



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY January 4, 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:

- Ron Boozell said the change of the Board positions to non-partisan gives him hope for the new year. He encouraged the Commissioners to find a reason to leave their respective political parties, saying they serve the county first.
- Jamie Bowles, a habitat biologist for Oregon Fish and Wildlife, encouraged the County to update its wildlife inventory to address the declining population of mule deer.
- Emily Weidner of US Fish and Wildlife's Bend Field Office said bald eagles and golden eagles are protected species, and golden eagles in particular are highly susceptible to disturbances. Adding that the number of golden eagles is declining throughout their range, she said the USFW seeks additional coordination with the County.
- Karl Findling, representing the Oregon Chapter of Backcountry Hunters and Anglers, urged completion of the Goal 5 updates to the wildlife inventory maps.

- Mary Jo Hedrick, a member of the Oregon Hunters Association, requested that the County update its wildlife inventories to document the existing populations and their habitats along with seasonal migration information.
- Steve Hagen, president of the Oregon Hunters Association, spoke to the decline of the mule deer population and said a four-lane highway would further lower their numbers. He advocated for a place where deer can safely winter and supported including this matter in the Planning Division's 2023 work plan.
- Michael O'Casey said that Deschutes County has a responsibility to make sure that development responsibly accounts for wildlife habitat. Noting that much of the county is winter range for mule deer, he supported proceeding with an update of the wildlife inventory.

Commissioner Chang thanked the persons who commented on the wildlife inventory matter. He agreed that habitat loss and fragmentation are key to the decrease in the mule deer population and further agreed that the wildlife overlays for mule deer, elk and eagles must be updated without further delay.

Chair DeBone acknowledged the receipt of emails from:

- Mary Jo Hedrick, encouraging the inclusion of the Goal 5 Wildlife Inventory update in the Planning Department's FY 2022-23 work plan;
- Joy Newhart, expressing pleasure that Worrell Park will not be modified to make room for parking;
- James Bouziane and Kerry Shandro, opposing the siting of a refuse transfer station on Bear Creek Road; and
- Dorinne Tye, objecting to low-flying aircraft over her home.

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 to authorize the District Attorney's Office to accept a CJC Restorative Justice Supplemental Grant Award
2. Consideration of Resolution No. 2023-001 Increasing Appropriations and FTE within the Sheriff's Office Fund and the 2022-23 Deschutes County Budget
3. Approve Document No. 2022-998 to accept a \$60,000 grant for online threat monitoring in coordination with Safer Schools Together

4. Consideration of Board Signature on Letter of Thanks to Ron Brown for service on the Fall River Estates Special Road District.
5. Consideration of Board Signature on letter reappointing Tod Watkins for service on the Howell's Hilltop Acres Special Road District
6. Consideration of Board Signature on letter reappointing Ruth Keller for service on the Howell's Hilltop Acres Special Road District
7. Consideration of Board Signature on Letter of Thanks to Whitney Lowe for service on the Panoramic Access Special Road District
8. Consideration of Board Signature on letter reappointing Rodney Dieckhoff for service on the Deschutes River Recreation Homesites Special Road District Board #1
9. Consideration of Board Signature of Letter of Thanks to Sandra Mayernik for service on the Cascade View Estates Special Road District
10. Approval of the minutes of the December 13, 2022 Budget Committee meeting
11. Approval of the BOCC meeting minutes of December 14 and 19, 2022

ACTION ITEMS:

12. Presentation from KOR Land Trust on its Workforce Housing Program and Partnerships

Jackie Keogh, executive director of KOR Community Land Trust, presented on the organization's Workforce Housing Program which offers affordable homeownership opportunities in collaboration with employers. She described the program and said homeownership is not contingent on continued employment or on the salary which qualified an approved buyer—thus approved persons can experience losses or gains in household income without affecting their continued participation in the program.

Commissioner Chang inquired about current AMI amounts. Keogh offered to supply a chart showing estimates, which depend on household size.

Commissioners expressed appreciation for the presentation and information. Keogh shared that on January 12th, KOR will announce opportunities for the Poplar development, which will offer deed-restricted homes that will resell only

to income-qualified households. KOR is also in talks with employers about opportunities for the Simpson development.

Commissioner Adair asked about La Pine. Keogh responded that the trust is looking at land in that area.

13. Public Hearing and Consideration of Order No. 2023-003, Vacating a Public Right of Way in Section 19 of Township 18S, Range 12E, W.M.

Cody Smith, County Engineer, provided information on the proposed vacation of right-of-way, describing the location and petitioners along with other affected property owners. The vacation is sought to facilitate site improvements at Bend Christian Fellowship Church. Staff recommends approval subject to conditions.

Commissioner Chang referred to future needs for frontage roads and trail corridors and asked if the right-of-way could be shifted to the eastern edge of the properties instead of being vacated altogether. Smith responded that this idea could be discussed in conjunction with the County's legal staff, although he was unsure why this property had been dedicated as right-of-way in the first place as it was never accepted by the County.

The public hearing was opened at 10:02 am.

Benjamin Miller, petitioner and lead pastor of Bend Christian Fellowship Church, said the right-of-way was created for no reason that he can ascertain. The County has no need for it, it hinders the church from establishing solar facilities, and it prevents the property owner from constructing a fence to deter criminal activity which is an ongoing safety and security issue.

The public hearing was closed at 10:08 am.

Kim Riley, Assistant Legal Counsel, said vacation statutes do not offer or contemplate discussions or negotiations for right-of-way exchanges, although the Board could direct staff to look into this.

CHANG: Move Board approval of Order No. 2023-003, vacating a public right-of-way in Section 19 of Township 18S, Range 12E, W.M

ADAIR : Second

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

14. Second Reading of Ordinance Nos. 2022-014 and 2022-015, amending Deschutes County Code with respect to regulations for the time, place and manner of the manufacture, testing and distribution of psilocybin

Tanya Saltzman, Senior Planner, reminded that the Board conducted first reading of Ordinance Nos. 2022-014 and 2022-015 on December 19, 2022. If adopted today, they will take effect in 90 days, or on April 4th, 2023.

CHANG: Move approval of second reading of Ordinance 2022-014, by title only, Amending Deschutes County Code Title 18, Deschutes County Zoning, to Create Time, Place, and Manner Regulations Concerning Psilocybin Businesses in Unincorporated Deschutes County

ADAIR: Second

Chair DeBone read the ordinance by title only.

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

ADAIR: Move adoption of Ordinance 2022-014, amending Deschutes County Code Title 18, Deschutes County Zoning, to Create Time, Place, and Manner Regulations Concerning Psilocybin Businesses in Unincorporated Deschutes County

ADAIR: Second

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

CHANG: Move approval of second reading of Ordinance 2022-015, by title only, amending Deschutes County Code Title 18, Deschutes County Zoning, to Create Regulations Concerning Psilocybin Businesses in Destination Resorts

ADAIR: Second

Chair DeBone read the ordinance by title only.

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

ADAIR: Move adoption of Ordinance 2022-015, amending Deschutes County

Code Title 18, Deschutes County Zoning, to Create Regulations Concerning Psilocybin Businesses in Destination Resorts

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

15. Consideration of a Cybersecurity Services Contract with XentIT, LLC

Kevin Furlong, IT Operations Manager, described the purpose of the contract, which will have a term of one year.

Commissioner Adair questioned the selection of this particular company for these services, noting it is on the East Coast and very small. Furlong responded that the company is highly rated and manufactures another product used by the County.

CHANG: Move approval of Board signature of Document No. 2023-057, a contract with XentIT, LLC for cybersecurity services

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion carried

OTHER ITEMS:

- County Administrator Nick Lelack shared that the Central Oregon Visitors Association has invited one of the Commissioners to serve on a panel regarding the demand for camping facilities at the Governor's Conference on Tourism in April. Commissioner DeBone suggested that the Board hold a work session on this subject and develop a position paper for one of the Commissioners to take to the conference.
- Lelack reported that the Association of Oregon Counties has asked Deschutes County to put forward a voting member for its legislative committee, which has its first meeting of 2023 next week. Following discussion, the Commission was in consensus to appoint Commissioner Chang to represent Deschutes County as a voting member of the AOC's legislative committee.
- Deputy County Administrator Whitney Hale reported a communication from the Deputy State Court Administrator asking if the County will seek State

funding for its courthouse expansion project. The Commission agreed to discuss this further next week.

- Commissioner DeBone commented on the length of time needed to become credentialed in wastewater system operations and said with more information, the County may want to add this to its lobbying efforts.
- Commissioner DeBone said he and Commissioner Chang attended yesterday's public safety coordination meeting, which featured an update on the stabilization center.
- Commissioner DeBone announced the joint chamber breakfast for La Pine and Sunriver on February 16th at SHARC.
- Commissioner Chang expressed interest in attending the National Association of Counties conference in Washington, DC in February, noting he would also plan to meet with agencies and the County's congressional delegation.
- Commissioner Adair reported that interviews for the Fair Board will be concluded this week.
- Commissioner Chang reported that the federal 2023 budget includes allocations for the expansion of the La Pine Community Health Center as well as funds for the childcare center at OSU Cascades and to modernize infrastructure of the Lone Pine Irrigation District, among other appropriations benefitting Central Oregon. He advised pursuing opportunities to seek additional funding and offered to take the Board's requests to Washington DC next month.
- Commissioner DeBone noted interviews will be held tomorrow for the position of IT director.

EXECUTIVE SESSION: None

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 10:51 a.m.

DATED this 25th Day of January 2023 for the Deschutes County Board of Commissioners.

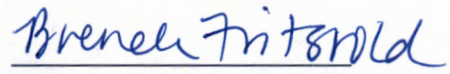


ANTHONY DEBONE, CHAIR

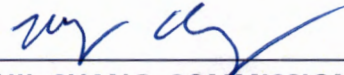


PATTI ADAIR, VICE CHAIR

ATTEST:



RECORDING SECRETARY



PHIL CHANG, COMMISSIONER