

For Recording Stamp Only



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

MINUTES OF BUSINESS MEETING
DESCHUTES COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 2, 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; Erik Kropp, Deputy County Administrator; David Doyle and Laurie Craghead, County Counsel; Sheriff Larry Blanton, Capt. Shane Nelson and other Sheriff's Office staff; Will Groves, Community Development; and approximately a dozen other citizens.

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

1. PLEDGE OF ALLEGIANCE

2. CITIZEN INPUT

Citizen William Kuhn said he would like to greet and thank the Sheriff and his staff. He met Mr. Blanton in early 2001, when Les Stiles was Sheriff. Prior to that there was a mishandled case involving harassment and assault at his property. There is now a much better rapport and response to the needs of the wildlife overlay zone and other situations.

He said he is sure the Sheriff is aware of the Latin word culpa, which means negligence or misconduct. Today that means blamable or a breach of legal duty, deserving of moral blame. He and his wife, Deschutes County, and the other party that lives in his cluster development are locked into a silly little dance, and he is not allowed to talk with the Board because it would be ex parte contact.

His opinion is that there are two of three parties that are culpable. He does not think he and his wife are. (*He reiterated information previously stated.*) He feels he should not have to work with such people. In regard to land use, he feels like he cannot protect himself when the other parties are not playing fair. He can only hope that the poison being directed towards him won't kill him.

3. Before the Board was a Discussion of Sheriff's Office Transition.

Sheriff Larry Blanton gave an overview of his proposal for transition in his office due to his upcoming retirement. There has to be a lot of pre-planning for this to go smoothly. He explained the steps that have been taken up to this point.

Sheriff Blanton and staff support Capt. Shane Nelson taking over the role of Sheriff at that time. He has basically three undersheriffs rather than one, the Captains that run each division (Nelson, Beard and Utter), rather than one Undersheriff as had been done previously, which would have financially impacted the Department. Other agencies and the public seem to support this plan.

Making this plan clear now makes it easier to transition others to be in place at the time of his retirement; this will briefly overspend budget for some positions, but it is important to be able to make the change happen efficiently.

Capt. Nelson stated he is humbled by this, and it is hard to be as fluent a public speaker as the Sheriff. (*He provided a handout at this time.*) He said his wife and four children, and the men and women at the Sheriff's Office, the public and the Sheriff support this change. He feels he is eligible and qualified for this role. He gave an overview of his life and career, having been born and raised in this area, and where he has always lived. He has been involved with the communities here his whole life. He wants to be sure this area remains safe and livable, with a high quality of life.

He is proud of the Sheriff, a leader who has earned the trust of citizens and agencies. He is proud also of the Sheriff's Office officers and staff. He has received letters of support regarding him taking over the role of Sheriff. He is grateful for the support of the Commissioners and others. This has been a valuable partnership. He is proud of the proactive service of the Department. He did not sign up for this kind of work expecting a lot of gratitude or acknowledgement, but they are honored to assist people. Everything falls into their job description.

He presented letters of support from the Sheriff's Office staff. Their help is needed or it couldn't get done. He also noted letters of support from the Redmond School Board, and some long-time Bend residents.

Commissioner Baney noted that they have also received some letters of support, which they will share.

Capt. Nelson said that Sheriff Blanton has mentored others for forty years. They will carry on his legacy, which has led the community and office to great heights. They need to always reach a little bit further. Sheriff Blanton has done an excellent job in instilling this goal, and his leadership has been second to none. It has been a huge commitment for Sheriff Blanton and his family.

Capt. Nelson said he appreciates those in the Sheriff's Office, Sheriff Blanton and his family, and his own family.

Chair DeBone said they have been only eight Sheriffs in almost 100 years. He is grateful for this dedication. Commissioner Unger stated Sheriff Blanton is the best one he has known, and appreciates the work that has been done.

Commissioner Baney added that she is grateful for his leadership, through some very financially challenging times, building a foundation especially through stable funding. Other counties look at Deschutes County and wonder how this happened. It is because of dedication and hard work. She sees this in Capt. Nelson as well and appreciates the work being done for a smooth transition. Sheriff Blanton has instilled confidence within the community. This is not the case in many other places. She is grateful for the work towards quality of life and safety.

The Commissioners clarified the process. Commissioner Baney stated that having an election at this point is not an option by law. An appointment is required. David Doyle said that ORS has a complex process, which triggers a general election date in the future. The primary is not until May 2016.

Commissioner Baney is supportive of moving forward and supporting the plan as explained. She asked for an Order to be drafted to formally do this. Commissioner Unger is supportive as well, knowing that this should begin today. Chair DeBone said that there is great leadership and a great culture, and this is the proper step to take.

Commissioner Baney stated that her success in her elected capacity is due in large part to the bench of the Sheriff's Office. She is grateful for this. It takes the team there to make this happen. She knows Capt. Nelson is committed to a smooth transition and will make a great Sheriff as well.

4. Before the Board was a Public Hearing on a Modification of a Conditions Application to Change the Wildlife Management Plan Approved for the Subject Property (File #CU-00-65 and MA-01-9, Shepherd).

Chair DeBone opened the public hearing.

Will Groves then gave his staff report on this item. *(A copy of his presentation is attached for reference.)*

Regarding bias, conflicts of interest or ex parte contacts, and prior hearings observations, Commissioner Baney said they have had a work session on this issue and she has visited the property. Commissioner Unger stated he read the reports and met once with the Shepherds, but has not visited the property. He feels he can be impartial. Chair DeBone said he has visited the property but feels he can give an unbiased opinion.

Mr. Groves explained the wildlife management plan and its importance to wildlife, and what is required. The actions relating to this property are unclear and it is felt a new plan would be better. It focuses on forage enhancement, which may mean removing juniper trees which compete against other vegetation. A new plan would wholly remove the previous plan's obligations.

There have been some goals met under the current plan, per the Oregon Department of Fish & Wildlife. Other goals were not met or are unclear. This decision was appealed by Central Oregon Landwatch, mostly regarding the location of the impact areas, and not so much about forage. The competition for forage is the real issue to be addressed today.

He referred to the Shepherd's desire to host weddings on the property. This is not part of this issue today, as it is being addressed separately. Habitat values are the issues covered by the wildlife management plan. He will present what is recommended and ask how the Board wants to proceed.

Chair DeBone said it appears there is one request to speak besides the applicant.

Dave Hunicutt of Oregonians in Action, and his client Mr. Shepherd, came before the Board. They are fine with the existing decision, but Mr. Hunicutt said they are not speaking to the private park application, but on a narrow application regarding the wildlife management plan. The original plan was issued as part of the approval of the dwelling in the past, and they are asking that the findings and decision in that July 5, 2001 case be incorporated into the record.

The criteria for amending the plan is found in Code, and the standard is because the dwelling was to be placed further than 300 feet from Holmes Road, the owner at the time had to provide a plan to protect wildlife values. The County approved the plan at that time. He believes the modifications to the plan, along with suggestions from staff, afford much greater protection to wildlife. They have been working with a wildlife biologist and representatives of the ODF&W on a plan that spells things out much more clearly.

He pointed out that this is a County criterion, and the State does not require that a dwelling be within 300 feet from the road or that there be some of the other requirements. This is a local requirement. The Board's findings will be given deference at the State level by LUBA and the Court of Appeals. Central Oregon Landwatch submitted an appeal and raised five basic issues.

The first has to do with condition #1 of staff's approval, having to do with vegetative buffers. (*He referred to his letter dated January 30, 2014.*) Central Oregon Landwatch refers to condition #3 of the original plan. The Shepherd's feel they have satisfied the criteria with the planting of dozens of trees, lawn and native grasses. The new plan requires those plants that die off be replenished.

The second Landwatch question had to do with juniper management. Juniper competes with native grasses. ODF&W recommended removing some of the juniper and replanting those areas with native grasses to increase the forage, and make brush piles for birds and small animals. The existing plan calls for cutting small juniper trees, but does not give a number or specify the areas, so it is vague. The new plan would include which trees in what areas are to be removed, but that forage be provided in at least twenty-five acres. They have already removed ten acres of juniper. They also need both ODF&W and County approval for this change. Landwatch wants to be sure the native plants survive, but the property owner is seeking grant funds from the state for the purchase of native grasses to replenish them as needed.

Landwatch brought up a limitation on grazing, since deer and livestock compete for the existing forage and water. The existing plan had some limitations on grazing but the modified plan does not. The limitation in the existing plan is found in condition #6 of the plan, and says that it would be good for the cattle to be off the property for certain times of the year, in the winter. However, the 'grazing areas' are not specified, nor is where the cattle should go.

The Shepherds have applied and been approved for water rights to create pasture land for cattle in a specific area, and have a fenced feed lot for the cattle in the winter. They are also willing to limit cattle use of other areas to a maximum of four weeks, in the summer months. This would protect the remaining 206 acres, including the areas that will be reseeded. The existing plan does not have this requirement.

In regard to road usage and the driveway, this limitation is not in the new plan. The existing plan does not give much detail on this. The road would be used less most months even if their private park application is approved for the summer months, when the deer are elsewhere.

He and his client are fine with the staff's recommendation or with additions as he explained.

Mr. Shepherd said they have been working on this for about 3.5 years. He submitted a map showing where the juniper has already been removed and other areas that are under consideration for this. Those 25 acres will be rehabilitated.

Another map shows where the cattle will be for grazing and roaming, and the feed lot pen for the winter months. He won't graze them more than four weeks to fulfill the requirement of EFU land. He presented a photo of the trees they already planted, and approval of the grant for seed.

His neighbors got an allowance in 2005 to build further than 300 feet from the road. They agreed to three major conditions. They planted four areas, 50x50 of vegetation, about ¼ acre. He will be rehabilitating 25 acres. They agreed to remove small junipers; he is removing 90% of junipers. They are required to build four brush piles, while he is building about 75 as required by ODF&W. They are trying to be more than accommodating.

He said one option is for a decision today, and he requested this so they can move forward on the work. He can't do anything with the private park application without this being resolved first.

Paul Dewey of Central Oregon Landwatch spoke. He is appreciative of the Shepherds doing a better wildlife management plan, as these are often vague; however, they submitted the appeal because they do not feel it is adequate. He asked for the seven days to review today's submitted materials.

The approval of the dwelling and plan happened 14 years ago. The original plan was vague in some ways, but also was specific about where to leave juniper and bitterbrush. There is no analysis of what has happened in that 14 years. One new condition is no juniper removal along the access road. ODF&W said it has already been limbed and the bitterbrush removed. So already something has been done to the driveway in violation of the old plan. The new plan has this requirement but this work was already done. This needs to be documented.

The record is inadequate to show how they should comply in the future. Another issue was screening, vague in the old plan, but the new plan says 'various screening trees'. They describe a flower border that is just decorative. The aspen trees were planted between the house and other buildings. The idea is to screen for wildlife. This needs to be clarified.

There was an original proposal to plant several hundred pine trees, but this was never done. He does not know where the new plantings have occurred. This is important for the Shepherds as they are to maintain those at all times. It needs to be clear what and where.

Screening is condition #3, tree planting is condition #4, and he'd like to see the photos submitted. In regard to seeding thinned areas, there is not a similar provision as there is for the driveway. It is hard to seed areas and some years this does not work so well. The original plan referenced irrigation rights to use it to successfully seed. It is not clear if this will happen with the new plan and new water rights, unless clarified in today's submittal. It is important to keep out the cheat grass as well.

Regarding forage competition, this came up in the new application as a concern. They submitted a farm management plan originally with the wildlife management plan. The farm management plan got removed but the reference is still there in the wildlife plan. Perhaps they have changed it recently. Perhaps staff feels there is no linkage there now and is not relevant.

It is also not clear in Code what the change in circumstances is that justifies this being done. It appears that non-compliance with the original plan and its vagueness were the reasons, but those are not really a change in circumstances. The Board needs to know what has been done over 14 years, to be clear on what clearing and seeding should be done. They speak of doing more than what others have done, but a larger issue is what to do when you work with ODF&W and staff, if the conditions are not followed or tracked. He feels building on the rimrock was probably the worst place for wildlife reasons. The mitigation required for that previous action was not followed.

Regarding vehicular usage of the driveway, this was in the original plan, just being a residence. He is anticipating that this will be used for more than the usual traffic and that is a reason for the new plan, removing this requirement. It does make a difference when a home is sited more than 300 feet from the road. Traffic is a critical element and should be in the new plan.

William Kuhn said that he has thanked the Shepherds and Mr. Hunicutt for putting together a good plan. Considering the concern is a wildlife area overlay zone, it is not just looking at deer habitat. Other animals are impacted.

He asked who can monitor; who has the right to monitor what is going on; and who has the obligation to monitor what is going on. Is this expected to be ODF&W or a neighbor? Also, who pays for monitoring and how often it should occur? He knows monitoring does not occur regarding property across the road from his home.

When ODF&W spoke about the plan to the Soil and Water Conservation District, ODF&W said it is an unfunded mandate. He suggested that they take some tax money and redirect it for monitoring purposes by the ODF&W.

On his 33 acres of wildlife habitat, which is not in a plan due to no agreement with the neighbors, there are at least 132 piles of brush there. They need four piles of brush per acre. ODF&W's requirement is completely inadequate.

He is not in favor or against what is going on there. But wants to see more brush piles, and asked who is monitoring what is supposed to happen.

Matt Lisignoli of Terrebonne is reluctant to comment, because he feels the deer and wildlife are going to prevail. They are planting pine trees and aspen just to be killed off by deer. And there is a problem having to water them. Deer beat him up all year long. None of the wildlife he knows about seem to be shy. He does not understand the seeding and screening, and taking out juniper. Lower Bridge has crops that are sustainable, with juniper and other plants still in place, and the deer seem to do well in any case.

Mr. Hunicutt stated that Mr. Dewey asked for specific location for the trees to be planted, which might allow for monitoring. The existing plan does not require replanting or a location for the trees to be planted. The modified plan doesn't either, but the fact they have to replant is included.

The existing plan says they have to plant pine trees, but it is unclear how many or where. The new plan is clearer with some trees already planted.

The change in circumstances is because there are new owners who were not involved in the original plan. They are trying to comply with a plan that is difficult to understand, so wish to have a better plan.

He said that Mr. Dewey indicated that the existing plan was not followed. The Shepherds have tried to do so in spite of the vagaries. They would rather have something that is a better plan and easier to follow.

Mr. Shepherd said that regarding the house on the rimrock, he was told by the ODF&W that this gets the house out of the central area and away from where the deer eat and sleep. They have already gotten approval to move the road for that reason. He believes they are complying with the existing plan as much as possible. There was no prohibition against limbing trees. The next plan requires compliance, and he assumes someone will be checking up on them.

Commissioner Baney said they just answered one question; in her time here, she sees that some plans are not that easy to understand or follow. The piece about not limbing trees seems contrary to wildfire mitigation. The part around the use of the driveway is not in the conditions of approval. They don't want to open this to benefit another application, so she wants to be sure that is stand-alone and keeps the process holistic. They don't want to presuppose another application by their actions on this one. Regarding monitoring and payment, she asked if the property owner picks up the costs for this, and who does the monitoring.

Mr. Groves said that this is a problem with many conditions of approval. There are ongoing obligations for the property owners as well. The difficulty is that the owner is not required to set up monitoring. This happened with the previous plan. They have not taken the position to require a paid third-party agency come out and do this, as is done in other areas. These conditions are more robust than usual with certain timeframes. It does put a burden on ODF&W and staff. He is not sure how to do this better, or if ODF&W has a fund for ongoing monitoring.

Commissioner Baney asked if there might be some new technology that could be used to do part of this, or dated photos from the owner showing what has been done. It is warranted to mention the bell has been rung on this original plan, and they are adding conditions that were not there before. There has to be a balance.

Commissioner Unger said that a farm management plan and wildlife management plan should have some synergy. A lot has been suggested. In the winter deer range, the plan is the relevant in the winter. He understands they migrate mostly at that time. Activities on the road will happen mostly in the summer months. He wishes to review the maps.

Chair DeBone feels that this might be more of a bedding issue than feeding. Deer feed in fields or almost anyplace. He asked if there is a process for a review of a wildlife plan if there are to be changes. Mr. Groves said that if there is a significant change proposed, they will look at potential conflicts with the plan.

Commissioner Baney asked what happened with the farm management plan. Mr. Groves said that a property this size is a special situation regarding farm dwellings. They are allowed where there are better soils and income from farming. There is a special situation for 160 acres or more; they have to show they are farming and that the farming makes sense. Unlike other farm management plans with income tests, it is unclear what is required. The previous owner wanted to increase farm use and get more irrigation. LUBA cases suggest a snapshot in time, a house for the farm at the time. If they are then unable to farm later, the dwelling does not change. The new plan does not conflict with the ability to farm. This won't break it in any case for this property.

Mr. Groves clarified that there was a question about the road usage and deer. The private park is in the hopper but not a part of this issue. The road is offset from the deer habitat issue. Another issue is the old and new plans and how they blend. ODF&W said there is nothing in the old plan that has to be mitigated or needs to be included with the new plan. The new plan stands alone. How it was done in the past is not relevant with the new plan.

Commissioner Baney asked if additional activity is disruptive to wildlife. Mr. Groves said the previous plan said there would be little usage of the road, but no criteria stating how many cars or how often. In this case, this is not part of the current mitigation package. ODF&W feels that it is mitigated regardless of the road. This may come up if the private park is approved, but that is a different case.

Commissioner Baney asked if because it is not stated, is there a danger that this will be considered unimportant in the future. Mr. Groves stated they will be asked this question specifically in any future case. ODF&W may say this is not a problem since the wedding season and deer migration season are different. But this will probably come to the Board in that context. If it has to be clarified in this case, it may create obstacles in future cases when it is not warranted.

Regarding the screening around the dwelling, ODF&W has asked that this be maintained as shown in the 2014 record photos. This is a specific requirement. He does not think they have to plant 300 pine trees, but that they would be 300 feet from the dwelling.

Mr. Lelack said that if requested by any of the parties, the Board needs to allow for seven days of review of information, and seven more days for rebuttal.

Laurie Craghead added this is the first evidentiary hearing for this case, so the seven days are required, plus seven days for rebuttal from the applicant. Traditionally the Board provides an open time to receive new information as well.

The record will be held open until February 9, 5 PM, and another eight days to February 17 for rebuttal due to the legal holiday. Deliberations will follow. The oral record was closed, with the written record left open.

Commissioner Baney left the meeting at this point (12:05 p.m.)

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

UNGER: Move approval of the Consent Agenda except for the business meeting minutes of January 28 and the work session of January 26.

DEBONE: Second.

VOTE: UNGER: Yes.

DEBONE: Chair votes yes.

Consent Agenda Items

5. Board Signature of Order No. 2015-007, Authorizing the Disposal of Two Surplus Vehicles (Sheriff's Office)
6. Board Signature of Order No. 2015-002, Initiating the Vacation of a Right-of-Way Located off Warrin Road (near Fryrear Road)
7. Board Signature of Resolution No. 2015-002, Vacating a Right-of-Way Located off Warrin Road (near Fryrear Road)
8. Board Signature of Document No. 2015-086, an Acceptance Deed for a Right-of-Way Located off Warrin Road (near Fryrear Road)

9. Board Signature of Letters Reappointing Cheryl Davidson and David Bishop to the Deschutes County Fair Board, through December 31, 2017
10. Approval of Economic Development Discretionary Grant Awards:
 - Center for Economic Research & Forecasting (CERF) - \$1,500
 - NeighborImpact - \$1,500
 - Network of Volunteer Administrators (NOVA) - \$1,500
 - OSU/Deschutes County Extension - \$1,500
 - Central Oregon Council on Aging (COCOA) - \$1,200
 - Adventist Community Services - \$1,000
 - Deschutes County Coalition for Human Dignity - \$1,200
 - Saving Grace - \$1,200
11. Approval of Minutes:
 - Business Meeting of January 26 and 28, 2015
 - Work Session of January 26, 2015

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

12. **Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for the 9-1-1 County Service District in the Amount of \$13,546.30.**

UNGER: Move approval, subject to review.

DEBONE: Second.

VOTE: UNGER: Yes.

DEBONE: Chair votes yes.

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

13. **Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for the Extension/4-H County Service District in the Amount of \$438.09.**

UNGER: Move approval, subject to review.

DEBONE: Second.

VOTE: UNGER: Yes.

DEBONE: Chair votes yes.

RECONVENED AS THE DESCHUTES COUNTY BOARD OF COMMISSIONERS

14. Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for Deschutes County in the Amount of \$820,371.22.

UNGER: Move approval, subject to review.

DEBONE: Second.

VOTE: UNGER: Yes.

DEBONE: Chair votes yes.

15. ADDITIONS TO THE AGENDA

None were offered.

Being no other items brought before the Board, the meeting was adjourned at 12:15 p.m.

DATED this 25th Day of February 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

1

REQUEST TO SPEAK

Agenda Item of Interest Shepherd Date 2/2/15

Name Paul Dewey Central Oregon Land Watch

Address 1539 NW Vicksburg

Bend OR 97701

Phone #s 541-420-8455

E-mail address pdewey@bandcable.com

In Favor Neutral/Undecided Opposed

Submitting written documents as part of testimony? Yes No



BOARD OF COMMISSIONERS' MEETING

3

REQUEST TO SPEAK

Agenda Item of Interest SHEPARD Date 2-2-2015

Name MATT LISIGNOLI

Address 1250 NE WILCOX AVE

TERREBONNE, OR 97760

Phone #s 541-504-1414

E-mail address MATT@SMITHROCKRANCH.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 #2 Date 20180202..

Name William Kuhel

Address PO Box 5996 - 97708-5996

Phone #s _____

E-mail address _____

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 #4 Date 20180202..

Name William Kuhel

Address PO Box 5996 97708-5996

Phone #s _____

E-mail address WILLIAM@RISKFACTOR.COM

In Favor Neutral/Undecided Opposed

Submitting written documents as part of testimony? Yes No

2

January 30, 2015

Commissioner Tony DeBone, Chair
Commissioner Tammy Baney
Commissioner Alan Unger

Commissioners,

Thank you for the opportunity to come before you today. I am honored and humbled by the recommendation of Sheriff Blanton that I complete the rest of his term upon his retirement after nearly forty years of law enforcement service. I am proud to serve the citizens of our great county alongside the women and men of the Deschutes County Sheriff's Office.

Our office has proudly served our community for close to 100 years. We have been successful because of our partnerships with the citizens, other government agencies, county administration, the Board of County Commissioners and the Central Oregon area Chambers of Commerce.

Born and raised in Central Oregon, I am happy to contribute to a wonderful place to live and raise a family. Quality of life is very important and is a key to our livability which keeps productive citizens and businesses here.

I have been a part of the Sheriff's Office for twenty years, beginning my career as a reserve deputy sheriff. I have worked in all of the divisions of the office and have gained extensive budget experience with our \$40 million budget. Fiscal responsibility while providing quality service is paramount to the Office of Sheriff.

In volunteering, I have been connected to our community through the Redmond School District as a board member and to the future of our community as a youth sports coach and Redmond Youth Football Program Director. I have been involved with Pilot Butte Partners as a nonprofit board member with a mission to enhance the popular landmark while working with the Oregon Park and Recreation Department.

I understand and believe that our service to our community's livability is due to public safety's partnerships. I look forward to our ongoing partnership and communication with the Board of County Commissioners to provide continued quality public safety.

Our Sheriff is an excellent leader and has solidified our reputation. After a smooth transition, we will continue to do what we do best...the work the citizens expect and deserve. We will continue to be positively influenced by Sheriff Blanton's legacy.

I will dutifully serve with the captains and the women and men of your Sheriff's Office while carrying out the Office of Sheriff with conviction.

Respectfully,

A handwritten signature in black ink, appearing to read 'Shane Nelson', written over a horizontal line.

Shane Nelson, Captain
Corrections Division Commander



Captain Shane Nelson

63333 W. Highway 20
Bend, OR 97701
541-617-3386

EDUCATION



- 1993 – Oregon State University, B. S. Speech Communication

PROFESSIONAL EDUCATION

- Department of Public Safety and Standards Training – Executive Certificate
- Department of Public Safety and Standards Training – Middle Management Course
- Mark Hatfield School of Government, Portland State University
- Graduate of Class #2 Oregon State Sheriff's Association Command College
- Graduate of the 2012 Leadership Bend Class

AVOCATION

- Family outings, skiing, hunting, hiking and fishing

Captain Shane Nelson

Deschutes County Sheriff's Office

Mission

I support the values and mission of the Deschutes County Sheriff's Office. "To serve our community by providing superior public safety and service, in an ethical and fiscally responsible manner, while preserving the rights of all individuals".

Captain Nelson has been in law enforcement in Oregon for more than 20 years. He was born and raised in Bend and graduated from Mountain View High School in 1988. After graduating from Oregon State University in 1993 he moved back to Bend. Lisa, his wife of 15 years grew up in Maupin. They have four children.

As the Corrections Division Commander, he oversees the office's Adult Jail, Work Release Center, and Human Resources. As a member of the Sheriff's Office he serves on the Deschutes County Shared Future Coalition.

He is an active member of the community; he serves on the Board of Directors for Pilot Butte Partners and the Board of Directors for the Redmond School District. Captain Nelson is the Director of the Redmond Youth Football Program and he coaches youth soccer and basketball for the Redmond Area Parks and Recreation District. He is a past member of the Redmond Development Commission Safety Stakeholder Committee, as well as, a past member of the Redmond Executive Association.

DESCHUTES COUNTY SHERIFF'S OFFICE CAREER

- 1993 – Reserve Deputy
- 1994 – Patrol Deputy
- 1999 – Corporal
- 2001 – Detective
- 2003 – Patrol Sergeant
- 2006 – Patrol Lieutenant
- 2010 – Administrative Lieutenant
- 2012 – Operations Division Commander
- 2013 – Corrections Division Commander



Oregon

John A. Kitzhaber, MD, Governor

Department of Public Safety Standards and Training

4190 Aumsville Hwy SE

Salem, OR 97317-8981

(503) 378-2100

<http://www.dpsst.state.or.us>

January 9, 2015

Captain Shane Nelson
Deschutes County Sheriff's Office
63333 W. Highway 20
Bend, OR 97701-1965

RE: Sheriff Eligibility Application / DPSST #29657

Greetings Captain Nelson:

The Department of Public Safety Standards and Training (DPSST) has received your Sheriff Eligibility Application. Under the current requirements, you are eligible to hold the office of Sheriff.

You meet the age and experience/educational requirements for sheriff. You are also currently certified in the police discipline and you have sworn or affirmed that you have no criminal convictions that would prohibit you from retaining your certification as a police officer.

In the future, should you become an actual candidate for the office of Sheriff, please contact DPSST to have an official letter forwarded to the county clerk informing them of your eligibility to appear on an official ballot.

It is important to ensure that you are in compliance with ORS 249.037, which requires potential candidates for sheriff to submit their application for determination not sooner than the 250th day and not later than the 70th day before the date of the primary election. If you have not filed your application within the mandatory timeframe, you will need to re-submit your application when appropriate.

If you have any questions, or if there is any way in which I can be of assistance to you in the future, please do not hesitate to contact me at (503) 378-2083.

Sincerely,

Debbie Anderson
Certification and Compliance Specialist
Standards & Certification Unit

cc: File

James D. Porter

██████████ Drive

Bend, Or. 97701

P) ██████████ Email ██████████

Having served thirty years of my thirty-two year law enforcement career in Central Oregon, with both municipal police agencies and a sheriff's departments, at every level of management, in every discipline of our profession, and as a resident of Deschutes County since 1991, I feel I can claim a degree of knowledge held by few as to the law enforcement needs of the citizens of Deschutes County

The legacy of successful Sheriffs in Central Oregon, and for that matter all of Oregon, tells us the individual holding the office must possess an ethical base beyond reproach, be honorable in all aspects of their personal and professional lives, recognize the necessity for partnerships, and exhibit exceptional leadership. Additionally, they must be firmly rooted and devoted to the community they serve, have a broad base of experience in the organization they lead, have earned the trust of those they serve and value the importance of partnerships with their public safety partners. Captain Shane Nelson exemplifies all of these qualities.

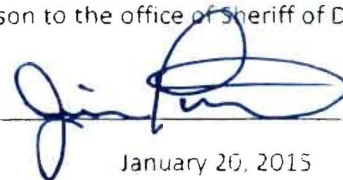
In the twenty years I have known and worked with Captain Nelson, he has displayed the highest degree of sound judgment and a clear vision of not only the present needs of a modern law enforcement agency, but also the vision of where a modern agency needs to go into the future to stay responsive to the community's needs.

One of Captain Nelson's strongest traits is the volunteer work he does for the citizens of Deschutes County. From personal experience I can attest to the fact a Captain in a law enforcement agency the size of the Deschutes County Sheriff's Office will spend between 50 to 60 hours per week to meet the needs of his agency. Beyond this taxing professional commitment, Shane makes the time to serve on several independent boards throughout Central Oregon, volunteer as a sports coach for our youth, and assists in charity events to raise funds for those less fortunate in our community.

In my present capacity I have the opportunity to know, work, and on a regular basis speak with nearly every public safety leader in Central Oregon. I know from these contacts and from my observations Captain Nelson is well respected, trusted, and viewed as an exceptional leader and partner in our profession.

Captain Nelson has worked hard to prepare himself for the highest level of leadership in our profession by obtaining practical experience in all the many different disciplines within our profession. He has balanced this practical professional experience by completing courses of study in the most modern and respected of law enforcement executive management training. He has taken on assignments with progressively larger and more complex operating budgets and personnel management challenges. In my experience I can honestly say, I have seen no one as well qualified in experience, education, and leadership to hold the office of Sheriff as Shane Nelson.

I strongly endorse the appointment of Captain Shane Nelson to the office of Sheriff of Deschutes County.



January 20, 2015



Oregon

John A. Kitzhaber, MD, Governor

Department of State Police

20355 Poe Sholes Dr., Suite 100

Bend, OR 97701-7938

(541) 388-6213

Fax: (541) 388-6241

January 14, 2015

Commissioner (Chair) Tony DeBone
Commissioner Tammy Baney
Commissioner Alan Unger
Deschutes County Board of Commissioners
1300 NW Wall St, Suite 200
Bend, Oregon 97701

Please accept this letter of support, for Deschutes County Sheriff Larry Blanton's recommendation Captain Shane Nelson be awarded the position of Sheriff.

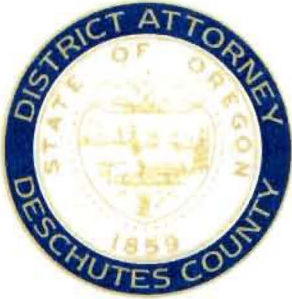
The Deschutes County Sheriff's Office enjoys the hard earned reputation as one of the most progressive, accountable and professional law enforcement agencies in Oregon. As a police executive that lives and works in Deschutes County, I can offer assurance the professionalism of this agency is due, in large part, to the current leadership.

While I congratulate Sheriff Blanton on his well-earned retirement, I was pleased when he announced his recommendation for successor. I have known Captain Shane Nelson personally and professionally for over ten years and support his appointment as the next Deschutes County Sheriff without reservation. Captain Nelson has the experience and credibility to assume this important position, including both from a leadership and management perspective. He is an excellent communicator, inspiring confidence and respect from members within and outside his agency.

Captain Nelson would offer a seamless succession of leadership at the Deschutes County Sheriff's Office, his current service in the agency executive staff will be invaluable during the coming months of transition. While Sheriff Blanton's recommendation for Captain Nelson to assume this position speaks volumes, I hope this letter also offers the intended support from the Oregon State Police.

Thank you for taking the time to read this letter of support, I would be happy to answer any questions or offer similar support in a public forum.

Travis Hampton, Major
Oregon State Police
Field Operations Commander
(541) 633-2237
travis.hampton@state.or.us



John Hummel District Attorney

1164 NW Bond Street • Bend, Oregon 97701
(541) 388-6520 • Fax: (541) 330-4691
Grand Jury Fax: (541) 330-4698
www.dcca.us

January 16, 2015

Dear Deschutes County Commissioners:

I am writing to strongly recommend that Captain Shane Nelson be appointed Deschutes County Sheriff when Sheriff Larry Blanton retires. I cannot imagine a better choice.

I have known Captain Nelson on a professional basis for approximately twenty years. In that time, he has always impressed me as a very bright and dedicated individual with the ability to use common sense in the course of his duties. I know that other members of my office, as well as members of the Judicial Department, share those sentiments.

What impresses me the most about Captain Nelson is his always positive attitude and his infectious enthusiasm for the important work of the Deschutes County Sheriff's Office. He is a leader in the Sheriff's Office who has always demonstrated the very highest degree of professionalism and integrity. In my opinion, those qualities are essential for the office of Sheriff. You will find no one who better exemplifies those qualities than Shane Nelson.

Captain Nelson's skills working with others, both inside and outside of the Sheriff's Office, are extraordinary. I have had numerous experiences with him, whether dealing with the District Attorney's Office, the courts or in community groups, in which he has shown a remarkable ability to work through challenges that may arise while maintaining an even keel and a great sense of humor.

I have had only good experiences with Captain Nelson since I have known him, and I firmly believe that he will be an excellent Sheriff.

Very truly yours,

Stephen H. Gunnels
Chief Deputy District Attorney



P: 541.923.5437

F: 541.923.5142

145 SE Salmon Ave | Redmond, OR 97756

www.redmond.k12.or.us

January 20, 2015

Board of County Commissioners
Deschutes Services Building
1300 NW Wall Street, Suite 200
Bend, OR. 97701

RE: Support Nelson for Deschutes County Sheriff

Board of County Commissioners,

It is an honor and pleasure to write a letter of support for Captain L. Shane Nelson for the position of Deschutes County Sheriff.

I have known Captain Nelson for more than three years, first as a parent involved in the Redmond Area Parks and Recreation District, and then as a colleague after he was appointed to the Redmond School Board. Shane was sworn in on January 8, 2014, and is serving through June 30, 2015. Shane's depth of public service and leadership experience has been a tremendous asset to the school district and to the Redmond community. Shane has strong interpersonal skills, which is exhibited through his reputation as a great listener, and demonstrates respect for others' declarations and opinions. His oral and written communication skills are excellent. His fiscal management experience with the Sheriff's Office and involvement with other volunteer boards has provided him with the knowledge and understanding of school finance, both on local and statewide levels. I strongly believe that his vested interest in the children of our community has made us more effective as a school board.

From my conversations with Shane on a personal level, I have found him to be kindhearted and he has strong family values. His commitment and dedication to Lisa and their four children proves to me that he will follow through on any commitment he is passionate about.

I strongly recommend your consideration of Captain L. Shane Nelson to lead the Deschutes County Sheriff's Department. I believe there is no one who will outperform, be more fair, consistent, or unwavering in the approach of his leadership position, and will always keep the citizens of Deschutes County foremost in any course of action.

Sincerely,

A handwritten signature in blue ink, appearing to read "A.J. Losoya", with a long, sweeping flourish extending to the right.

A.J. Losoya
Chairman
Redmond School Board

Ron Brown
63333 Highway 20W
Bend, OR 97701
January 19, 2015

Alan Unger, Tammy Baney, and Tony DeBone
Deschutes County Commissioners
1300 NW Wall St
Bend, OR 97701

Dear Alan Unger, Tammy Baney, and Tony DeBone:

My name is Ron Brown. I am the current president for the Deschutes County Sheriff's Employee Association. I am writing this letter in support of Captain Shane Nelson's appointment to Sheriff for Deschutes County. I have personally worked under the supervision of Captain Nelson as Sergeant, Lieutenant, and Captain. Captain Nelson is knowledgeable and professional.

I have worked with Captain Nelson in my capacity as president on numerous occasions with issues concerning association members. Captain Nelson works hard to resolve issues in a manner that is fair and in accordance with our agency's policies and procedures. He understands the human element of our business. I am confident that Captain Nelson will continue to be fiscally responsible and morally professional as Sheriff for Deschutes County.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Brown', with a stylized flourish at the end.

Ron Brown
DCSEA President

QUASI-JUDICIAL HEARING OPENING PROCESS:

1. **CHAIR:** "This is the time and place set for hearing on 247-14-000401-MC and 454-A."
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 appeal of 247-14-000401-MC. The address of the property is 71120 Holmes Road, Sisters.
 - The applicant is requesting approval of a modification of conditions to change the wildlife management plan approved for the subject property under County File Nos. CU-00-65 and MA-01-9.
 - 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 will present its testimony and evidence
 - the opponent (and/or proponent) 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.**

Public Hearing

247-14-000401-MC

BOCC

February 2, 2015



Staff Report

- Background
- Subject Property
- Staff Decision
- Analysis and Issues
- Alternative Courses Action
- Questions

Background

- Prior owner received approval for a farm related dwelling in the EFU and WA zones.
 - Dwelling over 300 feet from a road required a wildlife management plan (WMP)
 - Approved 2001 WMP included prohibitions and required vegetative enhancements to improve deer habitat
- Current owner would like to comply with WMP
 - Required WMP actions are unclear as written
 - ODFW and owner's biologist confirm that a new WMP would result in better deer habitat enhancement

Background

- New WMP was developed in coordination with ODFW and applicant's biologist.
 - Focuses on forage enhancement
- Staff issued administrative approval of the modification
 - Converts WMP into six conditions of approval
 - Wholly removes the obligations of the 2001 WMP
- Landwatch appeals
 - Administrative decision has informational gaps
 - Figures showing habitat enhancement areas were not provided
 - Does not deal with forage competition between livestock and deer



NW LOWER BRIDGE



Decision and Key Issues

- The WMP must comply with 18.88.060(B)(1)
 - *Habitat values (i.e., browse, forage, cover, access to water) and migration corridors are afforded equal or greater protection through a different development pattern;*
- What additional documentation, if any, is required at this time?
- How can forage competition be controlled?

ALTERNATIVE COURSES OF BOARD ACTION

- After conducting the public hearing and receiving testimony, the Board's options include the following:
- Continue the public hearing to a date and time certain:
 - To the next BOCC hearing/meeting date or a subsequent BOCC hearing/meeting date.
- Close the oral record and keep the written record open to a date and time certain.

ALTERNATIVE COURSES OF BOARD ACTION

- Close the public hearing (oral and written records), and:
 - Begin deliberations, or
 - Direct staff to schedule time on a future agenda to conduct deliberations, or
 - Make a decision on the appeal.
 - direct Staff to draft findings.

QUESTIONS?



Jan. 14, 2014

We are submitting this on behalf of Captain Shane Nelson.

We were both born and raised in Bend. We have remained here all of our 60 years. We have had the pleasure of knowing Shane for many years. We have the utmost respect for him. Several years ago he was asked by Sheriff Larry Blanton, to help our neighbors, and us, with a matter that was going on in the area we live. He handled it well, so that everyone was satisfied. He has followed up with us many times since then.

We have witnessed Shane as a coach for youth basketball. We admire the way he treats the kids he is coaching.

We know that Shane is being considered to finish out the term that Sheriff Blanton will be leaving this summer. We strongly support Shane. The duties of Sheriff are plentiful. Not only will the Sheriff need to be knowledgeable, he needs to show leadership, compassion, along with being personable. Sheriff Blanton is all of that, and we believe he has prepared Shane to follow in those footsteps.

Thank you for the opportunity to show our support for Shane.

**Larry D. Wonser
General Manager Bigfoot Beverages (employed for 38 years)**

**Molly Wonser
Retired from Bend Lapine Schools 2013 (26 years)**

January 30, 2015

Deschutes County Community Development Department
117 NW Lafayette Ave.
Bend, OR 97701
ATTN: Will Groves

Re: Shepherd Wildlife Management Plan Modification
File No. 247-14-000401-MC

Dear Mr. Groves:

This letter serves as my response to the issues raised by Central Oregon Landwatch (Landwatch) in their appeal of the staff's approval of my application for modification of the original Wildlife Management Plan (WMP) on my property located at 71120 Holmes Road in Deschutes County. Please enter this letter into the record.

Landwatch raises five issues in their appeal. I will respond to each issue in order:

1. Landwatch questions whether condition #3 of the staff approved modified WMP requires something more or less than what is required under the current WMP. Condition #3 requires me to maintain a vegetative buffer around the existing house to provide visual screening and forage opportunities for deer. The buffer must consist of various trees, including Junipers and Aspen, as well as shrubs, garden, and lawn, and to replace any vegetation in-kind should it die.

The existing WMP, approved as part of the Woods application (CU-00-65), called for a buffer zone of mixed trees including Aspens, Birch, Ponderosa Pine, Maples and Dogwoods, along with middle sized shrubs. In addition, the WMP called for planting a plot of pine trees around 300 feet from the dwelling.

To date, we have planted a large lawn to provide forage for wildlife, including wintering deer, approximately 50 Aspens, and 23 Ponderosa Pine trees, all within 300 feet of the dwelling. In addition, we have planted a large flowered area (approximately 60' x100'), along with native grasses on approximately 1.6 acres.

Condition #3 is an improvement on the existing WMP in that it not only requires us to create a buffer, but also to maintain it, and replace dead vegetation with like-kind vegetation. The

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existing WMP does not contain this requirement, meaning the modified WMP creates an additional burden upon us.

2. Landwatch asserts that the modified WMP should specify (in Condition #4) the location of the property upon which juniper shall be thinned, rather than deferring that decision until 30 days after the final decision on the application. Landwatch further claims that the modified WMP will not preserve the cover necessary for deer. Finally, Landwatch asserts that the terms "scab rock flats" and "rock scabble areas" are undefined and so it is unclear to know where they are located and how many acres have already been thinned under the existing WMP.

The existing WMP calls for "cutting the many small juniper trees to promote the natural growth of sage brush, bitter brush, and bunch grasses." The existing WMP prohibits general thinning of juniper, and only allows removal of juniper less than 10 years old.

To date, we have removed young juniper from approximately 10 acres of our property, as shown on the attached map. We have also planted native grasses, including sage brush, lupen, meadow salsify and others on approximately 6000 square feet. However, after meeting onsite with our biologist, Ray Romero, and with Corey Heath, Deschutes District Wildlife Biologist for ODFW, it was determined that wildlife would better benefit by removing a greater number of junipers from a larger portion of the property, leaving the largest junipers in each location for cover, piling the downed junipers into brush pile for rodent and bird habitat, and planting each area with native vegetation to provide additional forage for deer and other wildlife. As per ODFW's recommendation, this is a great improvement.

The existing WMP requires thinning of juniper trees, but does not require replanting the thinned areas with native vegetation, and contains no requirement on the amount of acreage to be thinned and no requirement that the removed junipers be hand piled into brush piles for the benefit of smaller wildlife. The modified WMP contains those requirements, and specifies that at least 25 acres of our property be thinned and replanted. Our plant selection includes, but is not limited to: bitterbrush, Idaho Fescue, Bluebunch wheatgrass, and lupine. (See page 5 of attached Oregon Watershed Enhancement Board grant schedule). Again, as per ODFW's recommendation, this is a great improvement.

Furthermore, the existing WMP did not require that we obtain approval from either the County or ODFW before removing juniper. The modified WMP contains a requirement that we provide the County with a map showing the areas which will be thinned, with each area at least 1 acre in size, and that we obtain ODFW approval prior to thinning. These requirements shall be completed no later than June 15, 2015. Again, as per ODFW's recommendation, this is a great improvement.

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The requirements of the modified WMP are a vast improvement over the existing WMP. Under the existing WMP, we are only required to remove some small juniper. How much and in what location is completely up to us. Under the modified WMP, we are required to thin at least 25 acres of small juniper in areas which must be approved by both the County and ODFW, and which we must complete within a short period after approval of the application. In addition, we are required to replant those areas with native grasses, and create brush piles for smaller wildlife. Finally, we are required to schedule a site visit with the County and ODFW to ensure that we have satisfied the thinning and reseeding requirements. The result is a much more specific and comprehensive set of requirements that eliminate the ambiguity of the existing WMP and add additional benefits for wildlife.

Although the modified WMP does not require us to immediately specify the locations of areas which we propose to thin, attached is a map showing the areas we will initially propose, which are the areas which we walked with Corey Heath and Ray Romero during their site visit to our property. According to the modified WMP, before final approval, the specific scab rock areas to be rehabilitated must be approved by ODFW.

3. Landwatch argues that Conditions #7 and #8 of the modified WMP, which require us to reseed the areas where we have thinned juniper with native vegetation, do not require that the reseeding has "taken hold" and provided the additional forage. Conditions #7 and #8 of the modified WMP require us to reseed thinned areas by June 15, 2017, and request a site visit by the County and ODFW to ensure that the reseeding was completed. In addition, if ODFW does not believe the reseeding was successful, they can require additional application of seed.

Given that the existing WMP does not require any reseeding of thinned areas at all, these conditions are an improvement over the existing WMP. They might not be as great as Landwatch wants, but they are certainly an improvement, particularly since the final call on whether the reseeding has been successful lies with the ODFW.

In addition, we have been working with Jan Roofener of the Oregon Watershed Enhancement Board, who has given up preliminary approval of a small grant application for our property, including \$1,000 for seeds and plants for the areas to be reseeded. A copy of the grant schedule is attached (see page 5). We have also purchased 3.5 acres of water rights to create pasture and for additional areas of our lawn, both of which would be available to deer.

4. Landwatch claims that the existing WMP requires limitations on livestock grazing. The condition of the existing WMP which Landwatch refers to is Condition #6, in which the applicant (Woods) agreed to take the cattle to "another grazing area" on the property during the fall and winter months. Unfortunately, there is no description of which "grazing area" the cattle would occupy during the remainder of the year, nor which "grazing area" the cattle would be moved to by Woods. This is especially difficult when considering the map which the applicant (Woods) submitted to the County, and which was incorporated by the County in the approval of Woods

application. That map (a copy of which is attached) shows that all of the property is labeled as "grazing area". Thus, Condition #6 is both exceedingly ambiguous and ineffective, as it does not appear to require Woods (or us) to do anything. Therefore, we have built a barbed wire feed lot pen of approximately ½ acre near the barn where the cattle will be secured and fed during winter months (see attached map).

Furthermore, we were concerned that the original plan could allow the property to be overgrazed. Therefore, we are willing to limit the duration of grazing on areas above the rim rock to ensure that those areas are not overgrazed. We propose a limitation on cattle grazing above the rim rock of no more than 4 weeks during each year, to occur during summer months when it will not interfere with the deer winter range use. The cattle will be secured for the majority of the summer months to the new pasture area (approximately 10 acres) below the rim rock on the east border of our property (see map). Using this area for grazing will protect the remaining 206 acres from overgrazing, including the areas we propose to reseed, should they be accepted by ODFW and the County. Since the existing plan does not require this protection, it is another improvement.

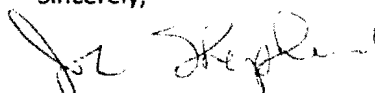
In addition, the existing WMP indicates that Woods will graze at least 25 cattle on the subject property. We plan to only graze approximately 10 cattle on the subject property, to balance the county requirement that we farm the property with the county requirement that we protect wildlife. For protection of wildlife, this is an improvement over the existing WMP.

5. Finally, Landwatch claims that the modified WMP must contain a Condition limiting vehicular use on the property. The existing WMP does provide that there will be little road usage on the subject property, but does not tie that into the benefit to wildlife. Moreover, the existing WMP does not require that there be little road usage (instead, there is simply a statement by the applicant (Woods) that that will be the case), and does not attempt to define what road usage is considered "little". Contrary to what Landwatch claims, there is nothing in the existing WMP which imposes any requirement that human activities will be limited.

By contrast, if somehow the County could infer standards from the existing WMP as to what constitutes "little" road usage, the modified WMP will ensure that the road usage will meet that standard. The existing WMP calls for cattle to use the entire property. This will result in road usage on existing roads in the property as part of the cattle operation. By contrast, as discussed above, we will severely limit grazing above the rimrock. Rather, the vast majority of our cattle operation will occur below the rimrock and in the barn area adjacent to our dwelling (but not within the area for our proposed private park). Thus, except for the Saturday afternoons/evenings during the summer (i.e. not during the fall/winter/early spring when the mule deer winter range is critical) when we hope to use a small portion of our property as a private park, there will be less road usage than under the existing WMP.

I believe this addresses each of the appeal concerns raised by Landwatch, and hope that the Board upholds the staff decision and rejects the Landwatch appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "John Shepherd". The signature is written in a cursive style with a large initial "J" and "S".

John Shepherd



SMALL GRANT PROGRAM APPLICATION

2013-2015
*(for applications to be submitted
after July 1, 2014)*

Application Processing Information (to be completed by the Small Grant Team Contact)

Application #: 19-14-005

Date Received: _____

Date Acted On: _____

_____ Recommended _____ Denied

SGT Contact

Signature: _____

I. GENERAL INFORMATION

OWEB Funds Requested \$8160

Round to nearest dollar

Total Project Cost \$ 11277

Round to nearest dollar

Name of Project (five words or fewer) Shepherd Erosion Reduction Project

Project Location (if more than one, include location/landowner information on each map.)

This project occurs at (check one):

A single site

_____ Multiple sites

Deschutes River

Deschutes

T14S, R11E, Sec 10

Watershed(s)

County or counties

Township, Range, Section(s)

(e.g., T1N, R5E, S12)

*Longitude, Latitude (e.g., -123.789, 45.613)
(Required for federal/state reporting)*

17070301

*Subbasin(s) – Please note the 10-digit hydrological unit code,
previously 5th Field HUC*

River or Creek Name (if applicable)

River Mile (if applicable)

1. Have you previously submitted an application to OWEB, either through the regular or small grant program, for this project, or one similar to it on the same property? _____ Yes Grant # _____ No

If yes, explain _____

2. Does this application propose a grant for a property in which OWEB previously invested funds for purchase of fee title or a conservation easement; or is OWEB currently considering an acquisition grant for this property?

_____ Yes Grant # _____ No

If yes, explain _____

II. CONTACT INFORMATION

Applicant Org.: Deschutes Soil & Water Conservation District	Contact: Tammy Harty
Mailing Address: 625 SE Salmon Ave., Redmond, OR	Zip: 97756
Phone: 541-815-0203	Email: tammyharty@msn.com

Landowner(s): John Shepherd	
Landowner Address: 71120 Holmes Road, Sisters, Oregon	Zip: 97759
Phone: 541.	Email:

Project Manager for the Grantee: Jan Roofener	
Project Manager Address: 625 SE Salmon Ave., Redmond, OR	Zip: 97756
Phone: 541-815-8377	Email: janroofener@bendbroadband.com

Fiscal Agent Org.: Deschutes SWCD	Contact: Tammy Harty
Fiscal Agent Address: 625 SE Salmon Ave., Redmond, OR	Zip: 97756
Phone: 541-923-2204	Email: tammyharty@msn.com

Technical Contact: Jan Roofener	
Phone: 541-815-8377	Email: janroofener@bendbroadband.com

III. PROJECT INFORMATION

Priority Watershed Concern: the project will address—Check One Only:

Instream Process & Function Riparian Process & Function Urban Impact Reduction
 Wetland Process & Function Road Impact Reduction Upland Process & Function
 Fish Passage Water Quantity & Quality/ Irrigation Efficiency

Small Grant Team Priority Project Type(s) addressed by the project (see application instructions):

Vegetation management, upland process and function, erosion and invasive species management, wildlife habitat restoration

1-a. Is the project consistent with the local watershed assessment or action plan?

Yes Name primary assessment/plan Upper Deschutes Assessment and Action Plan
 No
 N/A—The watershed does not yet have an assessment or action plan

1-b. Is the project consistent with the local Agricultural Water Quality Management Area Plan?

Yes No

1-c. Is the project consistent with any developed plan for the property (e.g., local conservation or stewardship plans, etc.)? Yes No

If yes, name the plan(s): ODFW/Deschutes County Wildlife Habitat Plan

2. Describe the current watershed PROBLEM(s) you are seeking to address.

The Deschutes River is water quality limited on DEQ's 303d list for temperature and other parameters of toxic substances that would limit beneficial use of summer steelhead fish. Juniper encroachment due to lack of wildfire in Central Oregon is a significant problem. The phase II juniper stand is estimated at 200 trees to the acre and dominates the plant community on this site. Soil organic matter has declined and raindrops if not intercepted by the juniper crown impact the ground promoting physical crusting, so precipitation does not infiltrate the soil. This site is best described as mid-late phase II; a period of transition when biotic and, in many cases abiotic conditions worsen and the focus of treatment options changes from prevention to restoration and repair. The landowner is very interested in planting native vegetation such as bitterbrush and bunch grass seeding per recommendations from Oregon Department of Forestry. At this time no noxious weeds were observed, and the landowner successfully cleared juniper on 10+ acres of his 216 acre property.

3. Describe the SOLUTION(s) you are proposing to address the current problem(s). attach a site map, color photo(s), and (if applicable) preliminary project drawings or designs

The project proposes to cut 30 acres of stage II juniper, stack the large trees in piles and burn or haul off for firewood; although the smaller limbs and litter from the trees should be left as ground cover and shade protection for the soil to encourage the native plant species to return. Results from this project are; soil will become permeable, young Juniper trees will be eliminated, reduced wildfire fuels, restore the grassland ecological site for water quality and wildlife habitat. This OWEB Small Grant project is included in the plan to manage the natural resources in a partner ship with Oregon Department of Wildlife, Deschutes Co SWCD, Deschutes County Planning and the landowner. Attached; recent plan for wildlife habitat submitted to Deschutes Co Planning for this property.

Project Budget (Word)—Itemize projected costs for each of the following “Expense Categories” that apply to your project. A minimum of 25% match—cost share—in-kind/cash (column 4) is required. See application instructions and additional team conditions for further guidance.

PLEASE NOTE: Budgets may be submitted in either Word or Excel (form on website) formats.
http://www.oregon.gov/OWEB/GRANTS/smgrant_forms.shtml

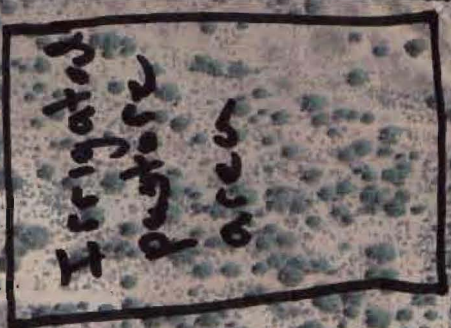
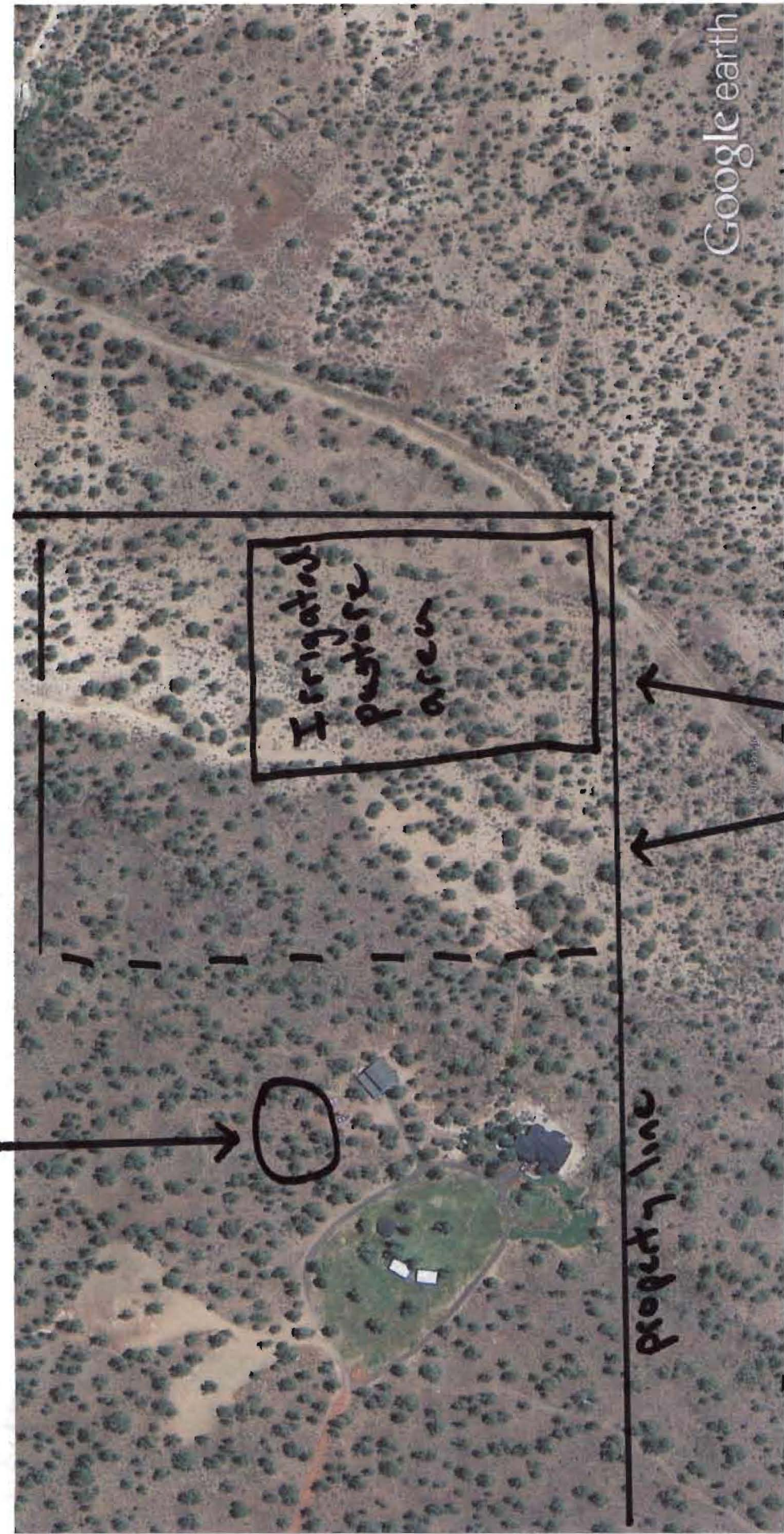
Fill in the amounts, rounded to the nearest dollar, please do not include cents.

Expense Category	No. of Units	Unit Cost	Cost Share In-Kind/ Cash (Match)	OWEB Funds	Description— <i>what will be purchased or done and who will provide the item/perform the work</i>
SALARIES, WAGES AND BENEFITS (Includes time devoted to this project only by applicant employees for whom payroll taxes are paid)					
Deschutes SWCD Technician	8 hrs	\$30	\$240	\$	Reconnaissance, photos and research
Deschutes SWCD Tech	16 hrs	\$0	\$0	\$480	Project process, site visits for progress reports
SUBTOTAL (1)			\$0	\$0	
CONTRACTED SERVICES (Work crews, volunteer labor, establishing plants, equipment operation, etc)					
Mechanical Brush Treatment	30 acres	\$186/ac	\$0	\$5580	Mechanical Large Woody Brush Management, Medium Infestation
Hand tools brush treatment	30 acres	\$78/ac	\$2340	\$0	Leave small piles for bird nesting, lopping small trees
Broadcast seeding x2	40 hours	\$12	480		Hand seed using a harrow or rake and broadcast seed
SUBTOTAL (2)			\$0	\$0	
MATERIALS AND SUPPLIES (Seed, fencing, pipes, gravel, logs, plants, etc)					
Native Seed	Lump Sum	\$0	\$0	\$1000	Seed mix to include bitterbrush, Idaho Fescue, Bluebunch wheatgrass, and lupine seed in late fall or early spring (non toxic to livestock)
SUBTOTAL (3)			\$0	\$0	
TRAVEL (For current rates go to: http://www.oregon.gov/OWEB/Pages/forms_linked.aspx# Forms and Guidance used for all grants regardless of funding date-Travel Rates					
Site visits by SWCD	104 mi	\$.55	\$57	\$0	4 site visits for progress reporting
		\$	\$0	\$0	
SUBTOTAL (4)			\$0	\$0	
OTHER (Land use signature costs, project permit costs, small equipment repair, commercial equipment rental)					
Land Use Review by Co		\$50	\$0	\$50	OWEB requirement
		\$	\$0	\$0	
SUBTOTAL (5)			\$0	\$0	
PROJECT SUBTOTAL (Add Subtotals 1-5)			\$0	\$0	
GRANT ADMIN. Not to exceed 15% of Project Subtotal. Compute by multiplying by 0.15 or less. See the January 2014 Budget Categories Definitions at http://www.oregon.gov/OWEB/forms/2014-01budget_category_defs.pdf for eligible costs. Indicate which billing method will be used for this grant by checking one appropriate box.					
<input checked="" type="checkbox"/> direct cost billing	20 hrs	\$45	\$0	\$850	File maintenance for reporting purposes to OWEB
<input type="checkbox"/> direct cost allocation		\$	\$0	\$0	
<input type="checkbox"/> indirect costs (if checked, attach copy of Federal Indirect Cost Negotiation Agreement)		\$	\$0	\$0	
POST-GRANT					
YEAR-2 STATUS/POST IMPLEMENTATION REPORT (optional)			\$0	\$200	(Not to exceed \$200)
PLANT ESTABLISHMENT(optional)			\$0	\$0	(Not to exceed \$1,000)
PROJECT TOTALS			\$3117	\$8160	(Not to exceed \$10,000 in OWEB funds)

23 Ponderosa
Pines planter
by barn.



Winter feed lot area



Irrigated
pasture
area

property line

Google earth

feet
meters

1000

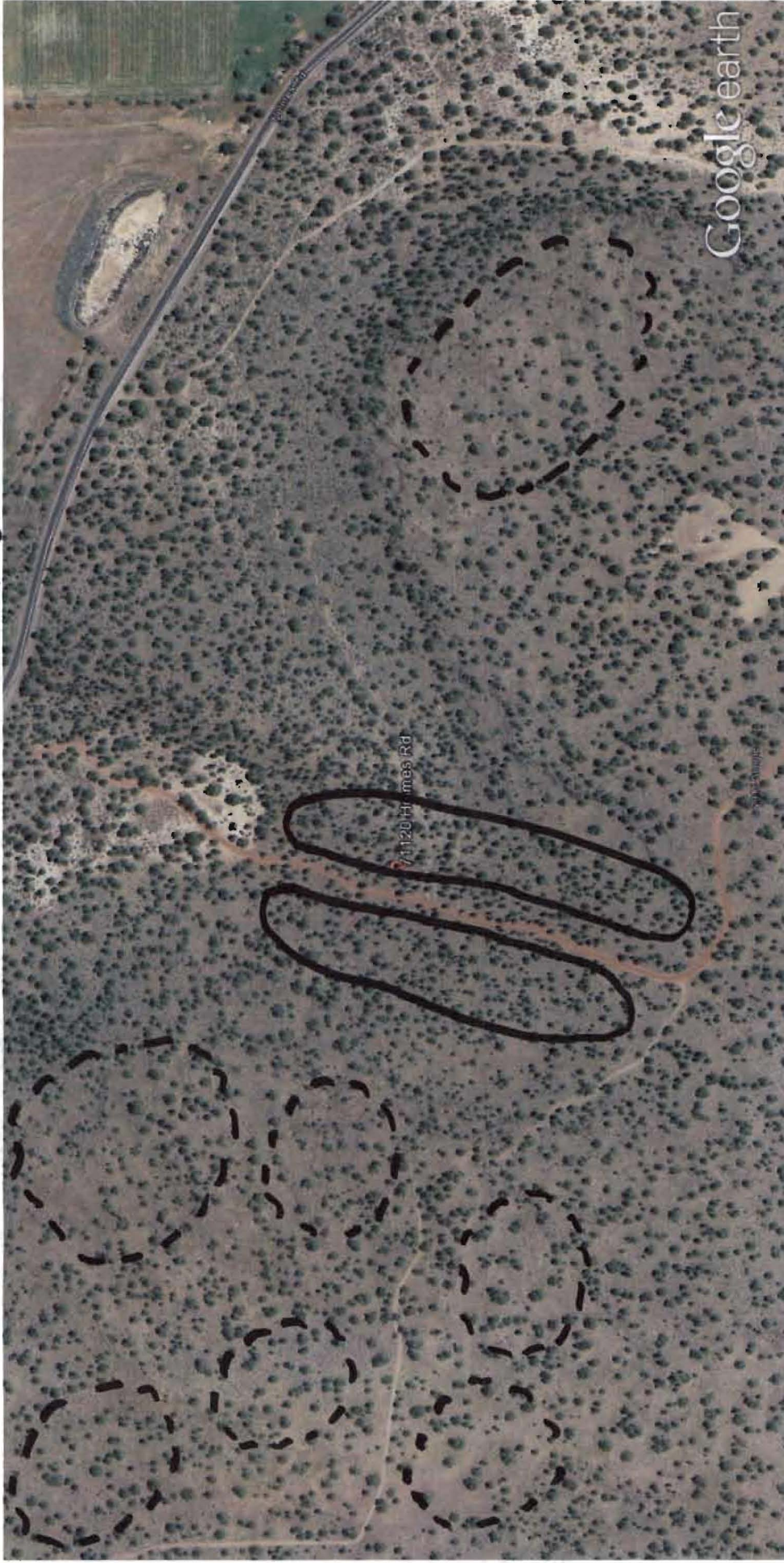
400

Google earth



Concentrated
Summer
grazing
area

71120 Holmes Rd



Google earth

feet
meters

2000

700



Google earth

- - Previously thinned areas
- ⊖ - Proposed areas for thinning and rehabilitating



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., MONDAY, FEBRUARY 2, 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. DISCUSSION of Sheriff's Office Transition— *Sheriff Larry Blanton and Staff*

4. PUBLIC HEARING on a Modification of a Conditions Application to Change the Wildlife Management Plan Approved for the Subject Property (File #CU-00-65 and MA-01-9, Shepherd) – *Will Groves, Community Development*

Suggested Actions: Open hearing and take testimony; if appropriate, then deliberate and provide guidance to staff regarding a decision.

CONSENT AGENDA

5. Board Signature of Order No. 2015-007, Authorizing the Disposal of Two Surplus Vehicles (Sheriff's Office)

6. Board Signature of Order No. 2015-002, Initiating the Vacation of a Right-of-Way Located off Warrin Road (near Fryrear Road)

7. **Board Signature** of Resolution No. 2015-002, Vacating a Right-of-Way Located off Warrin Road (near Fryrear Road)
8. **Board Signature** of Document No. 2015-086, an Acceptance Deed for a Right-of-Way Located off Warrin Road (near Fryrear Road)
9. **Board Signature** of Letters Reappointing Cheryl Davidson and David Bishop to the Deschutes County Fair Board, through December 31, 2017
10. **Approval** of Economic Development Discretionary Grant Awards:
 - Center for Economic Research & Forecasting (CERF) - \$1,500
 - NeighborImpact - \$1,500
 - Network of Volunteer Administrators (NOVA) - \$1,500
 - OSU/Deschutes County Extension - \$1,500
 - Central Oregon Council on Aging (COCOA) - \$1,200
 - Adventist Community Services - \$1,000
 - Deschutes County Coalition for Human Dignity - \$1,200
 - Saving Grace - \$1,200
11. **Approval of Minutes:**
 - Business Meeting of January 26 and 28, 2015
 - Work Session of January 26, 2015

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

12. **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

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

RECONVENE AS THE DESCHUTES COUNTY BOARD OF COMMISSIONERS

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

15. 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, February 2

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

Wednesday, February 4

- 1:30 p.m. Administrative Work Session – could include executive session(s)
6:00 p.m. Sisters School Board Meeting

Tuesday, February 10

- 7:30 a.m. Legislative Update with Lobbyist and Legislators (Conference Call)
6:30 p.m. Joint Meeting with the Redmond City Council, **Redmond City Hall**

Wednesday, February 11

- 8:00 – 5:00 Annual Board Goal Setting Retreat – **Health Building**

Thursday, February 12

- 6:00 p.m. Joint Meeting with the Sisters City Council, **Sisters City Hall**

Monday, February 16

Most County offices will be closed to observe Presidents' Day.

Tuesday, February 17

10:00 a.m. 911 Executive Board Meeting, **at 911**

Monday, February 23

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

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

Tuesday, February 24

7:30 a.m. Legislative Update with Lobbyist and Legislators (Conference Call)

Wednesday, February 25

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

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

Monday, March 2

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

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

Tuesday, March 3

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

Wednesday, March 4

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

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

Wednesday, March 11

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

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

Monday, March 16

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

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

Tuesday, March 17

10:00 a.m. 911 Executive Board Meeting, **at 911**

Monday, March 23

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

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

Wednesday, March 25

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

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

Monday, March 30

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

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

Wednesday, April 1

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

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

Monday, April 6

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

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

Tuesday, April 7

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

Wednesday, April 8

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

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

Monday, April 20

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

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

Monday, April 20

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

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

Tuesday, April 21

10:00 a.m. 911 Executive Board Meeting, **at 911**

Wednesday, April 22

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

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

Monday, April 25

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

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

Wednesday, April 27

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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