



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

1:00 PM

MONDAY August 7, 2023

Allen Room
Live Streamed Video

Present were Commissioners Anthony DeBone, Patti Adair and Phil Chang. Also present were County Administrator Nick Lelack; Deputy County Administrator Whitney Hale; Assistant County 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 website www.deschutes.org/meetings.

CALL TO ORDER: Chair DeBone called the meeting to order at 1:00 p.m.

CITIZEN INPUT: None

AGENDA ITEMS:

1. Application for COHC Opportunity Grant

Jessica Jacks, Public Health Program Manager, explained the request to apply for a Central Oregon Health Council 2023 Opportunity Grant in the amount of \$200,000 to fund the County's Drug Free Community program through December of 2026. The grant would allow expanding the service area for this program and also enable serving young adults up to 25 years of age.

Commissioner Chang asked how the program will reach persons between 18 and 25 years old. Jacks said the program coordinator will work with related State programs and also collaborate with local partners.

Saying that 85% of the encampments at China Hat shelter persons who use drugs, Commissioner Adair was further concerned that some 4th and 5th graders are bringing marijuana to school.

Lauren Wood, Drug Free Communities Program Coordinator, agreed that to be effective, anti-drug efforts must be comprehensive and cross-sector. She said the program will partner with schools to identify and vet resources, and help them communicate relevant information to parents. Jacks added that one of these resources is the "Connect Parent Workshop" series which supports parents in having productive conversations with their children regarding substance misuse.

CHANG: Move to authorize Public Health staff to submit an application for a Central Oregon Health Council 2023 Opportunity Grant

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

2. Update from Terrebonne Sanitary District

Terrebonne Sanitary District Board Members Kristin Yurdin and Mariah Patel were joined by Linda Swearingen and Nancy Blankenship in providing an update on the formation of the Terrebonne Sanitary District, which was approved by electors earlier this year. Yurdin said at the first meeting of the board last month, it was decided that the district will apply for a \$5.25 million grant from the State's Clean Water Revolving Fund, of which \$2 million would be forgivable. Residents will also be able to apply for financial aid from the State to connect to the new sewer; the district's goal is to keep rates underneath \$72 per month.

Swearingen said the district seeks funding for operational costs including a phone line, post office box, website and insurance. She estimated that administrative costs will amount to \$70,000 for the next year, and another \$120,000 is needed to contract for necessary environmental work. The district will submit a formal request to the County for ARPA funds for these initial start-up expenses.

3. Work Session – Vacation of a Portion of Schibel Road

Cody Smith, County Engineer/Assistant Road Director, said the County has received a petition to vacate a portion of Schibel Road in Section 05 of Township 17S, Range 12E, W.M. Because the petition is not supported by all of the property owners who abut the proposed vacation area, a public hearing is required and has been scheduled for Wednesday, August 9th. Smith concluded that although the Road

Department agrees the proposed vacation is in the public interest, the department is not advocating for it.

4. Work Session – Mountain View Petition to Incorporate

Nicole Mardell, Senior Planner, said following the receipt of a petition to incorporate a new city of Mountain View, the County Clerk determined that the petition contained sufficient certified signatures from at least 20% of voters in the proposed boundary and thus can continue to the public hearing process. Staff proposes that the required public hearing be set for September 20, 2023; if the Board agrees, notices will be sent to service providers and agencies as well as owners of property within the proposed incorporation boundary and those within 750 feet of the proposed boundary,

Peter Gutowsky, Community Development Director, added that following the public hearing, the Board will need to determine if the incorporation proposal meets the necessary criteria, as follows:

1. Whether the proposed boundary correctly includes all lands that would be benefited from being in the proposed city;
2. Whether the taxation rate will support the proposed services; and
3. Whether the proposed city can and will be able to comply with relevant statewide planning goals, County Comprehensive Plan goals and policies, and implementing ordinances.

Gutowsky said because this matter constitutes a land use decision, the Board's decision can be appealed to LUBA.

Chair DeBone noted the consensus of the Board to allow the petitioner up to 45 minutes at the outset of the public hearing to present the proposal. Any agency wishing to provide testimony will be allotted ten minutes.

Commissioner Adair asked for a map of the proposed incorporation area with streets identified. Gutowsky said the proposal is 265 square miles and offered to provide an index map along with maps showing streets by township and range.

Mardell raised the question of how to pay for costs incurred to process this petition as these are not addressed in the fee schedule; these costs involve printing, mailing and publishing notices. One option is to charge these costs to the CDD's operating fund. Another option is to utilize General Fund revenues or another funding source.

The Board discussed charging these costs to CDD's operating fund (Fund 295) and deciding later, depending on if other necessary expenses deplete that fund, whether some amount of reimbursement may be warranted.

5. Work Session: Appeal of a decision regarding a secondary accessory farm Dwelling

Haleigh King, Associate Planner, reviewed that on July 12th, the Board agreed to hear an appeal of a Hearings Officer decision on a Conditional Use Permit to establish a secondary accessory farm dwelling in the Multiple Use Agricultural Zone, and specified that the hearing will be limited *de novo*. The public hearing has been scheduled for Wednesday, August 9th.

6. Preparation for Public Hearing: Repeal of Conventional Housing Combining Zone

Rachel Vickers, Associate Planner, said a public hearing will be held on Wednesday, August 9th to take testimony on the proposed repeal of the Conventional Housing Combining (CHC) Zone. Vickers explained that the CHC Zone, adopted in 1979, restricts placement of manufactured or prefabricated homes in three specific areas located east of Tumalo, west of Tumalo, and east of Bend. Vickers added that this overlay zone appears to have been created by petition of property owners, although explanatory findings regarding its intent are not available in county records.

Vickers said the Planning Commission held the initial public hearing on the proposed repeal on June 22, 2023, during which no oral or written testimony was provided. The Commission then voted 4-1 to approve the proposed repeal.

Responding to Commissioner Adair, Vickers confirmed that this overlay zone is currently applied to 505 properties.

OTHER ITEMS:

- County Administrator Nick Lelack distributed a draft letter to Verizon regarding cell phone service at the Deschutes County Fair & Expo Center.

Commissioner Adair relayed information from someone who said it took three tries for a call to 9-1-1 to go through during the FairWell Festival event. Commissioner Chang agreed that adequate cell phone coverage is desired but was unsure if Verizon will view the provision of cell phone towers for large scale gatherings to be its responsibility. He suggested asking Verizon to partner with the County to assure service during large events.

Deputy County Administrator Whitney Hale concurred that it would be good to understand how to mitigate non-service or spotty service. She shared that

DCSO Sergeant Nathan Garibay has suggested a local contact who may help the County explore a potential solution.

Commissioner DeBone noted that he represents the Association of Oregon Counties on the State Interoperability Executive Committee which works to ensure communication and data sharing between emergency responders. He supported revising the letter to refer to added capacity in both the short and long terms.

- Commissioner DeBone reported his attendance last week at a joint meeting with the Redmond and Bend city councils as well as a COIC board meeting where unanimous support was expressed for COIC assuming administrative operations of the Coordinated Homeless Response Office.
- Commissioner DeBone shared that Olympic gold medal winner Ashton Eaton attended a fundraising dinner on Saturday in La Pine.
- Commissioner Adair supported allowing 4H and FFA participants add-ons if their livestock does not make weight, citing the time and costs invested in these efforts.
- Commissioner Adair said she will meet with Governor Kotek on Friday with Redmond Mayor Fitch and Bend Mayor Kebler regarding homelessness and managed camps.

Commissioner DeBone said while the State's land use system does not allow these on resource land, campgrounds are permitted in Deschutes County if they feature a natural recreational amenity.

Commissioner Chang said if that amenity requirement is something the County has imposed on itself, he would be interested to revisit that. He added it will be important that the County demonstrate its commitment to siting a managed campground beyond permitting the land use and asked what resources the County is willing to contribute.

Discussion ensued regarding what it may mean to actively partner in developing a managed camp, how careful planning results in effective operations, and the need to take action to address problems posed by unsanctioned encampments.

- The Board discussed the presentation to be made at the Bend Chamber's "What's Brewing" event at Tetherow on August 8th.

EXECUTIVE SESSION: None

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 3:05 p.m.

DATED this 11th Day of Sept 2023 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR

ATTEST:



PATTI ADAIR, VICE CHAIR



RECORDING SECRETARY



PHIL CHANG, COMMISSIONER