



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

1:00 PM

MONDAY July 1, 2024

Allen Room
Live Streamed Video

Present were Commissioners Patti Adair, Tony DeBone and Phil Chang. Also present were County Administrator Nick Lelack; Deputy County Administrator Whitney Hale; Senior Assistant County 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 1:01 pm.

Commissioner DeBone shared that last Friday, he attended a roundtable hosted by the State's Land Conservation and Development Commission; Commissioner Chang was also in attendance. At that meeting, Commissioner DeBone spoke to establishing managed camps to address homelessness.

Commissioners DeBone and Chang also attended a meeting in La Pine this morning regarding the Darlene 3 fire, which is expected to be downgraded from type 3 to type 4 by the end of the day.

CITIZEN INPUT: None

AGENDA ITEMS:

1. **Amendment to the County Employee Health Benefits Medical and Dental Plan to cover registered opposite sex domestic partners**

Kathleen Hinman, Human Resources Director, explained the proposed amendment to the County's health benefits plan to align with State law which was recently changed to include opposite sex domestic partners in the definition of "domestic partners." Previously, this definition applied only to persons in same sex domestic partnerships.

In response to Commissioner Adair, Hinman said the benefits plan would be amended to remove the limiting language of "same sex domestic partnership" so it will apply to both same sex and opposite sex domestic partnerships.

Commissioner Chang anticipated relatively modest budget impacts from this change since it will only apply to persons in registered domestic partnerships.

Hinman concurred that domestic partnerships are a legally recognized status under State law. She said while it is hard to know how many domestic partners will newly be covered, HR used an estimate of ten to gauge potential budget impacts.

CHANG: Move approval of and authorize the County Administrator to sign Document No. 2024-574, amending the Deschutes County employee medical and dental plan to include registered opposite sex domestic partners in the definition of "Domestic Partner" effective August 1, 2024

DEBONE: Second

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

Commissioner DeBone acknowledged the rising cost of the County's self-funded health benefit plan.

2. **Intergovernmental Agreement with the Oregon Department of Transportation for the All Roads Transportation Safety Program - Driver Feedback Signs Project**

Cody Smith, County Engineer/Assistant Road Director, said in 2020 the County had applied for federal funding to install driver feedback signs on certain roads where speed was a contributing factor in crashes with fatal or serious injuries. That application was recently approved in the 2024-2027 State STIP cycle; federal funding of \$929,585.70 will cover 90% of the estimated total project cost, with the County contributing the remaining \$103,287.30.

Responding to Commissioner Adair, Smith said Cook Avenue was included in the list of project road segments in error, and no work is planned for that street.

Commissioner Adair said too many drivers speed on Knott Road. Smith agreed and said the County is working with the City of Bend to address the need for more mitigation at the intersection of Knott Road and China Hat Road, which is controlled by the City.

In response to Commissioner Chang, Smith said ODOT will install the new driver feedback signs.

DEBONE: Move approval of Document No. 2024-560, an Intergovernmental Agreement with the Oregon Department of Transportation for the All Roads Transportation Safety Program – Driver Feedback Signs Project
CHANG: Second
VOTE: CHANG: Yes
DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried

3. **Proposed Solid Waste Disposal Fee Waivers for Fiscal Year 2025**

Tim Brownell, Director of the Solid Waste Department, reminded that potential solid waste disposal fee waivers are brought to the Board each year for consideration in accordance with a program that waives disposal fees for non-profit organizations that reuse or resell used goods. In recognition of the diversion of waste associated with the operations of these organizations, the program allows a maximum fee waiver of \$5,000 for each participating organization up to a total program amount of \$45,000. Eleven non-profit organizations have applied for fee waivers in the new fiscal year; the department proposes a total of \$41,000 in fee waivers, with six of the organizations receiving the maximum \$5,000 amount.

Brownell added that the department recently began collaborating with the County Forester to provide fee waivers for the disposal of materials collected through Firewise community fuel reduction activities. To accommodate this collaboration and because a growing number of community groups and individuals are initiating cleanup activities on public lands, he asked that the Board authorize him to approve individual event fee waivers up to \$2,000 per event with a cumulative total of \$10,000 each year.

In response to Commissioner DeBone, Brownell confirmed that the materials collected during the Firewise events are strictly biomass.

CHANG: Move approval of Resolution No. 2024-036 approving Solid Waste Disposal Fee Waivers for Fiscal Year 2025

DEBONE: Second

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

4. Preparation for Public Hearing: Psilocybin Service Center at Juniper Preserve

Audrey Stuart, Associate Planner, reviewed the application for a conditional use permit and site plan review to establish a psilocybin service center at 23050 Nicklaus Drive in the Juniper Preserve destination resort (formerly Pronghorn). Noting that more than 170 public comments on this proposal have been received thus far, Stuart shared a high-level summary of issues raised in opposition to and support of the proposal.

Stuart then shared that the Hearings Officer denied the application based on three issues:

1. The screening of the parking area was found to not be sufficient with respect to residences directly to the south;
2. The applicant did not provide sufficient information or identify the required clear vision area needed to be at the intersection of a service drive and a road (with Nicklaus Drive appearing to function as a service drive within the subject property); and
3. Transportation access is not sufficient because the Bureau of Land Management right-of-way used to access the resort is federal land and cannot be used for transporting psilocybin.

Saying that a public hearing before the Board is scheduled for July 17th, Stuart reminded that the Board decided to hear this appeal limited *de novo*, restricting testimony to the three denial decision points as stated by the Hearings Officer.

In response to Commissioner DeBone, Stuart confirmed that the Commissioners are welcome to tour the site if they wish.

5. Plan Amendment and Zone Change of approximately 65 acres at 19975 Destiny Court from Agricultural/Exclusive Farm Use to Rural Residential Exception Area/ Multiple-Use Agricultural (MUA-10)

Anthony Raguine, Principal Planner, said a public hearing has been scheduled on July 24th to consider a Plan Amendment and Zone Change for approximately 65 acres located at 19975 Destiny Court. The applicant requests that the Comprehensive Plan designation be changed from Agricultural to Rural Residential Exception Area and the Zoning be changed from Exclusive Farm Use to Multiple Use Agricultural (MUA10). Raguine noted that the subject property is about six-tenths of a mile outside of Bend's city limits; the property immediately adjacent is MUA10.

Continuing, Raguine said 12 comments have been received thus far in opposition to the proposed changes, with concerns focused on traffic impacts, the loss of open space, and urban lot sizes. He reviewed the decision of the Hearings Officer to recommend approval of the applications, saying that because the soil study demonstrated that the property does not have agricultural soil, a Goal 3 exception is not required.

In response to Commissioner Chang, Raguine said the property is not within a habitat overlay. Raguine confirmed that no comments were received in support of the applications.

Responding to Commissioner Chang, Raguine said because a previously approved lot line adjustment moved the flood plain zone west, none of the property is now within a flood plain zone.

Commissioner Adair wanted to know if the property has any water rights and if the pond is present year-round. Raguine agreed to find out and noted that a will-serve letter from Avion is in the record.

Commissioner Chang asked that a map be provided that shows zoning in the area along with property lines, Bend's city limits and Tumalo State Park in relation to the subject property.

In response to Commissioner Chang, Raguine said the highest density available on property zoned MUA10 is one house to every five acres for properties within one mile of an urban growth boundary.

OTHER ITEMS:

- Commissioner Chang attended last week's LCDC lunchtime roundtable, among other scheduled sessions, and noted that Commissioner DeBone was also in attendance at the roundtable.
- Commissioner Chang attended St. Vincent's Village open house.

- Commissioner Chang spoke to how helpful fuels reduction work was in containing the Darlene 3 fire and limiting its severity.
- Commissioner Chang reported \$1400 of discretionary grant funding remaining in his video lottery allocation and that he had invited an application from the Soil and Water Conservation District for these funds.
- Commissioner Chang announced that he will be out of the office next week and will attend the July 10th meeting virtually.
- Commissioner DeBone expressed appreciation to the many agencies involved in responding to the Darlene 3 fire in the La Pine area.
- Commissioner DeBone referred to La Pine's Frontier Days and Rodeo this week and spoke to the need for defensible space on lands prone to wildfires. He called for conversations to discuss unsanctioned, long-term encampments, which can lead to fires.
- Commissioner Adair reported that she was in Salem last Friday at a meeting of the Local Government Advisory Committee for Health & Human Services where Lane County presented a pilot project for addressing homelessness which thus far has had an 88% success rate.
- Commissioner Adair reported that Rick Russell was removed from his position at Mountain View Fellowship, and expressed her hope for continued positive results from Redmond's safe parking program.
- County Administrator Nick Lelack shared that last week, the County hosted a two-day meeting of the State's Land Conservation and Development Commission (LCDC).
- Commissioner DeBone announced that Mark Bennett has been appointed to the LCDC Board seat previously held by County Administrator Lelack.

EXECUTIVE SESSION:

At 2:11 pm, the Board entered Executive Session under ORS 192.660 (2) (h) Litigation and ORS 192.660 (2) (e) Real Property Negotiations.

The Board came out of Executive Session at 2:49 pm to take the following action:

CHANG: Move approval of Document No. 2024-594 authorizing County Attorney David Doyle to sign the National Opioid Litigation (Kroger Settlement) on behalf of Deschutes County

DEBONE: Second

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

With respect to the item regarding real property negotiations, the Board directed staff to proceed as discussed.

ADJOURN:

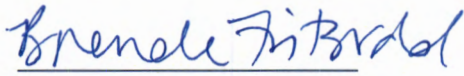
Being no further items to come before the Board, the meeting was adjourned at 2:50 pm.

DATED this 14th day of August 2024 for the Deschutes County Board of Commissioners.


PATTI ADAIR, CHAIR

ATTEST:


ANTHONY DEBONE, VICE CHAIR


RECORDING SECRETARY


PHIL CHANG, COMMISSIONER