



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY January 31, 2024

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, Tony DeBone 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 webpage www.deschutes.org/meetings.

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

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Ryan Rudnick said the shelter for male parolees on Wilson Avenue would negatively affect the surrounding neighborhood, which has many families, children and parks, and is already disproportionately burdened by facilities such as this. Noting that many people have expressed their opposition to this shelter, he found it unfortunate that the County's response has been to downplay concerns and make no changes, which he interpreted as sending the message that the safety concerns of neighbors and nearby residents are of no importance. He asked that the Board revisit this matter and adjust the operations and/or location of this facility.
- Ashley Schreiber opposed the transitional housing program at 640 Wilson Avenue, saying that at least 12 children reside within 60 yards of this facility. Disputing that many adjacent residents were notified as represented by the contractor, Schreiber

said neighboring residents do not feel that their concerns are being heard or given any consideration.

- Brooke Mullay said she did not receive any notification of the 640/652 Wilson Avenue transitional housing project although she lives in proximity and should have been notified. She believed this to be a poor location for this kind of facility, questioned how much supervision the residents will receive from the contractor, and asked that the Board reconsider its action which approved this.

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

1. Consideration of Board Signature on letter reappointing Jeannie Adkins for service on the Lazy River Special Road District
2. Consideration of Board Signature on letter thanking Patrick Trowbridge for service on the Deschutes County Planning Commission
3. Approval of minutes of the January 19, 2024 Legislative Update meeting
4. Approval of minutes of the BOCC January 17, 2024 meeting

DEBONE: Move approval of the Consent Agenda as presented

CHANG: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

ACTION ITEMS:

5. Emergency Operations Plan Update

Sergeant Nathan Garibay presented the most recent update of the County's Emergency Operations Plan, highlighting some of the changes that were made and asking that the Board approve the base plan only as the appendices will undergo revision as needed.

Responding to Commissioner DeBone, Garibay said each county in the state has a "Fire Defense Board" which is comprised of all fire chiefs in the county and serves to organize and mobilize resources in the event of a fire emergency.

Commissioner DeBone emphasized the importance of interoperability and of having communication channels set up beforehand as well as clearly designated responsibilities for all critical activities.

Garibay added that in the event of an emergency, other County departments in addition to the Sheriff's Office would play a supporting role as far as mutual aid.

In response to Commissioner Adair, Garibay spoke to the balancing act inherent in determining who to contact via an emergency alert call, explaining that the aim is to notify those who need the information without alarming others who are not experiencing an immediate threat. Garibay said the DCSO website is updated during emergency events to share information for those who may be curious about an event but not directly affected.

Commissioner Adair asked about evacuations from Deschutes River Woods in the event of an emergency. Garibay said DCSO encourages people to be prepared, create defensible spaces, and leave early in the event of a fire.

Responding to Commissioner Chang, Garibay offered to make available a copy of the numerous appendices to the Plan for the Board's review.

County Administrator Nick Lelack added that the County's Transportation System Plan, which also addresses evacuation routes, will come before the Board for consideration of updates in a few weeks.

CHANG: Move approval of Resolution No. 2024-005 adopting the 2024 Deschutes County Emergency Operations Plan

DEBONE: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

6. Public hearing and consideration of Resolution No. 2024-003 adopting a supplemental budget and increasing or adjusting appropriations in the General Fund and the Natural Resources Fund

Dan Emerson, Budget and Fiscal Planning Manager, explained that the requested change will transfer revenues and expenditures associated with the Oregon Living With Fire program from a custodial fund to the Natural Resources Fund.

The public hearing was opened at 9:35 am. There being no one who wished to speak, the public hearing was closed at 9:36 am.

Commissioner DeBone stated his role as a representative for Oregon Living With Fire and referred to the involvement of other counties in efforts to achieve fuels reduction and resiliency.

Noting that Oregon Living with Fire is a multi-jurisdictional effort, Commissioner Chang asked if the other participating counties are agreeable to the change that would be implemented by the resolution.

Emerson responded that this change is being made to achieve compliance with federal regulations.

Deputy County Administrator Erik Kropp referenced his new role as grant administrator for the Natural Resources Fund and said all funds will be tracked separately within the account by object code.

Chief Financial Officer Robert Tintle expounded on the new federal standard related to fiduciary funds which the County must conform to.

DEBONE: Move approval of Resolution No. 2024-003 increasing or adjusting appropriations within the 2023-24 Deschutes County Budget

CHANG: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

7. Public hearing and consideration of Resolution No. 2024-004 adopting a supplemental budget and increasing appropriations in the Full Faith & Credit Debt Service Fund

Budget and Fiscal Planning Manager Dan Emerson explained that the purpose of the resolution is to recognize the proceeds received from the recent refinancing of the Series 2013 Full Faith & Credit bonds in November 2023. Emerson added that the funds will be transferred into Fund 530, not Fund 556 as shown in the exhibit to the resolution.

The public hearing was opened at 9:40 am. There being no one who wished to speak, the public hearing was closed at 9:41 am.

In response to Commissioner Chang, Chief Financial Officer Robert Tintle said the refinancing will save \$404,000 in debt service payments over the life of the bond.

CHANG: Move approval of Resolution No. 2024-004 adopting a supplemental

budget and increasing appropriations in the Full Faith & Credit Debt Service Fund within the 2023-24 Deschutes County Budget
DEBONE: Second

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

8. Public Hearing: Redmond Airport Master Plan Update Text Amendment

Tarik Rawlings, Senior Transportation Planner, said the purpose of the requested amendments is to align relevant sections of Deschutes County Code with the 2018 Redmond Airport Master Plan Update.

Commissioner DeBone disclosed his service on the Redmond Airport Advisory Committee and stated he has no conflict of interest in this matter.

The public hearing was opened at 9:51 am.

Rawlings presented a staff report on the proposed amendments to Deschutes County Code section 18.80.030, saying these pertain to the imaginary surfaces and noise contour boundaries of the Redmond Municipal Airport's Airport Safety Combining Zone. Rawlings explained that aviation-related imaginary surfaces are imagined areas both on the ground and in space which are established in relation to the airport and its runways. Such imaginary surfaces allow for specific aviation uses and actions within their defined boundaries; the allowed uses and actions involve travel to, from, or around a given airport. A noise contour boundary delineates an area extending beyond the airport, inside of which certain noise decibel ratings could be disturbing to residential properties and other land uses.

Following the initial public hearing on November 7, 2023 at which two comments were received, the Hearings Officer recommended approval of the amendments.

Rawlings asked that the Board continue today's public hearing to February 21st to allow sufficient public notice and to enable the finalization of all exhibits to the draft ordinance.

Zach Bass, Redmond Airport Manager, summarized that the requested changes will enhance safety. Responding to questions, Bass said the airport had originally planned to construct a future third runway out 1500 feet in one direction and 1500 in another; now, it is planning this extension for 3000 feet in just one

direction. He said while larger aircraft are being manufactured these days, those are also being made more quiet to lessen environmental noise impacts.

The Board was in consensus to continue the public hearing to February 21st.

9. Miller Pit Plan Amendment and Zone Change

Audrey Stuart, Associate Planner, said the Board is asked to decide whether it concurs in the Hearings Officer's decision to approve a Comprehensive Plan Amendment and Zone Change for a 65-acre parcel located south of Bend bordering Knott Road. The applicant requests to change the zoning of the property from Surface Mining to Multiple Use Agricultural (MUA10); the applicant also requests a concurrent change in the Comprehensive Plan designation from Surface Mine to Rural Residential Exception Area. Following a public hearing on November 13, 2023, the Hearings Officer issued a decision approving the applications. The appeal period has expired and no appeal was filed.

Commissioner Chang asked if the State allows bringing lands zoned Surface Mining into the Urban Growth Boundary (UGB), and if so, if these have a designated priority. Stuart answered that the State requires cities which apply to expand their UGB to demonstrate how the affected properties would meet certain goals such as housing or commercial needs, and it could be difficult to show how land zoned Surface Mining would meet adopted goals.

Commissioner Chang spoke to his concerns about groundwater and the likelihood that applications for new groundwater permits will receive substantial scrutiny going forward. Stuart acknowledged that if this zone change was approved, residential development would be allowed on the property. She said the applicant has not communicated any plans to the County regarding the future use of the property.

Commissioner Chang said if six residences were developed and each property included up to a half-acre of irrigated landscape, substantial water usage could result. He supported further research into projected groundwater utilization of rural residential development and questioned if the Hearings Officer paid sufficient attention to the subject of groundwater usage when evaluating the applications.

Commissioner DeBone said the decision of the Hearings Officer appears to be well-reasoned.

With respect to the State's priorities for adding land to the Urban Growth Boundary, Planning Manager Will Groves said whether this property was zoned Surface Mining or MUA10, it would rate as a second tier priority.

Commissioner Adair noted the letter in the record from Avion Water stating its ability to serve this property.

Responding to Commissioner Adair, Stuart confirmed that MUA10 zoning generally requires a ten-acre lot minimum, although a cluster development proposal could conceivably result in a somewhat higher density.

Commissioner Chang asked if Avion Water's letter is based on water rights it already has, or if it would need to secure a new groundwater permit to serve the property.

DEBONE: Move approval of Hearings Officer decision for files 247-23-000547-PA and 247-23-000548-ZC, approving a Comprehensive Plan Amendment and Zone Change

CHANG: Second

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

Commissioner Chang objected that the way the County's planning process is structured, the Board cannot ensure that this land will be held and preserved in order to accommodate future urbanization, nor does the process enable the County to ensure sufficient future water availability in advance of acting on rezone requests.

10. Ordinance 2024-001 changing the Comprehensive Plan Map Designation and Zone Designation for 40 acres located at 64430 Hunnell Road

Will Groves, Planning Manager, presents the ordinance for second reading, noting the Board had approved first reading on January 17th.

Commissioner Chang recused himself from discussing or acting on this item.

DEBONE: Move approval of second reading of Ordinance No. 2024-001 by title only

ADAIR: Second

VOTE: CHANG: (abstained)

DEBONE: Yes
ADAIR: Chair votes yes. Motion carried 2 – 1 - 0

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

DEBONE: Move adoption of Ordinance No. 2024-001 amending Deschutes County Code Title 23, the Deschutes County Comprehensive Plan, to change the Comprehensive Plan Map Designation for certain property from Agriculture to Rural Residential Exception Area, and amending Deschutes County Code Title 18, the Deschutes County Zoning Map, to change the Zone Designation for certain property from Exclusive Farm Use to Multiple Use Agricultural

ADAIR: Second

VOTE: CHANG: (abstained)
DEBONE: Yes
ADAIR: Chair votes yes. Motion carried 2 – 1 - 0

Chair Adair announced that Item 12. would be taken up before Item 11.

12. Amendment to the land donation agreement with the City of Redmond for Northpoint Vista, and Board Order authorizing the Deschutes County Property Manager to execute the documents associated with closing the Land Donation

Kristie Bollinger, Property Manager, reviewed the County's action in 2019 to donate 39.31 acres between NE Maple Avenue and NE Kingwood Avenue in East Redmond to the City of Redmond for the development of affordable housing. Noting that the final partition plat for the property was recorded in December of 2023 and the agreement which was entered into between the County and Redmond calls for closing the transaction within 30 days of this recording, Bollinger said the City has now requested the following:

1. Extension of the agreement to close within 120 days from recording the final plat;
2. Modification of the percentage of required affordable housing units from 50% to 30%; and
3. Modification of the original timeline with respect to the development of the site.

John Roberts, Deputy City Manager for the City of Redmond, addressed the request to modify the percentage of required affordable housing units from 50% to 30%, saying that this project is being developed using State funds which require that the project be at least 30% affordable housing. Acknowledging that

the application for State funding stated the City's plans to develop the property with 50% affordable housing, Roberts said it is now clear that more flexibility is needed. He said if the agreement with the County is modified as requested, 75% of the project would be a combination of workforce housing and affordable housing, and just 25% of the units would be market rate.

Bollinger verified that the State has agreed to the City's requested change to reduce the project's percentage of affordable housing units.

Responding to Commissioner Adair, Roberts confirmed that this project will include multi-family housing.

Commissioners stated their appreciation that the project will include workforce housing and expressed their support for the requested modifications.

In response to Commissioner Adair, Roberts said the City's goal is to apply for funding by March 4th for a 25-30 unit cottage development and begin construction in early 2025.

CHANG: Move approval of Document No. 2024-104 authorizing Amendment No. 1 to the land donation agreement with the City of Redmond, and approval of Board Order No. 2024-005 authorizing the Deschutes County Property Manager to execute the documents associated with closing the land donation

DEBONE: Second

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

A break was announced at 10:40 am. The meeting reconvened at 10:44 am.

11. Approval of the 2023 Title III Certification Form

Kevin Moriarty, County Forester, reviewed that counties which receive funds under the federal Secure Rural Schools and Community Self-Determination Act must submit an annual report certifying that the funds expended were utilized as authorized. Moriarty said the County used these revenues to fund the Forester and Fire Adapted Communities Coordinator positions as well as Search and Rescue efforts.

Saying that this federal funding source is currently authorized only to 2025, Commissioner Chang urged the County to advocate for its reauthorization.

CHANG: Move approval of Chair signature of Document No. 2024-103, the 2023 Title III Certification Form

DEBONE: Second

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

13. Application for Energy Efficiency and Conservation Block Grant Funds

Jen Patterson, Strategic Initiatives Manager, reported that the County is eligible to receive \$78,310 in grant funding—or the same amount in the form of a technical voucher—to further energy efficiency efforts. Staff recommends applying for the technical voucher to use for conducting an energy audit and developing an energy efficiency and conservation strategy.

Lee Randall, Facilities Director, said these funds would allow the County to develop an energy efficiency plan for County facilities and operations following an energy audit.

Responding to Commissioner Chang, Randall said the scope of the work has not yet been determined; a consultant would help identify which facilities and operations merit a deeper look.

In response to Commissioner DeBone, Randall listed several examples of building components and functions which may be evaluated, such as whether the installation of different roof insulating materials could save on energy costs. Other potential considerations include the effectiveness of direct digital controls for HVAC systems, whether it's more cost-efficient to use gas or electric in dual-fuel systems, and if any existing CO2 sensors should be updated.

CHANG: Move to authorize the submittal of an application for grant funds to complete an energy audit and develop an energy efficiency and conservation strategy for County facilities and operations

DEBONE: Second

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

OTHER ITEMS:

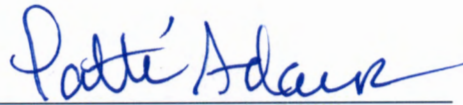
- Commissioner Adair reported that yesterday's Visit Central Oregon (VCO) board meeting was the last one for outgoing executive director Julia Thiesen. Six candidates to replace Thiesen are scheduled to be interviewed in the near future.
- County Administrator Nick Lelack announced that VCO's Future Fund allocation total for this year will be \$450,000, with \$350,000 of that coming from the State and \$100,000 from Deschutes County Transient Room Tax revenues.
- Commissioner DeBone reported an Eastern Oregon Counties Association meeting tomorrow at 10 am.
- Commissioner Adair shared allegations reported in the media that the State may be overcharging the trucking industry.
- Commissioner DeBone announced a COIC meeting tomorrow.
- Commissioner Chang reported on the Wolf Depredation Compensation and Financial Assistance Committee meeting this past Monday.

EXECUTIVE SESSION: None

ADJOURN:

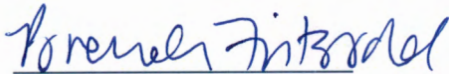
Being no further items to come before the Board, the meeting was adjourned at 11:17 am.

DATED this 21st day of February 2024 for the Deschutes County Board of Commissioners.



PATTI ADAIR, CHAIR

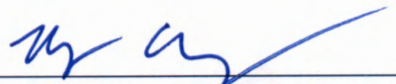
ATTEST:



RECORDING SECRETARY



ANTHONY DEBONE, VICE CHAIR



PHIL CHANG, COMMISSIONER