



## BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

# BOCC MEETING MINUTES

9:00 AM

**WEDNESDAY November 1, 2023**

Barnes Sawyer Rooms  
Live Streamed Video

Present were Commissioners Tony DeBone, Patti Adair and Phil Chang. Also present were County Administrator Nick Lelack; Assistant Legal Counsel Kim Riley; and BOCC Executive Assistant Brenda Fritsvold.

This meeting was audio and video recorded and can be accessed at the Deschutes County Meeting Portal website [www.deschutes.org/meetings](http://www.deschutes.org/meetings).

**CALL TO ORDER:** Chair DeBone called the meeting to order at 9:00 a.m.

### PLEDGE OF ALLEGIANCE

The Commissioners welcomed cadets from the Oregon Youth Challenge Program who were in attendance for a local government observation. The cadets introduced themselves and shared how the program is benefiting them.

**CITIZEN INPUT:** None

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

1. Approval of minutes of the BOCC October 16 and 18, 2023 meetings

ADAIR: Move approval of the Consent Agenda as presented  
CHANG: Second

VOTE:            ADAIR:        Yes  
                      CHANG:        Yes  
                      DEBONE:      Chair votes yes. Motion Carried

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**ACTION ITEMS:**

**2. Proclamation: National Hospice & Palliative Care Month**

The Board read the proclamation into the record for presentation to representatives from Partners in Care.

ADAIR:            Move adoption of a proclamation declaring November to be National Hospice & Palliative Care Month

CHANG:           Second

VOTE:            ADAIR:        Yes  
                      CHANG:        Yes  
                      DEBONE:      Chair votes yes. Motion Carried

The Commissioners expressed appreciation for Partners in Care's program and its important service to the community.

**3. Public Hearing: Historic Landmarks Commission Legislative Text Amendments**

Tanya Saltzman, Senior Planner, presented the background of the proposal to amend Deschutes County Code to allow the Board to suspend the Historic Landmarks Commission (HLC) by Board order. If the HLC was suspended, review authority for historic alterations or nominations would be transferred to the Planning Divisions of the County or the City of Sisters, as appropriate. Saying that the proposal is not meant to serve as a referendum on historic preservation, Saltzman described the declining level of interest from the community in the HLC as evidenced by the dearth of persons applying to fill current vacancies, which has led to the lack of a quorum.

Discussion ensued regarding the change in State law to require property owner consent for nominations of historic landmarks--previously, any local government could initiate the process and designate a historic landmark without the consent of the property owner.

*The public hearing was opened at 9:18 am.*

Commissioner Chang agreed that the goal of historic preservation is important. He asked if the HLC's current structure renders it the right entity to address the issue of historic preservation beyond specific alterations and nominations, and if not, if that structure can be modified to encompass the broader aim and goals.

Saltzman answered that the work of the HLC is funded by a Certified Local Government (CLG) grant; these grants define a fairly narrow purview for eligible activities and any work undertaken beyond the activities covered by the CLG grant would require other funding.

Peter Gutowsky, Community Development Director, added that because CDD lacks an experienced historic preservation planner, it is difficult to support or maximize historic preservation work given the department's current structure.

Commissioner Chang noted that CLG grants are bestowed in very small amounts and require matching funds. Considering that CDD is a fee-based department, he questioned paying for historic preservation work out of land use applications and building permits and suggested that this work, which involves the community's quality of life, should perhaps instead be funded from the General Fund.

County Administrator Nick Lelack commented that another consideration is the fact that CDD and the HLC have struggled to identify projects to bring before the HLC for input and action.

- Pat Kliewer opposed the proposal and said a solid historic preservation program is needed as people are interested to know the history of the area. She offered to volunteer for the HLC and said she also knows of others who want to serve.
- Gary Grund shared his strong belief in the importance of historical preservation and stated his willingness to serve on the HLC.
- Kelly Cannon-Miller, executive director of the Deschutes County Historical Society, said the Society completed a strategic plan in 2022 which outlines numerous work items to be done in the area of historic preservation. Saying that many landowners believe in historic preservation, she was concerned about the possible negative effect of the proposed change on the City of Sisters and disagreed that interest is lacking.
- Steven Van Roekel supported continuing the HLC and said the issue appears to be one of citizen engagement rather than disinterest in historic preservation.
- James Dorofi agreed that many people care about historical landmarks and are upset when they are torn down. He offered the assistance of Envision Bend to move this process forward.

- Paul Claeysens referred to his service on the County's Historic Landmarks Commission and Bend's Landmarks Commission. He expressed concern about the proposal, cited ongoing partnerships initiated by HLC to ensure stewardship of County-owned properties, and referred to potential work that can be done by the HLC.
- Nunzie Gould opposed the proposal, faulted the County for not having conducted outreach and communication on historic preservation, and supported expanding the tools, support, and network of this program.
- Dennis Schmidli supported the continuance of the HLC and encouraged the County to focus on community engagement.

*There being no one else who wished to testify, the public hearing was closed at 10:26 am.*

Commissioner DeBone expressed appreciation to all who participated.

Commissioner Chang suggested filling the current vacancies on the HLC and possibly expanding its membership beyond the present five positions. He further advised reviewing the Historical Society's strategic plan for the purpose of identifying five or more items to bring to the Board for possible allocation of needed resources and staff to accomplish them.

CHANG: Move to proceed with an amendment to Deschutes County Code to reflect that the Pioneer Association is defunct

ADAIR: Second

VOTE:     ADAIR:        Yes  
               CHANG:        Yes  
               DEBONE:      Chair votes yes. Motion Carried

Saltzman said staff will return with the proposed Code amendment on November 29<sup>th</sup>.

CHANG: Move to direct staff to work with Human Resources to re-initiate a recruitment for Historic Landmark Commission vacancies with an application submittal deadline of November 30<sup>th</sup>

ADAIR: Second

VOTE:     ADAIR:        Yes  
               CHANG:        Yes  
               DEBONE:      Chair votes yes. Motion Carried

#### **4. Presentation: Healthy Schools 2022-2023 Annual Report**

Jessica Jacks, Prevention and Health Promotion Program Manager, introduced the Healthy Schools 2022-2023 annual report of the program's operations which involve nine Bend-La Pine schools. Jacks explained that this program embeds Public Health Specialists into the school system to provide students with essential public health services and ensure that schools promote student health and prevent or alleviate issues such as substance use and suicidal ideation.

Aimee Snyder, Prevention and Health Promotion Supervisor, shared information on the five program areas and outcomes realized thus far with respect to school climate, health education, family engagement, and the sharing of resources.

Chris Reese, Bend High School Principal, spoke to the value of the Healthy Schools program and expressed his support of partnering with the County on this. Saying that many students are experiencing mental health issues and that substance use, social media and technology/overuse of cell phones are often factors, he wanted students to have a sense of belonging and to be engaged with and connected to the community.

Scott Olszewski, La Pine High School Principal, said the Sources of Strength sub-program has proven to be a positive way of addressing mental health. Explaining that Sources of Strength is intended to send out ripple effects from the students who participate, Olszewski said beneficial behavior changes can develop from positive peer relationships and peer cueing.

Commissioner Chang suggested that the Commissioners be invited to a Sources of Strength class to interact with the students.

#### **5. Central Oregon Health Council Opportunity Grant**

Public Health Program Manager Jessica Jacks and Public Health Supervisor Jess Neuwirth explained that this grant will be used to enhance and sustain the Drug Free Community (DFC) grant funded program.

Commissioner DeBone noted the decision by the Central Oregon Health Council to direct that this grant be used from 2025 to 2026.

ADAIR: Move approval of Document No. 2023-925 accepting a Central Oregon Health Council Opportunity grant in the amount of \$150,000  
CHANG: Second  
VOTE: ADAIR: Yes



CHANG: Yes  
DEBONE: Chair votes yes. Motion Carried

CHANG: Move approval of Board Order No. 2023-046, designating signing authority for the COHC opportunity grant to Public Health Program Manager Jessica Jacks

ADAIR: Second

VOTE: ADAIR: Yes  
CHANG: Yes  
DEBONE: Chair votes yes. Motion Carried

CHANG: Move approval of Resolution No. 2023-061 extending 1.0 limited duration FTE from September 29, 2025 to September 30, 2026

ADAIR: Second

VOTE: ADAIR: Yes  
CHANG: Yes  
DEBONE: Chair votes yes. Motion Carried

**6. Second Reading and Adoption of Ordinance No. 2023-022 amending Deschutes County Code section 6.12**

Dave Doyle, County Counsel, reviewed that following a public hearing on October 18<sup>th</sup>, the Board deliberated and approved first reading of Ordinance No. 2023-022. He reminded that the proposed amendment to DCC 6.12 clarifies the required conditions for chickens to be treated as “livestock” for purposes of County Code.

ADAIR: Move approval of second reading of Ordinance No. 2023-022 by title only

CHANG: Second

VOTE: ADAIR: Yes  
CHANG: Yes  
DEBONE: Chair votes yes. Motion Carried

Chair DeBone read the title of the ordinance into the record.

ADAIR: Move adoption of Ordinance No. 2023-022, amending Deschutes County Code section 6.12

CHANG: Second

VOTE:            ADAIR:        Yes  
                      CHANG:        Yes  
                      DEBONE:      Chair votes yes. Motion Carried

*A break was announced at 11:42 am. The meeting resumed at 11:49 am.*

**7. Economic Development Loan Conversion and Repayment Plan for Broken Top Candle Company**

Jen Patterson, Strategic Initiatives Manager, introduced the request for partial conversion of the loan to a grant and repayment of the remainder of the loan.

Don Mill, EDCO Bend Area Director, said in 2021, Broken Top Candle Company (BTCC) was approved for a \$16,200 Economic Development Loan which is forgivable upon the following conditions: 1. Create at least nine new full-time positions by December 31, 2021; 2. Maintain these new positions for a 12-month period; and 3. Provide wages of at least \$41,767 per year (excluding commissions) for each new position.

Mill said EDCO has certified that BTCC has created eight new jobs, thus meeting the requirements for conditions 2 & 3. EDCO recommends that \$14,400 of the original loan be converted into a grant and that repayment of the remaining \$1,800 be required, with or without interest.

Commissioners expressed support for the recommended actions and shared their preference to charge interest on the amount to be repaid.

ADAIR:            Move to authorize the County Administrator to convert \$14,400 in Economic Development Loan Program funds issued to the Broken Top Candle Company into a grant

CHANG:          Second

VOTE:            ADAIR:        Yes  
                      CHANG:        Yes  
                      DEBONE:      Chair votes yes. Motion Carried

ADAIR:            Move to approve a repayment plan for \$1,800 plus interest for the remaining amount loaned to the Broken Top Candle Company that did not meet the terms of the original agreement

CHANG:          Second

VOTE:            ADAIR:        Yes  
                      CHANG:        Yes

DEBONE: Chair votes yes. Motion Carried

**8. Second reading of Ordinance No. 2023-014 - Rural Accessory Dwelling Unit Text Amendments**

Kyle Collins, Associate Planner, reviewed that the Board conducted first reading of the ordinance two weeks ago after directing certain edits regarding restrictions on ADUs in South Deschutes County—those edits have been incorporated into the language of the ordinance. Collins said the Board can decide either to adopt the ordinance by emergency to take effect in 30 days, or to adopt it on a non-emergency basis in which case it would take effect in 90 days.

Commissioner DeBone noted his support for allowing properties in southern Deschutes County which are two acres or larger to have ADUs; however, the majority of the Board restricted this to properties at least five acres in size.

Collins said the County will post information online regarding how to apply for an ADU permit and will additionally hold an open house on November 30<sup>th</sup> to disseminate information and answer questions.

ADAIR: Move approval of second reading of Ordinance No. 2023-014, by title only

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

Chair DeBone read the title of the ordinance into the record.

CHANG: Move adoption of Ordinance No. 2023-014 amending Deschutes County Code Title 18, Zoning Ordinance, Title 19, Bend Urban Area Zoning Ordinance, and Title 22, Procedures Ordinance, to adopt provisions for rural accessory dwelling units on an emergency basis to take effect on December 1, 2023

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

*At 12:06, a lunch break until 1:00 was announced. The meeting resumed at 1:00 pm. Commissioner Chang rejoined the meeting at 1:15 pm.*



**9. Consideration to hear an appeal of the Hearings Officer's remand decision approving a single-family dwelling in the Forest Use Zone at 59770 Scale House Road, Bend**

Caroline House, Senior Planner, said in 2022, the County approved a conditional use request to construct a single-family dwelling in the Forest Use Zone. After that decision was appealed by Windlinx Ranch Trust, the State Appellate Court remanded the decision back to the County for further review. On October 10, 2023, the Hearings Officer issued a remand decision which again approved the applicant's request. The Windlinx Ranch Trust has now filed an appeal of the remand decision and asks the Board of County Commissioners to hear its appeal.

House said for numerous reasons—including the improbability of being able to meet the State-mandated 120-day deadline for issuing a final decision on this matter—staff recommends that the Board decline to hear the appeal.

Commissioners discussed the time constraints and whether the issues pertinent to the appeal are within the Board's domain. Commissioner DeBone noted that the Hearings Officer has already reviewed the specific items which were appealed on remand.

ADAIR: Move approval of Board Order No. 2023-050, denying review of the Hearings Officer's Decision in File No. 247-23-000599-A

DEBONE: Second

VOTE: ADAIR: Yes

CHANG: (absent)

DEBONE: Chair votes yes. Motion Carried 2 - 0

**10. Consideration to hear an appeal of a Hearings Officer's decision conditionally approving an outdoor motocross facility in the Rural Residential Zone at 7505 NW Eagle Drive in Redmond**

Caroline House, Senior Planner, presented a request for the Board to hear an appeal related to a conditional use and site plan to establish a commercial outdoor motocross facility at 7505 NW Eagle Drive in Redmond. After the Hearings Officer approved the application subject to 34 conditions, the applicant submitted a reconsideration application which sought changes to six of the approval conditions. The Hearings Officer subsequently issued a reconsideration decision modifying two conditions of approval and denying modification of four other conditions. On October 17, 2023, the applicant filed a timely appeal of the Hearings Officer's reconsideration decision in relation to the four unmodified conditions, as follows:

1. Reconciliation of conflict and confusion between the application of conditions of approval U, V, W, Y, and AA concerning motorcycle noise;
2. Appeal of condition of approval "S" addressing the hours of operation to be consistent with the evidence in the record that the primary operating season is October-March;
3. Appeal of condition of approval "T" which limits the number of visitors on the property; and
4. Appeal of condition of approval "BB" requiring construction of a new restroom facility.

Noting this proposal has received significant public interest, House offered reasons for the Board to hear the appeal or not hear it.

Commissioner DeBone acknowledged exposure to media coverage of this proposal in addition to emails received by the Board on this topic. He added that the property is zoned Rural Residential.

House responded to questions from the Commissioners about the County's noise ordinance and how that would apply to the proposed use.

Saying that sound can travel a great distance, Commissioner Adair did not support hearing the appeal. Commissioners Chang and DeBone supported granting the request to hear the appeal.

CHANG: Move approval of Board Order No. 2023-051, accepting review of the Hearings Officer's Decision in File Nos. 247-22-000812-CU, 247-22-000813-SP, & 247-23-000666-RC and establishing the review will be heard full de novo

DEBONE: Second

VOTE: ADAIR: No

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried 2 - 1

## **11. Bend UGB Expansion, Plan Amendment, and Zone Change – Stevens Road Tract**

Audrey Stuart, Associate Planner, presented a request to bring 261 acres bordering Stevens Road into the Bend Urban Growth Boundary (UGB). A public hearing was held on October 11<sup>th</sup> before the Hearings Officer, who approved the application. Staff recommends the Board adopt the findings of the Hearings Officer.

Commissioner DeBone noted that no public hearing is required before the Board because this property is sited on non-resource land.

Commissioner Chang said this project is an excellent example of how the State legislature can facilitate the buildable lands needed to address the demand for more housing.

CHANG: Move approval of Hearings Officer decision for files 247-23-000415-PA and 247-23-000416-ZC, approving a Comprehensive Plan Amendment and Zone Change

ADAIR: Second

VOTE: ADAIR: Yes  
CHANG: Yes  
DEBONE: Chair votes yes. Motion Carried

#### **OTHER ITEMS:**

- Chief Financial Officer Robert Tintle reviewed the process to replace Budget Committee member Bruce Barrett, who recently resigned. After the position was advertised, five candidates applied and all were interviewed by three panels. Staff seeks direction from the Board on next steps for this appointment.

Commissioner Chang said as each of the three interview panels ranked Anthony Georger in the top three candidates, he supported appointing Mr. Georger to the Budget Committee.

Commissioner Adair preferred appointing Krisanna Clark-Endicott for her experience and because of her representation of the Redmond community. Saying that all of the candidates were of high caliber, Commissioner DeBone agreed that Clark-Endicott could be a good fit.

Commissioner Chang said while Clark-Endicott is a qualified public servant, there is risk in appointing someone who is highly partisan to this position.

ADAIR: Move to appoint Krisanna Clark-Endicott to the citizen Budget Committee

DEBONE: Second

VOTE: ADAIR: Yes  
CHANG: No  
DEBONE: Chair votes yes. Motion Carried 2 - 1

- Commissioner DeBone reported on the Eastern Oregon Counties Association meeting on Monday in La Grande, where various matters were discussed. Commissioner Adair noted her remote attendance at the meeting.
- Commissioner Adair reported on a meeting with City of Redmond Councilor Kathryn Osborne regarding the federal rule under which Medicaid does not pay for care provided in residential treatment facilities which have more than 16 beds. She will meet with Senator Wyden on this same issue on November 16th.
- Commissioner Adair reported an upcoming meeting with District Court Chief Justice Marco Hernandez regarding the Circuit Court's possible use of the 3rd floor of the Courthouse expansion.
- Commissioner Adair reported that last Friday, St. Charles was full and turning patients away. Saying that more beds and staff are desperately needed, she advocated for the hospital utilizing the empty floor in its tower.
- Commissioner Chang commented on recent revelations about Kevin Dahlgren who had been employed by the City of Gresham to move people out of homelessness; Dahlgren has been indicted with 19 counts of misconduct and theft, including identify theft. Commissioner Chang expressed his disappointment that the Deschutes County Sheriff's Office had entered into a contract with Dahlgren apparently without checking his credentials or references.

**EXECUTIVE SESSION:**

At 1:49 pm, the Board moved into Executive Session under ORS 192.660 (2) (e) Real Property Negotiations and ORS 192.660 (2) (d) Labor Negotiations. The Board moved out of executive session at 2:10 p.m. to take the following actions:

CHANG: Move to authorize staff to engage in contract negotiations with AFSCME for changes to the clinical licensure supervision program as proposed by staff

ADAIR: Second

VOTE: ADAIR: Yes  
 CHANG: Yes  
 DEBONE: Chair votes yes. Motion Carried

CHANG: Pending the outcome of the aforementioned negotiations, move to authorize the County Administrator to sign the replacement Memorandum of Understanding with AFSCME as agreed upon

ADAIR: Second

VOTE: ADAIR: Yes  
 CHANG: Yes  
 DEBONE: Chair votes yes. Motion Carried

**ADJOURN:**

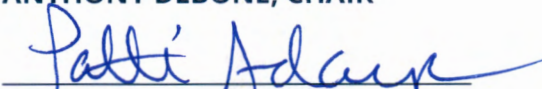
Being no further items to come before the Board, the meeting was adjourned at 2:12 pm.

DATED this 6<sup>th</sup> day of December 2023 for the Deschutes County Board of Commissioners.

**ATTEST:**

  
RECORDING SECRETARY

  
ANTHONY DEBONE, CHAIR

  
PATTI ADAIR, VICE CHAIR

  
PHIL CHANG, COMMISSIONER