



## BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

# BOCC MEETING MINUTES

9:00 AM

**WEDNESDAY June 26, 2024**

Barnes Sawyer Rooms  
Live Streamed Video

Present were Commissioners Patti Adair, Tony DeBone and Phil Chang. Also present were County Administrator Nick Lelack, Senior 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 webpage [www.deschutes.org/meetings](http://www.deschutes.org/meetings).

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

### PLEDGE OF ALLEGIANCE

### CITIZEN INPUT:

- Ron Boozell challenged the Commissioners and others to take care in how they address each other with regard to political differences. He wanted to be sure that elected officials are representing the citizens and not their respective political party, and encouraged being clear with respect to positions taken and their potential consequences. He urged listening to citizens and said expanding the Board to five Commissioners would result in better representation for citizens.
- Carl Shoemaker described an experience he had while serving in the Coast Guard trying to reach someone by phone as an example of how not to do things.

- Dorinne Tye said low-flying planes associated with flight schools at Bend Municipal Airport resulted in tree debris falling onto her house. She urged investigation of the negative impacts of this use, including the expansion of nearby roads to accommodate traffic to and from the airport.

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

1. Acceptance of a grant from Business Oregon for County Fair and Fairground Operation Loss Support
2. Approval of Resolution No. 2024-034 to acquire right-of-way for the construction of improvements on Hamehook Road
3. Approval of Order No. 2024-023 cancelling uncollectible personal property taxes of \$40,632.83
4. Approval of Board signature of Document No. 2024-550, an Oregon Criminal Justice Commission IMPACTS Grant Amendment #6
5. Approval of Board Signature of Document No. 2024-573, a Deed of Dedication for ten feet of right-of-way on Bear Creek Road
6. Approval of a Revocable License with Capitol Dental Care
7. Consideration of Board Signature on letter reappointing Lee Ferguson for service on the Black Butte Ranch Service District Budget Committee
8. Consideration of Board Signature on letters appointing Jay Hamachek, reappointing Caryl Gibson and thanking Stephen Buckley, for service on the Black Butte Ranch Service District Managing Board
9. Approval of minutes of the BOCC May 1, 8, 13 and 15, 2024 meetings

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

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

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**ACTION ITEMS:**

**Added item: Delegation of Authority assigning an incident commander to the Darlene 3 fire**

County Administrator Nick Lelack presented a Delegation of Authority for the Board's consideration to assign an incident commander to the Darlene 3 fire response effort.

Commissioner Adair thanked Matthew Braun of Sisters View Ranch who delivered hay to livestock owners affected by the fire.

Commissioner DeBone reported that the Red Cross has set up at La Pine High School, and the rodeo grounds are being used for evacuated livestock. He said the fire, which started at the edge of La Pine, has grown to more than 2400 acres. Thus far, no structures in the city have been affected.

Commissioner Adair added the fire is now 30% contained, but high winds are expected today. She said more resources are needed to extinguish the fire or at least contain it within its current footprint.

Commissioner DeBone described the response from across the state and said a Level 3 evacuation was issued last night.

Commissioner Chang expressed thanks to BLM and USFS for their rapid response, and to Governor Kotek for issuing the emergency order which helped marshal resources from around the state. He acknowledged the efforts of DCSO Sergeant Nathan Garibay and the Red Cross and stressed the importance of fuels reduction efforts.

Sergeant Garibay reported that although fire crews worked through the night and made good progress, the wind is now beginning to pick up. The fire has thus far burned in primarily undeveloped areas although some Level 3 evacuations remain in effect.

CHANG: Move approval of Document No. 2024-593, a Delegation of Authority assigning Ian Yocum as Deschutes County's Incident Commander for the Darlene 3 fire

DEBONE: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

**10. Public Hearing and consideration of Order No. 2024-026 adjusting rates for Wilderness Garbage and Recycling, Cascade Disposal, Bend Garbage and Recycling, High Country Disposal and Deschutes Transfer Company**

Tim Brownell, Director of the Solid Waste Department, reviewed Order No. 2024-026 which would adjust rates for franchise haulers who serve the unincorporated areas of the County. Brownell explained the proposed changes, as follows: a 3% rate adjustment for residential, curbside waste and recyclables collection services provided to residents in unincorporated Deschutes County by Wilderness Garbage and Recycling, Cascade Disposal, Bend Garbage and Recycling, High Country Disposal, for Republic Services commercial customers, and for waste and recyclables transfer services provided to Deschutes County by Deschutes Transfer Company; a 5% increase for Cascade Disposal Commercial services; a 28% increase in Cascade Disposal backyard and walk-up services; and a \$20 per month service fee for Republic Services backyard and walk-up services.

Discussion ensued regarding the Sunriver HOA's prohibition on curbside pickup and the cost of providing backyard and walk-up services in terms of increased time and the higher risk of injuries to workers. Both Cascade Disposal and Republic Services seek higher rates to help compensate for the higher cost of providing backyard and walk-up services—each company waives these fees for disabled persons who are unable to transport their bins to the curb.

*The public hearing was opened at 9:43 am. There being no one who wished to speak, the public hearing was closed at 9:43 am.*

DEBONE: Move approval of Order No. 2024-026 adjusting rates for Wilderness Garbage and Recycling, Cascade Disposal, Bend Garbage and Recycling, High Country Disposal and Deschutes Transfer Company

CHANG: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

Commissioner Adair asked if emptied feed bags can be reused or utilized in another manner. Brownell said next year, the County will be able to accept additional plastic materials for recycling.

**11. Public Hearing and Order No. 2024-020 regarding the proposed Calande annexation to Rural Fire Protection District #2**

David Doyle, County Attorney, said Christian and Patti Calande filed a petition to annex property into Deschutes County Rural Fire Protection District #2. The District approved the petition, the Assessor's Office and County Clerk certified it, and Community Development reviewed the petition for land use compatibility.

*The public hearing was opened at 9:48 am. There being no one who wished to speak, the public hearing was closed at 9:48 am.*

In response to Commissioner Chang, Doyle confirmed that until now, the property has had wildland fire protection through ODF. The landowners wish to have structural protection through the Fire Protection District.

CHANG: Move approval of Order No. 2024-020 approving the Calande annexation into Rural Fire Protection District #2

DEBONE: Second

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

**12. Second reading and adoption of Ordinance No. 2024-002, Redmond Airport Master Plan**

Tarik Rawlings, Senior Transportation Planner, reminded that these updates to Deschutes County Code section 18.80.030 were proposed by the City of Redmond and the Redmond Municipal Airport to conform to the updated Redmond Airport Master Plan. Following an initial public hearing on January 31, 2024 and a continued public hearing on February 21, 2024, the Board voted to adopt the legislative text amendments as proposed.

Commissioner DeBone added these changes have been incorporated into the City of Redmond's Transportation Plan.

DEBONE: Move approval of second reading of Ordinance No. 2024-002 by title only

CHANG: Second

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

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

CHANG: Move adoption of Ordinance No. 2024-002 amending Deschutes County Code 18.80.030(A-F) to update the Airport Safety Combining Zone Imaginary Surfaces and Noise Contour Boundaries for the Redmond Airport

DEBONE: Second

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

Rawlings said the changes will take effect on September 24, 2024.

### **13. Deschutes County Ambulance Service Area Committee recommendation to support additional ambulance support for Oregon wildfire incidents**

County Attorney Doyle presented a request that the Board issue a letter supporting the licensing of Rapid Emergency Management (REM) for ambulance services for Oregon wildfire incidents. In order for an ambulance service to be licensed in Oregon, the county where the service is based must attest to a need for the service. After meeting to consider REM's application to be licensed, the County's Ambulance Service Area (ASA) Committee recommended that the Board support REM's application to be licensed in Oregon, under certain conditions.

Commissioner DeBone said while he supported issuing the letter, he wanted to know who would be responsible for dispatching these services. Doyle agreed to have ASA Administrator Tom Kuhn provide that information.

CHANG: Move approval of Board Chair signature of a letter supporting the licensing of Rapid Emergency Management as a wildfire incident ambulance service in the State of Oregon

DEBONE: Second

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

### **14. Oregon Department of Environmental Quality Grant Award Acceptance**

Kristie Bollinger, Property Manager, presented a request to accept a Solid Waste Orphan Site program grant from the Oregon Department of Environmental

Quality for work to begin addressing a portion of the CORE3 project site where solid waste materials were deposited, likely in the 1950s.

John Foxwell, a consultant with APEX, reviewed the history of this approximately 250-acre site, noting past uses include the Redmond Rod & Gun Club and a DCSO shooting range. He used a map to point out the areas of the property that were used for waste disposal, saying it is likely that some of the materials contain asbestos, which when removed could produce contaminated dust. He explained the work to be done to establish the amount of waste on the site and what materials are present.

In response to Commissioner Adair, Foxwell said the property has a drinking well which is not in use. The well water was tested and found to not be contaminated.

Responding to Commissioner DeBone, Foxwell said any contaminated material on the site is expected to be non-soluble. All of the waste will be relocated and covered by dirt to create a berm that will separate the property from two nearby residential areas.

In response to Commissioner Chang, Bollinger said the County will contract with APEX to do the needed surveys and investigative work. Property Management will administer the grant.

- DEBONE: Move to accept a Solid Waste Orphan Site program grant award and authorize the Board Chair to sign Document No. 2024-098, an Intergovernmental Agreement with the Oregon Department of Environmental Quality
- CHANG: Second
- VOTE: CHANG: Yes  
DEBONE: Yes  
ADAIR: Chair votes yes. Motion Carried

**15. Consideration of Chair Signature of Document No. 2024-029, a Notice of Intent to Award Contract for Engineering Services for the S Century Dr: Sunriver Corridor Intersections Improvement Project**

Cody Smith, County Engineer and Assistant Road Director, explained that this project will improve three different intersections at the following locations: South Century Drive and Huntington Road; South Century Drive and Spring River Road; and South Century Drive and Venture Lane. Smith said these improvements will enhance safety and improve levels of service.

A total of \$10,291,000 has been budgeted for this project over four fiscal years. Two proposals were received in response to the solicitation for engineering services, with Parametrix selected as the top-ranked proposer. The not-to-exceed amount of the engineering services contract is \$1,531,477.

In response to questions, Smith confirmed that the project is intended to achieve safety improvements for bicyclists and pedestrians as well as those in vehicles.

CHANG: Move approval of Chair Signature of Document No. 2024-029, a Notice of Intent to Award Contract for Engineering Services for the S Century Dr: Sunriver Corridor Intersections Improvement Project

DEBONE: Second

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

**16. Consideration of Document No. 2024-436, Amendment No. 1 to Contract for Engineering Services for the NW Lower Bridge Way/NW 43rd Street Intersection Improvement Project**

County Engineer/Assistant Road Director Cody Smith presented information on previous work done to plan improvements to this intersection, which receives a high volume of traffic. He reviewed the analysis done on project alternatives and summarized the results of the public outreach, which included a virtual open house. Three concepts were presented for public input, as follows: 1. Right-turn channelization; 2. Re-alignment of major approaches; 3. Roundabout.

Smith said the next steps are to refine the initial roundabout concept, select a preferred concept for the final design, and conduct environmental assessment for the needed right-of-way acquisitions. He anticipated that construction will start later this year.

Commissioner Chang noted the many comments received from Jefferson County residents and suggested sharing the project information and updates with Jefferson County.

DEBONE: Move approval of Chair signature of Document No. 2024-436, Amendment No. 1 to the contract for engineering services for the NW Lower Bridge Way/NW 43rd Street Intersection Improvement Project

CHANG: Second



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

**OTHER ITEMS:**

- Commissioner DeBone shared that he met yesterday with several people who are interested in the camping feasibility study, He spoke to the opportunity to engage members of the community on this topic.

Commissioner Chang envisioned that the Board will schedule a work session on this matter, and suggested involving representatives from Visit Central Oregon and/or Visit Bend to attest to the heavy use of and demand for campgrounds. He added it would also be valuable to get more input from ECONorthwest with regard to the economic model of campgrounds.

Commissioner DeBone said the meeting could take place in the afternoon or evening, either on a day the Board regularly meets or on another day.

Commissioner Chang echoed the request that the meeting format allow for a back-and-forth discussion between community members and the Commissioners.

Discussion ensued regarding scheduling a community meeting on this topic on July 30th.

- Commissioner DeBone stressed the need to address uncontrolled dispersed camping in proximity to cities, starting with what can be done in the next three to six months.

Discussion ensued regarding negative impacts associated with encampments, specific efforts to offer shelter and move people out of homelessness, and the fact that the latest Point in Time count indicated that the number of homeless is decreasing in Bend and Redmond.

- Commissioner Adair announced that the Oregon Water Resources Board has made \$1 million available to low- and moderate-income households for private well replacements.
- Commissioner Adair reported on a visioning meeting in Sisters. She said last week was hard for the Sisters community due to one person drowning, two high school students fatally injured in a dirt bike accident, and a house rented by a family with multiple children burning down.
- Strategic Initiatives Manager Jen Patterson presented a request from Embers Wildfire Animal Sanctuary that the time period of its spay and neuter grant be extended for six or twelve months. The Board was in consensus to grant the

extension as requested. Commissioner DeBone asked that the sanctuary provide a formal status report regarding its efforts to spay and neuter pet rabbits.

*A break was announced at 11:27 am. The meeting resumed at 11:31 am.*

**EXECUTIVE SESSION:**

At 11:31 am, the Board entered Executive Session under ORS 192.660 (2) (e) Real Property Negotiations.

The Executive Session concluded at 11:51 am, after which the Board directed staff to proceed as discussed.

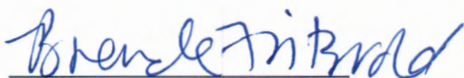
**ADJOURN:**

Being no further items to come before the Board, the meeting was adjourned at 11:51 am.

DATED this 12<sup>th</sup> day of August 2024 for the Deschutes County Board of Commissioners.

  
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**PATTI ADAIR, CHAIR**

**ATTEST:**

  
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**RECORDING SECRETARY**

  
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**ANTHONY DEBONE, VICE CHAIR**

  
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**PHIL CHANG, COMMISSIONER**