



# BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

## BOCC MEETING MINUTES

10:00 AM

WEDNESDAY February 15, 2023

Barnes Sawyer Rooms  
Live Streamed Video

Present were Commissioners Anthony 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](http://www.deschutes.org/meetings).

**CALL TO ORDER:** Chair DeBone called the meeting to order at 10:00 a.m.

### PLEDGE OF ALLEGIANCE

### CITIZEN INPUT:

- Bret Matteis described efforts of the group Preserve East Bend to protect the quality of life in that area, and asked for the Board’s support.
- Ron Boozell asked about a possible funding source that could be used to pay a \$1 per bottle bounty on emptied green propane bottles.

Chair DeBone acknowledged the receipt of citizen input emails from Zena Kuzma and Annis Henson.

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

- ADAIR: Move Board approval of Consent Agenda
- CHANG: Second

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

1. Authorize the County Administrator to sign a Termination of Improvement Agreement specific to property neighboring the Windhaven Park Phase 1 subdivision in Redmond
2. Consideration of Board Signature on letters making appointments to the Deschutes River Mitigation & Enhancement Committee
3. Consideration of Board Signature on letters appointing Jay Patrick and Chris Piper, and reappointing James Lewis for service on the Central Oregon Intergovernmental Council's Board of Directors
4. Consideration of Board Signature on letters thanking Katy Brooks and Ron Osmundson for service on the Central Oregon Intergovernmental Council Board of Directors
5. Consideration of Board Signature on letters appointing Brian Durbin and James Wood for service on the Investment Advisory Committee
6. Approval of minutes of the February 3, 2023 Legislative Update meeting
7. Approval of the January 25 and 30, 2023 BOCC meeting minutes

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**ACTION ITEMS:**

- 8. Consideration of a recommendation from the Solid Waste Advisory Committee relative to the implementation of FAA Advisory Circular 150/5200-33C recognizing a 5-mile public-use airport exclusion zone for the siting of landfills, and discussion of siting a new solid waste facility**

Chad Centola, Director of Solid Waste, reported that at the direction of the Board, the Solid Waste Advisory Committee (SWAC) convened a special meeting to review Federal Department of Aviation (FAA) Advisory Circular 150/5200-33C which recommends that landfills not be sited within a 5-mile radius of a public-use airport. If accepted, this 5-mile restriction would eliminate three candidate sites from consideration: one in Redmond near the Negus Transfer Station, and two east of Bend (the Central Oregon Irrigation District property off Bear Creek

Road and a site on County-owned property off of Rickard Road). The SWAC unanimously recommended that the Board recognize the FAA's recommendation.

ADAIR: Move to approve a recommendation from the Solid Waste Advisory Committee to recognize the FAA-recommended 5-mile radius around the Redmond and Bend airports as a requirement for the purpose of screening and selecting candidate sites for the County's Solid Waste Management Facility

CHANG: Second

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

Commissioner DeBone reiterated that selecting and establishing one new landfill site will be a cost-effective, multi-generational solution to this problem; the only alternative is to ship waste elsewhere at exorbitant and ongoing expense. He encouraged the community to come together to achieve a long-term resolution for the benefit of all.

Commissioner Chang shared his efforts to identify potential parcels owned by the Bureau of Land Management (BLM) that may suit the needs of the County for a new landfill. He advised embarking on a formal request process to seek discussions with the BLM on this subject.

Commissioner DeBone described the difference between a BLM application process and a Congressional process, saying that although the former has no pre-determined finalization date, the latter would need to be completed in two years due to the expiration of Congressional House terms.

Dwight Miller, Parametrix, recounted the facility siting process to date including the development of siting criteria and the identification of exclusionary areas. After potential sites between 300 and 3,000 acres were assessed to ensure that required buffers can be met and that their topography is suitable, some sites were eliminated from consideration due to fatal or practical flaws (for example, a site might have been determined impractical due to slopes or inadequate disposal capacity). Two privately-owned sites were removed from consideration as the property owners are not interested to sell. At this time, seven sites remain under consideration; an open house will be held in April after the list is narrowed to three to five sites which will undergo environmental review. Staff expects to return to the Board in the spring of 2024 with a final recommended site.

Commissioner Adair verified that the State of Oregon owns two of the sites still under consideration.

Commissioner DeBone advised that staff provide information about the history of landfill siting and how this process has changed to include a public survey, among other improvements.

**9. Notice of Intent to Award 2023 Qualified Pool of Fuels Reduction Contractors**

County Forester Kevin Moriarty said each year, the County issues a Request for Proposals for a pool of fuel reduction contractors which is used to solicit quotes on fuel reduction projects throughout the year.

ADAIR: Move approval of Chair signature of Document 2023-178, Notice of Intent to Award the 2023 Qualified Pool of Fuel Reduction Contractors

CHANG: Second

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

**10. Presentation from the Deschutes Trail Coalition on its Stewardship Grants**

Jana Johnson, Executive Director of the Deschutes Trail Coalition, announced the awards from the Coalition's Stewardship Grant program which is funded by TRT revenues. These grants fund trail or trail-related projects throughout the County; eligible projects include trail maintenance and construction, trailhead amenity improvements, restoration projects adjacent to heavily-used trails, and educational materials to promote sustainable trail etiquette.

Commissioner Adair questioned the lack of grants to projects in the Redmond or Terrebonne areas. Johnson replied that no applications were submitted for projects in those areas.

Commissioner DeBone commented on the \$80,444 grant award to Deschutes Land Trust for the Spectre Ranch acquisition. He said purchasing private property seemed beyond this program's scope and did not support that decision, characterizing it as a misalignment of the County's investment in trail infrastructure and maintenance work.

Commissioner Chang said this investment was intended to expand, enhance and maintain recreational opportunities in the County. He noted that this property was previously inaccessible to the public as it was privately owned.

Commissioner Adair questioned if this grant followed the program's guidelines, said she could find nothing in writing which would authorize it, and asked who approved it.

Johnson acknowledged that the Coalition is aware this project is different. She explained that she had verbally confirmed there are no restrictions on using TRT funds in this way, but she could not recall who she spoke to, and a majority of the Coalition's Advisory Committee believed this grant to be fundamental to and support the Coalition's purpose. The total cost of the property is \$4.2 million.

Commissioner Chang noted the question is whether this was an eligible or ineligible use of these funds. He suggested that the Coalition consider directing the \$80,444 to establishing a trailhead on this property.

Commissioner DeBone emphasized that in allocating TRT funds to the Coalition, he had not intended that any of these be used to buy private property and put it into a land trust. He did not support purchasing private land with TRT revenues.

Commissioner Adair added the program's summary does not align with some of the projects that received grants—for example, an online guidebook is not a project which establishes or maintains trails. She highlighted the proposal that outlined over \$10 million of deferred maintenance; however, money was used on projects outside the scope of deferred maintenance. She wanted to know what deferred maintenance was achieved with the \$600,000 allocated to the Coalition.

Johnson responded that TRT funds are unrestricted and can be used for capacity building.

Commissioner Chang noted that outdoor amenities bring visitors to Central Oregon, and tourism funds TRT revenues.

## **11. Presentation of Workforce Housing Proposal**

Cheri Helt spoke to the need for workforce housing, saying this was the single most important issue facing area businesses. She explained that such housing is not cost-effective to build due to the price of land and associated permits and fees. To help remedy this situation, she proposed a one-year pilot program to establish a Housing Trust Fund which would result in 66 new workforce homes per year. The homes would be available for purchase by persons who work in the county and whose incomes are between 80% and 120% of area median

income (AMI). The homes must be used as a primary residence and would remain affordable to qualified employees for 30 years. To incentivize builders, the program would offer a \$30,000 payment per home upon closing, funded by Transient Room Tax (TRT) revenues.

Helt concluded that this proposal has received widespread community support.

Commissioner Chang said while he agreed that home ownership is the ideal, he would like to see this proposal broadened to address affordable rental opportunities and also extended to persons making below 80% AMI. He concurred that public investment is needed to put housing within reach of many residents, and supported moving this proposal forward.

Commissioner DeBone noted the availability of programs for those making below 80% AMI and supported this program targeting those making between 80-120%.

The Commissioners asked questions such as who would manage the Housing Trust Fund and determine whether an applicant was eligible to participate. Commissioner DeBone noted general Board support for Helt to continue developing this proposal.

**12. Consideration of an order to extend the open record period for the Board's review of two appeals of a modification request to the Thornburgh Resort**

Caroline House, Senior Planner, reminded that following the public hearing on February 1<sup>st</sup>, the Board agreed to consider requests to extend the post-hearing open record period. House shared the requests received and noted the applicant asked for an extension of 14 days, which the Confederated Tribes of Warm Springs has indicated its agreement with.

ADAIR: Move approval of Board Order No. 2023-008, extending the post-hearing open record period for Appeal Nos. 247-22-00984-A & 247-23-000003-A (Thornburgh Resort) to March 1, 2023 with associated extensions for rebuttal and final legal argument

CHANG: Second

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

**13. Public Hearing on 2023 Housekeeping Amendments to Deschutes County Code**

Kyle Collins, Associate Planner, reviewed the procedures for the public hearing and said the proposed amendments have been reviewed by the Planning Commission. He summarized that the changes will correct minor errors identified by staff and the public as well as incorporate updates made by the State.

*The public hearing was opened at 12:11 p.m.*

Dorinne Tye sought assurance that none of the proposed amendments relate to her concerns about airport operations and facilities.

*The public hearing was closed at 12:13 p.m.*

Chair DeBone noted the consensus of the Board to close the record at this time and proceed with first reading of the ordinance.

CHANG: Move approval of first reading of Ordinance No. 2023-001, by title only, amending Title 17, Subdivision and Partition Ordinance, Title 18, Zoning Ordinance, and Title 22, Procedures Ordinance of the Deschutes County Code; and Title 23, Deschutes County Comprehensive Plan to incorporate changes to State law and provide clarification of existing regulations, procedures, and policies

ADAIR: Second

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

Chair DeBone read the title of the ordinance and stated that second reading will be scheduled for March 1<sup>st</sup>.

#### **14. Public Hearing: Amateur/HAM Radio Facility Amendments**

Nicole Mardell, Senior Planner, reviewed the process for the public hearing and explained that the proposed amendments will streamline and clarify the review process for Amateur (HAM) Radio facilities.

*The public hearing was opened at 12:18 p.m.*

Tony Partain said he is supportive of the amendments. He recognized it is unlikely that someone would build an amateur HAM radio tower taller than 70 feet because of the high cost.

*The public hearing was closed at 12:32 p.m.*

Chair DeBone noted the consensus of the Board to close the record at this time and proceed with first reading of the ordinance. Chair DeBone also noted the consensus of the Board to leave the maximum height at 200 feet rather than lower it to 150 feet.

CHANG: Move first reading of Ordinance No. 2023-004, by title only, to amend Deschutes County Code Title 18, Chapter 18.116.290, to streamline the establishment of amateur radio facilities

ADAIR: Second

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

Chair DeBone read the title of the ordinance and stated that second reading will be scheduled for March 1<sup>st</sup>.

*A recess was declared at 12:36 p.m. The meeting was reconvened at 1:05 p.m.*

Chair DeBone announced that agenda items 15 and 16 will be taken up after item 17.

## **17. Camping Feasibility Study Proposals**

Jen Patterson, Strategic Initiatives Manager, reminded that the Board selected three consultants to interview for a Camping Feasibility Study which will evaluate the development of private or public RV parks and campgrounds, along with support amenities and infrastructure.

The consultants presented in the following order: ECONorthwest, CHM Government Services, and Crane Associates. The consultants described their qualifications, shared their relevant work experience, explained their proposed approach to the project and answered questions from the Board.

*A break was announced at 2:22 p.m. The meeting resumed at 2:29 p.m.*



It was noted that ECONorthwest received the highest score by the committee which first evaluated and rated the proposals. Commissioner Adair asked that ECONorthwest confirm its revised total fee amount of \$100,000 in writing.

CHANG: Move that the Board direct staff to negotiate a contract with ECONorthwest for a Camping Feasibility Study

DEBONE: Second

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

Commissioner Adair noted that the homeless population has grown and expressed her concern about who will use these parks when they're established.

Commissioner DeBone said the Drafter Road properties are different from the others, and he supported taking action on these first if possible.

**15. Resolution No. 2023-011, allocating \$95,950 of contingency within the video lottery fund to mid-year projects and priorities**

Stephanie Robinson, Grants & Operations Specialist, explained that the resolution would formally allocate \$95,950 of contingency within the video lottery fund to mid-year projects and priorities as determined by the Board earlier, as follows: \$1,000 to the Sunriver/La Pine Economic Development Program annual luncheon; \$17,950 to grants in the Arts & Culture program; \$75,000 to the Sisters Area Chamber of Commerce, and \$2,000 for discretionary grants fundraising activities. The fund's remaining balance will be \$934,057.

CHANG: Move Board approval of Resolution No. 2023-011, allocating \$95,950 of contingency within the video lottery fund to mid-year projects and priorities

ADAIR: Second

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

**16. Certified Local Government (CLG) Grant Application – Permission to Proceed**

Tanya Saltzman, Senior Planner, explained staff's request for authorization to apply for a 2023-2024 Certified Local Government (CLG) grant in the amount of \$5,500. The required 1:1 match would be provided largely by in-kind staff time.

ADAIR: Move to authorize staff to apply for a 2023-2024 Certified Local Government grant in the amount of \$5,500

CHANG: Second

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

#### **OTHER ITEMS:**

- Stephanie Robinson distributed the slide deck for the Board's presentation tomorrow at a meeting of the Sunriver and La Pine Chamber.
- Commissioner DeBone reported he has been asked to speak at SLED's annual luncheon in April.
- Commissioner Adair shared that she testified yesterday on the juniper bill.
- Commissioner Chang announced his efforts to determine if any federal lands are suitable and available for siting a new county landfill. He encouraged gathering bipartisan support for this initiative.
- Commissioner Chang said while in Washington, D.C. last week, he additionally advocated for funding for residential behavioral health treatment facilities. He also pushed for flexibility with prescribed fire smoke which is critical to protect property, lives and first responders, and emphasized the necessity of coordinating outreach to vulnerable populations and offering a clean air shelter. He asked if the County wishes to support Congressionally Directed Spending funding requests from the City of Bend and/or other local entities.
- Commissioner Adair said she met with Megan Perkins regarding the need to clean up China Hat and address the many dangerous problems there.

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#### **EXECUTIVE SESSIONS:**

At 4:01 p.m., the Board went into Executive Session under ORS 192.660 (2) (d) Labor Negotiations. The Board moved out of executive session at 4:36 p.m. to direct staff to proceed as discussed.

At 4:36 p.m., the Board went into Executive Session under ORS 192.660 (2) (h) Litigation. The Board moved out of executive session at 4:58 p.m. to take the following action:

DEBONE: Move to direct staff to submit a briefing from the County in the matter of the appeal of the 710/Eden project, currently before the Oregon

ADAIR: Land Use Board of Appeals  
Second

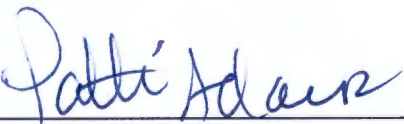
VOTE: ADAIR: Yes  
CHANG: No  
DEBONE: Chair votes yes. Motion Carried 2 -1

**ADJOURN:**

Being no further items to come before the Board, the meeting was adjourned at 5:00 p.m.

DATED this 8<sup>th</sup> Day of March 2023 for the Deschutes County Board of Commissioners.

  
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**ANTHONY DEBONE, CHAIR**

  
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**PATTI ADAIR, VICE CHAIR**

**ATTEST:**

  
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**RECORDING SECRETARY**

  
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**PHIL CHANG, COMMISSIONER**