

For Recording Stamp Only



Deschutes County Board of Commissioners
1300 NW Wall St., Bend, OR 97701-1960
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MINUTES OF BUSINESS MEETING
DESCHUTES COUNTY BOARD OF COMMISSIONERS
WEDNESDAY, JULY 8, 2015

Commissioners' Hearing Room - Administration Building - 1300 NW Wall St., Bend

Present were Commissioners Anthony DeBone, Alan Unger and Tammy Baney. Also present were Tom Anderson, County Administrator; David Doyle and Laurie Craghead, County Counsel; George Kolb, Road; Peter Russell, Anthony Raguine, Community Development; Timm Schimke, Solid Waste; Tom Kuhn and Pamela Ferguson, Health; Tracy Scott, Personnel; John Anderson, Road Department; Judith Ure, Administration; and approximately thirty other citizens.

Chair DeBone opened the meeting at 10:00 a.m.

1. PLEDGE OF ALLEGIANCE

2. CITIZEN INPUT

None was offered.

3. Before the Board was Consideration of Board Signature of Document No. 2015-432, an Intergovernmental Agreement with the Oregon Health Authority regarding Services and Funding for Deschutes County's Public Health Division for 2015-17.

Tom Kuhn explained the item, which continues State grant funding to sustain current mandated programs through the next biennium.

Commissioner Baney noted that this does not cover all of the necessary services, which are paid for in part by taxpayers. Commissioner Unger added that he is glad that the County is able to support these critical services.

BANEY: Move Board signature of Document No. 2015-432.

UNGER: Second.

VOTE: BANEY: Yes.

UNGER: Yes.

DEBONE: Chair votes yes.

4. Before the Board was Consideration of Board Signature of Document No. 2015-418, the Collective Bargaining Agreement between Deschutes County and International Union of Operating Engineers, Local 701.

David Doyle gave an overview of the three-year agreement which covers employees at Solid Waste and the Road Department. Timm Schimke, Tracy Scott and John Anderson came before the Board.

Mr. Schimke said that Mr. Doyle did a good job with negotiations, and all parties are pleased with the results. Commissioner Baney noted that the County has good working relationships with its unions and both sides are almost always able to work things out fairly. There is consistency between the various contracts as well. Mr. Schimke stated that interactions with the union representatives are helpful. Mr. Doyle added that the process was efficient and cordial.

John Anderson, who is a union steward, stated that they have had rough negotiations in the past, but this one went well. Both sides of the table were focused and intent on ironing out a few issues. Commissioner Unger said he is thankful about how they treat each other in their day to day work, which carries over into negotiations when the contracts need to be renewed.

BANEY: Move Board signature of Document No. 2015-418.

UNGER: Second.

VOTE: BANEY: Yes.

UNGER: Yes.

DEBONE: Chair votes yes.

5. Before the Board was a Public Hearing on Two Appeals of the Hearings Officer's Decisions on the Tree Farm, LLC Subdivision Applications.

Chair DeBone read the opening statement, listing the various case numbers. Anthony Raguine stated that the cases include various properties collectively known as The Tree Farm. Mr. Raguine referred to a PowerPoint presentation for his overview of the cases.

Regarding ex parte contacts, bias or conflicts of interest, the Commissioners disclosed none. There were no challenges from the audience.

Chair DeBone asked why there is a variety of shapes and sizes for the properties. Mr. Raguine replied that the applicant can speak to this, but it may depend on the terrain and design.

Mr. Raguine said that the Hearings Office pointed out deficiencies in the wildlife protection plan, one of the bigger issues to address.

The appeals are based on:

- A revision of the WPMP (wildlife management protection plan);
- A clerical issue regarding the wildfire plan;
- Correcting a WA zone setback issue; and
- The Rio Lobo appeal ROW decision, since Rio Lobo withdrew its appeal.

Testimony needs to focus on these particular issues. Mr. Raguine asked that the record remain open to compile the case more thoroughly. They do have testimony from County Forester Ed Keith, who said that the application is consistent with the best practices of defensible space and takes into consideration the wildland fire threat. He feels the standards are measurable and enforceable. Mr. Keith was part of the committee reviewing the expansion areas originally. He feels there the plan calls for high standards of fuel reduction, and the key is to keep this in place on an ongoing basis.

In Title 18, lots in a WMCZ require a specific setback. The Hearings Officer said that all lots should observe the setback, but staff feels it does not apply to the other zones.

The Board had previously elected to do a limited de novo review on this case. Therefore, the hearing should address specific issues.

Romy Mortensen, project manager for the Tree Farm, explained that the development is proposed for 533 acres of the 800 acre Miller Tree Farm. Some is zoned RR-10 and some is UAR-10. They asked for five cluster developments through five applications. There will be 52 permanent lots. Hearings Officer Karen Green denied all five applications, quoting the wildlife master plan, but said it was possible to remedy deficiencies. They are addressing this now. These involve wildfire, wildlife and setback issues. They reached agreement with Rio Lobo representatives, who then withdrew their appeal.

They have revised the wildlife management protection plan, and eight exhibits explain the revisions. They have CCR's and by-laws showing how this will be implemented and enforced by the developer and homeowners' association. NFPA guidelines will be part of the standard. The HOA will have authority to enforce, and the County can enforce the land use decision part.

They have brought in a wildlife biologist, fire risk advisor and legal counsel to answer questions.

Jeff Condit, attorney for the applicant, highlighted some of the revisions. The Hearings Officer felt the plans could be brought into compliance and made suggestions on how to do this. The threshold standard is the conditional use permit that requires that the site be suitable for the proposed development based on wildlife needs and natural hazards. She thought the plans were not specific enough. They wanted to push as much of the development out of the wildlife zone as possible, so most of it is outside of that area. This is one of the benefits of clustering, which allows for up to 80% open space.

The fire plan is based on National Fire Protection Association standards and being a fire-wise community. This is state of the art and beyond any standards applied to other rural subdivisions in the County and in great measure to those throughout the State. The Hearings Officer said these are adequate but was concerned about who would apply and enforce them. Generally speaking, the NFPA standards are very high and cover a broad spectrum of fire protection situations. Fire-wise communities are separate under NFPA and this would be required.

Regarding enforcement, it was the developer's intent to have those in the CCR's, which were not submitted with the initial application. However, they have done this and have a matrix showing at what phase each requirement applies.

There are design standards as well; these are initially the responsibility of the developer, but eventually to the HOA. For individual approval of homes, the design review committee makes sure the buildings are compliant, including internal sprinklers. The CCR's explain the transition process and how the HOA is to enforce the CCR's. The County can also enforce much of this as well.

The Hearings Officer had concerns about the wildlife management protection plan, so it has been made a part of the project and they created a process to ensure compliance. The CCR's require ongoing monitoring, including the services of a wildlife biologist and regular audits to make sure the plan is working. The CCR's provide a method to pay for this and for enforcement. The Hearings Officer was concerned about the relationship of the wildlife plan and the wildfire plan, since the wildfire plan impacts vegetation. The revised WMP describes how this will happen.

Wendy Wentz of Mason, Bruce & Girard, wildlife biologist, then spoke. They said they are following the Hearings Officer's comments, and revisited the integration to make sure habitat would be maintained. She looked at how Miller Tree Farm successfully managed their lands for years. This addresses overall vegetation including pockets of foliage for habitat. There is a desire to maintain this standard in perpetuity in this area. It provides forage for deer but gives them visual cover as well.

The development team has listened to recommendations to develop towards the east as much as possible to provide a wildlife corridor, so wildlife can move all directions. She pointed out that the revised plan includes a bulleted action plan showing how they will implement and monitor this, auditing every three to five years.

Commissioner Baney asked about the three to five year audit, and if this could be more specific. Ms. Wentz stated that she put in a range, and some of this is based on how the wildfire plan is implemented. This would trigger a separate visit of the biologist. Commissioner Baney wants to make sure the habitat needs are met and that they catch any problems early. Ms. Wentz said that the Tree Farm was managed on a three to four year ongoing cycle.

Commissioners Unger encouraged them to do this in pockets and not all at once. He pointed out there is other wildlife besides deer. Ms. Wentz replied that there are various birds and ground animals, but deer is usually what they talk about regarding migration and habitat. Other species will use the area at various times of the year, especially in winter.

Chair DeBone asked if there will be one HOA. Mr. Condit confirmed there would be. Commissioner Baney asked about the County enforcing CCR's. Mr. Condit replied that the County doesn't enforce CCR's, but the standards to be followed can be enforced in part by the County. He feels the property owners will have a vested interest in having this all work, but the County has some enforcement potential for Code related issues.

He reiterated that the HOA can enter properties if the owner is non-compliant. He added that the 100-foot setback issue only applies to the WA zone, not all. Also, they submitted a revised site plan showing roads that are in compliance and they intend to dedicate those as public rights of way. The Hearings Officer said this is not required, but this helps with access issues with Rio Lobo.

They hope the Board finds the wildlife and wildfire management plans are in compliance with County standards and will adjust the 100-foot setback issue.

Commissioner Baney asked former Fire Chief Gary Marshall, who is now a fire risk advisor, to come forward. She inquired whether he has had time to review how this development impacts wildlife. Mr. Marshall said most of the cover is in the zone 3 area and predates local planning. There is more grass there. In zone 2, they limb up higher and clear some areas, but it is not stripped. In zone 1, they look at fire resistant plants and a park-like environment that can be controlled for safety reasons.

Ms. Wentz stated that she reviewed both reports with Mr. Marshall, and the topography of the land allows for visual cover as well as for brush areas. This is a way to adaptively manage and maintain this land. There are standards for standing snags and downed logs as well. They want this to dovetail, as both wildlife and wildfire benefit.

Paul Dewey of Central Oregon Landwatch testified that he would like a time extension so he can review all the material. The focus is the relationship between the wildlife plan and wildfire plan. He wants to incorporate his earlier submittals as well. He provided copies of extensive publications on what it means to build in this type of area. Some things work while others don't. This is not a new issue, either. In 2000, Bend was identified as an area that is high risk in the west since it has built into the ponderosa pine forest, which is part of a fire-based ecology. Nothing has changed except they have seen hotter, drier years and climate issues. This larger picture needs to be considered. The Oregon Department of Forestry says the more you build into these areas, the greater the risk is for fire.

He said that the other thing to consider is that the subdivisions are permanent, so this is a permanent decision. There is a real tension between the provisions of the plans for ongoing maintenance and audits, and he does not feel it is commiserate with the risk and danger.

He provided photos of the Awbrey Hall fire and a map from the County Forester showing the bigger wildfires over the last 100 years. He said they need to think ahead for the next 100 years. The western side of Bend is a high fire risk area with a history of this kind of problem. He is concerned about a wind-driven catastrophic fire that puts residents at risk. There will be more of these in the future. The Two Bulls Fire could have swept into Bend also. They don't discount the effort being made by the developer to involve fire standards, but the standards are to protect a community and not to expand into those areas. The City should adopt these in existing UGB areas. Even Awbery Butte is at risk. He feels it is ironic to use these standards to expand into harm's way.

Some standards are wise but work only in a low-wind fire. The analysis done is not for catastrophic fire. No analysis has been done regarding this. Miller Farms did a good job managing fire risk, but that can't be said for adjoining properties where this was not done, like in the Forest Service and other lands. Adjoining properties should also be analyzed and addressed.

There was an argument made that building subdivisions may benefit Bend as they would be more fire resistant. However, they are an island and resources would be stretched. They don't really provide a barrier to the spread of fire.

He is concerned about this creating a false sense of security, saying the standards are state of the art. There is no assessment of past fires or wind direction, the effect of a particularly dry year or climate change, fire danger on adjacent properties, and there are not adequate evacuation routes. There should be additional routes. There is also a school there and no analysis of how this would be handled in an emergency.

He also does not think they have reconciled the Hearings Officer's concerns. He thinks there is an improper deferral to the architectural review committee, which he feels the County should be responsible for in a greater context. The County looks at the site plan but should include the winds, relative humidity and other factors.

The documents provide authority to enforce, but does not assign responsibility. It is not the County's job to be the responsible enforcement mechanism for the many provisions. It is in the best interest of the HOA to do it right, but the HOA can also change things if they feel something is not practical or there is a better way to do it. And they can do nothing about what takes place on adjoining properties, and there has been no analysis of how this can affect Shevlin Park and potential prescribed burns.

He suggested that the County has potential liability, such as the Oso landslide situation in Washington, where the County is being sued by the residents since the County allowed people to build in unsafe areas. The developer here responded that there is statute that protects governments, but if a decision-making body is aware of a specific issue but allows development to proceed, it may not be so clear-cut. The County would have to include an indemnification clause to be held harmless if a disaster occurs.

He introduced Dick Johnson, a retired Forest Service manager with over thirty years of service, and who also managed Shevlin Park for years.

Commissioner Baney stated that any development along the coastline might be at risk due to the Cascadia fault line. Mr. Dewey said that counties need to protect themselves if there is potential risk.

Addison (Dick) Johnson gave an overview of his experience. He spent thirty years in the Forest Service that began in fire research. He transitioned into management of lands on a national level. He is still considered an incident commander and has helped to manage fires in various states. He has also met with representatives in other countries regarding wildfire management. He remains involved, including with those fires now happening in Baker County, where he lives.

The most prevalent natural hazard in this County is wildfire. He lived here for a dozen years and worked for a variety of agencies. He is concerned about the County. The threat to this area, in particular the west side of Bend, is severe. It has a history of large fires and appears to be impacted by winds from the north. Fires move towards the southeast. Wildland fire can affect Bend itself. (*He explained how fires move and where.*) All of the fire agencies here help provide resources in other areas. He does not want any of these workers put at an unnecessary risk.

He hasn't reviewed the most recent submitted information, but knows they have now required sprinklers in the structures. This protects the internal part of the buildings but not the outside areas. He is concerned about water pressure, which may not be adequate to provide the hydrants with enough. He knows the problems of fuel management and manipulation. When there are homes in an area, it limits how you can manage others nearby. The Millers did a great job from a land management standpoint, but options would be limited with homes in place.

You need approximately 22 feet between trees to eliminate the possibility of a crown fire. They have recognized and been able to compute the effects of radiation from fire, so they can include convective heat in the analysis. There may not be sufficient data regarding this before the homes are built. He is concerned about how many lives might be put at risk, both firefighters and citizens. He is concerned about the evacuation routes as shown, especially in regard to a school in the area.

Commissioner Baney asked if he could review the most recent documents and compare those with what he presented today. He agreed to do so.

Allison Green of Project Wildfire testified in support of the Tree Farm development. They have been excited about this project for some time. She just returned from a fire adaptive conference where she learned what other agencies are doing. This development is their next vision of moving forward. It will be safer, as it will be addressed from the ground up. Resilient landscapes reduce fire response. There will be strong enforcement built into the CCR's, based on others who have learned from history. They are empowered and can force residents to comply. This has not been done before and they need to take the proper steps. The entire County is a wildfire hazard and needs to be mitigated at some level.

Commissioner Baney asked about the Skeleton Fire, which was east of town. She is concerned the focus seems to be on the west side. Fires don't discriminate, whether in Sunriver or La Pine or other areas. She does not want to have them forget about other catastrophic fires. Ms. Green stated that with the debate on UGB expansion, people need to realize the entire County is at risk.

Chair DeBone spoke about ongoing maintenance. Many places are not addressed. Ms. Green stated that the initial action is tough, but then they need to foster the culture to keep it up. If it is there from the beginning, it is much easier. They can take advantage of the shoulder seasons to prepare.

Chair DeBone asked if the applicant wished to rebut. Commissioner Unger asked about the water pressure question. Mr. Condit said he won't go into a lot of detail but will respond on some. They looked at the impact of the project on adjacent properties. The Shevlin Park master plan is very similar to their management plan, and the Park District supports the project as being beneficial. The Forest Service is managing the property to the south for view and wildlife, and management is similar to what they are proposing. The property on the other side is UAR-10 and slated for future development. The Hearings Officer felt they are compliant, and this issue was not appealed.

The evacuation routes were felt to be adequate but can be addressed in the HOA plan. Regarding review, the County is not required to analyze each property and its impacts. Central Oregon Landwatch would prefer no development occur outside the city limits, but these areas are zoned for rural development and some is zoned for future urbanization, since 1988, and this is compliant with State goals. It is not reasonable to think there could be absolutely no hazards, but they will mitigate all they can. Mr. Dewey mentioned the power to enforce but not the responsibility; the plan includes the responsibility as well. Standards can be changed but would require HOA approval, and this could require approval by the County and an amendment to the conditional use permit.

Regarding potential liability, the County is immune, but the County attorney can advise on this. Concerning water pressure, the Hearings Officer concluded that there is sufficient pressure and Landwatch did not appeal this issue.

Since the County and Landwatch want additional time, he would like an equivalent amount of time to review additional information.

Commissioner Baney asked about the assignment of enforcement. Mr. Condit said this is described in detail in the documents. Commissioner Baney asked about the catastrophic wildfire aspect. Mr. Condit stated they will address this.

Mr. Raguine asked how long the Board wants to keep the written record open. They could go to July 27, at 5 PM for the first round of submittals, which would be new testimony based on the limited nature of the review. The applicant would like a similar time to rebut, so this would be until August 10 at 5 PM. They could allow one week for the final argument from the applicant, which would be August 17 at 5 PM. He asked if the Board would like to conduct a site visit, perhaps on August 5, but within the first three weeks so any notes the Commissioners take can be part of the record.

Commissioner Baney asked for guidance on what can be submitted. Mr. Raguine said this can be in regard to wildlife, wildfire and setbacks. Anything outside of that should not be considered in this limited de novo appeal.

Laurie Craghead stated that the first three weeks would be for new evidence, including a site visit and notes taken at that time. Two weeks are for rebuttal to whatever has come in. No new evidence would be allowed after that and before the final argument from the applicant.

Chair DeBone closed the oral hearing, with the written record left open as stated. Deliberations will follow after final argument on a date not yet established.

Before the Board was Consideration of Approval of the Consent Agenda.

BANEY: Move approval of the Consent Agenda.

UNGER: Second.

VOTE: BANEY: Yes.

UNGER: Yes.

DEBONE: Chair votes yes.

Consent Agenda Items

6. Approval of Minutes:

- Business Meetings of June 22, 24 and 29; and July 1, 2015
- Work Sessions of June 10, 15, 22, 24 and 29, 2015
- Budget Committee Meeting Minutes: Health Services, May 26; Road and Natural Resources, May 27; Community Development, May 27; and Committee Wrap-Up, May 29, 2015
- Department Update Minutes: District Attorney, June 2; Sheriff's Office, June 4, 2015

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

7. Before the Board was Consideration of Signature of Resolution No. 2015-086, Declaring a Sole Source Procurement for a Lifeline Ambulance Remount.

David Doyle said that Sunriver Service District has asked for handling this responsibility in the future, which is appropriate. In this case, there is only one company in the west that does this type of work.

BANEY: Move approval of Resolution No. 2015-086.

UNGER: Second.

VOTE: BANEY: Yes.

UNGER: Yes.

DEBONE: Chair votes yes.

8. Before the Board was Consideration of Signature of a Letter Reappointing Mark Murray to the Sunriver Service District Managing Board, through August 31, 2018.

BANEY: Move Board signature.

UNGER: Second.

VOTE: BANEY: Yes.

UNGER: Yes.

DEBONE: Chair votes yes.

CONVENED AS THE GOVERNING BODY OF THE 9-1-1 COUNTY SERVICE DISTRICT

9. Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for the 9-1-1 County Service District in the Amount of \$2,014.00.

UNGER: Move approval, subject to review.

BANEY: Second.

VOTE: UNGER: Yes.

BANEY: Yes.

DEBONE: Chair votes yes.

**CONVENED AS THE GOVERNING BODY OF THE EXTENSION/4-H
COUNTY SERVICE DISTRICT**

- 10. Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for the Extension/4-H County Service District in the Amount of \$1,281.44.**

UNGER: Move approval, subject to review.

BANEY: Second.

VOTE: UNGER: Yes.

BANEY: Yes.

DEBONE: Chair votes yes.

**RECONVENE AS THE DESCHUTES COUNTY BOARD OF
COMMISSIONERS**

- 11. Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for Deschutes County in the Amount of \$978,235.00.**

Tom Anderson said that Judge Brady commented that she appreciates the addition of bulletproof glass in the courtrooms. This was paid in part by the County.

UNGER: Move approval, subject to review.

BANEY: Second.

VOTE: UNGER: Yes.

BANEY: Yes.

DEBONE: Chair votes yes.

12. ADDITIONS TO THE AGENDA

- A. The Board considered a letter to local counties regarding Cohesive Strategy Initiative, which was previously discussed.

UNGER: Move approval.

BANEY: Second.

VOTE: UNGER: Yes.

BANEY: Yes.

DEBONE: Chair votes yes.

B. Mr. Anderson said that Joe Stutler suggested that an additional letter in this regard be sent to legislators. It would be essentially the same letter.

UNGER: Move approval.

BANEY: Second.

VOTE: UNGER: Yes.

BANEY: Yes.

DEBONE: Chair votes yes.

C. Judith Ure explained a discretionary grant request application brought up at the July 6 work session. It was from Opportunity Knocks, which is a nonprofit that is asking for \$2,400 to help with restructuring.

Chair DeBone said he met with Jim Schell who represents the group, which was started 19 years ago, and he sees the potential benefit.

Commissioner Baney stated that this group is membership supported, with some members paying as much as \$600. She questioned whether the County funds are fitting for this use. Oregon Community Foundation or other grant sources might be more appropriate.

Commissioner Unger said that he supports what they do, as they help strengthen small businesses through peer review. He thinks that if they have to go looking for funds, they will not be able to focus on restructuring. Commissioner Baney pointed out that the County is often considered an easy ask, and this person has been in charge of restructuring other nonprofits in the past. She asked if the County is the one to do this. She thinks this is not a proper use of the funds, and that they have other opportunities available. She wondered where the membership dues went.

Chair DeBone said he is supportive since it is a one-time request. Commissioner Unger stated Mr. Schell should be asked to clarify. Commissioner Baney noted that they did not submit a budget, but are just saying they are out of money. There are lots of organizations who could make the same request. She would like more information on the current status of the organization and why they should get special treatment.


D. Erik Kropp explained that Health Services want to go in with AFSCME to provide coverage for the MCAT team. This information is being reviewed by Legal Counsel. Crisis mental health services are provided directly to community members, and they get calls from law enforcement when there is an issue. They work 24/7 schedule, and the team consists of a supervisor and four therapists. Current vacancies make this very difficult, and they have just two at this time. They want to create a pool of other therapists to fill this void. Exempt employees do not earn overtime. The proposal would provide a stipend of \$250 for a 12-hour shift, and \$500 for 24-hours, for when there are fewer than three individuals available.

Commissioner Baney asked if this is done elsewhere. Mr. Kropp indicated the staffing concept is modeled after a team in Montana. Other counties may not even provide this service. This would be necessary only until they get back up to full staffing.

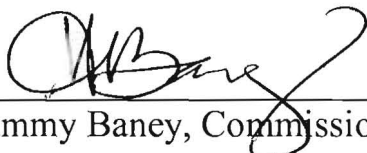
Commissioner Unger is supportive short-term. Commissioners Baney and DeBone agreed that the service is needed. They can approve the formal document this afternoon when they meet with the La Pine City Council.

Being no other items brought before the Board, the meeting was adjourned at 12:00 noon.

DATED this 27th Day of July 2015 for the
Deschutes County Board of Commissioners.


Anthony DeBone, Chair


Alan Unger, Vice Chair


Tammy Baney, Commissioner

ATTEST:


Recording Secretary



BOARD OF COMMISSIONERS' MEETING

REQUEST TO SPEAK

Agenda Item of Interest Miller Tree Farm Date 7/8/16

Name PAUL DEWEY

Address CENTRAL OREGON LANDWATCH
1539 NW VICKSBURG

BEND OR 97701

Phone #s 541-420-8455

E-mail address pdewey@bendcable.com

☐ In Favor ☐ Neutral/Undecided ☒ Opposed

Submitting written documents as part of testimony? ☒ Yes ☐ No



BOARD OF COMMISSIONERS' MEETING

REQUEST TO SPEAK

Agenda Item of Interest: Tree Farm Date: 7/8/15

Name Addison (Dick) Johnson

Address 15615 Wingville Ln.

Baker City, OR

Phone #s 541-523-3294

E-mail address dickjohn3294@att.net

☐ In Favor ☐ Neutral/Undecided ☒ Opposed

Submitting written documents as part of testimony? ☐ Yes ☒ No
If so, please give a copy to the Recording Secretary for the record.

**BOARD OF COMMISSIONERS' MEETING****REQUEST TO SPEAK**Agenda Item of Interest TREE FARM Date 7/8Name Alison Green, Project WildfireAddress 61150 SE 27th StBend, OR 97702Phone #s 541 419-1116

E-mail address _____

☒ In Favor ☐ Neutral/Undecided ☐ OpposedSubmitting written documents as part of testimony? ☐ Yes ☐ No

**PRELIMINARY STATEMENT FOR A
QUASI-JUDICIAL PUBLIC HEARING BEFORE
THE DESCHUTES COUNTY BOARD OF COMMISSIONERS**

- The applicants have the burden of proving that they are entitled to the approval requested.
- Testimony and evidence at this hearing must be directed toward the approval criteria, as well as toward any other criteria in the comprehensive land use plan of the County or land use regulations which any person believes apply to this decision.
- Failure on the part of any person to raise an issue with sufficient specificity to afford the Board of County Commissioners and parties to this proceeding an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue. Additionally, failure of the applicant to raise constitutional or other issues relating to the approval with sufficient specificity to allow the Board to respond to the issue precludes an action for damages in circuit court.
- The Board's decision on this application will be based upon the record before the Hearings Officer, the Hearings Officer's decision, the Staff Report and the testimony and evidence presented at this hearing.
- The hearing will be conducted in the following order.
 1. The staff will give a report.
 2. The applicant presents testimony and evidence.
 3. Proponents and opponents testify and present evidence.
 4. The applicant presents rebuttal testimony.
 5. At the Board's discretion, if the applicants presented new evidence on rebuttal, opponents may be recognized for a rebuttal presentation.
 6. Staff will be afforded an opportunity to make any closing comments.
- The Board may limit the time period for presentations.
- If anyone wishes to ask a question of a witness, the person may direct the question to the Chair. The Chair is free to decide whether or not to ask such questions of the witness.
- The grant of a continuance or record extension shall be at the discretion of the Board.

- If the Board grants a continuance, it shall continue the public hearing to a date certain.
- If, at the conclusion of the hearing, the Board leaves the record open for additional written evidence or testimony, the record shall be left open to a date certain for submittal of new written evidence or testimony.
- If the hearing is continued or the record left open, the applicant shall also be allowed a period to a date certain after the record is closed to all other parties to submit final written arguments but no new evidence in support of the application.
- Commissioners must disclose any ex-parte contacts, prior hearing observations, biases or conflicts of interest. Does any commissioner have anything to disclose and, if so, please state the nature and extent?
- Does any party wish to challenge any Commissioner based on ex-parte contacts, biases or conflicts of interest?

QUASI-JUDICIAL HEARING OPENING PROCESS – THE TREE FARM:

1. **CHAIR:** “This is the time and place set for hearing on county land use file numbers:

247-14-000242-CU, 247-14-000243-TP

247-14-000244-CU, 247-14-000245-TP

247-14-000246-CU, 247-14-000247-TP

247-14-000248-CU, 247-14-000249-TP

247-14-000250-CU, 247-14-000251-TP.”

2. **CHAIR** to CDD staff: “Staff will outline the hearing procedures that will be followed.”

3. **CDD STAFF** informs the audience as follows:

- The hearings body – the Board of County Commissioners, in this case - will take testimony and receive written evidence concerning the applicant’s request for conditional use and tentative plan approval for five 10-lot subdivisions. Collectively, these five subdivisions are referred to as The Tree Farm.
- The property is identified as tax lots 6205, 6209, 6212, 6213, and 6214, on Assessor map 17-11.
- All testimony shall be directed to the hearings body
- At the conclusion of this hearing the hearings body will deliberate towards a decision or continue the hearing or deliberations to a date and time certain
- The hearing will proceed as follows:
 - staff will provide a brief report
 - the applicant and appellant will present its testimony and evidence
 - any other interested persons will then present testimony or evidence
 - the applicant, as the party bearing the burden of proof, will then be afforded an opportunity to present rebuttal testimony
 - if requested by the hearings body, staff will provide closing comments

4. **CDD STAFF:** “A full written version of the hearing procedures is available at the table at the side of the room.”

5. **CDD STAFF:** “Commissioners must disclose any ex-parte contacts, prior hearing observations, biases, or conflicts of interest. Does any Commissioner have anything to disclose and, if so, please state the nature of same and whether you can proceed?”

6. **BOARD:** The hearings body discloses conflicts or ex-parte contacts and states whether they are withdrawing from the hearing or whether they intend to continue with the hearing.

7. **CDD STAFF:** “Does any party wish to challenge any Commissioner (member of the hearings body) based on ex-parte contacts, biases, or conflicts?”

8. **CHAIR:** open the hearing and direct staff to proceed with brief staff report.



HEARING PROCEDURE

- **The Board's decision on this application will be based upon the record before the Hearings Officer, the Hearings Officer's decision, the Staff Report and the testimony and evidence presented at this hearing.**
- **The hearing will be conducted in the following order.**
 - 1. Staff will provide a brief report.**
 - 2. The applicant will present its testimony and evidence.**
 - 3. Opponents and proponents will testify and present evidence.**
 - 4. Other interested persons will then present testimony or evidence.**
 - 5. The applicant presents rebuttal testimony.**
 - 6. Staff will be afforded an opportunity to make any closing comments.**

THE TREE FARM

247-14-000242-CU/243-TP

247-14-000244-CU/245-TP

247-14-000246-CU/247-TP

247-14-000248-CU/249-TP

247-14-000250-CU/251-TP

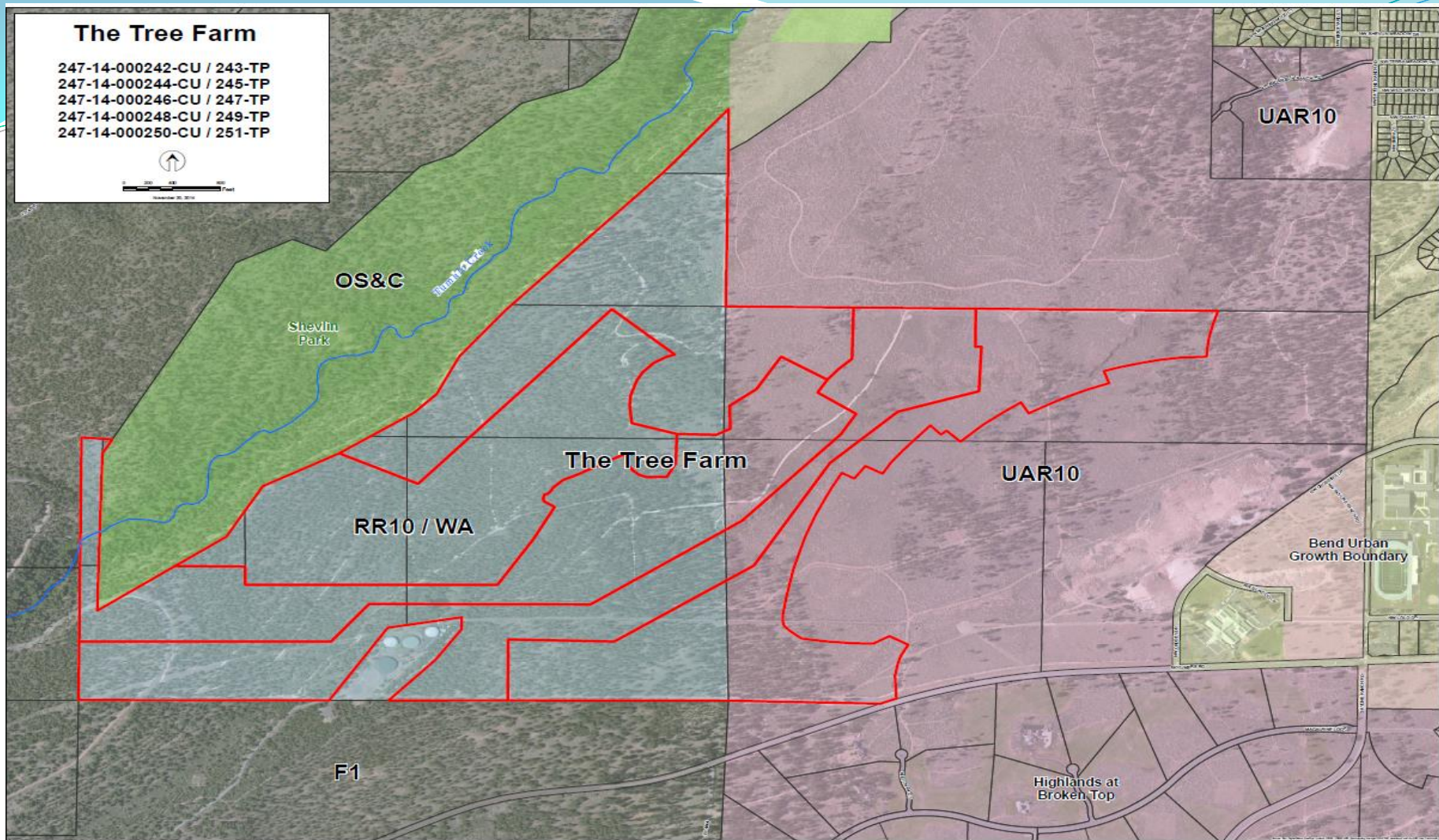
Board of County Commissioners

July 8, 2015



Staff Report

- Location
- Request
- Hearings Officer's decision
- Limited *de novo* hearing
- Questions



The Tree Farm consists of five separate properties, ranging in size from 104 to 109 acres.

Request

The applicant has applied for conditional use permit and tentative plan approval to establish ten residential lots and an open space lot on each of the five subject properties.

HEARINGS OFFICER

Denied the proposed subdivisions because the submitted Wildfire Protection Management Plan did not adequately address specific measures to reduce wildfire risk.

Wildfire Protection Management Plan

- Building envelopes
- Slope setbacks
- Fuels treatment on slopes
- Construction methods and materials



Wildfire Protection Management Plan

- Implementation, monitoring and enforcement
- Evacuation plan
- Residents and guests

HEARINGS OFFICER

Denied the proposed subdivisions because the submitted Wildlife Protection Plan did not adequately address specific measures to reduce wildlife and habitat impact.

Wildlife Protection Plan

- Affect of vegetation removal
- Implementation
- How is success measured
- Enforcement

Appeals to BOCC

- Applicant to revise Wildfire Plan
- Applicant to revise Wildlife Plan
- Correct WA Zone setback
- Rio Lobo appealed ROW dedication

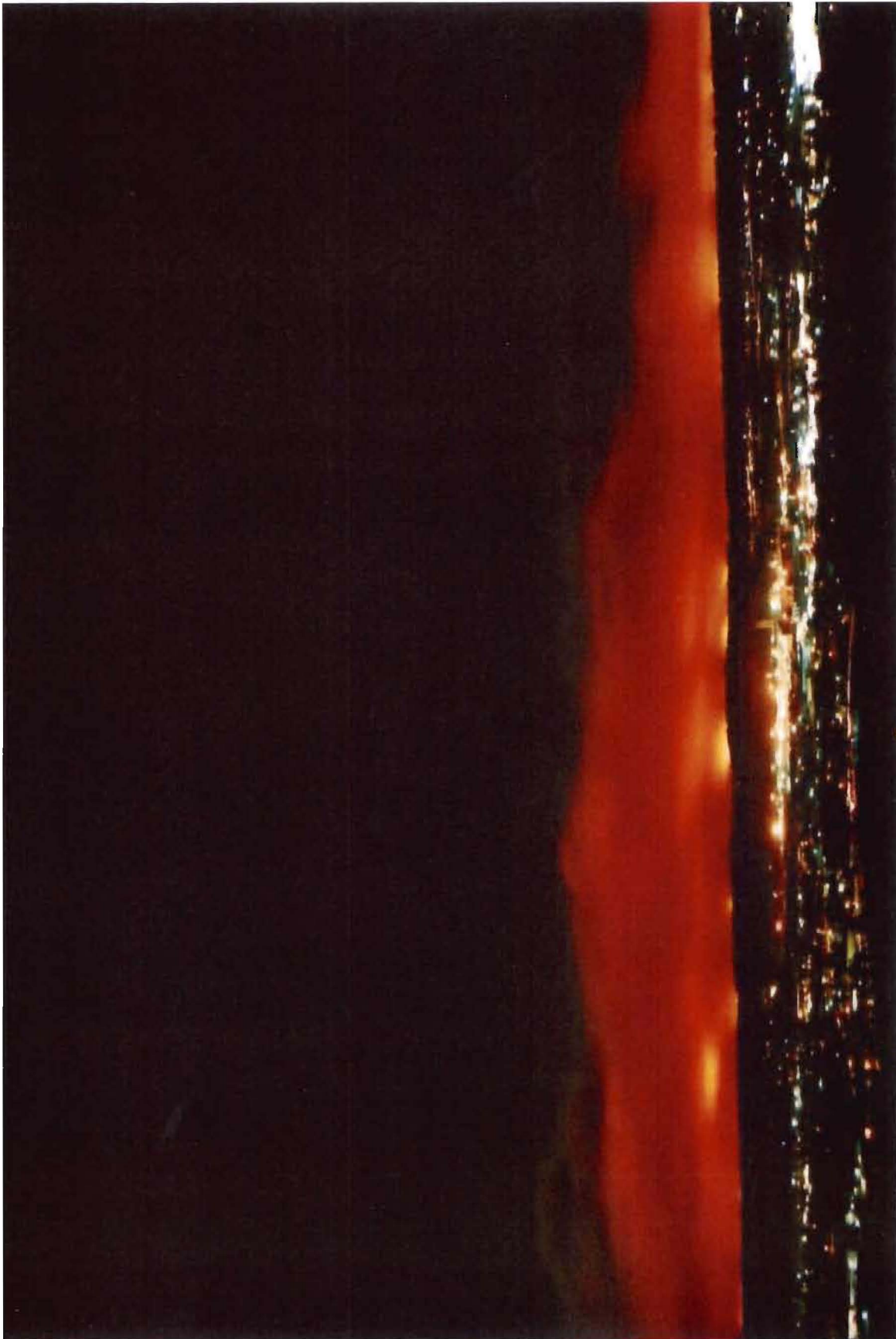
A diagram of a soccer field with white lines on a green background. The field includes a top goal, a center circle, a horizontal center line, and a bottom goal. The text is centered on the field.

Wildfire Protection
Management Plan

Wildlife Protection Plan
WA Zone Setbacks

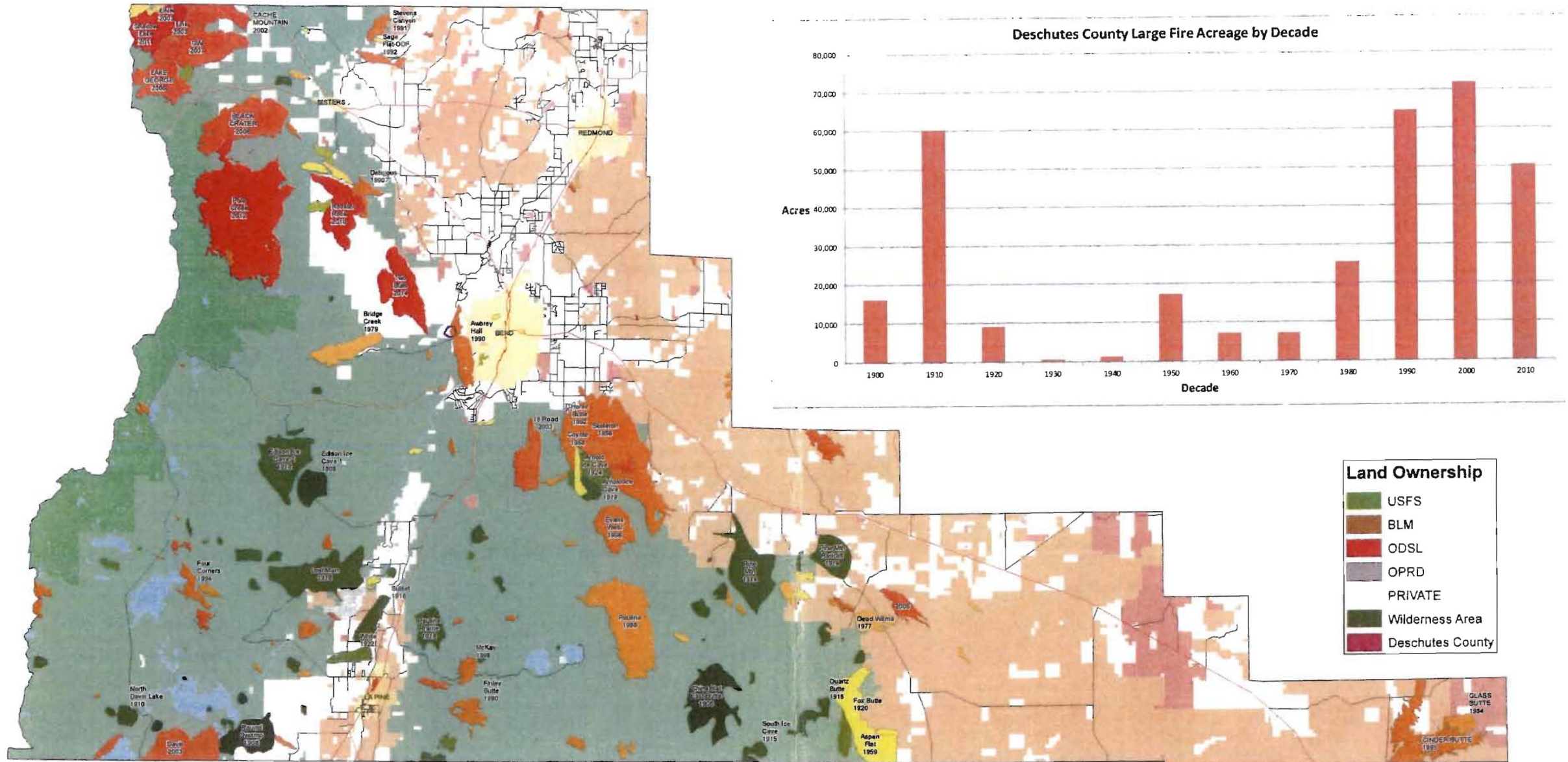
QUESTIONS?





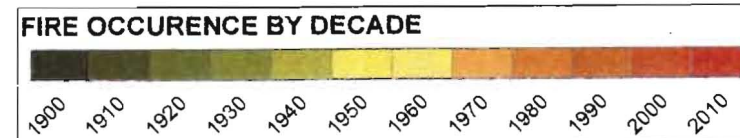
Deschutes County Large Fire History 1900 - 2014

Proposed Miller Tree Farm subdivisions
located at: "0" - San Aubrey Hall 1990



Map Prepared by Deschutes County
Forestry
Ed Keith
61150 SE 27th Street
Bend, OR 97702
541-322-7117

0 5 10 20 Miles



**Deschutes County
Board of County Commissioners
Discretionary Grant Program**

Board Meeting Date: July 8, 2015

Organization: Opportunity Knocks

Organization Description: A 501(c)6 organization founded in 1996 that brings entrepreneurs and business leaders from Central Oregon together for peer-based training and problem-solving. Currently maintains 150 members, 16 teams, and 32 volunteer facilitators and is seeking to hire an Executive Director. Board members include representatives from EDCO and the Bend Chamber.

Project Name: Restructuring

Project Description: Support process of restructuring the organization, including making changes to Board leadership, management, mission, messaging, programs, and procedures.

Project Period: Through November 1, 2015

Amount of Request: \$2,400

Previous Grants: None recorded.

Approved: _____

Declined: _____

As Requested
for Today's
Work Session.



Deschutes County Board of Commissioners
PO Box 6005, Bend, OR 97701-6005
1300 NW Wall Street, Suite 200, Bend, OR
Telephone: 541-388-6571 Fax: 541-385-3202
Website: www.deschutes.org

**DESCHUTES COUNTY
DISCRETIONARY GRANT PROGRAM APPLICATION**

Today's Date:	7/6/15	Project Name:	Restructuring
Project Beginning Date:	7/1/15	Project End Date:	Dec. 31, 2015
Amount Requested:	\$2,400	Date Funds Needed:	ASAP
Name of Applicant Organization:	Opportunity Knocks.		
Address:	P.O. Box 9073		
City & Zip Code:	Bend 97708	Tax ID #:	30-0468254
Contact Name(s):	Jim Schell	Telephone #:	541 788-7137
Fax #:		Email Address:	Jim.schell5@gmail.com

On a separate sheet(s), please briefly answer the following questions:

1. Describe the applicant organization, including its purpose, leadership structure, and activities.
2. Describe the proposed project or activity.
3. Provide a timeline for completing the proposed project or activity.
4. Explain how the proposed project or activity will positively impact the community.
5. Identify the specific communities or groups that will benefit.
6. Describe how grant funds will be used and include the source and amounts of matching funds or in-kind contributions, if any. Itemize anticipated expenditures*.
7. If the grant will support an ongoing activity, explain how it will be funded in the future.

Attach:

Proof of the applicant organization's non-profit status.

* Applicant may be contacted during the review process and asked to provide a complete line item budget.



Describe the applicant organization:

We are Opportunity Knocks (OK), we provide peer-based training and problem-solving for entrepreneurs and business leaders throughout Central Oregon. We do this by assembling and facilitating teams of 10 to 12 entrepreneurs and business owners and, in the process, creating an environment for them to grow and succeed.

Founded in 1996, we now have 150 members, 16 teams, and 32 facilitators. All of the facilitators are volunteers, we will have one paid Executive Director and are currently hiring for this position. We will have a volunteer Board of 19 when we are finished recruiting members, our Board Chair is Jim Schell, OK's original founder. Board members include representatives from EDCO, Bend's Chamber of Commerce and the SBDC.

The 16 teams of entrepreneurs and business owners meet once a month for three hours at various donated meeting rooms around Bend and Redmond. Two volunteer co-facilitators administrate and facilitate the monthly meetings following a time-tested format. Members sign Confidentiality Agreements upon joining, they also commit to attending at least ten meetings every year.

A key element of the Restructuring we are currently undergoing is the adoption of the *Entrepreneurial Team* Board of Director's model. This model dictates that the OK board will be include four entrepreneurial teams of four members each; those teams will be entrepreneurial in that they make the decisions within their area of expertise. (The Board Chair can veto their decisions if he deems them to threaten the financial stability of OK.) The four four-person teams include 1) Fundraising/Sponsors, 2) Facilitators, Programs, 3) Marketing/Branding, and 4) Membership. The Board also includes a two-person Finance Committee and a one-person Legal Committee, in addition to the Board Chair.

Opportunity Knocks believes that, by helping small businesses and their owners/managers succeed we do the following for our community:

- 1) We create new jobs
- 2) We enhance existing jobs

Proposed project or activity:

The "proposed" project is not exactly "proposed", rather it is currently in process. OK is in the process of restructuring; a restructuring that will include its leadership, management, mission and messaging. OK has been in existence for 19 years, many of its processes and procedures need revisiting and updating. Thus the entire organization is being changed, beginning with the makeup and function of the Board of Directors, down to the template of the monthly meetings.

OK's cash position is not strong, this grant request is being made to provide financial assistance to the organization as we work through our restructuring project. Once our Executive Director is hired (interviews are being conducted as this is written) and our first Board meeting is held, we will begin several new fundraising and sponsor programs. Our first meeting of the restructured Board will be July 21 and we expect to have our new E.D. in place by that time. From that point forward our new leadership and management team will effectively be in place.

Timeline for the Restructuring Project:

We expect the restructuring infrastructure to be in place by August 1, that date that will also kick off whatever other new programs the Board develops. Our strongest membership renewal months begin in October and run through April, thus once we reach October, 2015, our cash flow will turn around. The results of our new management and procedures are expected to begin increasing membership from the current 150 members by October 1. We are forecasted to reach cash-flow-neutral or better by November 1.

How the proposed project will positively impact the community:

As explained earlier in this grant request, our goals are, by helping our businesses grow and succeed, we will 1) enhance the jobs of our member-business's current employees and 2) create jobs for new employees.

Identify specific communities or groups that will benefit.

OK currently has teams in Bend in Redmond, thus our services will immediately help the business owners and their employees within those communities. We have, from time to time, attempted to establish teams in other Central Oregon communities but to date those efforts have failed.

How grant funds will be used and what are the matching funds or in-kind contributions

Grant funds will be used to provide operating monies during the restructuring period from approximately August 1 and November 1, until the results kick in. In addition to this grant, OK is reaching out to its stable of corporate partners, including such firms as Bendbroadband, Bank

of the Cascades, U.S. Bank and a half dozen others. OK also receives in-kind support from Combined Communications and Cascade Business News.

How OK will be funded in the future

OK has been financially sustainable for 19 years, our financial projections show that, as a result of the restructuring, our financial sustainability (positive cash flow) will return by January 1, 2016.



Deschutes County Board of Commissioners
1300 NW Wall St., Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

BUSINESS MEETING AGENDA

DESCHUTES COUNTY BOARD OF COMMISSIONERS

10:00 A.M., WEDNESDAY, JULY 8, 2015

Commissioners' Hearing Room - Administration Building - 1300 NW Wall St., Bend

1. PLEDGE OF ALLEGIANCE

2. CITIZEN INPUT

This is the time provided for individuals wishing to address the Board, at the Board's discretion, regarding issues that are not already on the agenda. Please complete a sign-up card (provided), and give the card to the Recording Secretary. Use the microphone and clearly state your name when the Board calls on you to speak.

PLEASE NOTE: Citizen input regarding matters that are or have been the subject of a public hearing will NOT be included in the official record of that hearing.

3. CONSIDERATION of Board Signature of Document No. 2015-432, an Intergovernmental Agreement with the Oregon Health Authority regarding Services and Funding for Deschutes County's Public Health Division for 2015-17 – *Nancy Mooney, Health Services*

Suggested Action: Move signature of Document No. 2015- 432.

4. CONSIDERATION of Board Signature of Document No. 2015-418, the Collective Bargaining Agreement between Deschutes County and International Union of Operating Engineers, Local 701 – *David Doyle, County Counsel*

Suggested Action: Move Board signature of Document No. 2015-418.

5. **A PUBLIC HEARING** on Two Appeals of the Hearings Officer's Decisions on the Tree Farm, LLC Subdivision Applications – *Anthony Raguine, Community Development*

Suggested Actions: Open hearing; take testimony; consider deliberations.

CONSENT AGENDA

6. **Approval of Minutes:**

- Business Meetings of June 22, 24 and 29; and July 1, 2015
- Work Sessions of June 10, 15, 22, 24 and 29, 2015
- Budget Committee Meeting Minutes: Health Services, May 26; Road and Natural Resources, May 27; Community Development, May 27; and Committee Wrap-Up, May 29, 2015
- Department Update Minutes: District Attorney, June 2; Sheriff's Office, June 4, 2015

CONVENE AS THE GOVERNING BODY OF THE SUNRIVER SERVICE DISTRICT

7. **CONSIDERATION of Signature** of Resolution No. 2015-086, Declaring a Sole Source Procurement for a Lifeline Ambulance Remount – *David Doyle, County Counsel*

Suggested Action: Move signature of Resolution No. 2015-086.

8. **CONSIDERATION of Signature** of a Letter Reappointing Mark Murray to the Sunriver Service District Managing Board, through August 31, 2018

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

9. **CONSIDERATION of Approval** of Weekly Accounts Payable Vouchers for the 9-1-1 County Service District

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

- 10. CONSIDERATION of Approval** of Weekly Accounts Payable Vouchers for the Extension/4-H County Service District

**RECONVENE AS THE DESCHUTES COUNTY BOARD OF
COMMISSIONERS**

- 11. CONSIDERATION of Approval** of Weekly Accounts Payable Vouchers for Deschutes County

12. ADDITIONS TO THE AGENDA

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

PLEASE NOTE: At any time during this 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 items.

FUTURE MEETINGS:

(Please note: Meeting dates and times are subject to change. All meetings take place in the Board of Commissioners' meeting rooms at 1300 NW Wall St., Bend, unless otherwise indicated. If you have questions regarding a meeting, please call 388-6572.)

Monday, July 6

1:30 p.m. Administrative Work Session – could include executive session(s)

Tuesday, July 7

3:30 p.m. Regular Meeting of Public Safety Coordinating Council

Wednesday, July 8

10:00 a.m. Board of Commissioners' Business Meeting

Tuesday, July 14

7:30 a.m. Legislative Update Conference Call with Public Affairs Counsel

Wednesday, July 15

9:00 a.m. Department Update – Solid Waste, **at Solid Waste**

Monday, July 20

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Tuesday, July 21

1:30 p.m. Department Update – Road Department, **at Road**

Wednesday, July 22

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Thursday, July 23

9:00 a.m. Department Update – Human Resources

2:00 p.m. Department Update – Forester/Natural Resources

Monday, July 27

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

July 29 through August 2

Deschutes County Fair

Monday, August 3

- 10:00 a.m. Board of Commissioners' Business Meeting
- 1:30 p.m. Administrative Work Session – could include executive session(s)

Tuesday, August 4

- 1:30 p.m. Department Updates: Risk and Veterans' Services
- 3:30 p.m. Regular Meeting of Public Safety Coordinating Council

Wednesday, August 5

- 10:00 a.m. Board of Commissioners' Business Meeting
- 1:30 p.m. Administrative Work Session – could include executive session(s)

Thursday, August 6

- 1:00 p.m. Department Update - Juvenile Community Justice, at Juvenile

Monday, August 10

- 10:00 a.m. Board of Commissioners' Business Meeting
- 1:30 p.m. Administrative Work Session – could include executive session(s)

Wednesday, August 12

- 10:00 a.m. Board of Commissioners' Business Meeting
- 1:30 p.m. Administrative Work Session – could include executive session(s)

Monday, August 17

- 10:00 a.m. Board of Commissioners' Business Meeting
- 1:30 p.m. Administrative Work Session – could include executive session(s)

Tuesday, August 18

- 1:30 p.m. Department Update – Adult Corrections

Wednesday, August 19

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Monday, August 24

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Wednesday, August 26

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Monday, August 31

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Tuesday, September 1

2:30 p.m. Department Update – Justice Court

3:30 p.m. Regular Meeting of Public Safety Coordinating Council

Wednesday, September 2

10:00 a.m. Board of Commissioners' Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Monday, September 7

Most County offices will be closed to observe Labor Day.

Wednesday, September 9

9:30 a.m. Joint Meeting with Redmond Fire & Rescue, **in Redmond**

1:30 p.m. Administrative Work Session – could include executive session(s)

Wednesday, September 15

1:30 p.m. Department Update – 911 County Service District

Friday, September 18

12:30 p.m. “Better Together” Work Group, **Ridgeview High School, Redmond**

Monday, September 21

10:00 a.m. Board of Commissioners’ Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Tuesday, September 22

1:30 p.m. Department Update – Property & Facilities – at Department

Wednesday, September 23

10:00 a.m. Board of Commissioners’ Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Monday, September 28

10:00 a.m. Board of Commissioners’ Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

Wednesday, September 30

10:00 a.m. Board of Commissioners’ Business Meeting

1:30 p.m. Administrative Work Session – could include executive session(s)

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