



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY December 6, 2023

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Tony DeBone, Patti Adair and Phil Chang. Also present were County Administrator Nick Lelack; County Counsel David Doyle; 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.

- Item 1. was pulled from the Consent Agenda for separate action—see next page.
2. Consideration of Board Signature on letter reappointing John Carrigg for Service on the Pinewood Country Estates Special Road District
 3. Approval of minutes of the BOCC November 1, 2023 meeting

ADAIR: Move approval of Consent Agenda Items 2. and 3.
CHANG: Second

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

The Board convened as the governing body of the Sunriver Service District.

1. Consideration of Board Signature on letter appointing Denney Kelley for service on the Sunriver Service District Budget Committee

CHANG: Move approval of Board Signature on letter appointing Denney Kelley for service on the Sunriver Service District Budget Committee
ADAIR: Second

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

The Board reconvened as the governing body of Deschutes County.

ACTION ITEMS:

4. Public Hearing: Draft 2020-2040 Tumalo Community Plan Update

Tarik Rawlings, Senior Transportation Planner, introduced the update of the Tumalo Community Plan (TCP) from the current 2010-2030 version to a replacement 2020-2040 plan.

The public hearing was opened at 9:10 am.

Rawlings presented maps showing the identified boundaries and zoning of Tumalo along with built and vacant lots, said the County funded a request for a sewer feasibility study for this area, and noted that ODOT is currently constructing a two-lane roundabout at US 20 and O.B. Riley Road-Cook Avenue. He described the public outreach conducted for the TCP update and summarized various topics and concerns shared by the public—these included signage, vehicle safety, tourism, roundabout art, and the desire to preserve the rural/small-town feel of the community.

Senior Transportation Planner Peter Russell reviewed changes made from the 2010-2030 plan to the draft 2020-2040 plan, including the addition of three new goals and 17 new policies and revisions to existing goals and policies.

Rawlings reported the recommendations of the Planning Commission with regard to the update, as follows: remove policies #10 and #11 from the Natural Resources, Open Space and Recreation Policies section; add a policy to explore legislative changes to limit multi-family housing to a maximum of four units; support public art; and encourage residents and community groups to reach out to Deschutes County for updates and information.

Commissioner Chang raised the issue of restored (i.e., increased) flows in the Deschutes River and wanted to know if floodplains are expected to expand, particularly in the wintertime. Rawlings said this was discussed with Kyle Gorman of the Oregon Water Resources Department who indicated that there is variation in how the floodplains are expected to be affected. Commissioner Chang suggested that affected property owners be alerted to possible impacts.

Planning Manager Will Groves said winter flows are indeed expected to increase, but no formal modeling has been conducted since 2011. While he did not anticipate another update in the near future, he offered to check with FEMA to see what resources may be available for this work. Groves agreed it is important to make people aware of hazards they might be exposed to and said Planning will look for opportunities to communicate and engage with property owners who may be affected.

- Susie Hart suggested that notices of public hearings be published in The Source instead of The Bend Bulletin as the latter has an extremely low readership. Saying that the public hearing held before the Planning Commission on the TCP update was overly controlled, she said specifics are needed for how the rural, small-town feel of Tumalo will be preserved. She did not support a new roundabout at Cook and said the increased speed limit on Cline Falls negatively impacts mule deer.
- Kelsey Kelley, who represents the Tumalo community on the Planning Commission, said while residents do not want Tumalo to change, they understand that change is inevitable and want to ensure that it is sustainable and responsible and aligns with the vision of keeping Tumalo a rural community. She supported the draft update with the recommendations put forth by the Planning Commission and emphasized that because Tumalo cannot support dense growth, all relevant adopted policies will need to limit growth.
- Christine Larsen said because The Bend Bulletin is now published online only, more people would be reached if public hearing notices were issued via postcards. She agreed that increased traffic from the Thornburgh destination resort is a concern and did not support adding another roundabout.

There being no one else who wished to testify, the public hearing was closed at 9:56 am.

The Board was in consensus to leave the written record on this matter open for one week until 4 pm on Wednesday, December 13th.

5. Economic Development Loan Conversion for Holy Kakow

Deputy County Administrator Erik Kropp described the County's Economic Development Loan Program which assists companies seeking to relocate to and/or create new jobs within Deschutes County. To receive a loan, companies must agree to certain conditions which, if met, allow the loan to be converted to a grant. Holy Kakow relocated to Deschutes County in 2021 and was subsequently approved for a loan.

Erik Strobel, Sisters Country Director of EDCO, said Holy Krakow has successfully met the requirements for converting its loan to a grant by fulfilling the following conditions:

1. Created at least six new full-time positions by October 1, 2022;
2. Maintained these new positions for a 12-month period; and
3. Provided average wages of at least \$48,0987 per year (excluding commissions) for each new position.

Wyatt Woods, owner of Holy Kakow, said he started the company in Portland in 2009 and moved his family to Sisters five years ago. After constructing a building and moving Holy Kakow's operations in April 2021, the company has since experienced 35% to 50% annual growth. Woods reported that the loaned funds were used for equipment and wages.

The Commissioners expressed appreciation for the business and its positive impact on the area.

ADAIR: Move to authorize the County Administrator to convert \$12,000 in Economic Development Loan Program funds issued to Holy Kakow into a grant

CHANG: Second

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

6. Proposed purchase of property at 640-652 SE Wilson Avenue in Bend to provide shelter and housing for clients of Adult Parole and Probation

Deevy Holcomb, Community Justice Director, reminded that the County's Community Justice Department received a grant for \$1,078,518 to be used to provide shelter and housing for clients of Adult Parole & Probation. After the grant was awarded, an RFP was issued and the non-profit organization Free On The Outside was selected as the service provider to operate this program. A search for available and suitable properties was then conducted, resulting in the recommendation to purchase a triplex located at 640-652 SE Wilson Ave., Bend, Oregon for this purpose.

ADAIR: Move approval of the purchase of property located at 640-652 SE Wilson Avenue in Bend to provide shelter and housing for clients of Adult Parole and Probation

CHANG: Second

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

CHANG: Move approval of Board signature on Order No. 2023-055 designating an authorized representative to sign closing documents on behalf of Deschutes County relative to the purchase of property at 640-652 SE Wilson Avenue in Bend

ADAIR: Second

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

7. Convert 1.0 FTE from limited duration to regular in Health Services

Kara Cronin, Behavioral Health Program Manager, presented a request to convert one Behavioral Health Specialist II (position #3181, currently expiring on June 30, 2024) from limited duration to regular. This is one of two positions which provides case management services to vulnerable older adults living with mental health and substance use disorders. Cronin said grant funds received from the Central Oregon Health Council will cover the cost of this position through November 2025.

ADAIR: Move approval of Resolution No.2023-065 to convert 1.0 limited duration FTE to a regular FTE position within the Health Services Fund

CHANG: Second

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

8. Discussion and Consideration of Safe Parking Board Orders

Erik Kropp, Deputy County Administrator, presented two draft Board Orders to establish a safe parking program in the unincorporated County. Kropp reviewed the proposed details of each order, explaining that because these were drafted to conform with the programs of the Cities of Bend and Redmond, one of the orders would allow tents or yurts as well as vehicles, but only within Bend's urban growth boundary. Tents or yurts would not be allowed within Redmond's urban growth boundary.

Commissioners spoke to the success of safe parking programs and the fact that approving these orders would create more opportunities for safe parking programs to be established. It was noted that the orders would enable safe parking programs to continue until June 30, 2028 unless sooner extended or terminated by a subsequent Board Order.

CHANG: Move approval of Board Order No. 2023-052 implementing portions of Oregon House Bill 2006 (2021) and allowing for individuals or families to reside overnight in a vehicle, yurt, or tent within an urban growth boundary

ADAIR: Second

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

With regard to proposed Board Order No. 2023-053, Commissioner DeBone said he did not support the proposal to allow persons to reside overnight in a vehicle within one mile of an urban growth boundary because it is inconsistent with State law.

Commissioner Chang said the Gale's property is an example of a site which may be rezoned to Rural Residential and then could be used for this purpose.

ADAIR: Move approval of Board Order No. 2023-053 implementing portions of Oregon House Bill 2006 (2021) and allowing for individuals or families to reside overnight in a vehicle within one mile of an urban

CHANG: growth boundary
Second

VOTE: ADAIR: Yes
CHANG: Yes
DEBONE: Chair votes no. Motion Carried 2 - 1

OTHER ITEMS:

- County Administrator Nick Lelack presented a draft letter of support for the Redmond Airport expansion project. Specifically, the letter seeks support from the area's Congressional delegation for raising the \$100 million cap on loans made through the federal Transportation Infrastructure Finance and Innovation Act to \$200 million for rural projects.

ADAIR: Move approval of a letter seeking support from the area's Congressional delegation for raising the \$100 million cap on loans made through the federal Transportation Infrastructure Finance and Innovation Act to \$200 million for rural projects such as the expansion of the Redmond Municipal Airport

CHANG: Second

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

- Deputy County Administrator Erik Kropp relayed a request from AOC that the County weigh in on a proposal regarding the sustainable funding of wildfire costs across the state. Kevin Moriarty, County Forester, added that Oregon Department of Forestry (ODF) protection areas do not cover the entire state but rather are restricted primarily to eastern areas and some central areas.

Commissioner Chang questioned if fees should be mandated from property owners statewide if not all areas receive these services. He asked if the State already allocates general funds to this program and wanted more information on the acreage of protected land for the purpose of comparing which lands are protected and which lands would have to pay the fee, as this may not apply to federal lands. He further questioned if federal contributions to fire suppression efforts are factored into these efforts and if those contributions would offset the total ODF protection effort.

Noting that ODF's primary responsibility is to provide fire protection on lands identified as protected, and such protection can involve joint collaborative

responses, Commissioner Chang asked to know how much support ODF provides to fire suppression efforts outside of ODF protected lands.

Kropp said as AOC has asked for comments on this proposal, staff will draft a memo which raises these questions.

Commissioner DeBone said some local analysis should also be provided in the form of simple metrics. Kropp said data can be extracted from GIS for this purpose.

- Commissioner DeBone reported a request that the County sponsor a table at a fundraising event for the St. Charles Foundation on February 3rd. Commissioner Chang said if this is approved, an appropriate source may be video lottery fundraising dollars.
- Commissioner Chang announced that the Wolf Depredation Committee will meet tonight and discuss possible measures for preventing depredation from occurring. Commissioner DeBone noted that the Umatilla County Sheriff's Office is offering training on depredation incident investigation in January.
- Commissioner Chang said yesterday, Judge Ashby convened a sub-group of the Local Public Safety Coordinating Council to discuss the possibility of developing a court-connected drug treatment program to replace the County's Adult Treatment Court, which was successful yet very resource-intensive.
- Commissioner Chang reported on the Coffee with a Commissioner opportunity yesterday in Sunriver, saying one topic brought up was the idea of establishing specific no-hunting zones on federal land.
- Commissioner Adair reported a meeting with Holly Jewkes from the US Forest Service yesterday to discuss criminal activity in the China Hat area which results in the destruction of public forests.

EXECUTIVE SESSION: None

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 11:24 am.

DATED this 3rd day of January 2023²⁴ for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR

ATTEST:

Brenda Fitzgerald

RECORDING SECRETARY

Patti Adair

PATTI ADAIR, VICE CHAIR

Phil Chang

PHIL CHANG, COMMISSIONER