Present were Commissioners Anthony DeBone, Alan Unger, and Tammy Baney. Also present were Tom Anderson, County Administrator; Erik Kropp, Deputy County Administrator; Whitney Malkin, Public Information Officer, and David Doyle, County Legal Counsel. Also present for a portion of the meeting Will Groves Community Development Department.

Chair DeBone opened the meeting at 1:31 p.m.

1. Update on Pelton-Round Butte Dam Project

Jim Manion of the Confederated Tribes of Warm Springs reported on the update of the Pelton Round Butte Dam Project. Megan Hill, Michael Meier and Annette Mattson representatives of Portland General Electric were also present.

Deschutes County was one of the 22 participants in the relicensing agreement associated with the project. The agreement was a significant factor in improving fish passage and habitat. Stream habitat improvement projects are underway. Maintaining a certain water flow allows passage of salmon and steelhead. Studies are being done on water quality. A map was presented showing ongoing habitat projects.
2. **Lower Bridge Resolution of Intent to Rezone**

Will Groves, Community Development Department, presented an Order with the intent of extending resolution of intent to rezone 2009-035 regarding the western portion of Lower Bridge Road. The original resolution would expire after five years and was proposed initially for a one-year extension. The investigation and work plan and resolution was submitted for the Board’s review. Lower Bridge Road LLC has applied to extend the Resolution to April 9, 2016.

A No Further Action determination was received from the Oregon Department of Environmental Quality and determination of no apparent public health hazard from the Oregon Department of Human Services. According to the applicant, progress on completing these conditions was slowed during the economic downturn.

Discussion held on the time period of the process thus far. Any extended time would be beneficial to note for help with continued environmental remediation of that area. Discussion held on surface mining and potential health hazards raised during this process.

Mr. Groves suggested having representatives from OHA and DEQ come to answer any questions or concerns regarding this matter. Discussion held on the extension period and decision was to change the draft order from the year 2018 to 2017.

BANEY: Move approval of Order No. 2015-027 with the extension date changed from October 26, 2018 to October 26, 2017.

UNGER: Second.

VOTE: BANEY: Yes.
UNGER: Yes.
DEBONE: Chair votes yes.

________________________________________

*The Board went into Executive Session under ORS 192.660 (2) d, Labor Negotiations, at 2:00 p.m. It concluded at 2:30 p.m.*

________________________________________
3. Other Items

- Deputy County Administrator Kropp noted the Senate Bill 454 requiring all employers to implement paid sick time for employees was passed and could impact Deschutes County. Based on the regulations this could impact on-call and election workers and the leave donation policy. There are several counties looking at challenging this and asked for opinion on behalf of Deschutes County. Consensus was to show our interest of participation in the discussions of rule definitions.

- County Administrator Anderson raised the question of the placement of the consent agenda items during the business meetings and suggested to place the consent agenda first so department staff members would be available if an item would be pulled for discussion. All three Commissioners expressed support for the agenda format change.

Being no other items discussed, the meeting was adjourned at 2:48 p.m.

DATED this 23rd Day of November 2015 for the Deschutes County Board of Commissioners.

Anthony DeBone, Chair

Alan Unger, Vice Chair

Tammy Baney, Commissioner

Recording Secretary
WORK SESSION AGENDA

DESchUTES COUNTY BOARD OF COMMISSIONERS

1:30 P.M., MONDAY, OCTOBER 26, 2015

1. Update on Pelton-Round Butte Dam Project – Portland General Electric Representatives (Jim Manon of CTWS)

2. Lower Bridge Resolution of Intent to Rezone – Will Groves

3. Other Items
<table>
<thead>
<tr>
<th>Name</th>
<th>Agency</th>
<th>Mailing Address</th>
<th>City</th>
<th>Zip</th>
<th>Phone #</th>
<th>e-mail address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Megan Hill</td>
<td>PGE</td>
<td>720 SW Lover Bend Rd</td>
<td>Madras</td>
<td>97741</td>
<td>541-325-5344</td>
<td><a href="mailto:megan.hill@pgn.com">megan.hill@pgn.com</a></td>
</tr>
<tr>
<td>Michael Meier</td>
<td>PGE</td>
<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td>541-325-5334</td>
<td><a href="mailto:Michael.Meier@pgn.com">Michael.Meier@pgn.com</a></td>
</tr>
<tr>
<td>Annette Mattson</td>
<td>PGE</td>
<td>121 SW Salmon St Ptd</td>
<td>97704</td>
<td>97704</td>
<td>503-444-2400</td>
<td><a href="mailto:annette.mattson@pgn.com">annette.mattson@pgn.com</a></td>
</tr>
<tr>
<td>Jim Martin</td>
<td>Warm Springs</td>
<td>P.O. Box 960</td>
<td>Warm Springs</td>
<td>541-553-1046</td>
<td><a href="mailto:Jim.Martin@usfwater.com">Jim.Martin@usfwater.com</a></td>
<td></td>
</tr>
</tbody>
</table>

Please return to BOCC Secretary.
Memorandum

To: Deschutes County Commission

From: Chad Croft, PGE Project Manager
      Jim Manion, General Manager, Warm Springs Power & Water Enterprises
      Megan Hill, PGE Fisheries & Water Quality Manager

Date: October 19, 2015

RE: Pelton Round Butte Hydroelectric Project Update

Summary:

The Federal Energy Regulatory Commission (FERC) issued a new license to Portland General Electric (PGE) and the Confederated Tribes of the Warm Springs (CTWS) Reservation of Oregon for operation of the three-dam, 502-megawatt Pelton Round Butte Hydroelectric Project in 2005. Since then, the co-licensees have made significant progress implementing the terms of the license while complying with state, tribal and federal regulatory requirements.

With respect to the signature initiative stemming from the relicensing process, PGE and CTWS have successfully constructed a system allowing passage of salmon and steelhead around the project for the first time since the early 1960s. Working with local partners, the co-licensees are engaged in an ongoing, long-term, science-based effort to promote successful reintroduction of healthy migratory fish runs by restoring habitat and improving water quality in the Deschutes River basin.

These efforts reflect a commitment to management of the project in a manner that supports the environmental health of the basin while balancing multiple beneficial uses of the resource, including power generation, agriculture, municipal water supplies, fisheries and recreation.

Background:

Deschutes County was one of 22 signers of a relicensing agreement reached with PGE and the CTWS in 2004. The relicensing agreement was the culmination of a collaborative process that included years of research and many months of careful negotiation among the Pelton Round Butte co-owners and numerous local, state and federal agencies as well as non-governmental advocacy organizations. The goal of this process was to identify issues needing to be addressed as the co-owners petitioned FERC for a new license. Reaching agreement among diverse river interests benefited the region while reducing the potential for conflicts characteristic of fish and habitat recovery efforts in other river basins. The relicensing agreement was incorporated into the terms of the new FERC license the next year.
License implementation:

The single largest change required by the relicensing agreement at the Pelton Round Butte project was the construction of the Selective Water Withdrawal (SWW) Tower, which PGE and the CTWS completed in December 2009. The SWW achieves two key requirements of the new FERC license: It allows migratory fish to pass downstream from Lake Billy Chinook by creating surface currents fish can follow to a collection facility at Round Butte Dam, and it allows the project operator to mix reservoir surface and bottom water in the power intake in order to manage water temperatures in the river immediately below the project.

In addition to the SWW and other physical improvements to facilitate fish passage at the project, the relicensing agreement called for creation of a fund to facilitate habitat and water quality improvement projects in the Deschutes Basin. The resulting Pelton Fund was created by PGE and CTWS, with a commitment of more than $21 million to fund projects over the life of the 50-year license.

Results:

*Fish passage and restoration:* The SWW began collecting migratory fish within hours of being activated in late 2009, and has since facilitated downstream passage of more than 680,000 salmon and steelhead smolts with an average survival rate through the SWW of between 97.9 and 99 percent, exceeding regulatory minimums. PGE and CTWS continue to study the efficiency with which fish are able to navigate currents in Lake Billy Chinook to enter the SWW fish collection facility, and to look for strategies to increase the number of fish collected.

Adult salmon and steelhead have been returning to the project since 2011. In consultation with the Oregon Department of Fish & Wildlife and the CTWS Branch of Natural Resources, PGE and CTWS began transporting returning fish and releasing them above Round Butte Dam in 2012. Since then, a total of more than 830 fish originally released as fry in the upper Deschutes Basin have completed their round trip journey to the ocean and back, with upstream spawning confirmed for all three species – Chinook, sockeye and steelhead. Adult salmon and steelhead are located throughout the basin. For example, Chinook and sockeye have been detected upstream of Camp Sherman in the Metolius River and steelhead have been detected near Bowman Dam on the Crooked River. On average, steelhead returns have been strong while Chinook and sockeye returns have been low. Ongoing research is underway to evaluate possible causes and potential strategies to increase those returns.

*Temperature management:* The temperature profile targeted with the new capacity created by the SWW is governed by water quality certificates issued by the Oregon Department of Environmental Quality and the CTWS Water Control Board, and requires PGE and CTWS Power & Water Enterprises to manage temperatures immediately below the project to approximate those that would be expected at that point in the river if the three dams were not there. PGE and CTWS use a daily calculation based on rolling average temperature measurements of the three tributaries entering Lake Billy Chinook and a rolling average of ambient temperatures at the Redmond airport to set target water temperatures. The project operators cannot diverge from this protocol without direction from their regulators, but remain in close contact with the regulatory agencies as well as a committee made up of signers to the relicensing agreement to seek input and provide updates on water quality and fish restoration issues including temperature regulation.
Habitat restoration and water quality: As described in Attachments 5 and 6 at the back of this document, PGE and CTWS have issued grants through the Pelton Fund totaling nearly $11 million across dozens of projects pursued by multiple organizations – including irrigation districts, soil and water conservation districts, government agencies, and non-profit entities – to support water quality improvement, fish passage projects and restoration of habitat necessary for the successful reintroduction of migratory fish runs. Pelton Fund grants typically serve as seed money to help create packages that combine multiple sources of funding, with the result that projects with Pelton Fund grants so far have achieved total support exceeding $60 million in the Deschutes basin.

Issues of concern:

It's important to note that the key initiative associated with relicensing – the reintroduction of migratory fish runs to the upper Deschutes Basin – is a long term effort that is in many respects without precedent. To date hundreds of fish that could not have made this journey before 2009 have now done so, and the resulting spawning in the tributaries above Lake Billy Chinook is a promising start. That said, we're a long way from having sustainable, harvestable runs of Chinook, sockeye and steelhead above the dams. That remains our goal, but we expect achieving the goal to take many years if not decades.

In addition, our path to achieving the relicensing agreement goals is part of a much larger and more complex picture of watershed health in the Deschutes Basin, subject to many influences beyond the co-licensees' control, including nutrient loads tied to upstream human activity, drought conditions, extreme weather events and more.

Within that context we and others have observed various issues of concern in the reintroduction effort and the larger environment of the river. Adult fish returns so far are promising, but we'd like to see greater numbers. Percentages of fish released as fry in the tributaries that have found their way to the SWW for collection and downstream passage are not as high as we'd like. And some anglers have expressed concern with observed changes in insect hatches and algal blooms in the Lower Deschutes, as well as questions regarding the impact of our temperature management efforts on the lower river during hot weather events.

Research and analysis:

PGE and the CTWS remain committed to careful scientific monitoring, data collection and analysis to help understand and, where appropriate, address the issues noted above. The Deschutes is a beloved and iconic river as well as a critical environmental and economic resource for central Oregon. The project co-owners share that perspective and understand the importance of the river to surrounding communities and people throughout Oregon and the northwest.

Attachment #4 offers a list of current and recent research projects undertaken by PGE, CTWS and various partner agencies. These include, in particular, a two year study intended to help address questions around algae growth in the larger context of overall water quality in the reservoirs and the lower river. We are also in the final stages of a multi-year macroinvertebrate study to better understand insect populations on the river and the factors that influence their timing and health.

Adaptive management:

Because the work PGE, CTWS and their partner agencies and organizations are doing on the Deschutes is innovative in so many ways, it's important that we remain flexible, keeping our eye on
the long term goals of protecting fish and water quality while maintaining our ability to generate power and continue other beneficial uses of the river.

We do this through application of a concept called adaptive management, which recognizes that we didn't start this effort knowing all the answers. We based our initial efforts on the best science, engineering and collaborative goal setting we could mobilize, and we're still doing that now, by continuing to conduct rigorous scientific monitoring and analysis and reviewing our operations and fish reintroduction efforts regularly with our regulatory agencies and with numerous stakeholder agencies and organizations.

Examples of how this has worked include adaptations we've made, with our regulators' approval, to the temperature management protocols we use in setting target water temperatures at the project outflow. We've done this in order to do a better job of achieving the intended goals set forth in our license of matching temperatures to those that would be expected if our project dams weren't there.

The water quality and insect studies we're conducting will be used in this same process to inform decisions about what, if any, changes we can or should make in our operations to promote the long-term success of fish passage and improve water quality in the river.

**Looking forward:**

As noted above, PGE and CTWS have made a long term commitment to responsible operation of the Pelton Round Butte Hydroelectric Project. We recognize that while the project offers direct benefits to customers of PGE and Tribal members, it also plays a larger role in the environment and economy of central Oregon. The relicensing process we completed a decade ago was based on that big picture understanding of our role as stewards of the project with an important influence on the health of the Deschutes River and the salmon and steelhead that are such an integral part of the region's identity. Reflective of PGE's stewardship, we were recently advised of project recertification by the Low Impact Hydro Institute (LIHI), whose certification process assesses protection of ecosystem qualities (e.g., river flows, water quality, fish and wildlife) as well as meeting recreation and cultural preservation needs.

We remain dedicated to a collaborative approach to fulfilling our obligations and engaging partners like Deschutes County as well as other governmental and non-governmental stakeholders throughout the region to achieve and support common goals and values to our mutual benefit.

If members of the commission or county staff have questions or need more information regarding the Pelton Round Butte Project, or regarding PGE and CTWS operations and initiatives, we encourage you to contact us.

*Chad Croft: 541-325-5300 chad.croft@pgn.com*
*Jim Manion: 541-553-1046 j_manion@wspower.com*
*Megan Hill: 541-325-5344 megan.hill@pgn.com*
List of attachments:
- Pelton Round Butte Project map
- Pelton Round Butte Project facts
- SWW illustration
- List of current research projects
- List of Pelton Fund projects
- Map of Pelton Fund projects
- Tables showing total downstream fish passage and returns to date
Attachment 1: Pelton Round Butte Hydroelectric Project map
### Attachment 2: Pelton Round Butte Hydroelectric Project facts

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current project ownership:</td>
<td>PGE, 66.67 percent; CTWS, 33.33 percent</td>
</tr>
<tr>
<td>2019-2021 project ownership:</td>
<td>PGE 51%, CTWS 49%</td>
</tr>
<tr>
<td>Project employment:</td>
<td>60 PGE, and 6 CTWS Power Enterprises (24 PGE employees reside in Deschutes County)</td>
</tr>
<tr>
<td>Property taxes paid by PGE and CTWS (total) in 2014:</td>
<td>$3.4 million ($66,000 Deschutes County)</td>
</tr>
<tr>
<td>Payments to Jefferson County Public Works for road maintenance in 2015:</td>
<td>$122,000</td>
</tr>
<tr>
<td>Support for Jefferson County Sheriff’s Department in 2015:</td>
<td>$225,000 (estimate).</td>
</tr>
<tr>
<td>Power generation:</td>
<td>Nameplate capacity: 502 megawatts; Average annual production: 1.5 billion kilowatt hours – enough to serve a city the size of Salem.</td>
</tr>
<tr>
<td>Investment in relicensing projects:</td>
<td>$130 million (2003 dollars) over license term</td>
</tr>
<tr>
<td>Signatories to 2004 relicensing agreement:</td>
<td>22</td>
</tr>
<tr>
<td>Duration of FERC license:</td>
<td>50 years, ending in 2055</td>
</tr>
</tbody>
</table>
| PGE and Warm Springs Power & Water contributions, sponsorships and grants for entities serving Jefferson, Deschutes and Crook County and Central Oregon | 2014 - $92,000  
  2013 - $79,000  
  2012 - $69,900  
  2011 - $75,000  
  2010 - $41,700 |

Recipients in the most recent 5 years include:
- Air Show of the Cascades
- Deschutes River Conservancy
- Arts Central
- Central Oregon Safety & Health Assoc.
- Crooked River Watershed Council
- Champions for Children Luncheon
- High Desert Education Service District
- Jefferson County Special Olympics
- Deschutes County Healthy Beginnings
- High Desert Museum
- The Museum at Warm Springs
Attachment 3: Selective Water Withdrawal Tower
Attachment 4: List of current research projects

- **Anadromous Fish Passage and Reintroduction in the Upper Basin and Project Reservoirs**

- **Pelton Fund**
  - Governing Board: Signatories (see below) and CTWS Branch of Natural Resources
  - CTWS Water Control Board; USFWS; NOAA Fisheries; BIA; USFWS/BLM (one representative collectively); ODFW; ODEQ; OWRD; and non-governmental organizations American Rivers, Oregon Trout, Trout Unlimited, Native Fish Society, and WaterWatch of Oregon (one representative collectively).

- **Native Fish Habitat Monitoring**
  - Partners: US Forest Service and Oregon Department of Fish and Wildlife

- **Lower River Gravel Study (PGE and CTWS)**

- **Nutrient and Algae Study (PGE and CTWS)**

- **Lower Deschutes River Macroinvertebrate and Periphyton Study (PGE and CTWS)**

- **Large Wood Management (PGE and CTWS)**

- **Trout Creek Habitat Enhancement (PGE and CTWS, completed 2009)**

- **Adult Migration, Survival and Spawning (PGE and CTWS)**

- **Juvenile Migration (PGE and CTWS)**

- **Physical Reservoir Changes with SWW (PGE and CTWS)**

- **Salmonid Rearing, Juvenile Density and Habitat (PGE and CTWS)**

- **Reservoir Survival, Predation, Fishery and Disease (PGE and CTWS)**
Attachment 5: List of Pelton Fund projects

The Pelton Round Butte Fund has two funds: the General Fund and the Water Rights Fund. Contributions from these funds will be made over the term of the license and will total $11.5 million (2003$) for the General Fund and $10 million for the Water Rights Fund. Projects that have received funding are listed in Table 1 and Table 2.

As of 2014, $10,046,552.28 ($5,838,026.06/Water Fund and $4,208,526.22/General Fund) has been awarded to various projects that enhance riparian and riverine systems and for acquisition of land, water, and water rights. The next funding year is 2020.

Table 1. Projects that have received funding from the General Fund.

<table>
<thead>
<tr>
<th>General Fund Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lateral 58-9 Conversion to Piped Delivery</td>
<td>$27,000</td>
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<tr>
<td>Trout Creek Watershed Restoration Project</td>
<td>$200,000</td>
</tr>
<tr>
<td>Trout Creek Watershed Fish Habitat Enhancement</td>
<td>$37,500</td>
</tr>
<tr>
<td>Whychus Creek Fish Habitat and Riparian Protection</td>
<td>$17,775</td>
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<tr>
<td>McKay Creek Watershed Fish Habitat Enhancement &amp; Riparian Protection</td>
<td>$21,175</td>
</tr>
<tr>
<td>Lower Trout Creek Riparian Restoration</td>
<td>$23,735</td>
</tr>
<tr>
<td>Crooked River Pump Screening Project</td>
<td>$107,898</td>
</tr>
<tr>
<td>McKay Creek Culvert Replacements – Crooked River Watershed Council</td>
<td>$105,000</td>
</tr>
<tr>
<td>Trout Creek Passage and Habitat Enhancement – Wy'East Resource Council &amp; Lookout Mountain Ranger District</td>
<td>$101,000</td>
</tr>
<tr>
<td>Corbett's Jack Creek Water Conservation Project – Jefferson Co. SWCD</td>
<td>$62,325</td>
</tr>
<tr>
<td>Flymon Stewardship Program – Deschutes National Forest, Sisters Ranger District</td>
<td>$80,000</td>
</tr>
<tr>
<td>Whychus Creek Dispersed Camping Project – Crooked River National Grassland</td>
<td>$29,400</td>
</tr>
<tr>
<td>Metolius River Fish Habitat Enhancement – Upper Deschutes Watershed Council</td>
<td>$312,400</td>
</tr>
<tr>
<td>Whychus/Lake Creek Passage and Screening-Phase I – Upper Deschutes Watershed Council</td>
<td>$294,100</td>
</tr>
<tr>
<td>Whychus Creek Restoration at Camp Polk – Upper Deschutes Watershed Council</td>
<td>$462,000</td>
</tr>
<tr>
<td>TSID Fish Screening and Passage-Phase I – Upper Deschutes Watershed Council</td>
<td>$200,870</td>
</tr>
<tr>
<td>Lake Creek Culvert Removal Project – Upper Deschutes Watershed Council</td>
<td>$57,650</td>
</tr>
<tr>
<td>Metolius Streamside Protection Project – USFS Sisters Ranger District</td>
<td>$22,245</td>
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## General Fund Project

<table>
<thead>
<tr>
<th>General Fund Project</th>
<th>Amount</th>
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<tr>
<td>Trout Creek Watershed Restoration Project – Jefferson Co. SWCD</td>
<td>$475,000</td>
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<tr>
<td>LCR Fish Passage (Peoples Irrigation District) – Crooked River Watershed Council</td>
<td>$256,175</td>
</tr>
<tr>
<td>LCR Fish Passage (Crooked River Central &amp; Golf Course) – Crooked River Watershed Council</td>
<td>$489,920</td>
</tr>
<tr>
<td>Stearns Dam Removal – Bureau of Land Management</td>
<td>$81,000</td>
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<tr>
<td>Coyote Creek Watershed Restoration Project – The Confederated Tribes of the Warm Springs Reservation of Oregon</td>
<td>$32,925</td>
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<tr>
<td>Shitike Creek Restoration Project – The Confederated Tribes of the Warm Springs Reservation of Oregon</td>
<td>$200,000</td>
</tr>
<tr>
<td>Warm Springs Reservation Watershed Maintenance – The Confederated Tribes of the Warm Springs Reservation of Oregon</td>
<td>$95,000</td>
</tr>
<tr>
<td>Community Restoration &amp; Watershed Education – Wolftree, Inc.</td>
<td>$43,792</td>
</tr>
<tr>
<td>NUID Crooked River Pump Screening Project – 2006-10 EXT</td>
<td>$95,000</td>
</tr>
</tbody>
</table>

**2008 - 2012**

No new projects were funded between 2008 and 2012. General Fund activity consisted of project monitoring of completed and on-going projects.

**2013**

<table>
<thead>
<tr>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRB Reintroduction Area</td>
<td>$80,000</td>
</tr>
<tr>
<td>Lower Deschutes River Ranch Acquisition</td>
<td>$300,000</td>
</tr>
<tr>
<td>Hidden Falls Recovery Project</td>
<td>$98,438</td>
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<tr>
<td>UDWC Small Passage and Screening</td>
<td>$300,000</td>
</tr>
<tr>
<td>Whychus Dam Removal / Floodplain Restoration</td>
<td>$550,000</td>
</tr>
<tr>
<td>Whychus Canyon Restoration – Phase 1</td>
<td>$250,000</td>
</tr>
<tr>
<td>Whychus Creek Ranch (&quot;Remund&quot;) Acquisition</td>
<td>$1,475,630</td>
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<tr>
<td>Metolius Stream Bank Restoration</td>
<td>$115,000</td>
</tr>
<tr>
<td>Crooked River Wetland &amp; Floodplain Habitat</td>
<td>$750,000</td>
</tr>
<tr>
<td>Flymon Stewardship Project</td>
<td>$30,000</td>
</tr>
<tr>
<td>Rice–Baldwin Fish Passage</td>
<td>$145,000</td>
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<tr>
<td>Middle Trout Creek Habitat Restoration</td>
<td>$334,000</td>
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<tr>
<td>Little Trout Creek Habitat Restoration</td>
<td>$217,425</td>
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<tr>
<td>Upper Trout Creek Fish Passage</td>
<td>$263,309</td>
</tr>
<tr>
<td>Mill Creek Restoration: Potters’ Ponds</td>
<td>$450,000</td>
</tr>
<tr>
<td>Warm Springs River LWD Additions</td>
<td>$500,000</td>
</tr>
<tr>
<td>Upper McKay Creek Rehabilitation Package</td>
<td>$263,410</td>
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</table>
Table 2. Projects that have received funding from the Water Fund.

<table>
<thead>
<tr>
<th>Year</th>
<th>Water Fund</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>Proposal from COID (Central Oregon Irrigation District) was directed from the General Fund to the Water Fund; development of a contract with the Deschutes River Conservancy (DRC) that was finalized in 2006; securing leases on Whychus Creek and the Crooked River; permanent instream transfers on Whychus Creek; initiating the migration of McKay Creek water users to the Ochoco Irrigation District (OID).</td>
<td>$517,317</td>
</tr>
<tr>
<td>2008</td>
<td>Contract with DRC that was finalized in 2006; leases on Whychus Creek and the Crooked River; permanent instream transfers on Whychus Creek; beginning to migrate McKay Creek water users to the Ochoco Irrigation District; and currently there is a potential for acquiring senior water rights in Whychus Creek from an undisclosed landowner. There are a number of potential projects that are being evaluated for future use of the Water Rights Fund, including work with the North Unit Irrigation District (NUID).</td>
<td>$624,241</td>
</tr>
<tr>
<td>2009</td>
<td>Extension of a contract with the DRC; leases on Whychus Creek and the Crooked River; permanent instream transfers on Whychus Creek; development of a plan for migrating McKay Creek water users to the OID; a senior water right in Whychus Creek was acquired; and funds were allocated to Three Sisters Irrigation District to initiate a canal piping project that will return water to the Deschutes River.</td>
<td>$1,112,323</td>
</tr>
<tr>
<td>2010</td>
<td>Extension of a contract with the DRC; restoring water to McKay Creek via water rights exchanges with OID; a potential purchase of senior water rights in Whychus Creek; a System Optimization and Review grant to OID; and evaluation of supply options for NUID that could reduce its use of Crooked River Water.</td>
<td>$330,000</td>
</tr>
<tr>
<td>2011</td>
<td>Extension of a contract with the DRC; restoring water to McKay Creek via water rights exchanges with OID; a potential purchase of senior water rights Whychus Creek; and provided funds to the City of Prineville for development of the City’s River Wetland Project.</td>
<td>$987,148</td>
</tr>
<tr>
<td>2012</td>
<td>Continuation of activities described and agreed to in 2011-2012 contract.</td>
<td>$1,450,000</td>
</tr>
<tr>
<td>2013</td>
<td>Most of the Licensee activity in 2013 involved extension of a programmatic agreement with the DRC; restoring water to McKay Creek via water rights exchanges with OID; potential acquisition of senior water rights in Whychus Creek; piping projects on Whychus Creek; and funding NUID for a water conservation project to convert an existing open irrigation canal to a piped system; conserved water will be returned to the Crooked River.</td>
<td>$871,000</td>
</tr>
</tbody>
</table>
Attachment 6: Map of Pelton Fund projects
**Attachment 7: Tables showing downstream fish passage numbers and adult returns**

**Number of juvenile salmon and steelhead entering the SWW and released into the lower Deschutes River.**

<table>
<thead>
<tr>
<th></th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chinook</td>
<td>43,810</td>
<td>31,120</td>
<td>23,688</td>
<td>18,796</td>
<td>19,071</td>
<td>15,072</td>
</tr>
<tr>
<td>Sockeye</td>
<td>49,734</td>
<td>225,761</td>
<td>5,126</td>
<td>25,265</td>
<td>155,031</td>
<td>38,112</td>
</tr>
<tr>
<td>Steelhead</td>
<td>7,733</td>
<td>10,605</td>
<td>8,877</td>
<td>2,708</td>
<td>2,127</td>
<td>3,677</td>
</tr>
</tbody>
</table>

**Number of returning adult salmon and steelhead: These fish were released upstream of Round Butte Dam as fry or smolts, migrated through Lake Billy Chinook to the SWW, spent 1-2 years in the ocean and returned to the Pelton Trap as adults.**

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chinook</td>
<td>171</td>
<td>49</td>
<td>22</td>
<td>24</td>
<td>52</td>
</tr>
<tr>
<td>Sockeye</td>
<td>19</td>
<td>86</td>
<td>25</td>
<td>21</td>
<td>35</td>
</tr>
<tr>
<td>Steelhead</td>
<td>61</td>
<td>132</td>
<td></td>
<td>50</td>
<td>93</td>
</tr>
</tbody>
</table>
AGENDA REQUEST & STAFF REPORT
For Board Business Meeting of April 22, 2015

DATE: April 15, 2015
FROM: Will Groves CDD 541-388-6518

TITLE OF AGENDA ITEM:
Consideration and Signature of Order No. 2015-027, Extending Resolution of Intent to Rezone 2009-035.

PUBLIC HEARING ON THIS DATE? No.

BACKGROUND AND POLICY IMPLICATIONS:
On April 9, 2009, the Board resolved to rezone the western portion of the Lower Bridge Mine, as identified by Exhibits A and B to Resolution 2009-035, from Surface Mining to Rural Residential upon the fulfillment of the ten conditions listed in Resolution 2009-035. Condition #7 of Resolution 2009-035 specified the Resolution of Intent to Rezone would expire in five years unless extended. Deschutes County Code ("DCC") 18.136.030(B) allows the extension of a Resolution of Intent to Rezone, subject to Board approval.

Lower Bridge Road, LLC, has applied to extend the Resolution to April 9, 2016. The applicant states that all conditions are complete, excluding Conditions #1 and #2. These conditions require that the applicant obtain (1) a "No Further Action" ("NFA") determination from the Oregon Department of Environmental Quality ("DEQ") and (2) a determination of "no apparent public health hazard" from the Oregon Department of Human Services for a residential use designation for the 410 acre area. The applicant is working toward completing this requirement and has developed and partially executed a work plan in coordination with these agencies. Progress on completing these conditions was slowed during the economic downturn.

Staff recommends that the Board extend the Resolution as requested.

FISCAL IMPLICATIONS:
None.

RECOMMENDATION & ACTION REQUESTED:
Motion: Approve signature of Order 2015-027.

ATTENDANCE: Will Groves and Legal Counsel

DISTRIBUTION OF DOCUMENTS:
Will Groves, CDD
Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON


WHEREAS, the Board resolved to rezone certain real property identified by Exhibits A and B to Resolution 2009-035 upon the fulfillment of the ten conditions listed in Resolution 2009-035; and

WHEREAS, Condition #7 of Resolution 2009-035 specified the Resolution of Intent to Rezone would expire in five years unless extended; and

WHEREAS, the resolution was extended in 2014 for one year; and

WHEREAS, Deschutes County Code ("DCC") 18.136.030(B) allows the extension of a Resolution of Intent to Rezone by the Board; and

WHEREAS, although the above DCC provision does not list any criteria for the extension, the Board has given due consideration as to whether to extend Resolution 2009-035; now therefore,

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

Section 1. The Board hereby extends the expiration date of Resolution 2009-035 to October 26, 2018.

Dated this ______ of __________, 2015

BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

________________________________________
ANTHONY DeBONE, Chair

ATTEST:

________________________________________
ALAN UNGER, Vice Chair

________________________________________
Recording Secretary

________________________________________
TAMMY BANEY, Commissioner

Page 1 of 1 – ORDER NO. 2015-027
IN A MATTER BEFORE THE
COUNTY OF DESCHUTES
COMMUNITY DEVELOPMENT DEPARTMENT

Lower Bridge Road, LLC

BURDEN OF PROOF FOR
EXTENSION OF A
LAND USE APPROVAL

OWNER: Lower Bridge Road, LLC
205 E. 11th Street, Suite 200
Vancouver, WA 98660

ATTORNEY/PLANNER: Schwabe, Williamson & Wyatt
Tia M. Lewis, Attorney
360 SW Bond Street, Ste 400
Bend, OR 97702
(541)749-4044

REQUEST: Applicant requests approval of an extension of land use approval application ZC-08-1 / PA-08-1 for one year, until April 9, 2016.

APPLICABLE STANDARDS AND CRITERIA:
Deschutes County Code, Chapter 22.36; Limitations on Approvals.
Section 22.36.010, Expiration of Approval
| SECTION I  | APPLICATION FORM          |
| SECTION II | BURDEN OF PROOF STATEMENT |
APPLICATION FOR EXTENSION OF A LAND USE PERMIT

Lower Bridge Road, LLC

Applicant's Name (print):

Phone: ( )

Mailing Address:

205 E. 11th Street, Ste. 200
City/State/Zip: Vancouver, WA 98660

Property Owner's Name (if different)*:

Phone: ( )

Mailing Address:

City/State/Zip:

Nature of Application: Extension of Resolution of Intent to Rezone

Property Description: Township 14 Range 12 Section 1 Tax Lot 1501, 1502, 1600

Deschutes County Application Number: ZC-08-1 / PA-08-1

Date of Approval: 4/9/2009

Permit Expiration Date: 4/9/2015

On the reverse side, or on a separate sheet of paper, please respond to the following:

1. Describe any action that has been taken to fulfill any or all conditions of approval.

2. Describe the reason(s) for not beginning or continuing development or meeting conditions of approval within the approval period.

Applicant's Signature:

Date: 03/03/2015

Property Owner's Signature (if different)*:

Date:

Agent's Name (if applicable): Tia M. Lewis

Phone: (541) 749-4048

Mailing Address: 360 SW Bond Street, Ste. 500
City/State/Zip: Bend, OR 97702

*If this application is not signed by the property owner, a letter authorizing signature by the applicant must be attached.

(over)
BURDEN OF PROOF

1. GENERAL INFORMATION

A. **Request:** The applicant, Lower Bridge Road, LLC, as successor in interest to the Daniels Group, LLC submits the following burden of proof statement addressing the applicable criteria for an extension of approval of the Deschutes County land use approval ZC-08-1 / PA-08-1. A prior one-year extension was granted pursuant to E-14-6 to April 9, 2015. This is the applicant’s second request for an extension.

B. **Location:** The subject property is located west of Lower Bridge Way in Terrebonne and contains approximately 410 acres. It is identified on Deschutes County Assessor’s Map 14-12, tax lots 1501, 1502 and 1600.

C. **Zoning:** The subject property is zoned surface mining but subject to the Resolution of Intent to Rezone to RR-10, which is the subject of the present extension request.

D. **Surrounding Uses:** The area surrounding the subject property consists of parcels zoned EFU, RR-10 and Flood Plain, with surrounding uses being a mixture of agricultural and rural residential.

E. **Site Description:** The subject property is approximately 410 acres in size and is located to the west of Lower Bridge Way. It is the former site of a diatomaceous earth mine, portions of which have been reclaimed and portions of which have been planted and maintained with pasture grass to restore the land and prevent airborne dust.

2. CRITERIA

Conformance with Deschutes County Code, Section 22.36.010, Expiration of Approval.

C. **Extensions.**

1. The Planning Director may grant one extension of up to one year for a land use approval or a phase of a land use approval, and two years for those dwellings listed in DCC 22.36.010(B)(4) above, regardless of whether the applicable criteria have changed, if:

   a. An applicant makes a written request for an extension of the development approval period;

   b. The request, along with the appropriate fee, is submitted to the County prior to the expiration of the approval period;

   c. The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period;

   d. The County determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited, delay by a state or federal agency in issuing a required permit; and
2. Up to two additional one-year extensions, or two-year extensions for those dwellings listed under DCC 22.36.010(B)(4) above, may be granted under the above criteria by the Planning Director or the Planning Director's designees where applicable criteria for the decision have not changed.

FINDING: The present Resolution of Intent to Rezone issued under Deschutes County file number ZC-08-1 / PA-08-1 contains a condition 7 which reads as follows:

7. This Resolution shall expire (5) years from the date this approval Decision is final, unless the conditions and stipulations set forth above have been satisfied or an extension is granted pursuant to DCC Title 22.

The Decision was final April 9, 2009. On March 19, 2014, the applicant made a written request for a one year extension pursuant to DCC 22.36.010(c)(1) above as contemplated by condition 7 of the land use approval decision. The County granted that extension until April 9, 2015 under County file no. E-14-6. Pursuant to Section 2 above, the applicant requests an additional one-year extension as the applicable criteria for approval of the Resolution of Intent have not changed. This request is submitted together with the appropriate fee and is timely as it is submitted prior to the expiration of the approval period as extended in E-14-6.

The applicant has completed all conditions of the land use approval except for conditions 1 and 2. Conditions 1 and 2 contain the requirements for no further action letters or the equivalent from DEQ and DHS related to the environmental conditions on the subject property. The applicant has taken steps toward fulfilling conditions 1 and 2 by implementing the reclamation plan, planting and watering the site and monitoring the progress. However, the severe economic recession impeded financing and progress in the past few years. The applicant has focused its efforts on the east area (not subject to the Resolution) to prepare it for eventual rural cluster subdivision development and is preparing to make a tentative subdivision application for 19 lots on the east side property within the next several months. The applicant expects to be able to complete the steps necessary to complete or make significant progress toward completion of the remaining two conditions within the time period for the extension.

3. CONCLUSION

For the reasons set forth herein, the applicant’s request for extension of the approval period for ZC-08-01 / PA 08-1 for one year, until April 9, 2016, should be approved.

DATED this  __ _   day of March, 2015.

Schwabe, Williamson & Wyatt

Tia M. Lewis, OSB # 933437
Of Attorneys for Applicant

2. BURDEN OF PROOF
PDX\116094\150752\TML\15456958.1