



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY January 25, 2023

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Anthony DeBone, Patti Adair, and Phil Chang. Also present were Nick Lelack, County Administrator; Kim Riley, Assistant County Counsel; and Brenda Fritsvold, BOCC Executive 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 DeBone called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Bret Matteis spoke as a representative of Preserve East Bend, a group recently formed to oppose siting a landfill on Bear Creek Road. Matteis said the group's mission is to protect the traditional rural lifestyle of east Bend and preserve livable communities in that area.
- Craig Miller expressed concern regarding the methods and assumptions used to develop the draft list of 12 potential landfill sites. Miller shared relevant Federal requirements relating to airports as well as to protections of sage grouse and viewsapes, and spoke to the need to protect dark skies.
- Ron Boozell reported that many emptied green bottles are discarded in the forest and suggested that the Board consider inviting retailers who sell these and

organizations who donate them to join in a conversation about how to resolve this problem, perhaps by instituting a buy-back program for \$1 per bottle.

- Dorinne Tye was concerned about low-flying aircraft near her home and the resultant noise impacts. She was further concerned about lead particulates in the environment and said wells near the airport should be tested.

Chair DeBone acknowledged the receipt of emails regarding the Outdoor Lighting ordinance/preservation of dark skies and another email advising reform for parcels zoned EFU-HR in the Millican valley area.

Commissioner Chang said the Board received important testimony about the siting of a new landfill, which will help inform its action on item 5 later in today's agenda. He noted that according to the Board's rules, the public is not allowed to speak to items that are on the current meeting agenda. He objected to this rule and believed the Board should change it.

Commissioner DeBone noted the current celebration of the Chinese Lunar New Year which is ushering in the Year of the Rabbit.

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

ADAIR: Move Board approval of Consent Agenda
CHANG: Second

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

1. Consideration of Board Signature on letter appointing Bill Shurte for service on the Pinewood Country Estates Special Road District
2. Open new checking account with First Interstate Bank for use by the Deschutes County Sheriff's Office
3. Approval of the BOCC meeting minutes of January 4, 2023

ACTION ITEMS:

4. **Recognition of Deputy Herrmann's 25 Years of Service with the Deschutes County Sheriff's Office**

Captain Mike Shults introduced Deputy Herrmann and said the County has benefitted tremendously from his service.

5. Board direction relative to the exclusion of certain candidate landfill sites from consideration in accordance with Federal Aviation Administration recommendations

Chad Centola, Solid Waste Director, requested authorization to convene a special meeting of the Solid Waste Advisory Committee (SWAC) to consider excluding certain candidate sites from consideration for a new landfill facility in conjunction with an advisory from the Federal Aviation Administration (FAA) which recommends that new landfills not be sited within a five-mile radius of public access airports. If accepted, this restriction would remove three sites from the list of 12 sites under consideration.

Tim Brownell, Incoming Solid Waste Director, added that staff met with both the director and the engineer of the Redmond airport to discuss its safety overlay zone as well as broader issues, including potential bird migration concerns.

Commissioner DeBone said it is cost-effective to have a landfill in the county rather than outside of it. He desired to keep costs under control for current and future generations.

Commissioner Adair asked that the survey responses from 2019 be made available to the public. She did not support further impacting Highway 97 with trucks hauling solid waste.

Commissioner Chang expressed interest in securing a land conveyance from the Bureau of Land Management or outright purchasing some of its land to expand the number of sites considered.

Commissioner DeBone supported empowering the SWAC to address this matter. He noted that a consultant will assist them in their work.

ADAIR: Move to direct staff to convene a special meeting of the Solid Waste Advisory Committee to review a FAA Advisory circular and provide a recommendation relative to implementation of the advisory circular

CHANG: Second

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

Centola said staff will attempt to schedule a SWAC meeting on February 7th. He emphasized this process is still in flux and other sites could also be added for consideration.

Commissioner DeBone said just one site is needed, and there are 3,055 square miles in the County. He appreciated and welcomed input on this subject.

6. Special Project Grant Status Update – Friends of the Children

Rachel Cardwell, Executive Director of Central Oregon Friends of the Children, provided a mid-year status update on the organization’s projects and programs which aim to foster positive peer relationships and gains in literacy and math.

7. Special Project Grant Status Update – Deschutes Collaborative Forest Project

Sally Russell, Vice Chair and Jacob Fritz, Program Coordinator, shared an update on the Collaborative’s work to keep forests healthy and accessible for the community, in particular efforts to address concerns about wildfires and the health effects of smoke.

8. Special Project Grant Status Update – Deschutes Basin Water Collaborative

Lisa Seales, Deschutes River Conservancy Programs Manager, and Scott Aycock, COIC Community & Economic Development director, shared the Collaborative’s vision and goals as well as successes to increase flows in the Deschutes and Crooked Rivers. Key issues include the distribution of water rights.

9. Resolution No. 2023-004, converting a limited duration Health Educator II position to regular duration

Kara Cronin, Behavioral Health Program Manager, explained the request to convert a limited duration Health Educator II position to regular duration to continue the work of the overdose response coordinator in the Harm Reduction Program. Cronin said this position will be paid from Measure 110 funds.

CHANG: Move Board approval of Resolution No. 2023-004, converting a limited duration Public Health Educator II position to regular duration within the 2022-2023 Deschutes County Budget

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

10. Request Board approval of Document Number 2023-087, an agreement with Bethlehem Inn for emergency shelter access and client stabilization

Kara Cronin explained the proposed agreement under which Bethlehem Inn will reserve bed space on an ongoing basis for the provision of shelter. Bethlehem Inn will also offer rent readiness and brief intervention case management services.

ADAIR: Move approval of Document Number 2023-087, an agreement with Bethlehem Inn for collaborative efforts involving the Homeless Outreach Services Team

CHANG: Second

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

11. Consideration of Chair Signature of Document No. 2023-079, amending an agreement with Oregon Health Authority for tobacco prevention and cessation efforts, and a resolution formalizing how these grant funds will be expended

Jessica Jacks, Public Health Program Manager, described the amendment to the agreement with OHA which increases funding for these activities in the net amount of \$372,856.45. The funding derives from revenue generated from the voter-approved tax on cigarettes and inhalant delivery systems.

CHANG: Move approval of Chair signature of Document No. 2023-079, amending an agreement with Oregon Health Authority for tobacco cessation efforts

ADAIR: Second

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

ADAIR: Move approval of Resolution No. 2023-006, increasing appropriations within the Health Services Fund and the 2022-23 Deschutes County budget

CHANG: Second

VOTE: ADAIR: Yes
 CHANG: Yes

DEBONE: Chair votes yes. Motion carried

12. Planning Division Work Plan Update / Long Range Planning / FY 2022-2023

Will Groves, Planning Manager, sought additional direction from the Board with respect to prioritizing long-range planning projects which vary in complexity and anticipated staff effort. Groves noted that two weeks ago, the Board identified the Mule Deer Winter Range Inventory update and In-Conduit Hydroelectric code update as top priorities.

Commissioner Adair said the Bend Airport Master Plan should be addressed. Groves explained that any changes to the Deschutes County Code with respect to the airport would need to be initiated by the City of Bend. He noted preliminary conversations held with the City on this subject.

Regarding the In-Conduit Hydroelectric code update work, Commissioner Chang emphasized that there are no plans in place to apply for such a facility in the next year or two. He advised staff to take this into consideration as it prioritizes this work ahead of or behind other items.

Following discussion, Groves summarized the direction of the Commissioners to prioritize work on a Conventional Housing Combining Zone, the temporary use of recreational vehicles, and outdoor mass gatherings.

Commissioner Adair relayed concerns about the cost to appeal a decision of the Hearings Officer. Peter Gutowsky, Director of Community Development, offered to conduct a comparative analysis on these fees to facilitate an informed decision by the Board with respect to any possible change to the fee structure. Commissioner DeBone suggested this research be shared with individual Commissioners over the next month.

At 11:58 am, Chair DeBone announced a break for lunch.

The meeting was reconvened at 1:00 pm.

13. Public Hearing: A Commercial Activity in Conjunction with Farm Use (Meadery) in the Exclusive Farm Use Zone

Nathaniel Miller, Associate Planner, outlined the procedures for the hearing to consider the appeal of a Hearings Officer decision to deny an application for commercial activity in conjunction with farm use. Miller explained the request pertains to a proposed meadery on Highway 20 outside of Sisters.

The public hearing was opened at 1:10 pm.

Liz Fancher, representing the applicant, explained that State law allows all three types of identified wineries in the Exclusive Farm Use (EFU) zone—some of these are allowed outright, and others as conditional uses. The applicant seeks to establish, via conditional use, a honey winery (meadery) with associated uses including an indoor tasting room, outdoor tasting area, food cart, winery-related events, and other commercial activities related to the production, sale, marketing and distribution of wine, farm products, and related incidental items.

Fancher explained that State law prohibits the gross income of the winery from any activity other than the production or sale of wine from exceeding 25 percent of the gross income from the on-site retail sale of wine produced in conjunction with the winery. This means that the gross income from activity other than production or sale of mead cannot be from other activities as described. Fancher said this restriction ensures that the other commercial activities will be incidental to and in conjunction with the farm use, and shared proposed conditions of approval to ensure that the property will meet the “incidental and subordinate” test, summarized as follows:

- 30 acres of the winery property must be maintained as bee pasture;
- 100% of honey produced be used to make wine or sold as a farm product;
- Agritourism and other commercial events are reduced to ten days per year;
- Agritourism and special event attendance be capped at 250 persons for five events and 150 for five events (ten events total);
- Weddings are not allowed;
- Limits on the number and operation of food carts;
- No agritourism or special event may occur until after the winery has achieved gross income of \$40,000 from the onsite sale of wine produced in conjunction with the winery;
- The winery must comply with ORS 215.456 (2) which places a 25% limit on gross winery income from sales other than the on-site retail sale of wine produced in conjunction with the winery;
- All honey be produced in Oregon and 90% of the honey used to make mead must come from a subset of Oregon counties;
- Annual reporting of compliance with the 25% gross sales rule and honey source condition. A violation of either condition in two consecutive years would render the approval void.

John Herman, the applicant, explained how his farm supports biodiversity and pollinators and said the property’s grazable, regenerative bee pastures also contribute to soil health. Herman said with the additional conditions, his application now has the support of Central Oregon LandWatch.

Commissioner Chang noted his concern about people who may want to do a little bit of farming and a lot of non-farming activity.

- Rory Isbell, Central Oregon LandWatch, confirmed that the organization has endorsed the changed application with the new list of proposed conditions, so long as these are incorporated into any approval decision by the Board.
- Jack Farley expressed his support for the application and said it deserves the full support of the Commission.

During the time allotted for rebuttal by the applicant, Fancher emphasized that a crop processing use is not considered a commercial activity.

The public hearing was closed at 2:16 pm.

Chair DeBone noted the consensus of the Board to schedule deliberations for a date and time to be determined.

OTHER ITEMS:

- Commissioner DeBone referred to a letter from the Laidlaw Water District regarding the Tumalo Wastewater Feasibility Study. The Board was in consensus to allow staff to engage with the water district and offer technical assistance (analysis and planning).
- Commissioner Chang participated in the Point in Time count yesterday.
- Commissioner Chang announced the "Season of Non-Violence" event tomorrow.
- Commissioner DeBone reported he will participate in a meeting tomorrow in Salem regarding an appeal of the Department of Land Conservation and Development to the Land Conservation and Development Commission.
- Commissioner Adair reported a cease and desist order issued to persons residing on Hurtley Ranch Road relating to criminal activity on County-owned property.
- Commissioner Adair reported on the upcoming Point in Time count in Sisters.
- Commissioner Adair shared that a resident was nearly struck by a wayward bullet in the China Hat area. She said many gunfights are reported in this area and hoped this could be addressed.
- County Administrator Nick Lelack relayed an opportunity to participate in the KOR Workforce Housing Program in partnership with the Bend Chamber at a cost of up to \$2,500 plus closing costs for any Deschutes County employee selected for the program. The majority of the Board concurred to participate at this amount.
- Commissioner DeBone cautioned against contributing to factors that would hinder people from free market opportunities to buy a house.

- Deputy County Administrator Erik Kropp submitted proposed appointments to the Noxious Weed Advisory Committee. The Board was in concurrence to have these submitted for its formal approval.
- Deputy County Administrator Whitney Hale and Facilities Director Lee Randall submitted a draft letter seeking support of a \$25 million investment from the State to support the County's courthouse expansion project. The Board directed one edit to say that the expansion will add "approximately 60,000 square feet" to the current facility.

ADAIR: Move approval of Board signature of a letter seeking funding from the State in the amount of \$25 million for the courthouse expansion project

CHANG: Second

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

Chair DeBone announced a break at 2:37 pm.

The meeting was reconvened at 2:43 pm.

EXECUTIVE SESSIONS

At 2:43 p.m., the Board went into Executive Session under ORS 192.660 (2) (d) Labor Negotiations. The Board moved out of executive session at 3:33 p.m. to direct staff to proceed as discussed.

At 3:34 p.m., the Board went into Executive Session under ORS 192.660 (2) (h) Litigation. The Board moved out of executive session at 3:39 p.m. to direct staff to proceed as discussed.

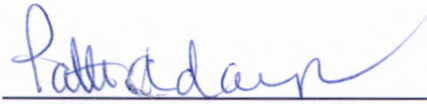
ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 3:39 p.m.

DATED this 15th Day of Feb. 2023 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR

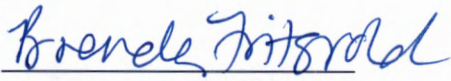


PATTI ADAIR, VICE CHAIR



PHIL CHANG, COMMISSIONER

ATTEST:



RECORDING SECRETARY