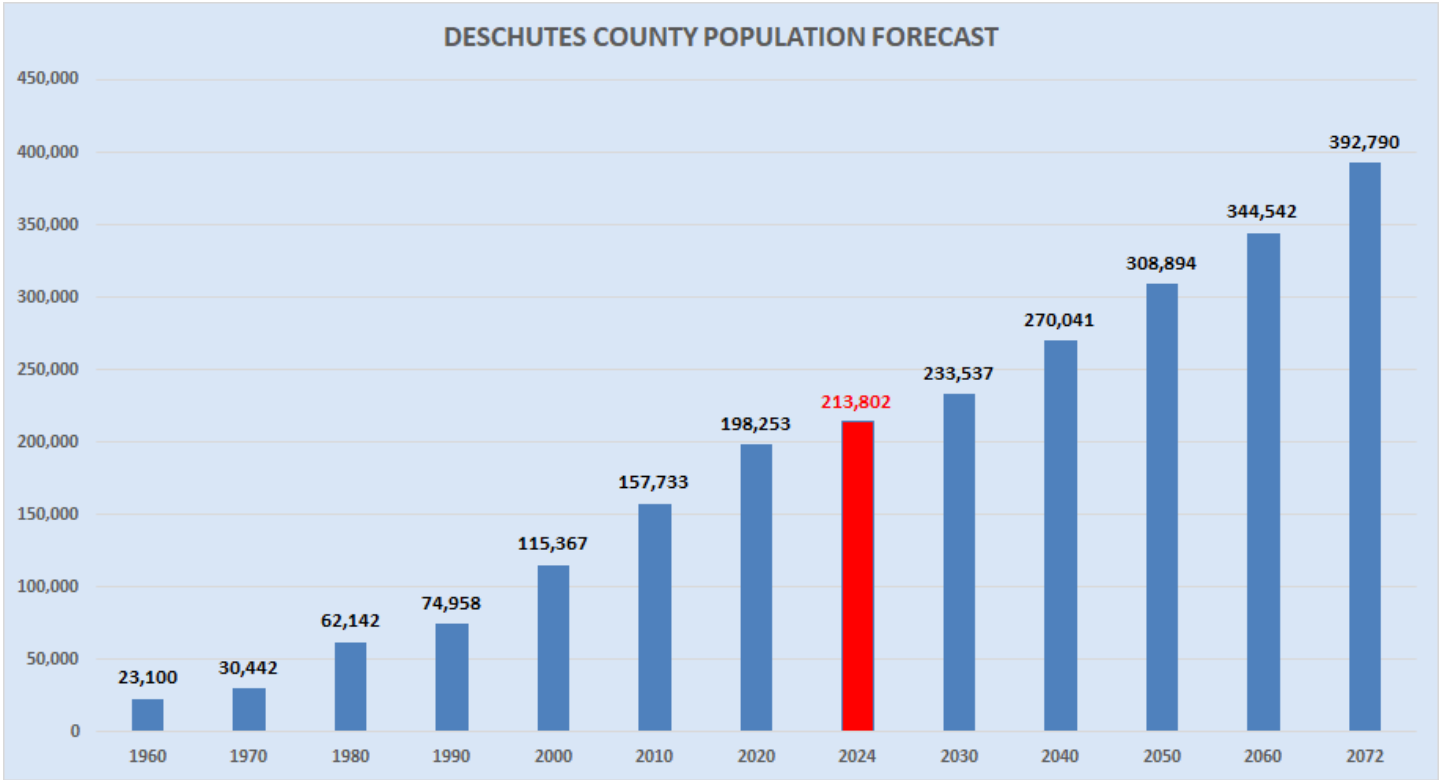
## FY 2024-25 Goals & Objectives, Continued

Service Delivery (SD): Provide solution-oriented service that is cost-effective and efficient.

- Ensure quality service delivery through the use of innovative technology and systems.
- Support and promote Deschutes County Customer Service “Every Time” standards.
- Continue to enhance community participation and proactively welcome residents to engage with County programs, services and policy deliberations.
- Preserve, expand and enhance capital assets, to ensure sufficient space for operational needs.
- Maintain strong fiscal practices to support short and long-term county needs.
- Prioritize recruitment and retention initiatives to support, sustain, and enhance County operations.



# Population Growth



This graph provides a snapshot of the County’s growth since 1960 and the coordinated 50-year Portland State University (PSU) Oregon Population Forecast Program through 2072.

## HISTORICAL AND PORTLAND STATE UNIVERSITY FORECAST TRENDS

Geographic Area	2000	2010	*AAGR 2024-2047	2024	2047	2072
<b>Deschutes County</b>	<b>114,827</b>	<b>157,733</b>	<b>1.3%</b>	<b>213,802</b>	<b>298,937</b>	<b>392,790</b>
Bend	52,163	77,010	1.6%	107,643	160,361	225,619
Redmond	15,524	26,508	1.7%	38,789	60,060	82,601
Sisters	961	2,038	3.1%	3,674	7,911	14,881
La Pine	899	1,653	2.3%	2,877	5,129	8,336
Unincorporated	45,280	50,524	0.3%	60,819	65,476	61,352

\*AAGR: Average Annual Growth Rate

# Budget & Organization

## Fiscal Issues

- On December 31, 2023, CDD completed its second consecutive year of permitting volume decreases resulting in an estimated 21% to 30% decrease and stabilizing at volumes experienced during the 2014 – 2016 time period. The decrease in permitting volumes resulted in overall staff reductions by 20 positions. A short-term challenge will be to navigate this period of decreasing revenue while focusing on service delivery and staff training and education while reducing expenditures, where possible.
- Ensure financial stability and sustained high quality services during a period of decreased permitting volumes, continued staff turnover and increased costs by establishing a multi-year financial strategy during the budget process, providing a clear course of action to manage CDD's reserve fund balances.
- CDD continues to respond to inquiries regarding rural development opportunities, implement legislative and BOCC priorities and be responsive to potential County programs, such as Short-Term Rental Licensing. Many of these require research and in-depth responses, but do not result in permits or corresponding revenue. This “non-fee generating” work, a public good, is consuming limited resources to efficiently process a variety of permits.

## Operational Challenges

- Maintaining productivity while experiencing continued staff resignations and completing comprehensive training and development plans for new staff. During 2023, CDD welcomed 3 new staff, eliminated 14 vacant positions, initiated the layoff of 4 staff and will carry a total of 50 positions to FY 2024-25. An estimated 40% of CDD staff have 5 years or less experience with the department.
- Coordinating with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Continue succession planning to prepare for anticipated staff retirements. An estimated 22% of current staff will be eligible for retirement within the next 3 to 8 years based on length of service.
- Implementing short-term modified lobby hours due to staff resignations resulting in a staffing shortage.
- Implementing new laws from the 2024 Legislative Session.
- Processing complex and controversial code enforcement cases and improving procedures for property abatement.
- Continue addressing affordable housing through collaboration with cities, the County's Property Manager, and rural land use strategies.
- Continuing improvement of the department's website and other electronic internal and external services to improve efficiencies and service delivery.

# Budget & Organization

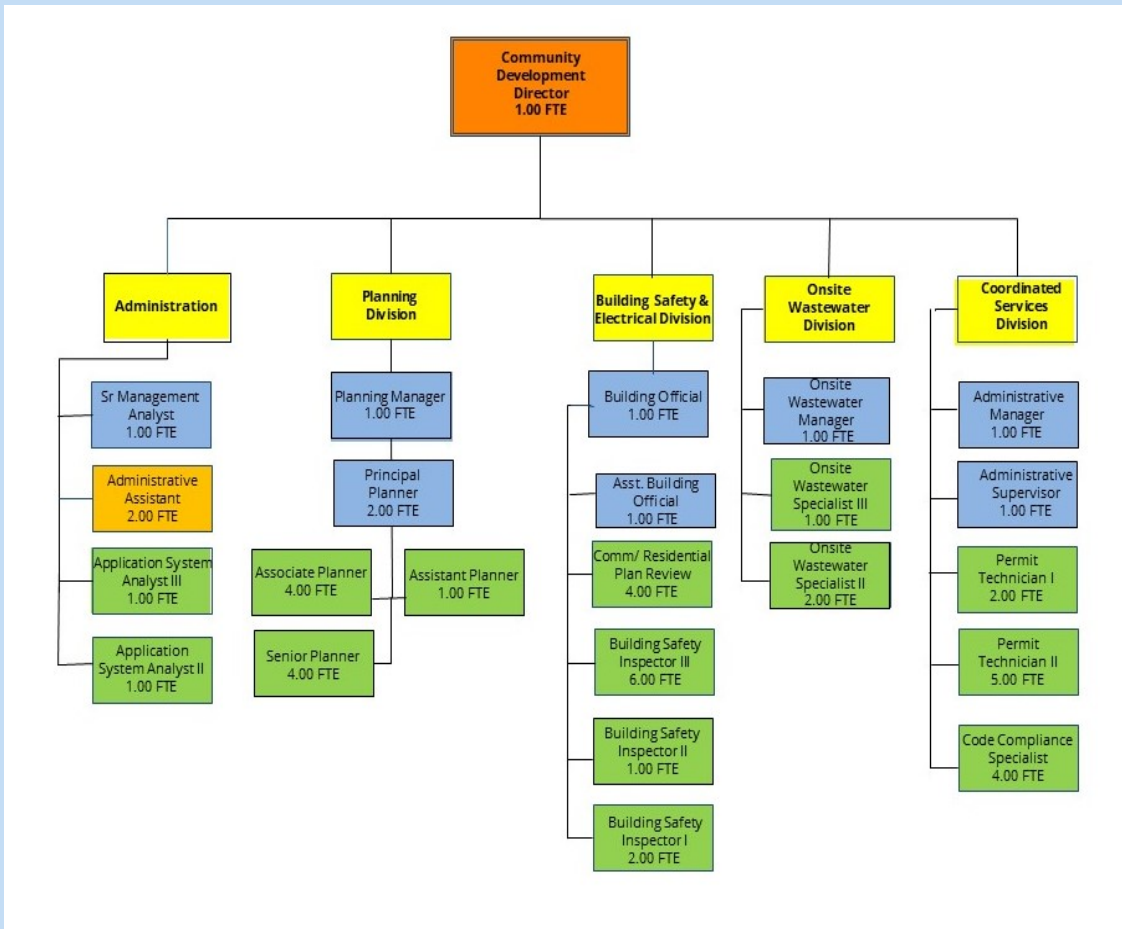
## Budget Summary

	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Resources	\$10,940,808	\$11,302,683	\$13,932,023	\$12,475,587	\$10,762,781
Requirements	\$10,940,808	\$11,302,683	\$13,932,023	\$12,475,587	\$10,762,781

## Staff Summary

	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Total FTE's	65.00	70.00	65.00	58.00	50.00

## Organizational Chart





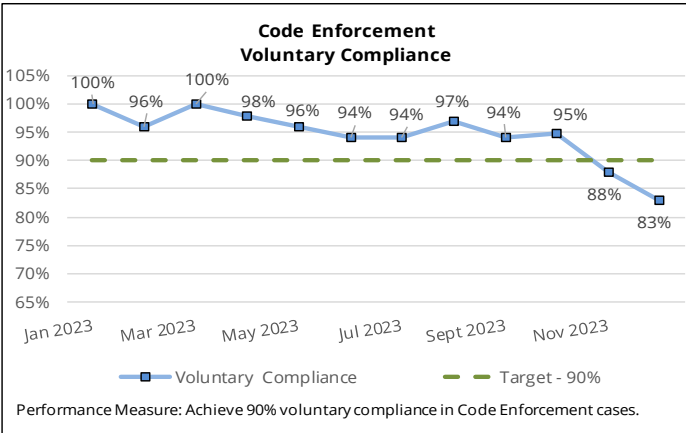
# Performance Management

CDD is committed to a comprehensive approach to managing performance. The department achieves its goals and objectives by strategically establishing and monitoring performance measures and by adjusting operations based on those results. The performance measures allow staff to:

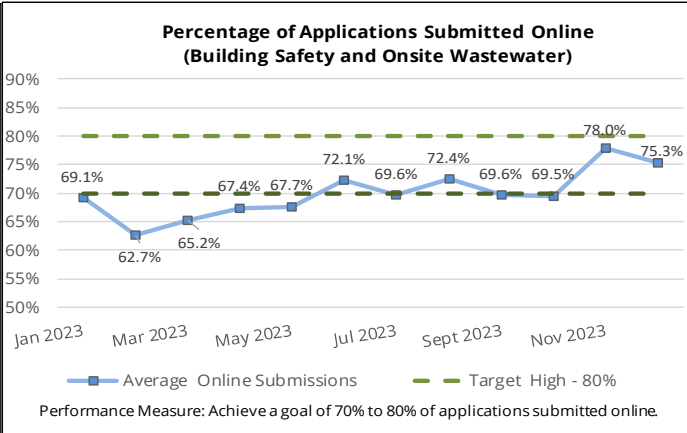
- Address service delivery expectations from the perspectives of CDD’s customers.
- Ensure the department fulfills its regulatory compliance requirements.
- Efficiently and effectively manage the organization’s assets, capacities and finances.
- Preserve and enhance the County as a safe, sustainable and desirable place to live, visit, work, learn and recreate.

The following graphs represent a sample of CDD’s performance measures for 2023. For a complete review of performance measures, please follow this link: <https://deschutes.org/cd/>.

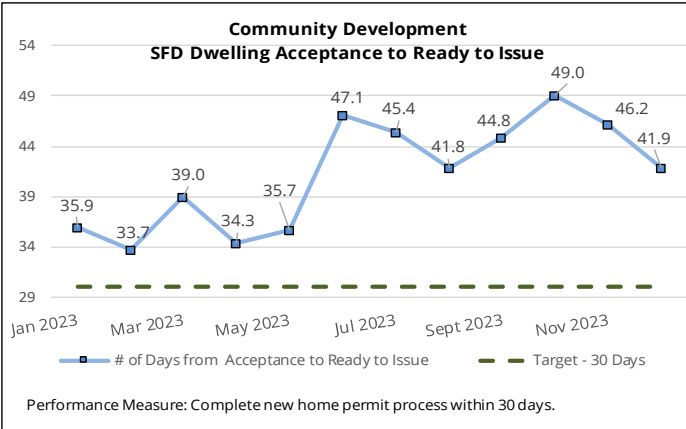
## 2023 Performance Management Results



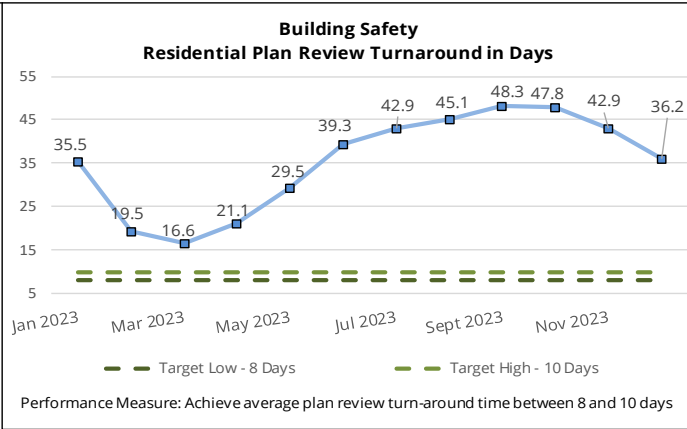
Annual Average of 94% - Target Achieved



Annual Average of 70% Submitted Online- Target Achieved



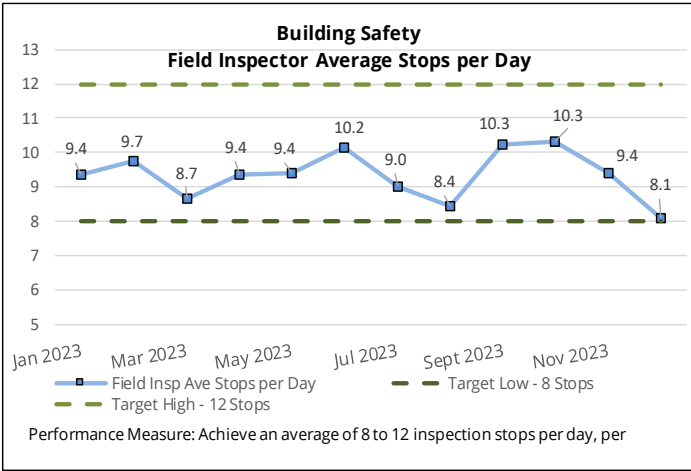
Annual Average of 41.2 Days - Target Not Achieved



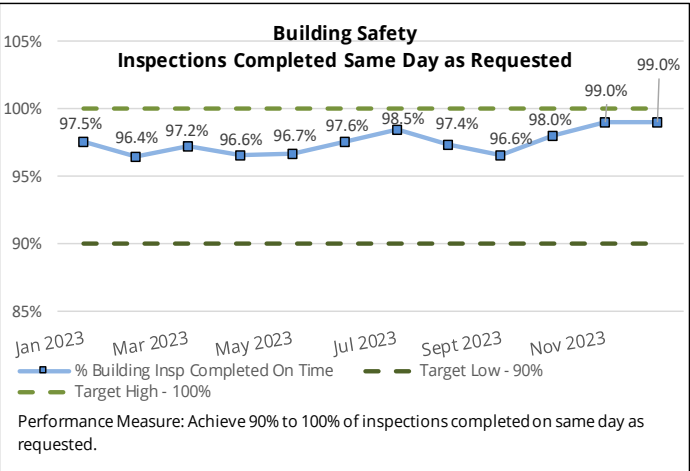
Annual Average of 35.4 Days - Target Not Achieved

# Performance Management

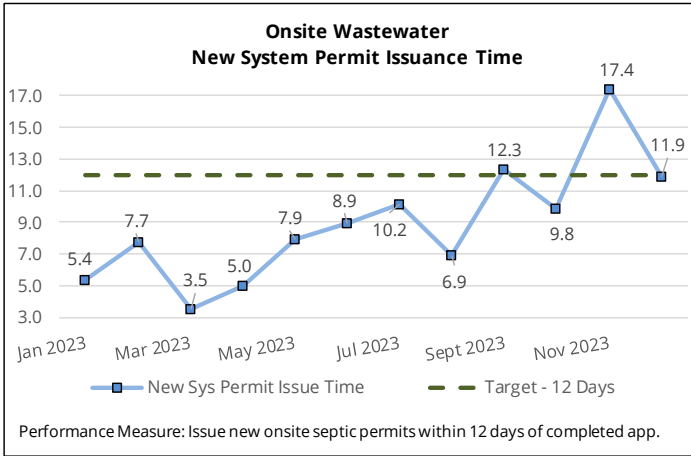
## 2023 Performance Management Results, continued



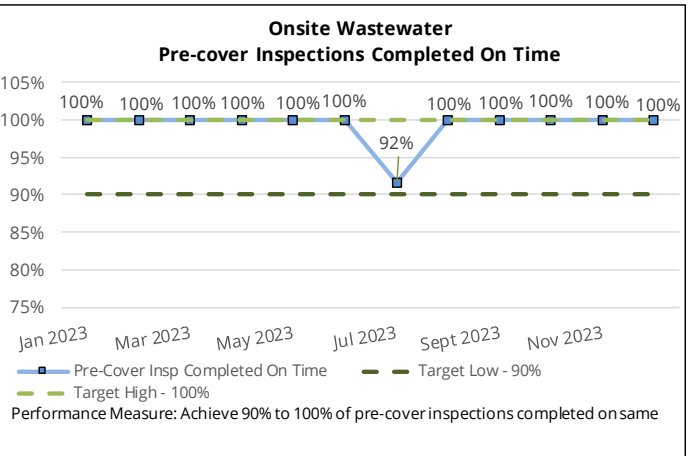
Annual Average of 9.4 Stops Per Day - Target Achieved



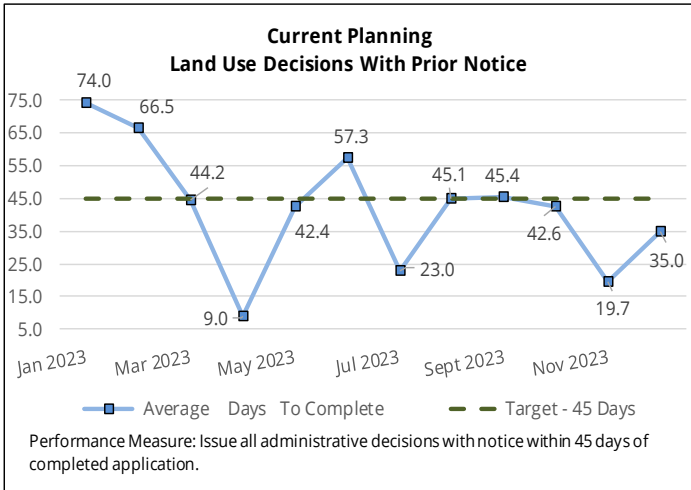
Annual Average of 97.6% - Target Achieved



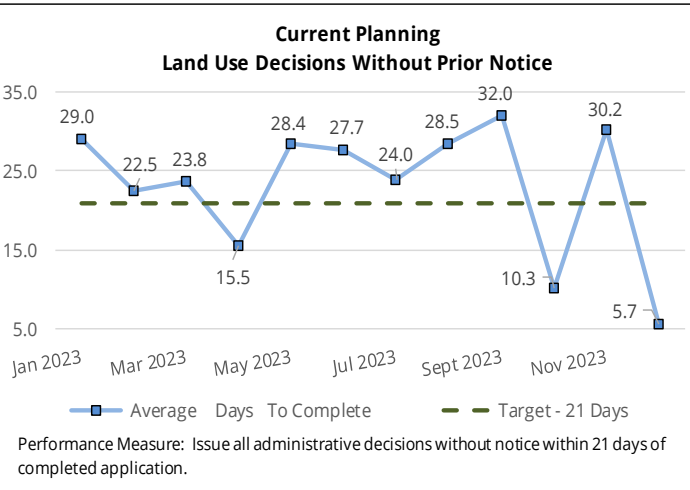
Annual Average of 8.9 Days - Target Within Range



Annual Average of 99.3% Completed - Target Achieved



Annual Average of 42 Days - Target Achieved



Annual Average of 23.1 Days - Target Within Range



# Performance Management

## 2023 Year in Review

- ✓ Continued to invest significant resources in comprehensive training and development plans for new staff.
- ✓ In Code Enforcement, transitioned to a system of reporting the number of properties with code enforcement violations rather than the total number of violations.
- ✓ Revised reporting to eliminate periods of time waiting for applicant response.

## FY 2024-25 Performance Measures By Division

CDD’s 2024-25 performance measures align the department’s operations and work plan with BOCC annual goals and objectives and the County’s Customer Service “Every Time” Standards.

### Building Safety

- Achieve 8-12 inspection stops per day to provide quality service. (BOCC Goal & Objective SD-1)
- Achieve an average turnaround time on building plan reviews of 8-10 days to meet or exceed state requirements. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of inspections completed the same day as requested. (BOCC Goal & Objective SD-1)

### Code Enforcement

- Achieve 90% voluntary compliance in code enforcement cases. (BOCC Goal & Objective SC-1)
- Achieve case adjudication within 150 days of case assignment. (BOCC Goal & Objective SC-1)

### Coordinated Services

- Achieve structural permit ready-to-issue turnaround time for Coordinated Services of 4 days or less. (BOCC Goal & Objective SD-1)

### Onsite Wastewater

- Achieve compliance with the Alternative Treatment Technology (ATT) Septic System Operation and Maintenance (O&M) reporting requirements of 95% to protect groundwater. (BOCC Goal & Objective HP-4)
- Achieve the issuance of onsite septic system permits within 12 days of completed application. (BOCC Goal & Objective SD-1)
- Achieve 90-100% of Pre-cover inspections completed the same day as requested. (BOCC Goal & Objective SD-1)



# Performance Management

## FY 2024-25 Performance Measures By Division, continued

### Planning

- Sustain the issuance of land use administrative decisions with notice within 45 days and without notice within 21 days of completed application. (BOCC Goal & Objective SD-1)
  - Update Deschutes County Code (DCC) to comply with HB 3197 Clear and Objective Code Update Project, which requires clear and objective standards for housing development in rural residential exception areas, unincorporated communities, and for accessory farm worker accommodations. (BOCC Goal & Objectives SC-3, HP-4, and RC-1)
- Natural Resources:
  - Natural Hazards—Develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762 and SB 644—Wildfire Mitigation. (BOCC Goal & Objectives SC-3, HP-4, and RC-1)





# Administrative Services

## Overview

Administrative Services consists of the Community Development Director, Senior Management Analyst, two Systems Analysts and one Administrative Assistant. The Administrative Services Division provides oversight for all departmental operations and facilities, human resources, budget, customer services, technology and performance measures. Analyst staff are responsible for the integration of technology across all CDD divisions, coordination with the cities as well as providing direct service to the public via application training and support, web-based mapping, reporting services and data distribution.

## 2023 Year in Review

- ✓ Improved electronic processes in the Accela Code Enforcement module including a temporary solution to accept payments for fines and fees while a permanent solution is being explored.
- ✓ Implemented monthly operational meetings with each division.
- ✓ Coordinated with Human Resources to create job series within the permit technician and code enforcement specialist classifications.
- ✓ Issued Request for Proposal for Hearings Officer services.
- ✓ Participated in conflict de-escalation and safety and awareness trainings presented by the Deschutes County Sheriff's Office (DSCO).
- ✓ Provided addressing services to the City of Redmond on contract.
- ✓ Facilitated division website updates including improved application instructions and informational pages for new opportunities such as rural accessory dwelling units (ADU) and recreational vehicles as rental dwellings.



# Administrative Services

## FY 2024-25 Work Plan Projects

- Continue to reconfigure Accela to improve Code Enforcement case management and planning land use module interoperability.
- Continue to participate in a County-led effort to create a county-wide Pre-disaster Preparedness Plan.
- Continue to update CDD’s Continuity Of Operation Plan, as necessary, based on lessons learned and ensure staff are aware of their roles and responsibilities during an emergency.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Coordinate with Human Resources to participate in the wage and equity study.
- Continue to explore and research opportunities to increase CDD’s sustainable business practices while maximizing the efficiency of operations in a cost effective manner.
- Continue improvements to CDD’s enhanced website which is more customer-centric. Improved content will allow customers to better understand CDD’s policies and procedures and create an improved customer experience that acts as a guide for understanding the process of development in Deschutes County while also expanding online application instruction content.
- Research help desk service software to assist with tracking citizen inquiries and staff responses.
- Expand Code Enforcement reporting capabilities.



### Staff Directory

Peter Gutowsky	Community Development Director	(541) 385-1709	Peter.Gutowsky@deschutes.org
Tim Berg	Applications System Analyst III	(541) 330-4648	Tim.Berg@deschutes.org
Ines Curland	Applications System Analyst II	(541) 317-3193	Ines.Curland@deschutes.org
Tracy Griffin	Administrative Assistant	(541) 388-6573	Tracy.Griffin@deschutes.org
Sherri Pinner	Senior Management Analyst	(541) 385-1712	Sherri.Pinner@deschutes.org

# Building Safety

## Overview

Building Safety consists of one Building Official, one Assistant Building Official and thirteen Building Safety Inspectors. The Building Safety Division administers and implements state and federal building codes through a process of education and a clear and consistent application of the specialty codes. The division provides construction plan reviews, consultation and inspection services throughout the rural county and the cities of La Pine and Sisters. The division also provides services to Lake, Jefferson, Klamath and Crook counties, the cities of Bend and Redmond, and the State of Oregon Building Codes Division on an as-needed basis.

## 2023 Year in Review

- ✓ Issued 395 new single-family dwelling permits in 2023. The distribution of these new homes for Deschutes County’s building jurisdiction included:
  - Rural/unincorporated areas: 275
  - City of La Pine: 62
  - City of Sisters: 58
- ✓ Completed inspections on major projects such as:
  - Sisters School District New Elementary School
  - Mt. Bachelor Skyliner Chairlift
  - La Pine Manufactured Home Park Addition
  - Deschutes County Library Renovations
  - La Pine Septic to Sewer-City water and sewer to existing homes
  - Numerous single-family dwellings in Sisters Woodlands Subdivision
  - Numerous two-family dwellings for Forestbrook Vacation Homes in Caldera Springs
  - Numerous single-family dwellings in La Pine’s Reserve in the Pines Subdivision
  - Caldera Spring’s Forest House, an aquatics complex with pools, fitness center and restaurant
- ✓ Completed major building plan reviews for:
  - La Pine CHC Wellness Center
  - Morningstar Family Relief Nursery Facility in La Pine
  - Huntington Apartment Complex (9 buildings) in La Pine
  - Sunriver Public Safety Building Renovation
  - New Negus Transfer Station in Redmond
  - US Forest Service Sisters Ranger Station Administration Office



Sisters Ranger Station

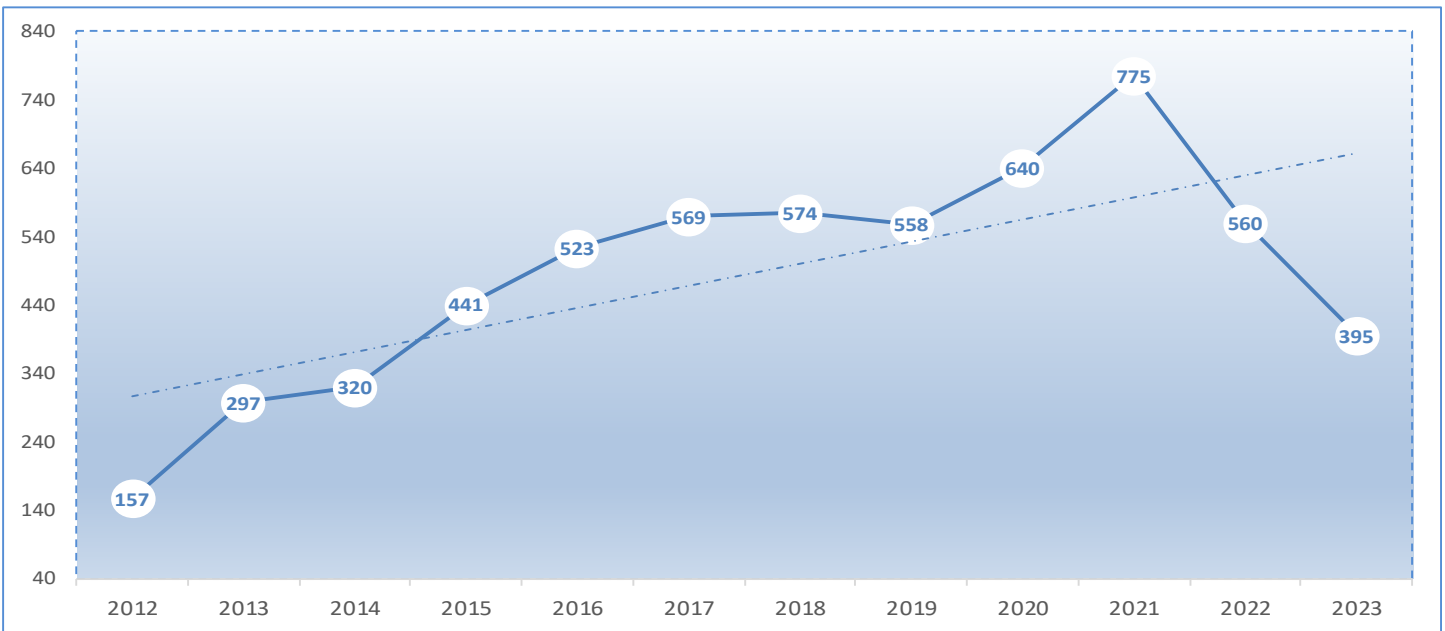
# Building Safety

## 2023 Year in Review, continued

- ✓ Participated in CDD's SB 391 Rural ADU presentation to the community.
- ✓ Participated in CDD's SB 1013 RV's as Residential Tenancies discussions.
- ✓ Provided A-level Commercial Electrical and Plumbing inspections for the City of Redmond.
- ✓ Participated in the Oregon Skilled Trades Show/Fair to discuss career opportunities in building safety.
- ✓ Several staff attended the National Fire Academy Fire Plans Examiner course.
- ✓ Implemented the State's Mechanical Minor Label Program.
- ✓ Participated in CDD's website update meetings.
- ✓ Participated in discussions with the City of Sisters staff on possible local ordinance for fire mitigation standards within city limits.
- ✓ Participated in pre-application meetings for the new Bend Airport Control Tower and Cab.
- ✓ Staff continued to obtain their inspection certifications.



## New Single Family Dwelling Permits Issued





# Building Safety

## FY 2024-25 Work Plan Projects

- Continue succession planning in anticipation of future retirements and explore staffing needs such as obtaining additional certifications to enhance department efficiencies.
- Continue certification cross-training to maintain the division’s goal of having fully certified residential inspection staff.
- Update informational brochures, handouts and forms: i.e. accessory structures, special inspection agreement form, residential additional energy measure, etc.
- Explore the use of iPad’s for field inspector access to building codes in lieu of printed materials.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet increasing service demands in a highly competitive market.
- Explore implementing a Master Permit Program for the cities of Sisters and La Pine in single-contractor subdivisions as a way to reduce plan review fees, review time and create efficiencies.
- Continue to promote video inspections for difficult to access areas, such as underfloor areas that are covered.
- Review job descriptions and update for clarity.

### Examples of failed inspections



# Building Safety



## Staff Directory

Randy Scheid	Building Official	(541) 317-3137	Randy.Scheid@deschutes.org
Krista Appleby	Assistant Building Official	(541) 385-1701	Krista.Appleby@deschutes.org
Keri Blackburn	Building Inspector III	(541) 388-6577	Keri.Blackburn@deschutes.org
Mark Byrd	Building Inspector III	(541) 749-7909	Mark.Byrd@deschutes.org
Rainer Doerge	Building Inspector III	(541) 480-8935	Rainer.Doerge@deschutes.org
Ami Dougherty	Building Inspector II	(541) 385-3217	Ami.Dougherty@deschutes.org
Travis Eggleston	Building Inspector I	(541) 480-8934	Travis.Eggleston@deschutes.org
David Farrin	Building Inspector III	(541) 385-1702	David.Farrin@deschutes.org
Owen Gilstrap	Building Inspector III	(541) 480-8948	Owen.Gilstrap@deschutes.org
John Kelley	Building Inspector III	(541) 797-3582	John.Kelley@deschutes.org
Michael Liskh	Building Inspector III	(541) 280-0342	Michael.Liskh@deschutes.org
Brian Moore	Building Inspector III	(541) 385-1705	Brian.Moore@deschutes.org
Aaron Susee	Building Inspector III	(541) 749-7370	Aaron.Susee@deschutes.org
Laurie Wilson	Building Inspector III	(541) 383-6711	Laurie.Wilson@deschutes.org
Nicholas Wood	Building Inspector I	(541) 213-0653	Nicholas.Wood@deschutes.org



# Code Enforcement

## Overview

Code Enforcement consists of four Code Enforcement Specialists with one designated as Lead. The program is managed by an Administrative Manager and is supported by a law enforcement deputy from the DCSO and CDD's operating divisions. The Code Enforcement Division is responsible for investigating code violation complaints to ensure compliance with land use, onsite wastewater disposal, building and solid waste codes (by contract with the Solid Waste Department), and provides direct service to the cities of La Pine and Sisters for building code violations under the Building Safety program. The program's overriding goal is to achieve voluntary compliance. If necessary, cases are resolved through Circuit Court, Justice Court or before an Administrative Hearings Officer proceeding. The program continues to adapt to the county's challenges of growth and diversification, incorporating new measures to ensure timely code compliance.

While voluntary compliance is the primary objective, an ever-growing number of cases require further code enforcement action because of delayed correction or non-compliance. Through the refinement of departmental procedures for administrative civil penalty, Code Enforcement is obtaining compliance from citations rather than court adjudication, resulting in greater cost recovery. A disconcerting trend is the need for county abatement in some cases. In abatement, the county corrects the violations. Abatement action is reserved for matters of chronic nuisance and public health and safety. In response to this trend, Code Enforcement is closely coordinating with other county departments in the development and enactment of abatement plans.



## 2023 Year in Review

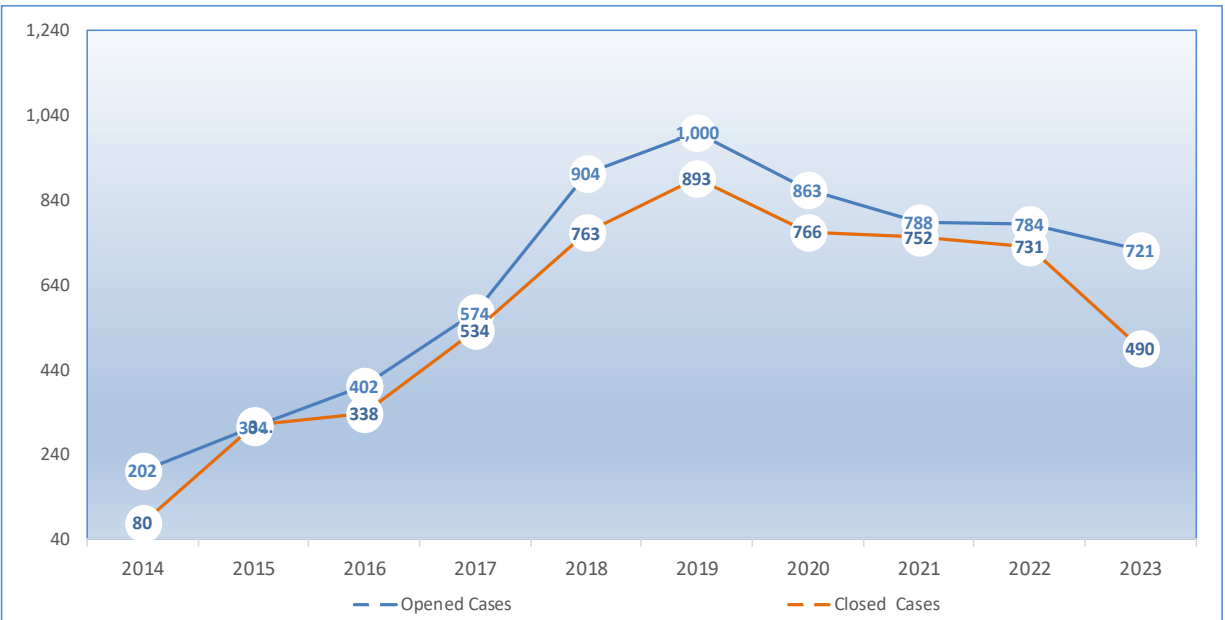
- ✓ Received 721 new cases and resolved 490 during the year.
- ✓ Conducted the first public education session since the pandemic to educate the public on the Code Enforcement program.
- ✓ Analyzed the Code Enforcement program and revised procedures resulting in efficiencies for case assignment, management and proceedings.
- ✓ Continued to partner with county departments to resolve difficult cases. Coordination ensures efficient operations and avoids overlapping efforts, thus allowing staff to conduct a thorough investigation on behalf of community members.
- ✓ Continued to offer staff remote work options and flex schedules for efficiency and staff retention.
- ✓ Continued to utilize the designated DSCO deputy for site visits as a safety measure.
- ✓ Continued to refine remote hearing's officer proceedings and engagement strategies to ensure an opportunity for citizens to participate.
- ✓ Secured funding from Solid Waste to enact an abatement process.
- ✓ Updated the Code Enforcement Policy and Procedure Manual.
- ✓ Implemented payment of court fines and fees in Accela.
- ✓ Improved website to include frequently asked questions among other topics.

# Code Enforcement

## FY 2024-25 Work Plan Projects

- Improve methods of communication with complainants regarding case status and case closure.
- Continue to improve public education through website updates and public education.
- Improve the tracking process for medical hardships.
- Complete process of creating a Code Enforcement Specialist job series offering promotional paths for staff.
- In coordination with the Onsite Wastewater Division, develop an efficient process for the Operation & Maintenance (O&M) program reporting violations.
- Coordinate with DSCO and Risk Management to develop and implement annual field safety classes.
- Coordinate with the Human Resources Department to evaluate, propose and implement strategies to attract and retain staff to meet service demands in a highly competitive market.
- Create a workflow and tracking system for the abatement program as well as identify professional services to be used for property abatements.
- Revise online complaint submittal process to include photos, geographic information systems and communication in an effort to improve efficiency and record keeping.
- Update DCC 1.16 Abatement language to include appeal processes.
- Revise Code Enforcement dashboard to include management tools to ensure relevant data is utilized.
- Explore software revisions to improve record keeping.
- Review and revise performance measures to ensure relevancy.
- Refine abatement procedure based on experiences observed in 2024.
- Formalize staff training program and track training topics and education hours.

### Annual Cases Opened and Closed



# Code Enforcement

Before...



...After



### Staff Directory

Carter Larkin	Code Compliance Specialist	(541) 617-4708	Carter.Larkin@deschutes.org
Dan Smith	Code Compliance Specialist	(541) 385-1710	Daniel.Smith@deschutes.org
Jeff Williams	Code Compliance Specialist	(541) 385-1745	Jeff.Williams@deschutes.org
Carolyn Young	Code Compliance Specialist	(541) 617-4736	Carolyn.Young@deschutes.org



# Coordinated Services

## Overview

Coordinated Services consists of an Administrative Manager, one Administrative Supervisor, three Permit Technician II's, and two Permit Technician I's. The Coordinated Services Division provides permitting and front line direct services to customers. While coordinating with all operating divisions, staff ensure accurate information is provided to the public, while minimizing wait times and ensuring the efficient operation of the front counter and online services.

## 2023 Year in Review

- ✓ Permit Technicians continued to provide exceptional customer service to in-person customers as well as virtually through the Accela online portal.
- ✓ Implemented one-on-one training to customers for electronic application submittals and inspection scheduling.
- ✓ Created a Permit Technician job series to offer promotional opportunities to staff and as a retention strategy.
- ✓ Several staff obtained their International Code Council Permit Technician Certification.
- ✓ Implemented system of assigning a permit technician to assist with complex Code Enforcement property research.
- ✓ Improved website information.
- ✓ Regularly attended pre-application meetings.
- ✓ Continued to update the Standard Operating Procedures Manual which serves as an additional resource for staff consistency and succession planning.



## FY 2024-25 Work Plan Projects

- Reinstate a lead position to train new staff, assist with complex workload demands and for succession planning.
- Revise CDD's decommissioning plan process and procedure and create a new record type to track completion.
- Revise internal process and procedure for legitimizing unpermitted structures.
- Develop a project-based inspections list and identify the best method for notifying customers.
- Continue participation in CDD's website updates.

# Coordinated Services



### Office Location & Lobby Hours

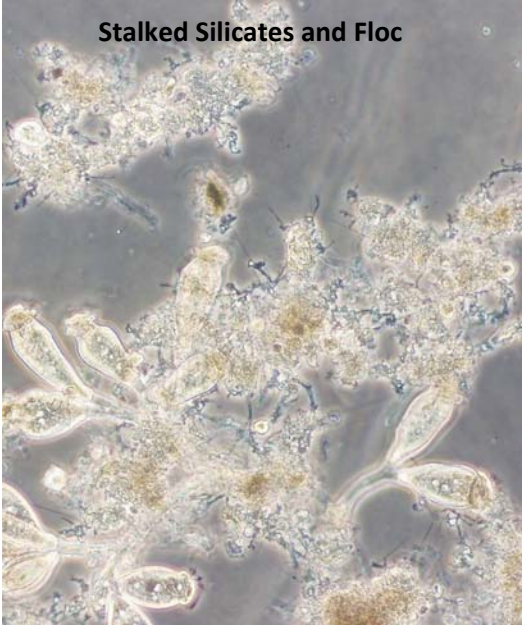
117 NW Lafayette Ave, Bend, OR 97703  
Monday, Tuesday, Thursday, Friday 8:00 AM—4:00 PM,  
Wednesday 9:00 AM—4:00 PM

### Staff Directory

Angie Havniear	Administrative Manager	(541) 317-3122	Angela.Havniear@deschutes.org
Jennifer Lawrence	Administrative Supervisor	(541) 385-1405	Jennifer.L.Lawrence@deschutes.org
Corey Green	Permit Technician	(541) 388-6711	Corey.Green@deschutes.org
Miu Green	Permit Technician	(541) 385-3200	Miu.Green@deschutes.org
Jessie Henderson	Permit Technician	(541) 385-1730	Jessica.Henderson@deschutes.org
Avery Johnson	Permit Technician	(541) 383-4435	Avery.Johnson@deschutes.org
Adam Weisgerber	Permit Technician	(541) 322-7193	Adam.weisgerber@deschutes.org

# Onsite Wastewater

## Overview



Onsite Wastewater consists of one Onsite Wastewater Manager, one Onsite Wastewater Specialist III, and two Onsite Wastewater Specialists II's. The Onsite Wastewater Division regulates onsite wastewater treatment systems (septic) to assure compliance with state rules, and monitors environmental factors for public health and resource protection. They provide site evaluations, design reviews, permitting, inspections, technical assistance, and education and coordination with the Oregon Department of Environmental Quality (DEQ) for onsite wastewater treatment and dispersal systems. Staff inspects sewage pumper trucks, reports on the condition of existing wastewater systems, maintains an O&M tracking system, provides the public with information on wastewater treatment systems and regulations and investigates sewage hazards to protect public health and the environment. Staff are also engaged in the proactive pursuit of protecting the groundwater in Deschutes County and continue to work with DEQ on permitting protective onsite wastewater systems in southern Deschutes County.

## 2023 Year in Review

- ✓ Assessed 169 sites for onsite wastewater treatment and dispersal systems, and issued 801 permits and authorizations for new and existing onsite treatment and dispersal systems. Applications continued to increase in complexity and technical requirements.
- ✓ Repaired 203 failing or substandard systems correcting sewage health hazards and protecting public health and the environment.
- ✓ Increased electronic permit submittal and inspection scheduling through outreach and education of customers, particularly licensed professionals. The division received 71.6% of applications online compared to 45.7% in 2022.
- ✓ Provided seventeen property owners in south county with rebates of \$3,750 per property for upgrading conventional onsite wastewater treatment systems to nitrogen-reducing pollution reduction systems.
- ✓ Provided technical assistance to Terrebonne Sanitary District Formation Committee.
- ✓ Provided technical assistance for the Tumalo sewer feasibility study.
- ✓ Verified an estimated 1,750 septic system maintenance contracts for the O&M tracking system.
- ✓ Worked with DEQ on permitting protective onsite wastewater systems in south county. Participated in dozens of variance hearings for modified advanced treatment systems on severely limited sites.
- ✓ Coordinated with DEQ staff for a south county groundwater and drinking well sampling event.
- ✓ Supported and provided technical assistance for Central Oregon Intergovernmental Council (COIC) in reviewing applications for DEQ Onsite Financial Aid Program to assist property owners with septic repairs. The COIC program has assisted dozens of property owners and the program will continue until funds are exhausted.
- ✓ Two trainees became fully Registered Environmental Health Specialists.

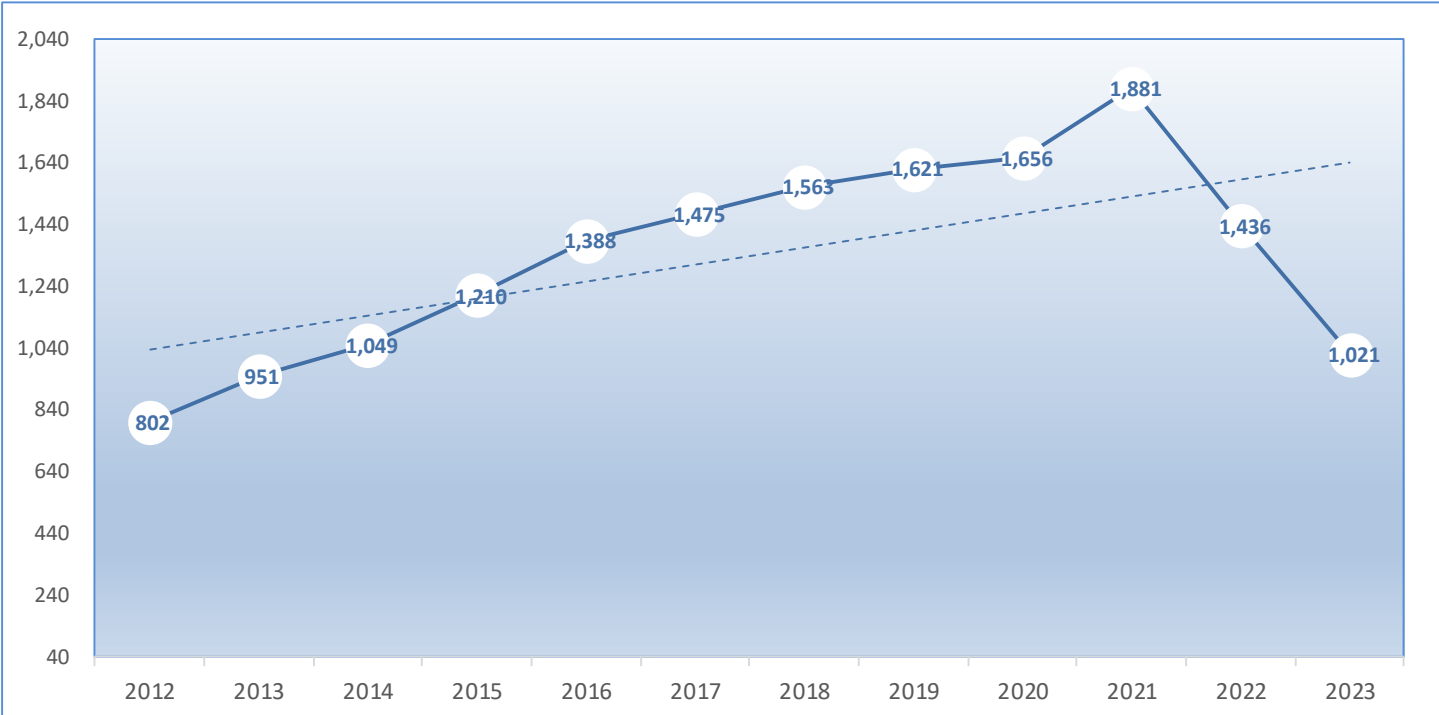


# Onsite Wastewater



Measuring test pits

## Onsite Permits Issued





# Onsite Wastewater

## FY 2024-25 Work Plan Projects

- Work with DEQ staff on planning for and funding of long-term and regular well sampling events approximately every 10 years to monitor changes in water quality in South County.
- Participate in the Upper Deschutes Agricultural Water Quality Management Area Local Advisory Committee.
- Continue to provide financial assistance opportunities to South County property owners to upgrade conventional systems to nitrogen-reducing pollution reduction systems through Nitrogen-Reducing System Rebates and the NeighborImpact Non-conforming Loan Partnership.
- Review current groundwater protection policies for South County and continue review of variance applications with DEQ onsite staff to ensure the goals of water resource protection are addressed. Highest risk areas may require greater scrutiny.
- Prepare for development to occur in the Newberry Neighborhood in La Pine by reviewing financial assistance programs for groundwater protection efforts. This may include creation of a financial advisory group consisting of community members.
- Continue providing technical assistance support for the Terrebonne Sanitary District formation and Tumalo sewer feasibility study.
- Coordinate with the Planning Division regarding land use applications and code amendments that could impact onsite wastewater processes.
- Update website information for onsite wastewater and groundwater protection.
- Improve the O&M program by creating standard forms and obtaining approval to require the forms from DEQ and work with service providers to implement the improvements.
- Consult with DEQ and the BOCC to develop plans for addressing nitrate pollution in South County.
- Provide guidance to the public at large and at pre-application meeting for projects involving ADU's.
- Support staff in obtaining Professional Soils Scientist Certification. This certification will strengthen the technical skills of Onsite staff and provide greater professional status for the entire program.



### Staff Directory

Todd Cleveland	Onsite Wastewater Manager	(541) 617-4714	Todd.Cleveland@deschutes.org
Keoni Frampton	Onsite Wastewater Specialist II	(541) 330-4666	Keoni.Frampton@deschutes.org
Kevin Hesson	Onsite Wastewater Specialist III	(541) 322-7181	Kevin.Hesson@deschutes.org
Lindsey Holloway	Onsite Wastewater Specialist II	(541) 388-6596	Lindsey.Holloway@deschutes.org

# Planning

## Overview

Planning consists of one Planning Director, one Planning Manager, two Principal Planners, one Senior Planner, two Senior Long Range Planners, one Senior Transportation Planner, four Associate Planners, and one Assistant Planner. The Planning Division consists of two operational areas: Current Planning and Long Range Planning. Current Planning processes individual land use applications and provides information to the public on all land use related issues. Long Range Planning addresses the future needs of the county through updates to the comprehensive plan, changes to the county code and other special projects.

## Current Planning

Responsible for reviewing land use applications for compliance with DCC and state law, including zoning, subdivision and development regulations, and facilitating public hearings with Hearings Officers and the BOCC. Staff is also responsible for verifying compliance with land use rules for building permit applications and septic permits; coordinating with Code Enforcement to respond to complaints and monitor conditions of approval for land use permits; performing road naming duties; providing assistance at the public information counter, over the telephone and via email; and addressing in the rural county and the cities of La Pine and Redmond under contract.

## Long Range Planning

Responsible for planning for the future of Deschutes County, including developing and guiding land use policy with the BOCC, Planning Commission, community and partner organizations. It is in charge of updating the County Comprehensive Plan and zoning regulations, coordinating with cities and agencies on various planning projects taking place in the region, including population forecasts with PSU and cities. Staff also monitors and participates in annual legislative sessions, and serves on numerous local, regional and statewide committees primarily focusing on transportation, natural resources, growth management and economic development.

## Transportation Planning

Provides comments and expertise on land use applications, calculates System Development Charges as part of land use application review process or upon request; provides comments to the County's Risk Management Department regarding traffic issues for permitted events; participates in the annual County Capital Improvement Plan process with the Road Department; applies for grants for enhanced bicycle and pedestrian facilities in coordination with the Bicycle and Pedestrian Advisory Committee (BPAC); participates in Oregon Department of Transportation (ODOT) funded refinement planning; coordinates road issues with Bureau of Land Management (BLM) and the United States Forest Service (USFS) for urban interface plans; and serves on several local and regional transportation committees, most notably BPAC, the Bend Metropolitan Planning Organization Technical Advisory Committee (TAC), and Central Oregon Area Commission on Transportation TAC.

## Floodplain & Wetlands Planning

Responsible for providing comments and expertise on land use applications, code enforcement, and general property inquiries that require development, fill, or removal in mapped floodplain and wetland areas. Staff maintains Certified Floodplain Manager certifications to provide customers with up-to-date and accurate information regarding Federal Emergency Management Agency (FEMA) regulations, surveying requirements, and construction requirements. Coordination is frequently required with external agencies including FEMA, US Army Corps of Engineers, Oregon Department of State Lands, Oregon Department of Fish and Wildlife (ODFW), and United States Forest Service.

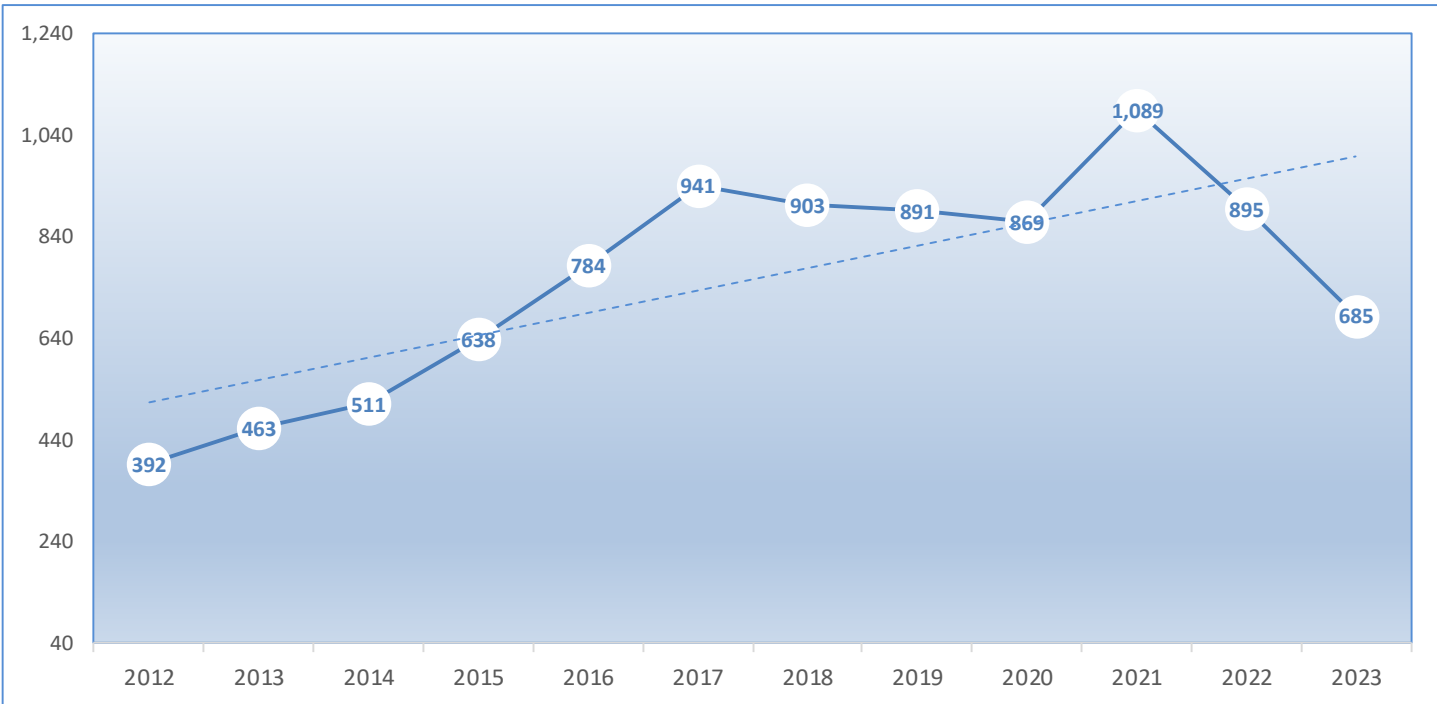
# Planning

## 2023 Year in Review

- ✓ Counter coverage averaged 188 customer visits a month compared to 222 in 2022.
- ✓ Staff responded to 2,821 emails and 2,549 phone call inquiries. This equates to over 235 emails and 212 phone calls per month.
- ✓ Received 685 land use applications compared to 895 in 2022, a decrease of 23.5% from prior year.
- ✓ The Planning Division received 7 non-farm dwelling applications compared with 10 in 2022.
- ✓ Five final plats were recorded in 2023 or are in the process of being recorded, creating a total of 94 residential lots or parcels.



## Land Use Applications Received



# Planning

## 2023 Year in Review, continued

Twenty-three (23) land use applications were reviewed by Hearings Officers compared to 13 in 2022. They include:

- ✓ Plan Amendment/Zone Changes from Surface Mining to Non-Resource Zoning (1)
- ✓ Declaratory Rulings for Initiation of Use of Prior Approvals (2)
- ✓ Appeals of Staff Decision (1)
- ✓ Remand Hearings (2)
- ✓ Redmond Airport Master Plan (1)
- ✓ Quasi-Judicial Hearings for Land Use Applications (7)
- ✓ Plan Amendment Zone Changes from Exclusive Farm Use to Non-Resource Zoning (4)
- ✓ City of Bend Urban Growth Boundary (UGB) Amendment / HB 3318 (1)
- ✓ Modification of Conditions to an Approved Land Use Permit (2)
- ✓ Redmond Wetlands and Wastewater Treatment Complex (1)
- ✓ Bend Airport Text Amendment (1)

The BOCC conducted 23 quasi-judicial land use hearings or proceedings compared to 16 during 2022.

- ✓ Appeals declined for review by the BOCC (2)
- ✓ Outdoor Mass Gatherings (1)
- ✓ Improvement Agreements (2)
- ✓ City of Bend UGB Amendment (1)
- ✓ Road Name Change (1)
- ✓ Commercial Activity in Conjunction with Farm Use for a Meadery (1)
- ✓ Plan Amendment Zone Changes from Exclusive Farm Use to Non-Resource Zones(5)
- ✓ Plan Amendment/Zone Changes from Surface Mining to Non-Resource Zoning (1)
- ✓ Thornburg Destination Resort (1)
- ✓ Other Hearings or Proceedings (8)

Six (6) appeals were filed with the Land Use Board of Appeals compared to 10 in 2022:

- ✓ Thornburg Destination Resort
- ✓ 710 Properties
- ✓ Template Dwelling (Remand)
- ✓ Eden (710 Properties) Plan Amendment/Zone Change
- ✓ Marken Plan Amendment/Zone Change
- ✓ 2T Sustainable Guest Ranch

One (1) Petition to Incorporate was reviewed by the BOCC:

- ✓ Mountain View Incorporation Application—BOCC reviewed a petition to incorporate a new city east of Bend, encompassing a 265-square mile area near Millican. The proposal was denied and new internal processes were established to clarify fees and procedures for future application submissions.



# Planning

## 2023 Year in Review, continued

### Legislative Amendments

The BOCC adopted:

- ✓ Amateur Radio Facility Text Amendments—Clarified requirements for establishment of amateur (HAM) radio facilities on property in Deschutes County.
- ✓ Conventional Housing Combining Zone Amendment—Repealed this combining zone to remove the restriction to place pre-fabricated and manufactured housing on certain properties.
- ✓ Historic Landmarks Commission Housekeeping Amendment—Clarified the composition of the commission, eliminating the reference to Deschutes County Pioneer Association, which no longer exists.
- ✓ Rural Accessory Dwelling Unit Amendments—Pursuant to SB 391, these amendments allowed an owner of a lot or parcel within rural residential exception areas to construct one ADU subject to certain restrictions and limitations.
- ✓ Wildfire Hazard Building Code Amendment—Corrected local language that would have required wildfire hardening building codes for all properties located in the Deschutes County Wildfire Hazard Zone. This amendment was required based on adoption of new state standards to the Oregon Residential Specialty Code.
- ✓ Bend Airport Air Traffic Control Tower Amendments—allowed for the establishment of an air traffic control tower as an outright permitted use with a maximum height of 115 feet.



### Deschutes 2020-2040 Transportation System Plan (TSP) Update

The TSP produced a list of prioritized transportation projects, update goals and policies, changes to functional classifications of selected county roads, improved bicycle and pedestrian facilities, increased transit stops in unincorporated communities, and overall improvement to the county’s transportation system.

### Deschutes 2020-2040 Tumalo Community Plan (TCP) Update

The TCP updated demographic information, community profile descriptions and updated goals and policies as derived from public outreach, research, and technical analysis from the Tumalo unincorporated community.

## 2023 Year in Review, continued Deschutes 2040 Comprehensive Plan Update

### Deschutes County 2040 Project

Planning staff initiated the process to update the county’s Comprehensive Plan in May 2022. The initial phases of the project focused on conducting background research to form the technical basis for the plan update, and collecting community feedback to identify the key issues, goals, and challenges facing the county for the next 20 years. In 2023, staff, the project consultant, and the Planning Commission entered the final phases of the project, focused on refining new goal and policy concepts, conducting a subsequent round of community engagement, completing the initial draft of the updated Deschutes County 2040 Comprehensive Plan, and initiating the adoption process. Notable accomplishments include:

- ✓ Utilized community and technical advisor input to draft new chapter narrative content, goals and policies for the updated Comprehensive Plan..
- ✓ Conducted a second round of community engagement to gather feedback on key policy options, including use of the \$5,000 Technical Assistance Grant from Department of Land Conservation and Development (DLCD) for virtual engagement and software tools. Summary of engagement activities to date:

66 meetings-in-a-box with 422 participants  
 8 in-person open houses with 296 attendees  
 2 online surveys with 361 respondents  
 4 ‘pop-up’ in-person activities  
 29,000 social media impressions  
 1,500 unique website visitors  
 13 project update e-mails  
 E-mail listserv with 556 subscribers

- ✓ Met with Planning Commission six times to refine goal, policy, and narrative content. Released the draft plan for public review in August 2023. Held three public hearings before the Planning Commission.
- ✓ Received the Achievement in Community Engagement Award from Oregon’s Citizen Involvement Advisory Committee resulting in a 2023 Oregon Planning Conference presentation on community engagement techniques.



# Planning

## 2023 Year in Review, continued

### Grants

#### CLG Grant

Planning staff administered an 18-month \$5,500 CLG Grant from the State Historic Preservation Office (SHPO) to assist Deschutes County with its historic preservation programs.

#### Technical Assistance Grant

In November 2022, DLCD awarded the department a \$5,000 Technical Assistance Grant to fund the use of specialized software tools to assist in virtual outreach for the county's Comprehensive Plan Update. The grant was utilized during the second round of community engagement during Spring 2023.

#### Transportation Growth Management Grant

Planning staff coordinated with ODOT to execute a \$75,000 Transportation and Growth Management Grant to update the TCP bike/ped/transit elements and implement the rural trails portion of the Sisters Country Vision Action Plan.



## Coordination with Other Jurisdictions, Agencies and Committees

### BPAC

BPAC met 12 times, commenting on regional TSP updates, trail connections between cities and recreation areas, bicycle and pedestrian safety issues and ODOT projects, among others. BPAC held the Tri-County Bicycle and Pedestrian Summit in Sunriver in October.

### ODOT

Participated in Baker Road-Lava Butte Multi-use Path and Lava Butte-La Pine Multi-use Path TAC; Baker Road Interchange Area Management Plan TAC; quarterly meetings with ODOT, Road Department, and cities of Bend and Redmond to review traffic modeling needs; stakeholder committee for ODOT study on wildlife passages for US Hwy 20 between Bend and Santiam Pass; Transportation Planning and Analysis traffic modeling discussion; US Hwy 97 Safety Study coordination; and US Hwy 20 (Greenwood Ave.) 3rd Street / Powell Butte Hwy Refinement Plan.

### Deschutes River Mitigation and Enhancement Committee

Convened two Deschutes River Mitigation and Enhancement Committee meetings to adopt work plan, budget for mitigation funds, and receive updates from ODFW and Central Oregon Irrigation District.

### Newberry Regional Partnership

Coordination with team of public and private citizens in developing a community vision for southern Deschutes County.



## 2023 Year in Review, continued

### Coordination with Other Jurisdictions, Agencies and Committees

#### City of Bend—Coordinated with City staff regarding:

- ✓ Bend Airport Master Plan Update
- ✓ Bend Airport control tower Text Amendment
- ✓ Bend UGB Amendment / HB 4079 / Affordable Housing Project
- ✓ Long-term Planning for the Outback Water Filtration Facility
- ✓ Bend Metropolitan Planning Organization TAC
- ✓ Bend UGB Amendment / HB 3318 / Stevens Road Tract

#### City of La Pine—Coordinated with City staff regarding:

- ✓ Land use applications for effects on county road system.
- ✓ Participation with Property Management and the city to update and amend the county owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulation.

#### City of Redmond—Coordinated with City staff regarding:

- ✓ CORE3—Plan amendment Zone Change and UGB Amendment for a dedicated, multi-agency coordination center for emergency operations and training led by COIC.
- ✓ Redmond Wetlands Complex—Relocation and expansion of wastewater treatment plant.
- ✓ Update Airport Safety Zone associated with the Redmond Airport Master Plan Update.

#### City of Sisters—Coordinated with City staff regarding:

- ✓ Participation in the implementation of Sisters Country Vision Plan and Sisters Comprehensive Plan.

#### Deschutes County

- ✓ Provided updates to BOCC regarding SB 391 Rural ADUs, SB 762 Wildfire Mitigation, wildlife inventories produced by ODFW, PSU population updates, short-term rentals, TCP update and dark skies project.



# Planning

## FY 2024-25 Work Plan Projects

### Development Review

- Respond to phone and email customer inquiries within 48 to 72 hours.
- Conduct pre-application meetings and respond to customer inquiries (counter, phones, and emails).
- Respond to phone and email customer inquiries within 48 to 72 hours.
- Issue all administrative (staff) decisions for land use actions that do not require prior notice within 21 days of determination of a complete application.
- Issue all administrative (staff) decisions for land use actions requiring prior notice within 45 days of determination of a complete application.
- Process Hearings Officer decisions for land use actions and potential appeals to the BOCC within 150 days per State law.
- Continue to improve website accessibility to the public to view records associated with complex land use applications.



### Natural Resources

- Groundwater Protection —Support efforts by the DEQ and Onsite Wastewater Division to protect south county groundwater.
- Natural Hazards—Pending state legislative changes and updates to Fire Risk Mapping in 2023, develop a work plan to amend the Comprehensive Plan and County Code requiring defensible space and fire-resistant building materials per SB 762 and SB 80 (2021 and 2023, Wildfire Mitigation).
- Natural Hazards Mitigation Plan—Initiate recommended development code amendments.
- Sage-Grouse—Continue to participate as a cooperating agency with the BLM and amend the Comprehensive Plan and Zoning Code to incorporate a new sage grouse inventory from the ODFW.
- Dark Skies Update—Revisit the county's existing outdoor lighting ordinance (DCC 15.10) and update regulations to reflect current best practices and technology. This process will guide future educational outreach materials designed to inform residents about dark skies best practices.

## FY 2024-25 Work Plan Projects, continued

### Comprehensive Plan Update

- Initiate update to Newberry County Plan including outreach, technical coordination, collaboration with La Pine 2045 and Newberry Regional Partnership, and updates to plan goals, policies, and narrative.

### Transportation Planning

- Process road naming requests associated with certain types of development on a semi-annual basis.
- Administer the County's Transportation SDC program.
- Coordinate with Bend Metropolitan Planning Organization on regional projects and planning.
- Coordinate with ODOT on roadway projects and interchange area management plans.

### City of Bend Coordination

- Coordinate with City of Bend on growth management issues, including technical analyses related to housing and employment needs.
- Coordinate with Bend Parks and Recreation District for the development of park space in SE Bend.

### City of La Pine Coordination

- Participate with Property Management and the City of La Pine to update and amend the county-owned Newberry Neighborhood comprehensive plan designations, master plan and implementing regulations.
- Participate in La Pine 2045 Comprehensive Plan Update process.

### City of Redmond Coordination

- Coordinate to implement their Comprehensive Plan Update.
- Coordinate on CORE3, a multi-stakeholder regional emergency coordination center.
- Coordinate to update the Joint Management Agreement and UH-10 zone lands per HB 3197.
- Coordinate planning efforts for McVey interchange on South Highway 97 to access Large Lot Industrial Lands through either a Goal Exception process or legislative equivalent.

### City of Sisters Coordination

- Participate in the implementation of Sisters Country Vision Plan and their Comprehensive Plan and City of Sisters Comprehensive Plan Update.
- Participate in Sisters Urban Growth Boundary Expansion process.

### DLCD Rulemaking

- Monitor rulemaking as it pertains to Goal 5 – Cultural Areas, Farm and Forest Conservation Program Improvements, and Eastern Oregon Solar Siting.
- If required, initiate legislative amendments to the Comprehensive Plan and zoning code .



# Planning

## FY 2024-25 Work Plan Projects, continued

### Growth Management Committees

- Coordinate and/or participate on Deschutes County BPAC, Project Wildfire, and Deschutes River Mitigation and Enhancement Committee.

### Historic Preservation—CLG Grant

- Administer 2023-24 and 2024-25 Certified Local Government Grants from SHPO.

### Housekeeping Amendments

- Initiate housekeeping amendments to ensure county code complies with state law.

### Housing Strategies

- Amend county code to define family for unrelated persons per HB 2538 (Non-familial Individuals).
- Explore options and approaches to address rural housing and homelessness as allowed under state law.

### Legislative Session (2023-24)

- Participate in legislative or rulemaking work groups to shape state laws that benefit Deschutes County.

### Planning Commission Coordination

- Coordinate with the BOCC to establish strategic directions for the Planning Commission.

### Zoning Text Amendments

- Allow “self-serve” farm stands in Rural residential Exception Areas Comply with House Bill 3109 (2021) pertaining to establishment of childcare facilities in industrial zones.
- Childcare facilities in Industrial Zones.
- Clear and Objective Code Update—initiate an 18-month process to update county code to comply with HB 3197. Coordinate with DLCDC hired consultant and staff to perform code revisions.
- Define family for unrelated persons per HB 2538 (Non-familial Individuals).
- Forest Zone Code—Review for compliance with Oregon Administrative Rule.
- Lot Line Adjustments and Re-platting.
- Medical Hardship Dwellings—review for consistency with state law.
- Minor variance 10% lot area rule for farm and forest zoned properties.
- Outdoor Mass Gatherings update.
- Section 6409(a) of the Spectrum Act (Wireless Telecommunication Amendments).
- Sign code to become consistent with federal law.
- Title 19, 20, 21—Language related to Class I, II, and III road projects as allowed uses.
- Title 22—Procedures Ordinance for consistency with state law and planning department interpretations.
- Wetland Regulation Clarification for Irrigation or Artificially Created Wetlands.



# Planning



## Staff Directory

Will Groves	Planning Manager	(541) 388-6518	William.Groves@deschutes.org
Anthony Raguine	Principal Planner	(541) 617-4739	Anthony.Raguine@deschutes.org
Jacob Ripper	Principal Planner	(541) 385-1759	Jacob.Ripper@deschutes.org
Kyle Collins	Associate Long Range Planner	(541) 383-4427	Kyle.Collins@deschutes.org
Dan DiMarzo	Assistant Planner	(541) 330-4620	Daniel.DiMarzo@deschutes.org
Caroline House	Senior Planner	(541) 388-6667	Caroline.House@deschutes.org
Haleigh King	Associate Planner	(541) 383-6710	Haleigh.King@deschutes.org
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Nathaniel Miller	Associate Planner	(541) 317-3164	Nathaniel.Miller@deschutes.org
Tarik Rawlings	Senior Transportation Planner	(541) 317-3148	Tarik.Rawlings@deschutes.org
Tanya Saltzman	Senior Long Range Planner	(541) 388-6528	Tanya.Saltzman@deschutes.org
Audrey Stuart	Associate Planner	(541) 388-6679	Audrey.Stuart@deschutes.org

# Community Involvement Report

## 2023

Statewide Planning Goal 1, Citizen Involvement, requires cities and counties to create a citizen involvement program that provides opportunities for community participation in land use planning processes and decisions.

Land use legislation, policies and implementation measures made by Oregonians nearly 50 years ago helped shape Oregon’s urban and rural environments. Likewise, choices made today will ultimately shape these areas in the future. Successful land use planning occurs through an open and public process that provides room for information gathering, analysis and vigorous debate. Deschutes County’s Community Involvement program is defined in Section 1.2 of the Comprehensive Plan.

This chapter identifies the County Planning Commission as the committee for citizen involvement. It also contains the County’s Community Involvement goal and corresponding five policies that comply with Goal 1. This report briefly discusses the noteworthy community involvement actions undertaken by the Planning Division in 2023. The report is intended to provide county residents and stakeholders with a tool to assess its effectiveness and offer additional suggestions the County can utilize to ensure that its diverse communities remain actively involved in land use planning discussions.



Wildlife Hearing



# Community Involvement Report

## 2023

### Planning Commission

The Planning Commission convened 22 times to consider:

- ✓ 2023 Housekeeping Amendments
- ✓ Amateur (HAM) Radio Facility Text Amendments
- ✓ CDD FY 2023-24 Annual Report & Work Plan
- ✓ Conventional Housing Combining Zone Repeal
- ✓ Deschutes County 2040 Comprehensive Plan Update
- ✓ Destination Resort Amendments
- ✓ Mule Deer Winter Range Inventory Update
- ✓ RV's as Rental Dwellings
- ✓ Transportation System Plan Update 2020-2040
- ✓ TCP Update and public hearing.



### Historic Landmarks Commission

Convened 3 times in 2023 to consider:

- ✓ CDD FY 2022-23 Annual Report & Work Plan
- ✓ CLG Grant Application
- ✓ Deschutes County 2040—Project Briefing
- ✓ Regional Coordination
- ✓ Updates from Bend and Redmond Historic Landmarks Commission.

During 2023, The HLC pended several of its regularly scheduled meetings due to the lack of a quorum. An extended recruitment process resulted in the appointment of three new commissioners in January 2024 and regularly scheduled meetings.



**From:** daniel bacametal.com <[daniel@bacametal.com](mailto:daniel@bacametal.com)>  
**Sent:** Monday, April 29, 2024 1:44 PM  
**To:** Patti Adair <[Patti.Adair@deschutes.org](mailto:Patti.Adair@deschutes.org)>; Phil Chang <[Phil.Chang@deschutes.org](mailto:Phil.Chang@deschutes.org)>; Tony DeBone <[Tony.DeBone@deschutes.org](mailto:Tony.DeBone@deschutes.org)>; William Groves <[William.Groves@deschutes.org](mailto:William.Groves@deschutes.org)>  
**Subject:** Agricultural definition

Some people who received this message don't often get email from [daniel@bacametal.com](mailto:daniel@bacametal.com). [Learn why this is important](#)

[EXTERNAL EMAIL]

Hello Commissioners and Will Groves of the Community Development Department. I spoke with you on the 10th about implementing a change to the county code that defines what a farm is. This was in regards to being able to build an agricultural building on an EFU zoned property. since this affects rural farming and agricultural properties. Deschutes county currently has a code in place that a property cannot be defined as a “farm” unless that property is in tax deferment. Even if your property is zoned Exclusive Farm Use. Farm is in the name yet it is not a farm. I believe this is a great hinderance to more farming and agricultural uses being implemented on those properties. I suggest that a Property that is zoned EFU should not need to be in tax deferment in order for it to be considered a farm. Farming and agricultural is in major decline here in Deschutes county, especially since there is not a very high profit return on farming and agricultural endeavors. This financial burden is compounded by the fact that building permits are significantly more for a property that is not defined as a farm.

I figured I should provide some background of our land use especially in regards to an agricultural manner. I built our house myself with my own 2 hands, completing it in 2019. We have been making outside land improvements ever since then. We have chickens that we sell there eggs. And this year I started over 200 plants primarily tomatoes in our dining room. I would like to continue to expand our agricultural production, but there is very little revenue in the farming industry. This makes it difficult to justify permitting and building costs associated with a new building. Hence the need to build an agricultural building. Which is less building fees and materials costs. It is also not subject to structural inspections which allows the use of non grade stamped lumber and reclaimed building materials to be used. I have milled my own lumber in the past, particularly for my houses siding and flooring. Being able to source my building materials locally such as juniper and pine also greatly reduces building costs as well as carbon impact with this local sourcing. At my previous property off of Erickson rd near the airport, I perused more agricultural uses. We had cows, sheep, goats, chickens. I was even awarded a grant from COID for the improvements I made to that property. I would like to continue to improve our current property by building an agricultural building. I spoke with Nicole Mardell over the phone and she informed me that this might be a matter to be included in your 2024-2025 Community Development Department’s annual work plan. I would like to recommend that this issue please be included. I would also like to be informed as to when that work plan is

it to meet and receive public feedback. I have included some photos of some of this years chicks and of The chicken coop which is mobile it is in the backyard out the window. It is purple. Also the tomato starts in our dinning room.











Daniel Baca

541-706-1990

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[ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.bacametal.com&umid=8f9a048a-6c16-42b8-85f9-9aa4169f4f5f&auth=eb57bfd9ea9cdaa3b558713c132cdb67404c41-73bb6a6b9c973e3299f27c67ba9db2ac7005e093](https://ddec1-0-en-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.bacametal.com&umid=8f9a048a-6c16-42b8-85f9-9aa4169f4f5f&auth=eb57bfd9ea9cdaa3b558713c132cdb67404c41-73bb6a6b9c973e3299f27c67ba9db2ac7005e093)

**Peter Gutowsky**

**Subject:** Re: Suggestion for Reviewing Agricultural Building Permit Process

**From:** Todd Straughan <[toddstraughan@yahoo.com](mailto:toddstraughan@yahoo.com)>  
**Sent:** Monday, May 20, 2024 10:47 AM  
**To:** citizeninput <[citizeninput@deschutes.org](mailto:citizeninput@deschutes.org)>  
**Subject:** Suggestion for Reviewing Agricultural Building Permit Process

Some people who received this message don't often get email from [toddstraughan@yahoo.com](mailto:toddstraughan@yahoo.com). [Learn why this is important](#)

[EXTERNAL EMAIL]

**Subject:** Suggestion for Reviewing Agricultural Building Permit Process

County Commissioners,

I would like to offer input for your consideration regarding the agricultural (AG) building permit process. After carefully listening to the concerns raised during the recent Board meeting on 5/15/24, I believe there are significant issues that merit your attention.

Here are some key points to consider:

- In most cases, the structures can still be built without an AG permit. The appeal of the AG permit for the property owner is the lack of inspections by the County and the lower cost of the permit itself.
- Abuse of AG Permits: There have been instances of property owners obtaining AG permits; however, using the structure for non-farming purposes. Without appropriate oversight, this misuse of permits undermines the integrity of the process.
- Lack of Oversight: There is a need for increased oversight to ensure that AG permits are being used for legitimate farming activities and that any modifications to permitted structures align with agricultural needs (no ADU's, etc. in these buildings).
- Uncertain Future Use: The current process does not address the possibility of a property owner ceasing agricultural activities, leaving the status of AG-permitted buildings in question.
- Assessment of the new buildings: Because these AG permits do not get inspections by CDD, the Assessor's staff are often left to estimate the structure's completion and size due to the lack of access, which could cause over assessment of these structures.

Considering these concerns, I suggest a comprehensive review of the AG building permit process. This review could include:

1. Implementing stricter oversight measures to prevent misuse of AG permits and possible fines from misuse.
2. Establishing mechanisms to verify ongoing agricultural use of permitted buildings to see if the use changes.
3. Enhancing communication and coordination between relevant departments to improve efficiency and transparency.

I believe that addressing these issues will not only promote fairness and accountability within our community but also contribute to the sustainable development of agricultural resources in our county.

Sincerely, Todd Straughan





## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 12, 2024

**SUBJECT:** Memorandum of Understanding with NeighborImpact, Housing Works and the Central Oregon Builders Association to establish a Workforce Housing Program for Median-Income Earners (HOME Fund)

**RECOMMENDED MOTION:**

Move approval of Board signature of Document No. 2024-544.

**BACKGROUND AND POLICY IMPLICATIONS:**

In May of 2023, the Board heard a proposal to establish a program to incentivize the building of new workforce homes which would remain affordable to qualified persons for 30 years by deed restriction. The program, called Workforce Home Ownership for Median-Income Earners (Workforce HOME) would provide a \$30,000 builder credit for each home which is within the price range affordable for buyers having 80-120% of area median income (AMI).

The proposers presented a draft Memorandum of Understanding (MOU) to the Board on May 8<sup>th</sup>. Under the MOU, NeighborImpact would administer the program relating to the initial sale of the home by conducting outreach, determining the eligibility of developers and potential buyers, overseeing the application processes and funding commitments, and managing all other administrative functions, including submitting reports to the County.

Following the Board's May 8<sup>th</sup> meeting, the MOU was revised to shorten the time of the deed restriction from 30 years to 20 years, increase the MOU period to 20 years, and outline NeighborImpact's agreement to conduct annual verifications for all properties to ensure these remain occupied by qualified buyers pursuant to the deed restrictions.

**ATTENDANCE:**

Morgan Greenwood, Vice President of Central Oregon Builders Association  
Andrew Spreadborough, Deputy Executive Director of NeighborImpact  
Nick Lelack, AICP, County Administrator and Legal, Finance and Administration staff

**AFTER RECORDING RETURN TO:**

\_\_\_\_\_

**DECLARATION OF RESTRICTIVE COVENANT FOR WORKFORCE HOUSING**

This DECLARATION OF RESTRICTIVE COVENANT FOR WORKFORCE HOUSING (this "Declaration") is made by \_\_\_\_\_ ("Owner"), the owner of the property located at \_\_\_\_\_ as more specifically described on Exhibit A ("Property").

**RECITALS**

NeighborImpact or its successor or assign ("NI") administers the Deschutes County Home Ownership for Middle-Income Employees (HOME) Fund to provide a \$30,000 incentive ("Incentive") per Workforce Home. Workforce Home is defined as a home built in Deschutes County and sold within a price range determined to be affordable to a buyer who makes above 80% and no higher than 120% AMI in Deschutes County, as determined on an annual basis by the United States Department of Housing and Urban Development ("HUD") on a per bedroom basis.

NI will determine the buyer's eligibility at initial sale and subsequent resales and send yearly verifications on eligibility compliance of the Owner of the Workforce Home.

Incentives are granted to developers to encourage the construction of Workforce Homes in Deschutes County. As a condition of receiving the Incentive, the Property must be subject to a restrictive covenant ensuring the Property will be developed, conveyed, sold and occupied as a Workforce Home for twenty (20) years. Further, the buyer of the Workforce Home must meet certain employment, occupancy and income requirements at the initial and subsequent resale the Workforce Home. The sales price shall be restricted as provided in this Declaration.

Owner has applied for and been granted the Incentive and desires to restrict the Property as provided herein.

The Funding Partner for this Declaration is the Deschutes County, a political subdivision of the State of Oregon.

**DECLARATION**

Owner hereby declares that the Property shall be held, conveyed, hypothecated, encumbered, used, occupied, and improved subject to the following:

1. Qualifying Buyer. The Property shall be sold to an individual or individuals (a "Qualifying Buyer") as their primary residence who is currently employed by or has an accepted offer of employment from a Deschutes County Employer with incomes, at the time of initial and any subsequent closing dates until the Expiration Date (as defined below), **above eighty percent (80%) and no higher than one hundred and twenty percent (120%) of area median income ("AMI") for Deschutes County** as determined on an annual basis by the United States Department of Housing and Urban

Development (“HUD”). If HUD ceases to provide such estimates of AMI, then the AMI shall mean such comparable figure for Deschutes County, Oregon published or reported by a federal, state, or local agency as the County shall select. NI shall determine if an individual or individuals are a Qualifying Buyer at the initial sale and any subsequent resale.

2. Deschutes County Employer. For purposes of this Declaration, “Deschutes County Employer” is defined as a business or other enterprise (private or public) that has been in business in Deschutes County, Oregon for at least 6 months from the date of eligibility determination, and is registered by the Oregon Secretary of State with a principal place of business located in Deschutes County, or other official documentation that can verify the business location in Deschutes County.
3. Sales Price. For purposes of this Declaration, the sales price of the Workforce Home must be within a price range determined to be affordable to a buyer who makes above 80% and no higher than 120% AMI in Deschutes County, Oregon as determined by HUD (“Maximum Amount”) measured at the time the Qualifying Buyer takes title to or possession of the Property. Housing expense include mortgage principal and interest, taxes, property insurance, mortgage insurance, and any required association dues or assessments, if applicable.
4. Sale of the Property.
  - a. Initial Sale. The initial sale of the Property (i.e. the sale immediately subsequent to the date this Declaration is recorded), must be to a Qualifying Buyer for an amount not to exceed the Maximum Amount. For purposes of this Declaration, a “sale” is any conveyance or commitment to a future conveyance for consideration.
  - b. Voluntary Subsequent Sales. Following the initial sale of the Property, Owner may sell the Property at any time to (i) a party identified in Section 4.c. below, or (ii) a Qualifying Buyer provided that the actual sales price of the Property (after adjusting for any seller concessions) must not be more than the Maximum Amount. Seller is required to contact the regional housing authority in order to determine the Maximum Amount for the year of sale, and to receive a reference to nonprofit housing providers who are capable of purchasing or assisting in the sale of the Workforce Home to a Qualified Buyer. NI shall determine if an individual or individuals are a Qualifying Buyer for any subsequent sales.
  - c. Voluntary Sale to Affordable Housing Organization. Notwithstanding the foregoing, Owner may donate or sell (for any reasonable amounts determined by the parties) the Property to: (i) any non-profit organization whose mission and operations support affordable housing, or (ii) any governmental agency whose mission and operations support affordable housing; provided, however, that any subsequent sale or conveyance by such non-profit organization or governmental agency would be subject to sale to a Qualifying Buyer who is employed by a Deschutes County Employer where the actual sales price of the Property is not more than the Maximum Amount and the Workforce Home is owner-occupied.
  - d. Permitted Transfers. The following are considered permitted transfers, not subject to the restrictions on price provided in Section 4.b.: (i) transfer of title by gift, devise, or

inheritance to the Owner's spouse or natural or adopted children; (ii) transfer of title due to the Owner's death to a surviving joint tenant, tenant by entireties, or a surviving spouse of community property; (iii) transfer to a spouse as part of divorce or dissolution proceedings; (iv) transfer of title by the Owner into an inter-vivos trust in which the Owner is the beneficiary; or (v) transfer of title or an interest in the Property to the spouse in conjunction with marriage. Provided, however, that any subsequent sale or conveyance by such person would be subject to sale to a Qualifying Buyer who is employed by a Deschutes County Employer where the actual sales price of the Property is not more than the Maximum Amount and the Workforce Home is owner-occupied.

5. Owner Occupancy Requirement. The Property must be owner-occupied for the duration of this Declaration until the Expiration Date.
6. No Discrimination. The Owner shall not give or allow to be given any preference to any particular group or class in selling the Workforce Home. The Owner shall not discriminate nor allow discrimination, in the provision of housing on the basis of race, creed, gender national origin, religion, marital status, sexual orientation, family status, age, or disability, or the receipt of public assistance.
7. Reporting; Verification of Compliance. The Owner of the Property must ensure that the Property is occupied and remains in compliance with this Declaration. NI shall send Owner yearly verification letters that Owner is required to be returned to NI. Follow up on verification, if needed, will be performed by NI. The Owner of the Property agrees to submit to the Funding Partner, NI or its designee such information and reports as the Funding Partner may reasonably require to demonstrate compliance with the terms of this Declaration, including, but not limited to: (i) verification that the Workforce Home is owner-occupied, (ii) verification that the Owner's employment is with a Deschutes County Employer and (ii) proof of the Owner's income in the form of tax forms or pay stubs.
8. Other Restrictions. The Qualifying Buyer may not obtain a home-equity line of credit or second mortgage or refinance the Property to take cash out of the Property prior to the Expiration Date. The Property may be subject to additional restrictions on, including the prohibition of transfer, sale or rental under other instruments recorded in the official records of Deschutes County, Oregon, so long as they are in addition to, and not in lieu of or in contravention to, the conditions and restrictions contained in this Declaration.
9. Expiration. This Declaration will remain effective for a period of twenty (20) years commencing from the date on which the initial closing date of the Property (the "Expiration Date"). The terms, conditions and obligations of this Declaration shall automatically terminate on the Expiration Date. All subsequent sales are subject to the conditions of this Declaration until the Expiration Date. Notwithstanding and without diminishing the automatic and self-executing nature of the termination provision, the Funding Partner shall, promptly upon the request of the Owner of the Property after the Expiration Date, execute an instrument reasonable acceptable to the Funding Partner that releases and quit claims its rights under this Declaration. The Owner of the property will solely be responsible for recording such instrument and for any associated costs.
10. Covenants Run with the Property. The Owner hereby declares its express intent that, during the term of this Declaration, the covenants, restrictions, agreement, and obligations set forth herein

shall be deemed covenants running with the land and shall pass to and be binding upon the Owner's successors in title including any purchaser, grantee of any portion of the Property and any other person or entity having any right, title, or interest therein and upon the respective heirs, executors, administrators, devisees, successors and assigns of any purchaser, grantee, or lessee of any portion of the Property and any other person or entity having any right, title or interest therein. Each and every contract deed or other instrument hereafter executed covering or conveying the Property or any portion thereof or interest therein shall contain an express provision making such conveyance subject to the covenants, restrictions, charges and easements contained herein; provided, however, that any such contract, deed or other instrument shall conclusively be held to have been executed, delivered and accepted subject to such covenants, regardless of whether or not such covenants are set forth or incorporated by reference in such contract deed, or other instrument.

11. Owner Representations.

- a. Owner represents and warrants that the Incentive paid to it is an inducement to the Owner to comply with the terms of this Declaration and its application for the Incentive. Owner covenants, agrees and acknowledges that the Funding Partner providing the Incentive is a beneficiary of this Declaration and it relied upon the enforceability of this Declaration in providing the Incentive.
- b. Owner possesses all necessary power and authority to execute this Declaration, to subject the Property to the terms and conditions of this Declaration.
- c. The person executing this Declaration on behalf of the Owner has been duly authorized to act in such capacity and to take such other action as may be necessary to accomplish the purposes of this Declaration.
- d. Execution and delivery of this Declaration will not conflict with any provisions of the Owner's governing documents; breach any agreement to which Owner is a party; or violate any law, rule, regulation, covenant, conditions, restrictions, easements, or order to which Owner or the Property is subject in a manner that affects the enforceability of this Declaration; and
- e. This Declaration is the legal, valid and binding obligation of Owner, enforceable against Owner in accordance with its terms, except as enforceability may be limited by bankruptcy, insolvency, or other similar laws of general application, or by general principles of equity.

12. Default and Remedies. Funding Partner or its designee may enforce the provisions of this Declaration.

- a. Events of Default. Any of the following shall be an event of default under this Declaration:
  - i. Failure to perform or abide by any covenant, condition, or obligation of this Declaration.
  - ii. Engaging in the sale, transfer, change of use or assignment of the Property in violation of the terms of this Declaration.

- b. Remedies. The following remedies are applicable to this Declaration in the event of a default hereunder:
- i. Funding Partner or its designee may, by mandamus or other suit, injunction, action or proceeding at law or equity, require Owner to perform its covenants, conditions, agreements and obligations in this Declaration or to abate, prevent, or enjoin any acts or things which may be unlawful or in violation of this Declaration.
  - ii. Funding Partner or its designee may take such other action available at law, in equity, or otherwise as may appear necessary to enforce the covenants, conditions, agreements and/or obligations of the Owner in this Declaration, in such order and manner as it may select, to recover monetary damages caused by such violation or attempted violation of any covenant, condition, agreement, and/or obligation. Such damages to include but not be limited to all costs, expenses including, but not limited to, staff and administrative expenses, fees including but not limited to all reasonable attorneys' fees and costs which may be incurred by the Funding Partner or any other party in enforcing or attempting to enforce this Declaration following any event of default on the part of the Owner or its successors, whether the same shall be enforced by suit or otherwise; together with all such costs, fees and expenses which may be incurred in connection with any amendment to this Declaration or otherwise at the request of the Owner.
  - iii. The remedies in this Section 12 are in addition to, and will not preclude any other remedy available under applicable law or equity. Remedies may be pursued consecutively or concurrently.
  - iv. Funding Partner has no obligation to enforce this Declaration or seek any remedy hereunder.
13. Binding Effect. This Declaration shall run with the land and be binding upon and to take effect to all current and future interest holders in the Property until the Expiration Date.
14. Successors and Assigns. This Declaration shall be binding upon and shall inure to Owner's successors and assigns.
15. No Merger. The interests, rights, covenants, and obligation established by this Declaration shall not merge with the fee ownership of the Property.
16. Governing Law and Venue. This Declaration is governed by the laws of the State of Oregon, without giving effect to any conflict-of-law principle that would result in the laws of other jurisdiction governing this Declaration. Any action, suit, or proceeding arising out of the subject matter of this Declaration will be litigated in courts located in Deschutes County, Oregon.
17. Attorney Fees. In the event of any suit, arbitration, or action arising from or related to this Declaration, the prevailing party in such suit, arbitration, or action arising from or related to this Declaration, shall be entitled to all costs and expenses incurred in connection with such suit, arbitration, or action, including title reports, expert witness fees, and such amount as the court may determine to be reasonable as attorney's fees and costs, including those incurred by the prevailing party in any appeal.

18. Severability. If any term or provision of this Declaration shall, to any extent, be held invalid or unenforceable in any respect, such invalidity or unenforceable shall not affect such term or provision in any other respect nor affect the remaining terms and provisions. It is in the intention that this Declaration be held valid and enforced to the fullest extent permitted by law.

19. Waiver. No waiver of any breach of any of the provisions herein shall be construed as, or constitute, a waiver of any other breach or a waiver, acquiescence in, or consent to any further or succeeding breach of the same or any other easement, covenant, or agreement.

20. Time of Essence. Time is of the essence of each of the Owner's obligations under this Declaration.

[FY 2023 Income Limits Documentation System -- Summary for Deschutes County, Oregon \(huduser.gov\)](http://huduser.gov)

OWNER:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

STATE OF OREGON            )  
  ) ss.  
County of \_\_\_\_\_ )

This record was acknowledged before me on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for State of Oregon

STATE OF OREGON            )  
  ) ss.  
County of \_\_\_\_\_ )

This record was acknowledged before me on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for State of Oregon



**Deschutes County Workforce Home Ownership for Median-income Earners (Workforce HOME) Fund  
Memorandum of Understanding**

**OVERVIEW:**

NeighborImpact will implement the Home Ownership for Median-income Earners (HOME) Fund (“Program”) with initial funding from Deschutes County (“County”). Additional funding for the Program may be provided by additional alternate sources. The intent of the Program is to provide a Developer Incentive per “Workforce Home” (defined as a home built in Deschutes County and sold within a price range determined to be affordable to a buyer who makes above 80% and up to 120% area median income (“AMI”) in Deschutes County, as determined on an annual basis by the U.S. Department of Housing & Urban Development [“HUD”]). The buyer is required to a) make above 80% and up to 120% AMI for Deschutes County as determined by HUD, and b) be employed by or have an offer of employment from a Deschutes County employer (defined as a business or other enterprise [private or public] that has been in business in Deschutes County for at least 6 months from the date of buyer eligibility determination, and is registered by the Oregon Secretary of State with a principal place of business located in Deschutes County); in totality, these criteria comprise the definition of “Qualifying Income”. The Workforce Home sales price is considered affordable when no more than 30% of annual household income of the buyer is spent on housing, including mortgage principal and interest; taxes; property insurance; and mortgage insurance.

The Workforce Home will be built by a developer (“Developer”) or builder/developer (“Developer”). The Developer Incentive is a \$30,000 monetary payment made payable to the Developer building the Workforce Home. The Developer Incentive will be paid to the Developer from an escrow account opened by NeighborImpact after a) the building permit has been submitted to the applicable jurisdiction for approval, and b) the Developer has submitted its application for a Developer Incentive to NeighborImpact declaring their intention to build a Workforce Home. The incentive can be utilized by the Developer at their discretion to offset the high cost of developing a Workforce Home in Deschutes County.

To ensure on-going affordability, a 20-year deed restriction will be recorded by a licensed title and escrow company against the lot on which the Workforce Home will be built, and signed by the Developer prior to dispersal of the Developer Incentive. If the Developer does not own the lot on which the Workforce Home will be built, the lot owner must consent in writing to the recording. The deed restriction will require the Workforce Home to be the buyer’s primary residence; place restrictions on the future Workforce Home sale price; and prohibit the buyer from obtaining a home equity line of credit or second mortgage, or refinancing the existing mortgage to take cash out. The deed restriction will require the buyer of a Workforce Home to contact HousingWorks prior to re-sale in order to determine the eligible sales price based on HUD-established AMI limits for Deschutes County for the year of sale. HousingWorks shall also provide a list of references of nonprofit housing providers who are capable of purchasing or assisting in the sale of the Workforce Home to a qualified buyer.

The Developer must a) submit Workforce Home building permit to the applicable jurisdiction for approval, and b) submit its application for a Developer Incentive to NeighborImpact declaring their intention to build a Workforce Home before NeighborImpact will open an escrow account to hold the Developer Incentive; the application for a Developer Incentive qualifies as a sales agreement, and allows for an escrow account to be opened. After the required deed restriction has been recorded, NeighborImpact will convey the funds to the escrow account, whereupon a licensed Deschutes County title and escrow company will distribute the Developer Incentive to the Developer.

Partners currently include NeighborImpact, Housing Works, Deschutes County and Central Oregon Builders Association (“Partners”). Additional Partners may be added if and when additional funding is secured.

**ROLES AND RESPONSIBILITIES OF PARTNERS:**

NeighborImpact shall be responsible for the following:

**(A) Developer and Proposed Eligibility Determination**

- Providing ongoing maintenance of the application process and affordability standards. Only the following can be considered in the housing costs: principal, interest, tax, and insurance costs as described in the Overview section above. The affordability standards will be regularly updated to reflect annual updates by HUD to Deschutes County AMI limits. The affordability standards will be attached to the Developer application and available at community development departments located in the County (“CDDs”) to provide Developers with up-to-date affordability data.
- Accepting applications from Developers and confirming that final sales price meets affordability standards.
- Communicating with CDDs and Developers as needed to track construction status and monitoring funding commitments.
- Maintaining oversight of Program funding commitments; communicating with CDDs and Partners if/when funding is fully committed.
- Distributing Workforce Home buyer certificate of verification on an annual basis to require Workforce Home buyers to verify their compliance with the Workforce Home program.
- Follow-up, as needed, to obtain receipt of Workforce Home buyer’s verification and review verification for buyer’s compliance. Noncompliance shall be reported to the County.
- The compliance verification process is intended to verify on an annual basis that the Workforce Home is occupied by the qualified purchaser, and to confirm that the Workforce Home has not been sold or otherwise transferred in violation of the deed restriction. Compliance verification does not include ongoing verification of household income and/or employment status.

**(B) Outreach and Workforce Home Buyer Eligibility Determination**

- Ongoing outreach on Workforce Home purchase opportunities, including posting purchase opportunities on NeighborImpact website, outreach via newsletters and social media posts, and other methods.
- Verifying income of interested buyers.
- Verifying buyer’s employment is located in the County.
- Verifying that the Workforce Home will be buyer’s primary residence.
- Certification of eligible Workforce Home buyers.
- Providing Homebuyer Education classes, a requirement for interested Workforce Home buyers.
  - Homebuyer Education classes to be paid for by the interested Workforce Home buyers.
- Ensure buyer has signed off on appropriate documentation confirming their understanding of the deed restriction time frame; sales price limitation; primary residence; and mortgage restrictions.

**(C) Developer Incentive Administration**

- Upon application and building permit submittal, verifying Workforce Home eligibility
- Setting up escrow with a licensed Deschutes County title and escrow company to administer recording of a deed restriction and issuance of incentive.
- Issuance of 1099 form, and/or other required payment documents.
- At closing of initial sale, verifying Developer eligibility and buyer eligibility.
- Send check for Developer Incentive to the licensed Deschutes County title and escrow company to distribute to Developer.
- Verification to escrow company that Developer has satisfied program requirements.
- Maintain list of homes that have received Developer incentives, and convey updated list to HousingWorks on an annual basis.

**(D) Administrative Functions**

- Submitting reports to County and any additional funding partners in regard to Program status, funding commitments, and outcomes.
- Participating in efforts to secure new funding for the Program.

Central Oregon Builders Association shall be responsible for the following:

- Development of the initial Program application and affordability standards.
- Outreach and engagement with Community Development Departments in Deschutes County jurisdictions to establish Developer access to Program information and Program application materials during the building permit application process.
- Outreach to Developers and the building community to market the availability of the Program and encourage Developers to be involved.
- Creation of deed restriction template, agreed upon by County legal staff as the required deed restriction for the program.
- Outreach to licensed title and escrow companies in Deschutes County to explain program.

Housing Works (Regional Housing Authority) shall be responsible for the following:

- Participate as the contacting agent upon resale of the Workforce Home in the recorded deed restriction.
- Act as a resource for Workforce Home owner to determine eligible resale price based on HUD-established AMI for Deschutes County for the current year.
- Provide a list of references of nonprofit housing providers who are capable of purchasing or assisting in the sale of the Workforce Home to a qualified buyer.

**PROGRAM PROCESS:**

NeighborImpact will review application and deem complete. Developer incentives will generally be committed/obligated on a “first come, first served” basis for eligible applicants. Upon confirmation of Program eligibility the following items will be initiated by NeighborImpact.

Developer Items:

- Open an escrow account with a licensed Deschutes County title and escrow company.
- Provide confirmation to licensed title and escrow company that the Developer has submitted an application for a Developer incentive, and submitted a building permit to the applicable jurisdiction.
- Establish date of close of escrow
- Confirmation of \$30,000 incentive to be paid to the Developer and appropriate funds disbursement.
  - Include escrow recording duty
- Provide confirmation of recorded deed restriction on property with terms outlined to NeighborImpact and accepted on application.
- Developer is responsible to pay deed restriction recording fee and escrow fee.
- Developer must notify NeighborImpact when the workforce home is available for sale.

Listing Home to Eligible Buyers:

- Conduct outreach and communicate the workforce home purchase opportunity to the public in order to ensure compliance federal Fair Housing commitments.
- If Workforce Home is listed through Multiple Listing Service (MLS), confirm that the listing outlines income eligibility, Deschutes County employment requirements, and 20-year affordability requirement.
- MLS listing must include owner occupancy requirement.

At Closing of Initial Sale:

- Confirm that the Workforce Home has met the program eligibility requirements.
- Confirm that the Developer requirements outlined have been completed and considered satisfied and communicate to licensed title/escrow company.

- Verify buyer has met Qualifying Income requirements.

**Program Maintenance:**

- Annually, NeighborImpact will verify that all Workforce Homes purchased through this Program are the primary residence of the Buyer via a mailed notice. The purpose of this notice is to:
  - a. Request verification and provide certification that the Workforce Home is the primary residence of the buyer; and
  - b. To remind buyers of the deed restriction, and to ensure buyers are aware of the resale process and of their requirement to Housing Works prior to putting a Workforce Home on the market.
  - c. Compliance verification does not include ongoing verification of household income and/or employment status.
- In the event that the Workforce Home buyer does not respond to the notice mailed by NeighborImpact, NeighborImpact will follow up until confirmation of primary residence is received, or until NeighborImpact determines that enforcement may be necessary.
- Should NeighborImpact determine that enforcement of the deed restriction may be necessary, NeighborImpact will contact Deschutes County to determine how the County wishes to proceed.
- An annual report will be submitted to any and all funding partner(s) upon full expenditure of Program funding.

The information collected will be used to maintain record of the status of each workforce home and to identify any compliance issues or need for Workforce Home buyer technical assistance. If NeighborImpact determines through this notification process that a home was sold or otherwise transferred to a new buyer in contradiction to the deed restriction, NeighborImpact will notify Deschutes County of the potential need for legal action.

**DEFAULT:**

The Developer is considered in default if the Developer engages in a sale, transfer, or assignment in violation of the terms of this document, or changes the use of the property without NeighborImpact's prior written consent. In the event that the Developer does not satisfy the Program requirements by failing to sell the Workforce Home at a qualifying price to a qualified buyer, the deed restriction will remain with the property. The Developer may be subject to litigation if the funding partner(s) decides to recoup their funds.

If, for any reason, NeighborImpact determines prior to closing that a Workforce Home buyer does not qualify for the purchase of a Workforce Home, the Developer will be notified. It is the Developer's responsibility to communicate this information to the listing agent. After becoming aware that the Workforce Home sale will not close, the Developer will ensure that any new prospective Workforce Home buyer is qualified by NeighborImpact prior to sale.

In the event of default by either the Developer, the Workforce Home buyer, or any subsequent owners, they may be subject to litigation if the funding partner(s) decides to recoup their funds, and the deed restriction will remain with the property. The Developer will acknowledge that in receiving the Incentive, the funding partner(s) has foregone other opportunities to fund projects that would have resulted in the long-term availability of Workforce Homes. In addition, the Developer, Workforce Home buyer, and any subsequent owners will acknowledge that the enforceability of the deed restriction is not specifically linked to the Developer Incentive amount, and that repaying the Developer Incentive amount is not a sufficient remedy for violating the terms of the deed restriction.

Any funding partner(s) may take such other action available at law, in equity, or otherwise as may appear necessary to enforce the covenants, conditions, agreements and/or obligations of the Developer, Workforce Home buyer, or any subsequent owners in this Declaration, in such order and manner as it may select, to recover monetary damages caused by such violation or attempted violation of any covenant, condition, agreement,

and/or obligation. Such damages to include but not be limited to all costs, expenses including, but not limited to, staff and administrative expenses, fees including but not limited to all reasonable attorneys’ fees and costs which may be incurred by the funding partner(s) or any other party in enforcing or attempting to enforce the deed restriction following any event of default on the part of the Developer, Workforce Home buyer, any subsequent owner or its successors, whether the same shall be enforced by suit or otherwise; together with all such costs, fees and expenses which may be incurred in connection with any amendment to the deed restriction or otherwise at the request of the Developer, Workforce Home buyer, and any subsequent owner.

No funding partner(s) has any obligation or requirement to enforce the deed restriction, or to seek any remedy under the terms outlined in the deed restriction.

**RESALE:**

The deed restriction will include all Program rules and eligibility factors, including the requirement that the Workforce Home be re-sold to a buyer who meets the employment eligibility requirements, and that all future sales meet the affordability requirements of a Workforce Home, as outlined on Page 1 of this document. Prior to resale, Workforce Home owner must contact the regional housing authority (currently doing business as HousingWorks) in order to determine the new eligible sales price for that year based on HUD-established AMI for Deschutes County, and to receive a reference to nonprofit housing providers who are capable of purchasing or assisting in the sale of the Workforce Home to a qualified buyer.

**COMBINING PROGRAM WITH OTHER SHARED EQUITY PROGRAMS:**

NeighborImpact recognizes that Developer applicants for this Program may intend to bundle or combine this incentive with other affordable/workforce housing incentives. This is permissible under this Program. However, in instances when a Developer utilizes multiple programs or incentives, the Developer must agree to the 20-year deed restriction associated with this Program.

**SUCCESSORS**

This Memorandum of Understanding shall apply to any successors of the duties of NeighborImpact and/or Housing Works.

**INITIAL BUDGET:**

In 2024, Deschutes County committed \$320,000 of General Fund revenue to the HOME Fund, available in Fiscal Year 2025. County will not disburse funds in excess of the not-to-exceed amount of \$320,000 and will not disburse funds prior to July 1, 2024, and not until this Agreement has been signed by all parties and all conditions precedent, if any, have been satisfied to the satisfaction of Deschutes County. NeighborImpact in a restricted fund for Program purposes only.

Deschutes County Funding:

Upon allocation of the \$320,000 for the 2024 commitment from Deschutes County, the funds will be budgeted in the manner described in Table A, below.

**Table A**

Description	Budget Amount
Developer Incentive Payments – 10 Workforce Homes	\$300,000
NeighborImpact Administration – Fiscal administration, legal support, fund commitment monitoring, Developer communication/coordination, title company coordination, and associated administrative management costs.	\$20,000
<b>TOTAL:</b>	<b>\$320,000</b>

(B) Workforce Home Buyer Application Fee:

NeighborImpact will charge interested Workforce Home purchasers an application fee of \$400 for income verification and employment eligibility documentation. This fee will cover the cost of NeighborImpact staff to document income and employment eligibility based on HUD income verification procedures.

The application fee will remain comparable to fees assessed for similar services provided by NeighborImpact to local nonprofit Workforce Home Developers. The \$400 fee amount will be effective until allocation of funding is fully committed. After the initial funding period, NeighborImpact may, at its discretion, adjust the application fee amount based on an assessment of costs for performing the income verification, Workforce Home eligibility and increased business costs due to inflation and other factors.

**CONTRACT PERIOD:**

This MOU shall be effective upon signature of all Partners and shall automatically terminate upon expiration of the last twenty (20) year deed restriction recorded pursuant to the funds received in the "initial Budget" section outlined above. All parties may agree to extend or terminate this MOU by unanimous written agreement of all parties.

**PARTNERS:**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 12, 2024

**SUBJECT:** Request to Accept Energy Efficiency and Conservation Block Grant Funds

**RECOMMENDED MOTIONS:**

Move to approve the acceptance of a grant from the Department of Energy to complete an energy audit and develop an energy efficiency and conservation strategy.

**BACKGROUND:**

The Department of Energy has funded the Energy Efficiency and Conservation Block Grant (EECBG) program from the Bipartisan Infrastructure Law. The EECBG program is designed to assist states, local governments, and Tribes in implementing strategies to reduce energy use, reduce fossil fuel emissions, and improve energy efficiency.

The Department of Energy has approved \$78,310 in EECBG funds for Deschutes County for a technical assistance voucher to complete an energy audit and develop an energy efficiency and conservation strategy.

**ATTENDANCE:**

Lee Randall, Facilities Director  
Jen Patterson, Strategic Initiatives Manager





## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 12, 2024

**SUBJECT:** Oregon Health Authority Health-Related Social Needs Capacity Building Grant

**RECOMMENDED MOTION:**

Move approval of the application for a Health-Related Social Needs Capacity Building Grant from the Oregon Health Authority.

**BACKGROUND AND POLICY IMPLICATIONS:**

The Oregon Health Authority (OHA) is focusing efforts on eliminating health inequities by 2030; one area of focus is on Health-Related Social Needs (HRSN). As part of these efforts, OHA is allowing Oregon Health Plan (OHP) funding to be utilized for climate, housing, and nutritional supports. Part of these efforts will entail expanding the number of providers who can help OHP members access these supports. OHA recently announced a grant opportunity through local Community Care Organizations (CCOs).

If awarded, Adult P&P proposes using these funds to help support clients on supervision with their housing related needs. The majority of clients on supervision are OHP members or are OHP eligible and thus would be eligible for these HRSN housing funds. Stable housing is vital to public safety, stabilization and community integration, and necessary for individual and community wellness and livability.

Specifically, Community Justice proposes using these funds to secure a consultant to evaluate the department's housing processes, suggest adjustments, and develop new processes to optimize utilization of HRSN resources. This will involve developing policies, creating HRSN billing practices, and strengthening billing and reporting/grant management capacity.

Funds are sought to procure a billing system which will enable tracking and billing for housing services. Funds would also support increased FTE capacity in the form of .25 FTE of an administrative analyst position, one full-time peer-based mentor (likely a contracted position), and .10 FTE allocation for Community Justice's business manager. The administrative analyst will play a central role in connecting clients with housing providers, fostering collaboration with landlords and property managers, and ensuring the necessary infrastructure for funding housing support is in place. They will oversee tracking and billing

processes, liaise with the consultant to refine operational procedures, and ensure compliance with grant and billing requirements for HRSN funds. The business manager will report out and provide the grant management and administrative support for the funds as well as the billing process.

The mentor would support clients in accessing services such as OHP, navigating funding assistance applications, liaising with property management companies, and facilitating rental applications. Integrating peer-based services enhances effectiveness and promotes health equity in housing access. The mentor will also acquaint themselves with available HRSN providers and assist clients in accessing additional resources to overcome barriers to housing.

As Community Justice learned of these funds near the grant deadline, the application has already been submitted. If the Board does not support proceeding, the application will be withdrawn.

**BUDGET IMPACTS:**

\$345,000 in grant funds which, if awarded, would be received and spent in FY25 and FY26.

**ATTENDANCE:**

Trevor Stephens, Business Manager for Community Justice

Nicoli Brower, Administrative Analyst Adult Parole and Probation

# Deschutes County Community Justice

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## *Community Capacity Building Funding Application*

### ***Deschutes County Community Justice***

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Mrs. Deevy Holcomb  
63360 NW Britta Street Building #1  
Bend, OR 97703

trevor.stephens@deschutes.org  
O: 541-330-8261

### ***Mr. Trevor Stephens***

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63360 NW Britta Street Building #1  
Bend, OR 97703

trevor.stephens@deschutes.org  
O: 541-330-8261

# Application Form

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## *Instructions*

In order to receive funding, organizations must complete and sign this application form in its entirety. For this form to be considered complete, all components must be filled out, a budget request must be attached and the application must be signed by the authorized representative from the entity applying for funding.

Please answer all required and applicable optional questions. Questions that have a text-response show a character count and instructions state a word count. Please follow word count maximums in your answers.

If you have questions about this application or need technical support, reach out to Elliot Sky at Elliot.Sky@pacificsource.com or call 541-225-2813.

## *Applicant Organization Information*

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The purpose of this section is to collect general information about the Applicant Organization. Please complete the information requested in the questions below.

### **Applicant Organization Name\***

Deschutes County Community Justice

### **Point of Contact Name\***

Trevor Stephens

### **Point of Contact Title\***

Business Manager

### **Point of Contact Telephone Number\***

541-330-8261

### **Point of Contact Email Address\***

trevor.stephens@deschutes.org

### **Mailing Address: Street Address\***

63360 NW Britta Street Building #2

### **Mailing Address: City\***

Bend

**Mailing Address: State\***  
Oregon

**Mailing Address: Zip Code\***  
97703

### *Eligibility Criteria*

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Organizations must meet minimum eligibility criteria to receive Community Capacity Building Funding.

**Please attest to the following:\***

The organization is capable of providing or supporting the provision of one or more HRSN services to Medicaid beneficiaries within the state of Oregon.

Yes

**Please attest to the following:\***

The organization intends to contract with one or more CCOs or with the Fee-for-Service Third Party Contractor (FFS TPC) to serve as an HRSN provider for at least one HRSN service.

Yes

**Please attest to the following:\***

The organization demonstrates a history of responsible financial administration via recent annual financial reports, an externally conducted audit, experience receiving other federal funding or other similar documentation.

Yes

**Organization Types\***

The following organization types are eligible to apply for and receive Community Capacity Building Funding. Please select the box that most closely aligns with your organization type (select more than one, as needed):

City, county and local government agencies

### *Applicant Organization Questions*

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**Who will be served**

The purpose of this section is to collect information about the population served by your organization and to learn more about its culturally responsive and specific strategies to engage individuals.

**1. Counties served.\***

Please indicate which counties your organization will provide HRSN services.

Deschutes

**2. For each county marked above, your organization must provide specific details about:\***

- 1) the current working relationship and knowledge of that county
- 2) current or planned partnerships to support the work proposed and
- 3) the work being proposed in that county, including how their specific population(s) of focus in each county will benefit from the proposed work.

If your organization does not have existing relationships in the county, you must describe how you intend to build those relationships. (300 words max)

Deschutes County Community Justice – Adult Parole & Probation collaborates extensively with county services providers, community-based organizations, and public-safety stakeholders, to engage approximately 1000 adults on supervision. We engage with the Court, DA, and Sheriff, and maintain strong partnerships with Behavioral Health. A significant upcoming initiative, slated for July 1, 2024, involves embedding a behavioral health specialist within our office to work directly with our clients who often face barriers to traditional behavioral health services and require innovative and flexible engagement strategies.

Furthermore, we have robust relationships and contract with a variety of community-based treatment, shelter, and housing providers, ensuring access to resources which adults on supervision often face difficulty in accessing. Currently, we contract 12 sober living beds and seven transitional shelter beds monthly, and often seek or access additional funding to meet demand.

We intend to utilize capacity building funds to assess our existing processes and partnerships, exploring opportunities to leverage HRSN funding to expand housing services for our clients. We estimate that 90-95% of our clients are OHP-eligible and many of them have housing needs. We have recently taken steps to better understand OHP and train an internal OHP assister to expedite service access.

While we offer some housing assistance, demand surpasses available resources, particularly for clients transitioning from incarceration or facing homelessness. Establishing a system to utilize HRSN funds for housing support would significantly benefit our clients. Additionally, we aim to diversify options beyond transitional housing, facilitating smoother transitions to permanent housing.

Stable housing is vital to public safety, stabilization and community integration for our clients, and necessary for individual and community wellness and livability. The focus of our request is to enhance collaboration, leverage funding opportunities, and expand housing for our clients by both maximizing available resources and increase available options.

**3. Populations to be served\***

Please select the populations to be served by your organization. Select only the specific populations you will serve **from each list below:**

HRSN Services Covered Populations: (See STCs for Population Description)

- Adults and youth released from incarceration
- Individuals who are homeless or at risk of homelessness
- Individuals with a high-risk clinical need in a region experiencing extreme weather

**Priority Populations\***

- American Indian/Alaska Native/Indigenous communities:
- Black/African American/African communities:
- Latino/a/x communities:
- Rural communities:
- Houseless communities:
- People with behavioral health conditions:

**Other communities not listed above (please describe):**

Women on supervision and clients with restrictions that prevent them from utilizing many shelter and transitional housing resources.

**4. Language access provided by your organization.** Please indicate your organization’s capacity to speak and write in languages other than English. Also indicate whether the language capacity comes from a native or non-native speaker.

**Language 1:**

Spanish

**Language 1:**

- Spoken fluently by native speaker(s)
- Spoken fluently by nonnative speaker(s) or access to an interpretation service
- Written by native speaker(s)
- Written by nonnative speaker(s) or access to translation service

**Language 2:**

Other languages and ASL ( ASL services and utilize telephonic and virtual interpretation services)

**Language 2:**

- Spoken fluently by nonnative speaker(s) or access to an interpretation service
- Written by nonnative speaker(s) or access to translation service



Language 3:  
 Language 3:  
 Language 4:  
 Language 4:  
 (Optional) Other language access offered by your organization not already listed above:

***Request and Justification***

**Organizational Background Information**

**5. Use of Community Capacity Building Funding\***

Describe how your organization will use Community Capacity Building Funding to build capacity to provide HRSN services to populations of focus. Ensure the response includes a description of how the Organization will promote health equity through the delivery of HRSN service. (250 words max)

☐ Historically, individuals on supervision experience barriers to accessing housing. When resources are scarce, providers and communities are often unable or unwilling to assume perceived and real liability related to criminal backgrounds, acute or chronic homelessness, and/or dual-diagnoses. As an agency who provides services, stabilization and supervision for justice-involved individuals, we increasingly attempt to take on this liability through internal resources or when capacity allows, build relationships with existing providers to ease barriers and expand access. This takes significant subject matter expertise. To enhance our capacity, we propose using these funds to secure a consultant to evaluate our housing processes, suggest adjustments, and develop new processes to optimize utilization of HSRN resources. This will involve developing policies, creating HSRN billing practices, and strengthening our reporting/grant management capacity.

☐ Working alongside staff, the consultant will implement these improvements. Aligning with Oregon's health equity objectives, we strive to establish a system ensuring that all individuals, regardless of race, ethnicity, language, disability, age, gender, gender identity, sexual orientation, or social class, have equal access.

☐ Our approach will prioritize inclusivity, drawing on the principles of targeted universalism: we want all individuals to experience stable housing, but know that different subgroups experience different barriers and have different needs to achieve this goal. We will engage a longstanding community advisory group, comprising representatives from minoritized communities, and individuals with lived experience in the criminal justice system, to ensure that our efforts toward health equity in housing services are robust and reflective of local needs.

**6. Culturally and linguistically responsive and trauma informed services\***

Describe how your organization provides culturally and linguistically responsive and trauma informed services to the populations served. (250 words max)

☐ Since 2020, Community Justice has actively engaged with a community advisory group comprising representatives from minoritized communities, and individuals with lived experience in the recovery and criminal justice systems, to provide feedback on our system and potential changes we can make. This group convenes regularly to offer insights and suggestions, which we would utilize for activities supporting by the capacity building funds.

☑ Deschutes County experiences overrepresentation in its Criminal Justice System, recent data (2015-2019) indicates that Black men, Hispanic men and Native American men (and Native American women in some areas) make up a higher percentage of those on supervision compared to the general demographic profile of Deschutes County.

☑ Recently, we conducted a gender responsiveness assessment and an equity assessment, both of which have led to action steps for organizational improvement. In collaboration with the District Attorney's office and local law enforcement, our offices facilitated staff training to become certified Oregon Trauma-Informed Care trainers. We recently provided training for all staff members in trauma-informed care.

☑ Simultaneously, we've internally prioritized gender responsiveness, relaunching gender-responsive cognitive behavioral therapy and establishing gender-specific caseloads for clients identifying as women.

☑ To enhance linguistic responsiveness, we have implemented hiring preferences for Spanish-speaking candidates and contracted interpretation services covering various languages, including American Sign Language. We also have some staff members who are native Spanish speakers. While these measures are relatively new, we anticipate that they will significantly reduce barriers for clients navigating the criminal justice system.

**7. Please note below which HRSN services initiative (Climate Support, Housing, Nutrition Supports, Outreach and Education) your organization has experience with.**

For each applicable service,

- 1) describe below your experience providing these services and
- 2) describe how your organization intends to provide this service as an HRSN service provider.

**Fill out all that apply.**

**A. Climate Services:**

Describe your organization's experience providing climate services. Please also explain how you intend to provide climate services as an HRSN provider. (200 words max)

**B. Housing Supports:**

Describe your organization's experience providing housing support services. Please also explain how you intend to provide housing support services as an HRSN provider. (200 words)

- As a community corrections agency, we work to reduce barriers that hinder our clients' success while on supervision. A major challenge many of our clients face is the lack of housing.
- We have collaborated closely with partners to address this issue. This collaboration includes bed scheduling, release planning and often financial support. These options range from contracted sober housing beds to transitional housing arrangements and contracted shelter beds.
- Our partnerships extend to organizations such as Oxford Houses, treatment providers, and community-based shelter providers. To optimize the utilization of HRSN funding and ensure the sustainability and effectiveness of our housing efforts, it's imperative that we conduct a thorough assessment and overhaul of our current processes. By implementing clear policies and procedures, we aim to streamline operations and maximize the impact of our resources.

- Leveraging our existing relationships, we will continue to collaborate with our partners, utilizing their expertise and resources. Additionally, we aim to explore opportunities for expanding our housing options, including forging partnerships with landlords and property management companies. This expansion will enable us to offer more long-term, stable housing solutions to support our clients' journey towards rehabilitation and reintegration into society.

**C. Nutrition Supports:**

Describe your organization’s experience providing nutrition support services. Please also explain how you intend to provide nutrition support services as an HRSN provider. (200 words)

**D. Outreach and Education:**

Describe your organization’s experience providing outreach and education services. Please also explain how you intend to provide outreach and education services as an HRSN provider. (200 words)

**Allowable Funding Uses\***

The purpose of this section is to collect information about:

- the purpose of your funding request;
- funding need and justification; and
- how funding will be utilized.

Eligible entities may request Community Capacity Building Funding to support the development and implementation of HRSN services across four categories:

- 1) Technology
- 2) Development of Business or Operational Practices
- 3) Workforce Development and
- 4) Outreach, Education and Partner Convening

\* Please note that the Infrastructure Protocol which outlines the allowable funding uses is pending CMS approval. Once approved, the final CMS approved Infrastructure Protocol will be updated and available on the OHA Waiver webpage.

**8. Check the boxes for each category** in which you are seeking funding. You must also provide a short description of

- 1) why funding is needed and
- 2) how it will be used to build capacity to participate in the HRSN program
- 3) your organizations experience in this category.

Check all that apply.

**A. Technology:**

Procuring IT infrastructure/data platforms to support HRSN.\* (see below for more details)

\* Examples of Procuring IT infrastructure/data platforms to support HRSN:

- Authorization of HRSN services
- Referral to HRSN services

- HRSN service delivery
- HRSN service billing
- HRSN program oversight, monitoring and reporting

**If seeking funding for Technology**

Please describe the following:

- 1) why funding is needed
- 2) how it will be used to build capacity to participate in the HRSN program and
- 3) your organizations experience in this category.

(250 words max)

☑ We are seeking funds to procure a billing system, which, alongside the expertise of our consultant, will enable us to seamlessly track and bill for housing services. While we are exploring existing off-the-shelf solutions utilized by other entities, we remain open to the possibility that such a tailored system may not currently exist. In such a scenario, we are prepared to collaborate with our internal IT team to either modify existing systems or develop a bespoke solution to meet our management needs." The funds we are requesting will support these efforts and at this time we do not have an alternative funding sources to support acquisition of this system.

**B) Development of Business or Operational Practices:**

- Development of policies/procedures related to:\* (see below for more details)
- Administrative items\* (see below for more details)
- Planning needs for the implementation of the HRSN program
- Procurement of administrative supports to assist with the implementation of the HRSN program

\* Development of policies/procedures related to:

- HRSN referral and service delivery workflows
- Billing/invoicing
- Data sharing/reporting
- Program oversight/monitoring
- Evaluation
- Privacy and confidentiality

\* Administrative items necessary to perform HRSN duties or expand HRSN service delivery capacity (e.g., purchasing of a commercial refrigerator to expand capacity to provide additional medically tailored meals to qualifying members)

**If seeking funding for Development of Operational or Business Practices**

Please describe the following:

- 1) why funding is needed and
- 2) how it will be used to build capacity to participate in the HRSN program
- 3) Organizations experience in this category.

(250 words max)

☑ As part of this funding request, we aim to engage a consultant to assist us in crafting the policies and procedures necessary to facilitate billing for HRSN funds on behalf of our clients for housing. Presently, our administrative capacity does not allow us to undertake this task independently, hence the need for consultant support to spearhead the process, aiming for readiness to bill for services by November 2024. The consultant will work closely with staff including the administrative analyst, business manager, and mentor.

☑ We have initiated preliminary discussions with potential service providers, identifying options with expertise in health systems and practices that align with our objectives. The consultant will collaborate closely with our existing staff, community partners, and clients to gain deeper insights into our specific needs for this process. Integration with current procedures and incorporation of requisite modifications for billing and tracking compliance are integral aspects that the consultant will address.

☑ Additionally, we aspire to explore the implementation of mentor-based recovery services within our model. The consultant will play a pivotal role in designing and conceptualizing this program within our framework.

**C) Workforce Development:**

Cost of hiring and training new staff  
Salary and fringe for staff\* (see below for more details)

\* Salary and fringe for staff that will have a direct role in overseeing, designing, implementing, and/or executing HRSN responsibilities. Time limited to a period of 18 months. Organizations may not access this funding for the same individual more than once.

\* Necessary certifications, training, technical assistance, and/or education for staff participating in the HRSN program (e.g., on culturally competent and/or trauma informed care)

**If seeking funding for Workforce Development**

Please describe the following:

- 1) why funding is needed and
- 2) how it will be used to build capacity to participate in the HRSN program
- 3) Organizations experience in this category.

(250 words max)

☑ These funds would support increased FTE capacity in the form of .25 FTE of an administrative analyst position, one full-time peer-based mentor, and .10 FTE allocation for our business manager. The administrative analyst will play a central role in connecting clients with housing providers, fostering collaboration with landlords and property managers, and ensuring the necessary infrastructure for funding housing support is in place. They will oversee tracking and billing processes, liaise with the consultant to refine operational procedures, and ensure compliance with grant and billing requirements for HRSN funds. The business manager will report out and provide the grant management and administrative support for the funds as well as the billing process.

☑ Simultaneously, we aim to leverage peer-based mentorship, a proven effective approach within the community justice population, to assist clients in navigating housing complexities in central Oregon. This mentor will support clients in accessing services such as OHP, navigating funding assistance applications,

liaising with property management companies, and facilitating rental applications. We believe integrating peer-based services will enhance effectiveness and promote health equity in housing access. The mentor will also acquaint themselves with available HRSN providers and assist clients in accessing additional resources to overcome barriers to housing.

**D) Outreach, Education, and Partner Convening:**

*[Unanswered]*

\* Community engagement activities necessary to support HRSN program implementation and launch (e.g., roundtable to solicit feedback on guidance documents)

**If seeking funding for Outreach, Education and Partner Convening**

Please describe the following:

- 1) why funding is needed and
- 2) how it will be used to build capacity to participate in the HRSN program
- 3) Organizations experience in this category.

(250 words max)

We are not seeking specific funds for outreach and partner convening, but we understand that our county public health/behavioral health department is seeking capacity funds for technology improvements and that there is a local consortium with Neighborhood Impact and other community providers to seek capacity building funds. We did not have time to work with them to submit our application, but we have made them aware of our intent to submit an application for housing funding. We have established relationships with these entities and plan to work with them whenever possible when we share mutual clients or have clients who could benefit from the their services as HRSN providers.

**Other CCO applications\***

9. Has your organization applied to or been awarded funds from other CCOs for the Community Capacity Building Funding?

No

**If yes, please provide detail as to which CCOs and for what activities (200 words max)**

***Required Documents***

**Budget Document\***

Please download budget document from link here. Fill out this document and upload to this application below.  
Deschutes County Community Justice Community Capacity Building Budget 05-31-2024.xlsx

**Attestations and Certification\***

Please download Attestations and Certification document here. Fill out this document and upload to this application below.

Attestations and Certification CCBF grant Deschutes County Community Justice.pdf



## File Attachment Summary

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### *Applicant File Uploads*

- Deschutes County Community Justice Community Capacity Building Budget 05-31-2024.xlsx
- Attestations and Certification CCBF grant Deschutes County Community Justice.pdf

PLEASE NOTE: This is a standard CCBF Application Template for reference only. All community capacity building fund (CCBF) applications must be submitted directly to a coordinated care organization (CCOs). Please refer to the CCO CCBF contact list to connect directly with a CCO in your area for any additional information on the application process.

**Instructions**

<b>Purpose of This File</b>	<p>The state has been authorized to spend up to \$119 million on Community Capacity Building Funding investments necessary to support the development and implementation of the Health-Related Social Needs (HRSN) program. Organizations who wish to receive HRSN Community Capacity Building Funding must submit this funding request and an application to the Coordinated Care Organization (CCO) operating in their service area indicating how they intent to use this funding.</p> <ul style="list-style-type: none"> <li>- To submit your budget request, you must complete Tab 3 (Budget Request)</li> <li>- Once that tab has been completed, certify the documents by typing the name of the person submitting the budget application and date</li> </ul>
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<b>Tab</b>	<b>Instructions</b>	<b>Tab Completion Checklist</b>
<b>Instructions (this tab)</b>	<p>This budget request outlines the expenses CBOs expect to incur to build capacity to participate in the HRSN program. Budget requests and applications are due to [insert CCO] by [insert date].</p>	<p>On the tab "Budget Request" complete all the boxes in <b>yellow</b>.</p>
<b>Budget Request</b>	<p>To begin, please complete the following at the top of this budget request:</p> <ul style="list-style-type: none"> <li>• Your organization's name in [insert cell].</li> <li>• Name of the person to contact about the Community Capacity Building Funds application in [insert cell]</li> <li>• Email and phone number for the contact above in [insert cell].</li> <li>• The date the report is sent to [insert CCO] in [insert cell].</li> </ul>	<p>1. Ensure that you have completed all pieces of information listed at the top of the form in yellow</p>
<b>Section A</b>	<p><b>Section A:</b></p> <ul style="list-style-type: none"> <li>• This section contains the funding amount requested based on the appropriate four domain areas: (i) Technology; (ii) Development of business or operational practices; (iii) Workforce development; and (iv) outreach, education and stakeholder convening.</li> </ul>	<p>1. In Column C describe the proposed use of the requested funds. Ensure that you have listed only allowable uses of the fund as defined on Tab "CCBF Allowable Uses"</p> <p>2. In Column D list out the total amount of funds that coincide with the same line in Column C. You may add more lines under a category if needed.</p>
<b>Section B</b>	<p><b>Section B:</b></p> <ul style="list-style-type: none"> <li>• This section certifies the accuracy of the amounts requested above.</li> </ul>	<p>1. Ensure the report has the name and title of the person who prepared the budget [insert cell] and date [insert cell].</p>

**Allowable Uses of the Community Capacity Building Funds**

**Allowable uses for Community Capacity Building Funds are in 4 categories:**

1. Technology
2. Development of Business or Operational Practices
3. Workforce development and;
4. Outreach, education and convening

**Technology**

- o Procuring IT infrastructure/data platforms needed to enable, for example:
  - o Authorization of HRSN services
  - o Referral to HRSN services
  - o HRSN service delivery
  - o HRSN service billing
  - o HRSN program oversight, monitoring and reporting
- o Modifying existing systems to support HRSN
- o Development of an HRSN eligibility and services screening tool
- o Integration of data platforms/systems/tools
- o Onboarding to new, modified or existing systems (e.g., community information exchange)
- o Training for use of new, modified or existing systems (e.g., community information exchange)

**Development of business or operational practices**

- o Development of policies/procedures related to:
  - o HRSN referral and service delivery workflows
  - o Billing/invoicing
  - o Data sharing/reporting
  - o Program oversight/monitoring
  - o Evaluation
  - o Privacy and confidentiality
- o Training/technical assistance on HRSN program and roles/responsibilities
- o Administrative items necessary to perform HRSN duties or expand HRSN service delivery capacity (e.g., purchasing of a commercial refrigerator to expand capacity to provide additional medically-tailored meals to qualifying members)
- o Planning needs for the implementation of HRSN program
- o Procurement of administrative supports to assist implementation of HRSN program

**Workforce development**

- o Cost of recruiting, hiring and training new staff
- o Salary and fringe for staff that will have a direct role in overseeing, designing, implementing and executing HRSN responsibilities, time limited to a period of 18 months. Organizations may not access this funding for the same individual more than once.
- o Necessary certifications, training, technical assistance and/or education for staff participating in the HRSN program (e.g., on culturally competent and/or trauma informed care)
- o Privacy/confidentiality training/technical assistance related to HRSN service delivery
- o Production costs for training materials and/or experts as it pertains to the HRSN program

**Outreach, education and convening**

- o Production of materials necessary for promoting, outreach, training and/or education
- o Translation of materials
- o Planning for and facilitation of community-based outreach events to support awareness of HRSN services
- o Planning for and facilitation of learning collaboratives or stakeholder convenings
- o Community engagement activities necessary to support HRSN program implementation and launch (e.g., roundtable to solicit feedback on guidance documents)
- o Administrative or overhead costs associated with outreach, education or convening.

**Community Capacity Building Grant Funding Request**

**CCO Name: PacificSource Community Solutions - Central Oregon Region**  
**Community Capacity Building Grant Funding Request**

<b>Applicant Organization Name</b>	Deschutes County Community Justice	<b>DATE SENT:</b>	
<b>Applicant Contact Name</b>	Trevor Stephens		5/31/2024
<b>Applicant Email Address</b>	<a href="mailto:trevor.stephens@deschutes.org">trevor.stephens@deschutes.org</a>		
<b>Applicant Phone Number</b>	541-330-8261		

Legend
Yellow cells - require input
Gray cells - auto populate
Blue cells- for CCO use only

BREAKDOWN BY HRSN Allowable Funding Domain			
A	BUDGET REQUEST		
	Description of Item/Activity Requested, by Allowable Use Category	Budget Request	FOR CCO USE ONLY Approved Budget
1.	<b>Technology (subtotal)</b>	\$ 25,000.00	\$ -
	Billing software and report tracking purchase or internal design	\$25,000.00	
2.	<b>Development of Operational and Business Practices (subtotal)</b>	\$ 60,000.00	\$ -
	Consultant	\$ 60,000.00	
3.	<b>Workforce Development (subtotal)</b>	\$ 260,000.00	\$ -
	Administrative Analyst (18 months) .25 FTE	\$ 60,000.00	
	Housing Peer Mentor (18 months) 1.0 FTE	\$ 165,000.00	
	Business Manager (18 months) .10 FTE	\$ 35,000.00	
4.	<b>Outreach, Engagement and Partner Convening (subtotal)</b>	\$ -	\$ -
5.	<b>Total Budget Request</b>	<b>\$ 345,000.00</b>	<b>\$ -</b>

B	CERTIFICATE
<p>I certify to the best of my knowledge and belief that the budget outlined above is true, complete and accurate, and the funding items listed above are for the purposes and objectives set forth in the terms and conditions of the federal award. I am aware that any false, fictitious or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise.</p>	
<p>Trevor Stephens, Community Justice Business Manager</p>	
5/31/2024	
<p><b>PREPARED BY (Type Name and Title)</b> <span style="float: right;"><b>DATE</b></span></p>	

**Attestations and Certification**

As an authorized representative of the Organization, the Organization attests as follows and agrees to the following conditions:

1. The funding received through the HRSN Community Capacity Building Funding initiative will not duplicate or supplant reimbursement received through other federal, state and local funds.
2. Funding received for the HRSN Community Capacity Building Funding initiative will only be spent on allowable uses as stated above.
3. The Organization will submit progress reports on HRSN Community Capacity Building Funding in a manner and on a timeframe specified by the CCO.
4. The Organization understands that the CCO may suspend, terminate or recoup HRSN Community Capacity Building Funding in instances of underperformance and/or fraud, waste and abuse.
5. The Organization will alert the CCO if circumstances prevent it from carrying out activities described in the program application. In such cases, the Organization may be required to return unused funds contingent upon the circumstances.
6. As the authorized representative of the Organization, I attest that all information provided in this application is true and accurate to the best of my knowledge.

Signature Deevy Holcomb

Name and Title Deevy Holcomb, Director Deschutes County Community Justice

Date 5-31-24



## BOARD OF COMMISSIONERS

# AGENDA REQUEST & STAFF REPORT

**MEETING DATE:** June 12, 2024

**SUBJECT:** Proposed Economic Development Loan Conversion for Cognitive Surplus

### **BACKGROUND AND POLICY IMPLICATIONS:**

The Deschutes County Economic Development Loan Program was initiated to encourage and assist companies seeking to relocate to and/or create new jobs within Deschutes County. To receive a loan, companies must agree to create a specific number of jobs within a defined period, then maintain this level of employment for an additional set period of time.

Cognitive Surplus relocated from Portland to Redmond in January 2021. Cognitive Surplus was approved to participate in the economic development forgivable loan program upon the following conditions:

1. Create at least 13 new full-time positions in Deschutes County between February 5, 2021, and February 5, 2023;
2. Maintain these new positions in Deschutes County for a 12-month period; and
3. Provide wages of an average of \$57,065.56 per year, excluding commissions, per annum.

Redmond Economic Development Inc. (REDI) has acknowledged that in the original briefing paper (February 5, 2021) REDI requested that the wage of new and relocated employees considered in the loan program average \$57,065.56. REDI has submitted that the average annual wage in Deschutes County is \$47,595 and the forgivable loan program has traditionally required participating companies to meet or exceed the County average wage. Cognitive Surplus provided an average wage of \$49,092 for new and relocated employees as part of the forgivable loan program. REDI is requesting consideration of amending the original contract to change the average annual wage from \$57,067.53 to \$49,092 to meet all requirements of the forgivable loan program.

### **OPTIONS FOR BOARD CONSIDERATION:**

1. Approve an amendment to contract 2021-288 to change the average annual wage from \$57,067.53 to \$49,092 and authorize County Administrator to convert a \$26,000 economic development forgivable loan made to Cognitive Surplus into a

grant.

2. Direct staff to prepare a loan repayment agreement.

**BUDGET IMPACTS:**

If the Board directs staff to prepare a loan repayment agreement, the associated revenue would be allocated in the Economic Development Fund (050).

**ATTENDANCE:**

Jen Patterson, Deschutes County, Strategic Initiatives Manager

Steve Curley, REDI Director

Karl (no last name provided), General Manager, Cognitive Surplus





May 3, 2024

Deschutes County Board of County Commissioners  
1300 NW Wall Street Bend, OR 97702

**RE: Deschutes County Economic Development Loan Program - Proposal to Convert Cognitive Surplus Loan to a Grant**

Board of County Commissioners:

I am writing to request, with respect to the Deschutes County Economic Development Loan Program, the Deschutes County Administration and/or the Board of Commissioners, as appropriate, consider the:

- Cognitive Surplus loan to be converted to a grant since all conditions under the Agreement have been met

**Cognitive Surplus**

Agreement Date:	March 6, 2021
Loan amount:	\$26,000
Agreement #:	#2021-288
Employment Increase:	19 (13 required)
Employment Retention Period:	February 5, 2023 – February 5, 2024
Average Wage:	\$49,092 (\$47,595 required)

Cognitive Surplus relocated from Portland to Redmond Oregon in a 36,000sf facility located at 725 SW Umatilla and is a minority, woman owned business, founded in 2013 by Kristen and Geoff Zephyrus. Their products include t-shirts, glassware, stationary, notebooks and other lifestyle products celebrating science and inspiring discovery. The company searched far and wide throughout Oregon and found the Redmond warehouse after discovering vacant buildings in this size range were hard to come by.

From the original briefing paper for Cognitive Surplus in February 2021:

*“The owners and 3 other employees moved to Redmond in late December and early January, where the company began initial operations in mid-January. They locally hired 2 new employees in January, prior to application (not included in the proposed 13 jobs), continued to hire 5 more through February and the remaining balance are expected later this year. The company pays aggregate wages above the current County annual average of \$47,595.”*

In the original briefing paper for the Cognitive Surplus request for Deschutes County Economic Development Fund, it states that the company pays aggregate wages above Deschutes County annual average of \$47,595. This would be the minimum required wage for the 13 new jobs to meet the requirements of the program.

However, the briefing paper and subsequent contract states that the average wage for the 13 new employees needs to be \$57,067.53. (This number was taken from a spreadsheet of projected wages the company submitted to REDI.)



*3.2.3 Aggregate wages for the new and relocated positions will average \$57,067.53 per year excluding commissions, per annum.*

But the program only required that wages meet the minimum of the average annual Deschutes County wage at the time of \$47,595.

The actual wages calculated over the period averaged \$49,092, meeting the program minimum, but not the contractual obligation. With those considerations, REDI would recommend that the contract be amended to state that the minimum required wages be at the Deschutes County average annual wage at the time of \$47,595, which aligns with the program requirements.

In addition, the company has increased their workforce to 21 employees, substantially above what was anticipated, which has created additional aggregate wages paid in Deschutes County.

Attached is the certification prepared by Economic Development for Central Oregon that Cognitive Surplus has fulfilled its obligations under the agreement.

REDI recommends conversion of Cognitive Surplus' existing loan to a grant.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Curley', is written over a light blue horizontal line.

Steve Curley  
REDI Director  
Economic Development for Central Oregon