



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY November 29, 2023

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Tony DeBone, Patti Adair 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 DeBone called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT: None

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

1. Approval of Document No. 2023-1023 granting five permanent easements to the Oregon Department of Transportation over portions of County-owned property, and approval of Document No. 2023-1024 Terms of State's Offer
2. Approval of County Administrator signature of revised County Finance Policy No. F-15, Payments to Suppliers
3. Approval of Chair Signature of Document No. 2023-928, a Notice of Intent to Award a contract for the Smith Rock Way Bridge #15452 Replacement Project

4. Approval of Document No. 2023-1011, an amendment to the interlocal agreement with the Department of Education for Juvenile Crime Prevention funds
5. Consideration of Board Signature on a letter appointing Travis Kriek as the Black Butte Ranch Rural Fire Protection District representative to the Deschutes County Ambulance Service Area Committee
6. Approval of minutes of the BOCC October 25 and 30 and November 8 and 13, 2023 meetings

At the request of the Board, the minutes of the November 1, 2023 meeting were pulled from the consent agenda for further review.

ADAIR: Move approval of the Consent Agenda as amended to remove approval of the minutes of the November 1, 2023 BOCC meeting
 CHANG: Second

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

ACTION ITEMS:

7. Public hearing and consideration of Resolution No. 2023-062 adopting a supplemental budget and reducing FY24 Beginning Working Capital and appropriations

Dan Emerson, Budget & Financial Planning Manager, explained the changes needed to adjust the FY 2023-24 beginning working capital amounts of various funds to replace estimated ending fund balance amounts with actual amounts as the latter have now been determined.

The public hearing was opened at 9:04 am. There being no one who wished to testify, the public hearing was closed at 9:04 am.

CHANG: Move approval of Resolution No. 2023-062 adopting a supplemental budget and reducing FY24 Beginning Working Capital and appropriations
 ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes
DEBONE: Chair votes yes. Motion Carried

The Board convened as the governing body of the Countywide Law Enforcement District.

8. Consideration of Resolution No. 2023-063 adopting a supplemental budget which recognizes additional funds, reduces FY24 Beginning Working Capital, and decreases appropriations within the Countywide Law Enforcement District Fund

Budget & Financial Planning Manager Dan Emerson explained that because the FY 2022-23 ending fund balance in the Countywide Law Enforcement District Fund was less than estimated, this Fund's FY 2023-24 Beginning Working Capital must be reduced by \$1,061,116 and appropriations decreased by \$915,178. These adjustments reflect that an additional \$145,938 in property tax revenue was received above the anticipated amount.

Commissioner Chang noted the use of \$2,302,82 in contingency funds for expenditures and asked about the remaining contingency amount. Emerson said the proposed adjustments will revise the contingency amount in this fund to approximately \$9 million.

ADAIR: Move approval of Resolution No. 2023-063 adopting a supplemental Budget which recognizes additional funds, reduces FY24 Beginning Working Capital, and decreases appropriations within the Countywide Law Enforcement District Fund

CHANG: Second

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

Commissioner Chang advised that the matter of shoring up the contingency amount in this fund be taken up during the next budget cycle.

The Board convened as the governing body of the Rural Law Enforcement District.

9. Consideration of Resolution No. 2023-064 adopting a supplemental budget which recognizes additional funds, reduces FY24 Beginning Working Capital, and decreases appropriations within the Rural Law Enforcement District Fund

Budget & Financial Planning Manager Dan Emerson explained that because the FY 2022-23 ending fund balance in the Rural Law Enforcement District Fund was less than estimated, this Fund's FY 2023-24 Beginning Working Capital must be reduced by \$1,122,821 and appropriations decreased by \$1,043,223.

ADAIR: Move approval of Resolution No. 2023-064 adopting a supplemental Budget which recognizes additional funds, reduces FY24 Beginning Working Capital, and decreases appropriations within the Rural Law Enforcement District Fund

CHANG: Second

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

The Board reconvened as the governing body of Deschutes County.

10. Multiple Unit Property Tax Exemption application for Jackstraw development at 310 & 350 SW Industrial Way

Cate Schneider, City of Bend Senior Management Analyst, summarized the request for a Multiple Unit Property Tax Exemption (MUPTe) for the Jackstraw project and explained how it meets the MUPTe program requirements.

Cassidy Bolger, Director of Development for the applicant Killian Pacific, described the project and shared a 3D rendering of the planned development. The expected completion date is the third quarter of 2025.

Commissioner DeBone noted that if this project is approved for a property tax exemption, it would not result in any additional property tax revenues deferred from any of the County's taxing districts.

Responding to Commissioner Chang, Schneider said the TIF district was established in 2020 for a duration of 30 years. Commissioner Chang appreciated that the Jackstraw project will conserve energy and support alternative transportation options while adding housing units.

CHANG: Move approval of the application from Killian Pacific for a Multiple Unit Property Tax Exemption relating to property at 310 & 350 SW Industrial Way in Bend

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes
DEBONE: Chair votes yes. Motion Carried

Commissioner Adair said facilitating a greater availability of in-home childcare would improve the project.

11. Second Reading of Ordinance No. 2023-025 – Stevens Road Tract Plan Amendment / Zone Change

Audrey Stuart, Associate Planner, said if adopted, the ordinance would effectuate a Comprehensive Plan designation change of property directly north of the Knott Landfill from Rural Residential Exception Area to Bend Urban Growth Boundary, and also change the zone of the property from Multiple Use Agricultural to Urbanizable Area. These changes were requested by the City of Bend; the Board approved first reading of the ordinance on November 8th.

ADAIR: Move approval of second reading of Ordinance No. 2023-025 by title only

CHANG Second

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

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

CHANG: Move adoption of Ordinance No. 2023-025 amending Deschutes County Code Title 23, the Deschutes County Comprehensive Plan, to change the Comprehensive Plan Map Designation for certain property From Rural Residential Exception Area to Bend Urban Growth Boundary, and amending Deschutes County Code Title 18, the Deschutes County Zoning Map, to change the Zone Designation for certain property From Multiple Use Agricultural to Urbanizable Area

ADAIR: Second

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

12. Ordinance No. 2023-023 amending Deschutes County Code relating to the composition of the Historic Landmarks Commission

Tanya Saltzman, Senior Planner, explained that the proposed ordinance would amend Chapter 28 of Title 2 of Deschutes County Code to remove language requiring that the Deschutes County Pioneer Association be represented on the County's Historic Landmarks Commission as the Pioneer Association is no longer a standalone not-for-profit Oregon entity.

Noting that the Pioneer Association was absorbed into the Deschutes County Historical Society, Commissioner Chang asked if the Historical Society has a designated position on the Landmarks Commission. Saltzman said it does not, although a member of the Historical Society may be appointed to the Landmarks Commission.

County Administrator Nick Lelack said the Community Development Department will schedule a joint meeting between the Board and the Historical Landmarks Commission in early 2024.

ADAIR: Move approval of first and second reading by title only and emergency adoption of Ordinance No. 2023-023, amending Deschutes County Code Title 2, Chapter 28 to remove reference to the Deschutes County Pioneer Association

CHANG: Second

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

Chair DeBone read the title of the ordinance into the record two times.

13. Resolution No. 2023-066, adding a new position of Information Security Manager to the IT Department and allocating funds to address immediate cybersecurity needs

Tania Mahood, IT Director, presented a request to add 1.00 FTE to the IT Department for an Information Security Manager position to address immediate cybersecurity needs and enhance the security posture of the County. Emphasizing that the County does not have any staff dedicated to this critical work, Mahood said if approved, the projected hire date would be March 1, 2024.

Mahood added that Risk Management has agreed to contribute \$32,000 for this position. Further, Risk Management has committed an additional \$118,000 for needed cybersecurity technology improvements throughout the organization.

Commissioner Chang commented that some Oregon counties have experienced cyberattacks for ransom. Mahood agreed that monitoring for and mitigating vulnerabilities requires the expenditure of resources.

CHANG: Move approval of Resolution No. 2023-066, increasing appropriations and FTE within the 2023-24 Deschutes County Budget for an Information Security Manager position

ADAIR: Second

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

14. Text Amendment for an Air Traffic Control Tower at the Bend Municipal Airport

Audrey Stuart relayed a request from the City of Bend for text amendments to the Airport Development Zone and Airport Safety Combining Zone to allow air traffic control towers as an outright permitted use in the Airport Development Zone (i.e., the Bend Municipal Airport), and further allow an air traffic control tower to be up to 115 feet in height. A public hearing was held before the Hearings Officer on the requested amendments, after which the Hearings Officer recommended their approval.

Commissioner DeBone expressed his support for the amendments. Commissioner Adair added that these are also supported by the Central Oregon Area Commission on Transportation (COACT).

Noting that the Bend Municipal Airport is one of the busiest in the state, Commissioner Chang said these changes will improve safety.

CHANG: Move approval of the Hearings Officer recommendation for file 247-23-000470-TA, approving text amendments to Deschutes County Code Chapter 18.76, Airport Development Zone, and Chapter 18.80, Airport Safety Combining Zone

ADAIR: Second

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

A break was announced at 10:00 am. The meeting reconvened at 10:10 am.

15. Public Hearing: Draft 2020-2040 Transportation System Plan Update

Tarik Rawlings, Senior Transportation Planner, explained the procedures for the hearing.

The public hearing was opened at 10:19 am.

Rawlings introduced Matt Kittelson, consultant from Kittelson & Associates Inc., who said the County's Transportation System Plan was last updated about ten years ago. Saying that the purpose of the 20-year plan is to identify current and future transportation needs and how those will be met, Kittelson reviewed the process undertaken for the update—including two open houses and engagement with partner agencies such as ODOT and the County's Bicycle and Pedestrian Advisory Committee—and provided a summary of prioritized investments by project category along with estimated costs.

Commissioner Chang asked why some roads which experience heavy bicycle use (such as Skyliners Road) are not designated bikeways in the TSP. Road Director Chris Doty said for the update, previously designated bikeways were carried forward from the 2010-2030 plan and supplemented by potential new facilities which would serve to connect one place to another. Doty added that since the TSP was last adopted, Skyliners Road has been improved to pave the shoulders with six-foot lanes to accommodate recreational bicycle use.

Continuing, Rawlings referred to written comments submitted prior to the public hearing which relayed varying perspectives on various issues.

Commissioner Chang described the TSP as a statement of hopes and aspirations to ensure mobility, safety and access to work, shopping, education, recreation and healthcare services. While he acknowledged concern about paved pathways, he said these would not be located on County-owned land and therefore the County would not fund, build or maintain those.

- Chris Cassard urged adoption of the TSP as drafted and said bicycle and pedestrian elements in particular support valuable objectives including economic development and climate resilience. He added that separating bikes and pedestrians from automobiles greatly improves safety.
- Gary Ross, Sisters City Councilor, read a letter into the record submitted by the City of Sisters supporting the inclusion of the Sisters to Black Butte Ranch multi-use path in the TSP.

Commissioner DeBone asked if the City of Sisters discussed possible public safety impacts of establishing this path. Ross confirmed this was discussed, but he did not expect that the path would be detrimental to public safety.

- David Amiton, Planning Manager for ODOT Region 4, spoke to the need for alternative transportation between Bend and Sunriver and said ODOT prefers that the proposed Lava Butte multi-use path not be restricted to the west side of 97 as recommended by the Planning Commission; rather, the preferred alignment would use both the east and west sides of the highway. Amiton explained that after three alignments were evaluated, the preferred alignment was determined to have fewer impacts to private property. It would also avoid safety hazards, integrate more seamlessly with existing facilities and communities, and offer trail users a better experience. He concluded that ODOT applied for federal funding in 2018 for this project and has since advanced it to the conceptual design stage.

Commissioner DeBone asked if this trail must be included in the TSP, or if it can be removed from the plan. Commissioner Chang said another option would be to leave it in without reference to a specific configuration; Amiton confirmed this was ODOT's preference.

In response to Commissioner Chang, Assistant Road Director Cody Smith verified that Cheyenne Road is open to the public.

- Sabrina Haggerty supported the non-motorized bicycle/pedestrian paths as significant transportation options and said a diverse transportation network will benefit everyone.
- Gary Ross said removing the proposed multi-use paths from the TSP would be short-sighted and not benefit residents in the long run. He added that these facilities will not be established in the near future.
- Matt Cyrus supported the recommendations of the Planning Commission and said because public trails have a far greater impact on deer than vehicular traffic, such trails should not be allowed adjacent to resource lands or within wildlife overlays. With regard to the Sisters to Black Butte Ranch trail, he said this type of multi-use path creates more homeless infrastructure. He advocated for limiting designated bikevays to collector streets or larger.
- Emmy Andrews from the Central Oregon Trail Alliance (COTA) said COTA does not support amendments that would reduce bicycle and pedestrian facilities but does support the proposed footbridge over the Deschutes River in the Brookwood area. Andrews said alternative modes of transportation can be achieved in ways that improve conditions for wildlife or at the least have minimal impacts.

- Rex E. Parks, Sr., president of the Bend chapter of the Oregon Hunters Association, opposed the Bend to Lava Butte trail as it would have a negative impact on mule deer habitat. Saying that the added stress of trail users would accelerate the downward trajectory of the mule deer population, he emphasized that the proposed trail passes through known migration routes.

Commissioner Chang asked if ODFW has weighed in on the possible impacts that extending this trail might have on wildlife migration. Parks said to his knowledge, it has not.

Responding to Commissioner Chang about the use of underpasses for migration, Parks said elk will use overpasses but not underpasses, although deer will use underpasses. Parks added that more wildlife crossings are needed to facilitate safe migration.

- Susie Hart objected that public notices on this matter were published only in the Bend Bulletin which has a very limited number of subscribers while The Source claims a much larger readership. She advocated for community input on the roundabout proposed for Cook Avenue in Tumalo, said many wish to maintain Tumalo as a rural area, and said more CET transit in that area would reduce traffic on both Cook and Cline roads. She was concerned that the speed limit on Cline Falls Road was changed to 55 mph when it was redesignated as a highway.
- Randy Windlinx confirmed that Scale House Road is a private road. He encouraged the protection of resource zones and wildlife overlays and said the Bend to Lava Butte path should be restricted to the west side of 97. He said multi-use paths are recreational in nature and serve as the number one cause of wildlife habitat fragmentation.

Responding to Commissioner Chang, Windlinx said many reports have documented that wildlife habitat fragmentation is primarily attributable to multi-use paths.

- Jana Johnson, executive director of Deschutes Trails Coalition, said the Coalition supports the TSP update as drafted to retain the ability to plan for future trails on resource lands.
- John Schubert urged endorsing and moving forward with separated bicycle/pedestrian paths between Bend and Lava Butte and between Sisters and Black Butte Ranch. He said a footbridge over the river might result in erosion and negative impacts to wildlife.
- Dorinne Tye objected that transportation emissions negatively impact air quality. She advocated for the health of community members and said

private businesses should be required to comply with EPA regulations and pay to mitigate negative effects of their operations.

- David Green said cars are expensive and between 15-30% of adults do not drive. He encouraged new bicycle connections and asked that the Board approve the TSP as originally drafted.
- Matt Muchna, speaking on behalf of Envision Bend, expressed support for an interconnected regional trail system.
- David Thomson, chair of the County Bicycle Pedestrian Advisory Committee (BPAC), supported the “no new roads” policy and the development instead of new multi-modal transportation facilities, especially as the County’s population will continue to grow. He encouraged adoption of the plan as presented.

Commissioner DeBone asked if the BPAC has discussed how to fund new infrastructure. Thomson expected that more state and federal funding will be available to projects that reduce emissions and said the County should be competitive in seeking that funding as it becomes available.

- Neil Baunsgard spoke to the importance of safe and accessible multi-use paths for alternate commuting and active recreation, and said the TSP should be broadly supportive of such projects. He opposed the Planning Commission’s recommendation to restrict the Bend to Lava Butte path to the west side of 97.
- Bob Nash, a member of the Redmond Bicycle and Pedestrian Committee, supported enhancing safety as well as the livability and connectivity of communities. He reminded that the proposed multi-use paths are aspirational and said concerns can be addressed as those projects are specifically developed.
- Royce Kallerud of Connect Bend said the footbridge across the river has overwhelming public support and would be funded by the Bend Park & Recreation District.

There being no one else who wished to speak, the public hearing was closed at 12:17 pm.

The Board was in consensus to leave the written record on this matter open for one week until 4 pm on Wednesday, December 6th.

Commissioner Chang proposed that the TSP be modified to not assign priority ratings to the multi-use paths and also not determine any alignment preferences for these projects. He supported encouraging all key stakeholders to work together to resolve and balance the multiple needs of access and habitat protection while not impacting desired uses on resource zoned lands.

Commissioner Adair expressed concern with traffic at Powell Butte and Highway 126 and spoke to the need for signage warning drivers of elk in the area of Highways 126 and 20 near Sisters.

OTHER ITEMS:

- Commissioner DeBone extended wishes for a happy 59th wedding anniversary to his parents.
- Commissioner Adair shared that she expects a response from the Circuit Court in January regarding whether two floors of the County's courthouse expansion project would provide sufficient space to enable the expansion of its operations to Central Oregon.

EXECUTIVE SESSION: None

ADJOURN:

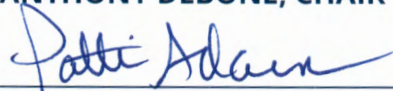
Being no further items to come before the Board, the meeting was adjourned at 12:27 pm.

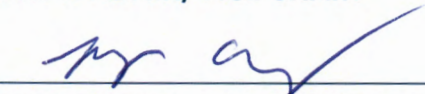
DATED this 20th day of December 2023 for the Deschutes County Board of Commissioners.

ATTEST:

Brenaele Fritzerdel
RECORDING SECRETARY


ANTHONY DEBONE, CHAIR


PATTI ADAIR, VICE CHAIR


PHIL CHANG, COMMISSIONER