



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

1:00 PM

MONDAY December 19, 2022

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, Anthony DeBone, 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 Adair called the meeting to order at 1:00 p.m.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT: None.

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

CHANG: Move Board approval of Consent Agenda
DEBONE: Second

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

1. Consideration of Board signature of Resolution No. 2022-079, authorizing an increase in change funds maintained by the Solid Waste Department

2. Contracts to utilize CJC Restorative Justice grant funding to expand the Emerging Adult Program
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ACTION ITEMS:

- 3. Presentation from the Bend Chamber of Commerce on its Workforce Housing Initiative**

Katy Brooks, CEO of the Bend Chamber of Commerce, announced that the Chamber worked with ECONorthwest to survey employers about the regional economy and housing prices, which impact who can afford to own a home or rent in the area.

John Tapogna, ECONorthwest, shared pertinent statistics including how the area's housing price index changed between 2002 and 2022, and the percentage of cost-burdened owner households in Deschutes County in 2021. Tapogna then reviewed the results of the survey which queried employers as to whether the high cost of housing has affected their ability to hire staff and how this has impacted their operations. He noted that 66% of respondents reported decreased revenues due to the current hiring shortage.

Continuing, Tapogna reported the projected need of new housing units over the next 20 years and described possible policy solutions, as follows:

- Increase supply by establishing deed-restricted employer housing projects and utilizing local government-owned land for such projects;
- Explore whether a local housing bond program could support down payment assistance for workforce housing; and
- Align eligibility for all relevant public programs at the city, county and state levels to 120% of the Area Minimum Income/AMI.

- 4. Presentation of Award from the Government Finance Officers Association for the Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended June 30, 2021**

Robert Tintle, Chief Financial Officer, explained this award is given in recognition of the exemplary work done by staff in the Finance Department on the Annual Comprehensive Financial Report. The Commissioners congratulated those whose work was instrumental in earning this significant achievement.

- 5. Approval of two new Licensed Nurse Practitioners to support the new medication-assisted treatment program in the Adult Jail**

Joe Brundage, Business Officer for the Deschutes County Sheriff's Office, and

Captain Michael Shults described the request to add two Licensed Nurse Practitioner positions to support the Adult Jail's medication-assisted treatment program. The positions will be funded by a grant received by Ideal Options.

Captain Shults elaborated that the DCSO seeks the ability to screen persons being admitted to the jail; medication-assisted treatment would be offered when appropriate and accepted. He hoped that this program will benefit not just individual persons but also the community at large.

Commissioner Chang supported the approach but wanted evidence of its positive effects. Captain Shults agreed to provide data as that is compiled. He added that the program would extend to persons incarcerated on felony charges while they are in DCSO's custody.

Brundage noted that 63% of jailed persons present evidence of drug dependency.

CHANG: Move approval of two new Licensed Nurse Practitioners to support the new medication-assisted treatment program in the Adult Jail

DEBONE: Second

VOTE: DEBONE: Yes

CHANG: Yes

ADAIR: Chair votes yes. Motion Carried

6. Psilocybin TPM Amendments - Consideration of First Reading of Ordinance

Tanya Saltzman, Senior Planner, presented ordinances for the Board's consideration of first reading relating to the manufacture, testing and distribution of psilocybin. She reviewed the four questions posed to the Board last week and the preliminary direction received at that time.

Commissioner Chang asked if staff is aware of anyone who has indicated they will soon submit an application for any of the uses addressed in the proposed ordinances. Saltzman said staff is not.

Commissioner DeBone said he is sensitive to the viewpoints on this and supportive of the proposed regulations.

Commissioner Chang spoke to the difference between allowing an activity as a conditional use and being granted a conditional use permit. He preferred that differences be resolved between directly-affected parties and did not want the County viewed as the problem solver. He said voters want access to psilocybin to

be allowed and summarized that because the two proposed ordinances will create a narrow set of regulations for the manufacture, testing and distribution of psilocybin, he did not support adopting these on an emergency basis.

DEBONE: Move approval of first reading by title only of Ordinance No. 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

CHANG: Second

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

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

DEBONE: Move approval of first reading by title only of Ordinance No. 2022-015, amending Deschutes County Code Title 18, Deschutes County Zoning, to create regulations concerning psilocybin businesses in destination resorts

CHANG: Second

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

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

Saltzman said second reading of the ordinances will take place on January 4th.

7. Preparation for Public Hearing: Request to Rezone 59 acres on Bear Creek Road (Marken)

Audrey Stewart, Associate Planner, described the proposal to rezone 59 acres on Bear Creek Road from Exclusive Farm Use to Multiple Use Agricultural (MUA10). Of the 59 acres, 9.49 currently have water rights. Stewart distributed an updated map of the property which depicted the proximity of Bend's UGB to the parcels, noting that the UGB was updated after the rezone application was submitted.

Chair Adair summarized the protocol for the public hearing will allow three minutes of testimony per person, plus ten minutes allowance for rebuttal by the applicant following the public input.

8. Work Session – Oregon Department of Transportation (ODOT) Noise Variance

Rachel Vickers, Associate Planner, presented a request from the Oregon Department of Transportation for a noise variance to allow nighttime construction for the Tumalo-Cooley Road project. The work will be done on Highway 20 between mileposts 14.31 and 17.43. Construction is expected to begin in January and finish on November 30th. Nighttime construction will occur from 10 pm to 7 am.

Vickers concluded that a public hearing is tentatively scheduled for January 11th.

Commissioner Adair asked that staff find out how many nights per week are planned for construction activity.

With respect to noticing of the public hearing, Vickers said notices will be sent to potentially affected properties based on expected decibel levels. Any property expected to receive over 60 decibels of noise will receive a notice.

9. Work Session – Improvement Agreements for Phase C-1 and Phase A of the Caldera Springs Destination Resort Expansion

Haleigh King, Associate Planner, described the two improvement agreements for Phase C-1 and Phase A of the Caldera Springs destination resort expansion project. The improvement agreement for Phase C-1 relates to infrastructure costs associated with roads and utilities for lots 421 through 457 of the residential subdivision, and for lots 24 through 31 of the overnight lodging subdivision. The improvement agreement for Phase A pertains to the costs of construction for four overnight lodging units; the applicant proposes to bond these to ensure the required ratio of residential to overnight lodging units.

King said the agreements will be brought to the Board for consideration of approval at its next meeting.

10. Staff Report - Treasury and Finance Reports for November 2022

Robert Tintle, Chief Financial Officer, presented the treasury and finance reports for November, 2022.

OTHER ITEMS:

- Commissioner DeBone stated his desire to revisit the Board's recent decision to include a shelled-out 4th floor when designing schematics for the

courthouse remodel project, as that square footage may not be needed for 20 years. While he supported public safety efforts, he did not want to build a floor that would go unused.

Commissioner Adair also wanted to reassess this decision in the interest of not wasting taxpayer funds. Commissioner DeBone offered to communicate with the District Attorney and Presiding Judge Ashby on this matter.

Staff offered to bring the project team back in early January for this discussion. Commissioner Adair asked to have projections for space needs for the DA's office.

Commissioner Chang noted the many civil matters handled by the court in addition to criminal cases, and said the volume of these will continue to grow. He referred to the estimate that it would cost twice as much to add a fourth floor in the future as to build it now, and was certain that many community partners could make use of the space in the interim before the court needed it.

- Commissioner Chang described a proposal to pool and use tax-foreclosed property receipts to help youth and families with children to attain stable housing rather than distribute those monies across various taxing districts as is currently done. He shared a draft letter requesting assistance from the County's legislative representatives to extend this funding allocation option to counties with a total population of 200,000, and offered his fellow Commissioners the opportunity to sign on to this communication.
- County Administrator Nick Lelack said the Association of Oregon Counties has requested that Deschutes County designate a voting member for its legislative committee. The Board agreed to decide this representation at its next meeting.
- Lelack shared a communication from the City of Bend mayor-elect asking for input on the most critical issue currently facing the city. Commissioner DeBone favored submitting bold statements from the Board as a whole, perhaps in support of the downtown core development.
- Commissioner Adair asked to know the status of Bend's affordable housing pilot project. Peter Gutowsky, Community Development Director, offered to email the Board an update.

At 3:34 p.m., the meeting was recessed for a short break.

The meeting reconvened at 3:38 p.m.

EXECUTIVE SESSION:

At 3:38 p.m., the Board went into Executive Session under ORS 192.660 (2) (e) Real Property Negotiations. The Board moved out of executive session at 3:57 p.m. to direct staff to proceed as discussed.

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 3:57 p.m.

DATED this 19th Day of December 2022 for the Deschutes County Board of Commissioners.



PATTI ADAIR, CHAIR



ANTHONY DEBONE, VICE CHAIR

ATTEST:



RECORDING SECRETARY



PHIL CHANG, COMMISSIONER