



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY May 31, 2023

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Tony 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: None

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

1. Consideration of Board Signature on letters of thanks to Dan Ellingson and Kelly Madden for service on the Deschutes County Historic Landmarks Commission
2. Approval of minutes of the May 12 and May 19, 2023 BOCC Legislative Update meetings
3. Approval of minutes of the April 24, April 26, May 1 and May 10, 2023 BOCC meetings

ADAIR: Move Board approval of the Consent Agenda as presented

CHANG: Second

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

At 9:05 am, a short break was announced. The meeting resumed at 9:10 am.

ACTION ITEMS:

4. Presentation of 25-year service awards to Darrell Loveland and Brian Hayward

Lee Randall, Facilities Director, presented 25-year service awards to Darrell Loveland, Maintenance Specialist, and Brian Hayward, Maintenance Supervisor.

Chair DeBone announced that the Board would temporarily advance to "Other Items" before commencing the public hearing on the CDD's Work Plan.

OTHER ITEMS:

- Commissioner DeBone said last week's Western Interstate Region conference was held in Washington County, Utah, which has a countywide district to manage and distribute water.
- Commissioner Chang reported on a recent "Raise the Deschutes" event hosted by the Deschutes River Conservancy.
- Commissioner Adair shared information on agricultural crops in Deschutes County, including hay.
- Commissioner Adair reported the YMCA's potential plans to expand its operations to Central Oregon and shared information on the Helping Hands childcare program at Portland's Wapato Jail facility.
- Commissioner DeBone acknowledged the prescribed burn schedule for this year.

5. Community Development Department Draft Fiscal Year 2023-24 Work Plan and 2022 Annual Report / Public Hearing

Peter Gutowsky, Community Development Director, presented the draft CDD Work Plan for 2023-24 which describes proposed projects for the next fiscal year. Highlights of the draft plan include amending the Comprehensive Plan and Zoning Code to implement SB 391 and SB 644 which relate to rural accessory

dwelling units, and updating the County Transportation System Plan in coordination with the Road Department. Gutowsky reviewed the recommendations of the Planning Commission, which encourages the development of work programs to address short-term rentals, water resources, dark skies, and wildlife inventories (golden and bald eagles) along with community engagement.

Commissioner Chang asked about the East Redmond plan which will involve more than 1,000 acres of County-owned land. Gutowsky said this includes the regional emergency training center and possible changes to the City's 50-year urban reserve area to plan for and manage future growth and development.

Commissioner DeBone asked about language which references the temporary use of recreational vehicles as dwellings. Gutowsky said proposed State legislation would, if approved, allow an RV to be used as a secondary dwelling when the owner of the primary dwelling lives at that residence.

Commissioner Adair asked about the allowance of temporary medical hardship dwellings. Will Groves, Planning Manager, said these are allowed in resource zones with an annual doctor's note. The regulations include decommissioning requirements to prevent dwellings previously used as medical hardship dwellings to continue to be used as a residence, although they may be used in other ways following the end of the medical hardship.

The public hearing was opened at 9:48 am.

Jack Farley supported work to protect dark skies and suggested these efforts incorporate broader communication to engage the community and bring people together.

Commissioner Chang said the local dark skies chapter secured a grant to conduct public education outreach and is planning a campaign to share information on the benefits of and ways to shield private lighting.

The public hearing was closed at 9:52 am.

Chair DeBone noted the consensus of the Board to close the oral record at this time and leave the written record open for one week, with deliberations on June 14th.

A break was announced at 9:57 am. The meeting resumed at 10:05 am.

6. Public Hearing: Griffin/Renfro Plan Amendment and Zone Change for

approximately 40 acres south of Bear Creek Road and east of Hamby Road

Rachel Vickers, Associate Planner, explained the procedures for the public hearing and presented a staff report on the request to change the Comprehensive Plan designation of 40 acres one mile east of Bend from Agriculture to Rural Residential Exception Area in conjunction with a rezone from Exclusive Farm Use to Multiple Use Agricultural (MUA10). Five acres of the property has water rights; there is no history of farming. The Hearings Officer has recommended approval of the request.

Tia Lewis, attorney for the applicant, said the results of the soil study determined that the property's soils are predominantly class 7 and 8. Lewis described the property's proximity to Bend's city limits, the zoning of surrounding properties, and existing land use patterns in the area. She said the subject property does not meet the definition of either agricultural land or forest land.

Kevin Griffin, landowner, shared the history of his purchase of the property and stated that this proposal is supported by both the Arnold Irrigation District as well as the Rastoviches, who own a neighboring family farm.

The public hearing was opened at 10:39 am.

There being no one who wished to speak, Lewis provided a brief conclusion of the applicant's argument, saying it is costly and time-consuming to develop property after it has been incorporated into the UGB, and expanding the UGB itself takes up to ten years. She said no benefit is realized from keeping properties with unsuitable soils zoned agricultural.

The public hearing was closed at 10:42 am.

Chair DeBone noted the consensus of the Board to close the oral and written portions of the record at this time and conduct deliberations on this matter in June.

7. Deliberations: 4Peaks 2024 Outdoor Mass Gathering Permit

Rachel Vickers, Associate Planner, reviewed the request for an Outdoor Mass Gathering permit for the 4Peaks Music Festival in June of 2024. The event is proposed to include overnight camping, parking, and food and drink for an estimated 2,000 people. Vickers presented a matrix with the following decision points for the Board's consideration:

1. Has the applicant demonstrated compliance with the food service control standards of DCC 8.16.220?

The Board was in consensus that the applicant has demonstrated compliance with the food service control standards of DCC 8.16.220; the permit will include a condition of approval that all licensed food service providers shall apply to the County Health Department at least one week in advance of the event.

2. Has the applicant demonstrated compliance with the fire protection regulations of DCC 8.16.230?

The Board was in consensus that the applicant has demonstrated compliance with the fire protection regulations of DCC 8.16.230; the permit will contain three conditions of approval, as follows: that the premises be inspected by the Bend Fire Department before the event starts; that all fire hydrants/sprinklers/other systems are readily visible and unobstructed for a circumferential distance of three feet; and that all fire and emergency access roads have unobstructed access of 20 feet in width and 13.5 feet of vertical clearance, and remain open at all times.

3. Has the applicant demonstrated compliance with the traffic control standards of DCC 8.16.250?

The Board was in consensus that the applicant has demonstrated compliance with the traffic control standards of DCC 8.16.250; the permit will include a condition of approval that a detailed traffic control plan shall be submitted to the Deschutes County Transportation Planner and Road Department for review.

4. Has the applicant demonstrated compliance with the crowd control standard of DCC 8.16.250?

The Board was in consensus that the applicant has demonstrated compliance with the crowd control standard of DCC 8.16.250; the permit will include a condition of approval that the applicant provide a list of the names and certification for all traffic and crowd control personnel 14 days prior to the event.

5. Has the applicant demonstrated compliance with the liquor consumption standard of DCC 8.16.310?

The Board was in consensus that the applicant has demonstrated compliance with the liquor consumption standard of DCC 8.16.310; the permit will include a condition of approval that no person shall be permitted to bring alcohol on the premises unless licensed by the State.

6. Has the applicant demonstrated compliance with the attendance monitoring standards of DCC 8.16.300(C)?

The Board was in consensus that the applicant has demonstrated compliance with the attendance monitoring standards of DCC 8.16.300(C).

7. Does the Board want to grant a waiver from the requirements to maintain one ambulance on site?

The Board was in consensus to grant a waiver from the requirements to maintain one ambulance on site in accordance with the letter of support from the Bend Fire Department.

Vickers then presented a list of topics which may or may not address approval criteria, as follows:

1. Does the prevention of trespassing on nearby properties relate or reasonably relate to an approval criteria?

The Board was in consensus that this question does not relate or reasonably relate to an approval criteria.

2. Does requiring a water truck on site relate or reasonably relate to an approval criteria?

The Board was in consensus that because a condition of the permit already addresses this issue, no further condition is required.

3. Does requiring one fire extinguisher per every 250 persons in attendance relate or reasonably relate to an approval criteria?

The Board was in consensus that no additional findings or conditions are required with respect to this issue.

4. Does requiring training details above and beyond the requirements of DCC 8.16.060(2) relate or reasonably relate to an approval criteria?

The Board was in consensus that no additional findings or conditions are required with respect to this issue.

5. Does requiring a security guard to inspect vehicles relate or reasonably relate to an approval criteria?

The Board was in consensus that no additional findings or conditions are required with respect to this issue.

6. Does requiring additional enforcement and monitoring measures relate or reasonably relate to an approval criteria?

The Board was in consensus that no additional findings or conditions are required with respect to this issue since alleged Code violations can be reported and other non-Code complaints can be submitted to Risk Management.

CHANG: Move approval of Document No. 2023-368, approving an Outdoor Mass Gathering Permit for the 4Peaks Music Festival from June 15-24, 2024 at 21085 Knott Road, with conditions

ADAIR: Second

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

8. Notice of Intent to Award a contract for the Slurry Seal 2023 Project

Cody Smith, County Engineer, reported that four bids were received in response to the project solicitation. He anticipated this work will take seven days and be done in late June or early July.

ADAIR: Move approval of Board Chair signature of Document No. 2023-411, a Notice of Intent to Award a contract for the 2023 Slurry Seal project

CHANG: Second

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

9. Acceptance of Trauma Informed Response Training Grant

Ashley Beatty, Victim Assistance Program Manager, explained the purpose of this grant is to facilitate understanding of people who have experienced trauma, and extend informed assistance to them. The grant funds will provide training for law enforcement, prosecutors, probation departments, and advocates about the impacts of trauma. The grant will also make a week-long training available for first responders in interview techniques of persons who have experienced trauma.

CHANG: Move approval of Chair signature on Document No. 2023-511 to

accept a Trauma Informed Response Training Grant from the Department of Justice

ADAIR: Second

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

10. Finance Report for April 2023

Robert Tintle, Chief Financial Officer, presented the Finance Report for April, 2023.

11. Select eligible grantee for the 2023-25 Oregon Community Dispute Resolution Grant Program

Stephanie Robinson, Grants & Operations Specialist, explained the provision of grants from the University of Oregon School of Law's Office for Community Dispute Resolution (OOCDR) to qualified organizations which offer mediation services. Applications for these grants are solicited in partnership with Oregon counties. Following a solicitation process, Deschutes County and OOCDR received an application from Community Solutions, which OOCDR has determined to be an eligible grantee. After receipt of a formal notification from the County, OOCDR will directly enter into an agreement with Community Solutions.

CHANG: Move approval of Community Solutions as grantee for 2023-25 Oregon Community Dispute Resolution Grant Program

ADAIR: Second

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

12. FY23 Q3 Service Partner Work Plan Updates

Stephanie Robinson, Grants & Operations Specialist, reviewed that the Board annually allocates video lottery funds to thirteen service partner organizations in accordance with approved work plans. Grants are distributed quarterly following the receipt of reports which demonstrate that each service partner is meeting its intended service goals.

In the third quarter, service partner organizations Healthy Beginnings and the Latino Community Association did not meet their quarterly work plan goals. Robinson

provided specifics of the work done by each organization and offered action options for the Board's consideration.

Following discussion, the Board was in consensus to issue the Q3 grant payment for the Latino Community Association at this time and reassess its progress at the next quarterly update. The Board further directed that Healthy Beginnings be invited to present at a future Board meeting and hold its Q3 payment pending that presentation.

OTHER ITEMS:

- Jen Patterson, Strategic Initiatives Manager, distributed a draft letter from the Board supporting the KOR Community Land Trust in its request for funding from the Enterprise Community Partners' Housing Affordability Breakthrough Challenge. The Board was in concurrence to sign the letter as drafted.

At 12:09 pm, Chair DeBone announced that the Board would recess for lunch and reconvene at 1:00 in the Allen Room for executive session.

EXECUTIVE SESSION:

At 1:00 pm, the Board entered executive session under Litigation ORS 192.660 (2) (h) and ORS 192.660 (2) (d) Labor Negotiations.

The Board moved out of executive session at 2:09 p.m. to direct staff to proceed as discussed.


ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 2:09 pm.

DATED this 12th day of July 2023 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR

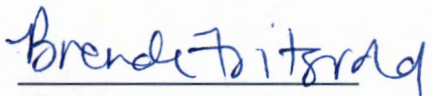


PATTI ADAIR, VICE CHAIR



PHIL CHANG, COMMISSIONER

ATTEST:



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