



BOARD OF COMMISSIONERS

1300 NW Wall Street, Bend, Oregon
(541) 388-6570

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY October 5, 2022

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, Anthony DeBone, and Phil Chang. Also present were Kim Riley, Assistant County Counsel; Nick Lelack, County Administrator; and (via Zoom conference call) Angie Powers, BOCC Administrative Assistant.

This meeting was audio and video recorded and can be accessed at the Deschutes County Meeting Portal website www.deschutes.org/meetings

CALL TO ORDER: Chair Adair called the meeting to order at 9:01 a.m.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

Chair Adair acknowledged the receipt of Citizen Input emails and voicemails:

- A voicemail from a Washington state resident wishing to file a complaint against the DA's office
- An email from someone concerned about the lack of maintenance to the Old Bend-Redmond Highway
- Five emails from residents in support of preserving Worrell Wayside Park
- Two emails in opposition to approval of the Eden Properties Plan Amendment and Zone Change

CONSENT AGENDA: Before the Board was Consideration of the Consent Agenda

CHANG: Move approval of Consent Agenda items 1, 3 and 4
Item #2 Pulled by Chair Adair, supported by Commissioner DeBone

DEBONE: Second

VOTE: DEBONE: Yes
CHANG: Yes
Chair votes yes. Motion carried

1. Consideration of Board Signature of Order No. 2022-054 Appointing County Residents to Two Pools from which the County Clerk will Select Members of the Board of Property Tax Appeals
2. Consideration of Resolution No. 2022-066 Increasing Appropriations within the Health Services Fund and the 2022-23 Deschutes County Budget
3. Consideration of Resolution No. 2022-067 Recognizing Carryover Funds and Increasing Appropriations within the 2022-23 Deschutes County Budget
4. Approval of Minutes of the September 26, 2022 BOCC Meeting

Discussion: Commissioner Adair pulled item #2 from the Consent Agenda because the proposed 16-bed facility has an over-inflated cost of over \$14 million, and the square footage was missing from the document. Commissioner Adair feels that for \$14 million, we should get *two* facilities, and she cited the lower cost of Umatilla County's facility in Hermiston. Commissioner Adair added that she would like the Oregon Health Authority to provide some oversight on the excessive cost of this proposed project. Commissioner Chang noted that staff was tasked to do some homework on the proposed facility at a previous Board meeting, and clarified that approval of Consent Agenda item #2 is accepting funds from the State of Oregon for mental health care, and the County is simply a funnel for these monies.

CHANG: Move approval of Consent Agenda Item #2: Resolution 2022-066 Increasing Appropriations within the Health Services Fund and the 2022-23 Deschutes County Budget

DEONE: Second

VOTE: CHANG: Yes
DEBONE: Yes
Chair votes No. Motion carries

ACTION ITEMS:

5. Deschutes County Fair & Rodeo Report

Geoff Hinds, Director of Deschutes County Fair & Expo, presented an update and overview of the 2022 Deschutes County Fair & Rodeo, held August 3-7, 2022. This year's Fair & Rodeo marked the highest revenues in fair history for admissions, food & beverage and carnival. Increased revenues will go towards future fairs and will provide capital reserves for Fund 617. The youth livestock auction had the highest gross revenues in fair history. The Northwest Professional Rodeo Association (NPRO) named the Deschutes County rodeo the 2022 Large Rodeo of the Year. A new Fair & Rodeo branding features a redesigned logo for 2022.

The dates for the 103rd Annual Fair & Rodeo are August 2-6, 2023.

Areas for improvement were briefly discussed, including challenges with vehicle ingress and egress. Mr. Hinds thanked Chris Doty, Director of the Road Department, for his tremendous efforts in parking improvements, ingress and egress. Wait times were dramatically reduced over prior years.

For the first time in fair history, a Spanish-language concert was held on Sunday afternoon, which was the 5th concert of the fair season. Cultural activities also took place. A small increase in attendance was seen on Sunday, but it may take 2-3 years to see measurable returns on these changes. He looks forward to watching this grow in future years.

Commissioner DeBone thanked Redmond Rotary for volunteering at the gates and County staff for their hard work in helping make this year's Fair & Rodeo a success. Commissioner Adair thanked the Sheriff's Office for their presence at the fair. Commissioner Chang also thanked staff for their efforts towards a successful season.

6. PUBLIC HEARING – Consideration of Order No. 2022-051, Accepting Petition to Form Terrebonne Sanitary District and Setting Final Hearing

Dave Doyle, County Counsel, discussed the petition to form Terrebonne Sanitary District. County Counsel is recommending the Board consider a motion approving Order No. 2022-051, accepting the petition to form Terrebonne Sanitary District and set final hearing. Staff has reviewed and certified the petition and established it was consistent with both the County's comprehensive plan and the Terrebonne Community Plan.

Chris Doty, Director Road Department, discussed the County's involvement in this petition. Parametrics, a Civil Engineering Firm, was hired by the County to complete an economic feasibility study for the project.

Public hearing was opened at 9:57 a.m.

Testimony:

Commissioner Adair acknowledged two emails received from Terrebonne residents, in support of the creation of Terrebonne Sanitary District.

Guy Vernon, 8045 N. Hwy. 97, Terrebonne: Mr. Vernon has had septic problems since he purchased the Rustic Canyon Ranch Mobile Home Park. 30 families reside in the park, and it is an important home for lower income individuals. There are an additional 6-7 acres of undeveloped land adjacent to the park, with potential for growth of additional affordable housing. He is fully supportive of the formation of Terrebonne Sanitary District. His son, Parker Vernon, went door-to-door and gained 100 signatures on a petition supporting formation of the district. The general consensus was that septic issues were a large detriment to the area. The community desperately needs the sanitation district.

Lauren Ferguson, 8431 11th Street, Terrebonne: Represents Oliver Lemons Grocery Store. It is an employee-owned store, which employs over 30 people and pays above the living wage (average pay is \$22/hour with benefits). They experienced a permanent failure of their septic system and drain field 3 months after leasing the store and have spent over a half a million dollars in repairs. Half of the drain field cannot be resurrected. The store has a portable toilet outside because the system cannot handle an indoor public restroom. She encourages the Central Oregon community to support this project.

Tim Brown, 8115 6th Street, Terrebonne: Resident of Terrebonne since 1994. Mr. Brown thanked the County for providing financial and technical support in the formation of Terrebonne Sanitary District. He has noticed a stagnation in the growth of Terrebonne over the years, and attributes much of this to the limited and failing septic systems. Mr. Brown is a Civil Engineer and member of the Terrebonne Sanitary District Board. He urges support of the creation of the district.

Todd Cleveland, Onsite Wastewater Supervisor with Community Development Department, noted Terrebonne's issues with its aging septic systems and poor soil conditions consisting of 15-inches of soil over solid rock. The aging and

failing systems are a public health concern. Many solutions are short-term band-aids and not ideal as long-term solutions.

Ryan Rudnick, Parametrics Civil Engineer, spoke about the economic feasibility study. Installation of a wastewater system is important to the continued growth of Terrebonne and the safety of its residents. Parametrics believes it is feasible to construct a wastewater treatment system in Terrebonne. Commissioner Chang asked some questions about the economic feasibility of the project. Scenario 1 has a high reliance upon grant funding and reasons were cited as to why the district may be ineligible for some of these grant programs. Scenario 2 relies heavily on hookup fees and monthly service fees. The biggest challenge will be with the initial customers. As the customer base grows, the financial well-being of the district will grow. ODOT has incorporated sewer infrastructure design into their design of Smith Rock roadway improvements.

Linda Swearingen, a former Deschutes County Commissioner and resident of Redmond, presented testimony. The phase-in of the study is starting with the business district because they have the greatest need. An interest in developing affordable housing will increase as the momentum keeps going. The goal is to hook up everyone in Terrebonne, but they had to select an area to start with. The more customers they have, the less expensive the cost will be for all.

Steve Bowen, 9318 17th Lane, Terrebonne (Angus Acres): Mr. Bowen feels it is unfair that grant monies go towards phase A businesses, since these are revenue-generating properties. He believes grant money should be used to go towards all of the residents' hookups. Phases B and C should not have to ask to join the district and bear the costs associated with extension of the lines. Mr. Bowen is currently on septic system, and Angus Acres' community sewer is at-capacity. Commissioner Chang clarified that everyone in Phase A will have to pay hookup fees. Mr. Bowen is supportive of creating the district. He wants inclusivity in regards to the allocation of grant monies.

Marika Sitz, attorney with Jordan Ramis, addressed the annexation process for neighborhoods wishing to join the district after the initial phase.

Mike Walker, 3711 NW Povey Avenue, Terrebonne: Collected 150 signatures on a petition from Terrebonne residents outside of the area of Phase A and outside of Angus Acres and Terrebonne Estates. Support for the system was overwhelming. Mr. Walker asks that the entire Hillman subdivision be included in Phase A, not just the business district. His perception is that people hooking up in Phase A are getting a better deal.

Mr. Doyle shared that future annexations with 100% support would not require a special election. Without full support, annexations would require a vote.

Kristin Yurdin, 400 NW Smith Rock Way, Terrebonne: Regarding potential DEQ financial funding, they would like to pursue the funding but they cannot do so until they are a district.

Steve Shropshire, attorney with Jordan Ramis, spoke in regards to a potential modification of the boundaries in today's Board motion. An additional economic feasibility study would be prudent should the Board modify the boundaries, and would require additional time and financial investment.

Mr. Doty discussed the reasoning behind Phases A, B and C. Phase A properties are committed and have the momentum. They have unanimous support early on, and they have an immediate and urgent desire to hookup to the system. Phase A has a direct line to the Redmond wetlands complex water treatment system. Phase B is older Terrebonne. Phase C consists of larger lots and more reserve area. The system is designed for expansion. If the boundaries were to be modified, the project could risk loss of momentum and dying before fruition. Commissioner Chang added that securing current grant and loan funding opportunities require an immediate formation of the district.

Commissioner Adair shared that the record is open until November 2, 2022 and the Board welcomes public input.

Public hearing was closed at 11:50 a.m.

A date of November 2, 2022 was set for the final hearing.

DEBONE: Move approval of Order No. 2022-051, Accepting Petition to Form Terrebonne Sanitary District with the boundaries as presented and Setting Final Hearing as November 2, 2022

CHANG: Second

VOTE: DEBONE: Yes
CHANG: Yes
Chair votes yes. Motion carried

7. PUBLIC HEARING – Consideration of Order No. 2022-042, Vacating a Portion of Fryrear Road

Cody Smith, County Engineer Road Department, presented the proposed vacation. The chief petitioner for the proposed vacation is Eric Vetterlein, general

partner on behalf of Desert Springs Ranch Limited Partnership. The subject property is an unused piece of right of way and abuts BLM land. Since there is no signature from BLM on the petition, state law requires a public hearing. To-date, no public comments have been received by the Road Department. The Road Department finds that the proposed vacation is in the public interest and recommends the Board approve Order No. 2022-042.

Public hearing was opened at 11:58 a.m.

Testimony:

Anton Vetterlein, general partner on behalf of Desert Springs Ranch along Fryrear Road, provided testimony via Zoom. He asked for the Board's approval and is in support of the vacation.

Public hearing was closed at 12:00 p.m.

DEBONE: Move approval of Order No. 2022-042, Vacating a Portion of Fryrear Road

CHANG: Second

VOTE: DEBONE: Yes
CHANG: Yes
Chair votes yes. Motion carried

8. Consideration of Board approval and Chair signature of Document No. 2022-470, a City of Bend grant agreement

Holly Harris, Behavioral Health Program Manager, and Janice Garceau, Health Services Director, presented the grant. The City of Bend is granting \$328,000 of ARPA (American Rescue Plan Act) funding to Deschutes County Health Services to expand their (non-law enforcement) Mobile Crisis Team. This grant money will help the mobile crisis team's 24/7 response.

CHANG: Move approval of Chair signature of Document No. 2022-470, a City of Bend Grant Agreement.

DEBONE: Second

VOTE: CHANG: Yes
DEBONE: Yes
Chair votes yes. Motion carried

9. Deschutes County 2040 – Upcoming Open House Debriefing: *This item was postponed until next week's meeting on October 12.*

Chair Adair excused herself from the meeting at 12:18 p.m. to attend another meeting, and Vice Chair DeBone stepped in as Acting Chair.

10. Consideration of Oregon Business Development Grant Award Acceptance

Geoff Hinds, Director of Deschutes County Fair & Expo, presented to the Board a grant opportunity in the amount of \$277,777, awarded by the Oregon Business Development Department, for partial funding of a budgeted capital improvement to the Fair & Expo Center's HVAC system.

CHANG: Move approval of Document No. 2022-787, accepting an Oregon Business Development Grant

DEBONE: Second

VOTE: CHANG: Yes

DEBONE: Yes. Motion carried

CHANG: Move approval of Board Signature of Order No. 2022-057, designating signing authority to Geoff R. Hinds.

DEBONE: Second

VOTE: CHANG: Yes

DEBONE: Yes. Motion carried

OTHER ITEMS:

- Geoff Hinds asked for approval of the payment of an invoice in the amount of \$297,562.80 to Oregon Beverage Service, for alcohol management services during the 2022 Fair & Rodeo

CHANG: Move approval of Board signature and payment of invoice in the amount of \$297,562.80 to Oregon Beverage Service, for fees related to alcohol management services during the 2022 Fair & Rodeo

DEBONE: Second

VOTE: CHANG: Yes


DEBONE: Yes. Motion carried

- Commissioners DeBone and Adair plan to attend the Sunriver Chamber of Commerce's Annual Membership Meeting on October 13.
- Commissioner DeBone shared that the County's employee health benefits plan renewal proposal for 2023 removes the current exclusion for discretionary abortions, and he will be moving to pull that one item from consideration for approval, when it comes across in a couple weeks.
- Regarding ARPA funding, Commissioner DeBone would like to focus on infrastructure investments.
- The Public Safety Coordinating Council meeting took place on October 4. Veterans Interventions Strategies and Safe Parking Sites in Redmond were discussed.
- Commissioner Chang attended the Central Oregon Bike Pedestrian Summit. There is a lot of interest in separate paved paths in County road right of ways. Connections between Sisters-Black Butte Ranch, Sisters-Redmond and/or Redmond-Powell Butte are of interest. Commissioner DeBone shared that a paved path connecting north to south La Pine is currently being constructed, and he is seeing more electric bikes are on the pathways and roads.
- Commissioners Chang and Adair attended the Mountain View Fellowship's Safe Parking Meeting in Redmond on October 3. Area neighbors in attendance expressed their concerns.
- The Public Health Advisory Board met on October 3 and was attended by Commissioner Chang. They will be tracking resource allocations in the budget process.
- Commissioner Chang is speaking at an upcoming panel on the League of Oregon Cities (collaborative water resource issues) and Deschutes 350 Go Clean Energy Program, CPACE (Commercial Property Assessed Clean Energy).

ADJOURN: Being no further items to come before the Board, the meeting was adjourned at 12:44 p.m.

DATED this 19th Day of October 2022 for the Deschutes County Board of Commissioners.


PATTI ADAIR, CHAIR



ANTHONY DEBONE, VICE CHAIR

ATTEST:



RECORDING SECRETARY



PHIL CHANG, COMMISSIONER