



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY May 29, 2024

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, Tony DeBone and Phil Chang (attending remotely). Also present were County Administrator Nick Lelack, Senior 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 Adair called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Carl Shoemaker commented on litigation involving former President Donald Trump, spoke to what he perceived as the motivations of the Republican Party, and encouraged people to vote in the upcoming election this November.
- Charles Baer reported the State of Oregon's plans to increase its online presence and encouraged participation in this effort.

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

1. Approval of Resolution No. 2024-015 to extend 1.00 limited duration Health Services FTE

2. Approval of Resolution No. 2024-025 extending a .10 limited duration District Attorney FTE by six months
3. Approval of Amendment No. 1 to the Intergovernmental Agreement accepting Grant in Aid Funding
4. Approval to apply for Criminal Justice Commission Restorative Justice grant continuation
5. Approval of minutes of the BOCC April 23, 24 and 30, 2024 meetings

DEBONE: Move approval of the Consent Agenda as presented
 CHANG: Second

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

ACTION ITEMS:

6. Bicycle and Pedestrian Advisory Committee 2023-2024 Annual Report And Safe Sidewalk Awards

Senior Planner Tanya Saltzman and Dave Thomson, Chair of the Bicycle-Pedestrian Advisory Committee (BPAC), presented the 2024 Safe Sidewalks Awards, given to businesses and individuals who help to keep public sidewalks clear for pedestrians. Award winners are recognized for going beyond the legal requirements to remove snow, ice and debris from sidewalks.

Thomson then presented BPAC's 2023-2024 annual report, saying that a new State law regarding e-bikes was developed following the death of a 15-year-old while riding his e-bike in Bend. In conjunction with this legislation, the Bend-La Pine School District adopted a policy prohibiting students younger than 16 from bringing an e-bike or e-scooter onto school grounds.

In response to Commissioner Adair, Thomson confirmed that the BPAC is currently recruiting for an open position, with applications being accepted until June 3rd.

Commissioner DeBone suggested that BPAC coordinate with the Newberry Regional Partnership, which is currently conducting a public visioning exercise to guide the future of the Newberry community.

7. SB 5525 funding to support a Secure Residential Treatment Facility

Holly Harris, Behavioral Health Director, explained the newly appropriated State funding to support community mental health programs to provide services, including housing, to persons who are civilly committed due to mental illness. Health Services seeks approval to accept \$2 million which would be used for a 16-bed Secure Residential Treatment Facility (SRTF) in Redmond. Harris said the proposal is to partner with a private entity to construct and operate the facility.

Discussion ensued that federal regulations limit the number of beds allowed in these facilities to 16, which is insufficient.

Commissioner Chang asked about the source of the remaining funds needed to build and operate the SRTF. Harris expected additional resources to be provided by a private partner which will design, build and operate the facility.

Noting that the current facility was built by the County, Commissioner DeBone recognized that the need for more beds is acute. Commissioner Adair reported that construction costs have recently lowered which may make for a more competitive bidding environment.

DEBONE: Move approval to accept Oregon Health Authority Senate Bill 5525 Funding in the amount of \$2,000,000 to support a Secure Residential Treatment Facility

CHANG: Second

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

8. Updated Oregon Health Authority grant #177672 for behavioral health housing funds

Behavioral Health Director Holly Harris shared the background of the \$3.9 million grant previously awarded to DCHS by the Oregon Health Authority for increasing behavioral health housing and explained the change to extend the term of the grant agreement to 2045. Saying that DCHS has no intention of waiting that long to expend this funding, she described the need for adult foster home facilities for IDD clients and persons experiencing mental health issues and said this funding

will also support residential shelter for youth as well as psychiatric services for youth.

Commissioner Chang suggested offering a tour for local legislators and Representative Chavez-DeRemer ahead of next year's legislative session.

CHANG: Move approval of Chair signature of Document No. 2024-400 to amend an agreement accepting grant funding from the Oregon Health Authority for behavioral health housing

DEBONE: Second

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

9. Oregon Criminal Justice Commission Deflection Program grant

Behavioral Health Director Holly Harris said the initial grant amount of \$378,000 represents the first half of the total funding anticipated for this program, which will be coordinated by the Sheriff's Office. A resolution will be brought back to the Board for consideration of a new 1.0 FTE in the DCSO to administer the deflection program.

DEBONE: Move to accept Oregon Criminal Justice Commission Deflection Program grant funding in the amount of \$378,336

CHANG: Second

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

Responding to Commissioner DeBone, Harris said DCHS can assist Eastern Oregon counties in determining how best to secure and allocate deflection program funds from the State. Harris added that Marion County has developed a model which DCHS will use as a jumping off point for Deschutes County's program.

10. Public Hearing to consider amendment to DCC 8.35, Weed Control

Dave Doyle, County Counsel, explained the proposed amendment to Deschutes County Code to task the Road Department with distributing weed control information rather than the County Clerk.

The public hearing was opened at 9:55 am. There being no one who wished to speak, the public hearing was closed at 9:55 am.

The Commissioners expressed support for this change.

DEBONE: Move approval of first reading of Ordinance No. 2024-004 by title only
CHANG: Second

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

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

11. Presentation: 2024 Point-In-Time count data for Central Oregon

Ben Scott from NeighborImpact said a Point in Time count is a snapshot in time of the number of sheltered and unsheltered homeless persons in a given area. Saying that the most recent Point in Time count in Deschutes County was conducted in late January, he explained the survey collection tools used for both sheltered and unsheltered homeless persons and reviewed the PIT count by year for Deschutes County for 2022, 2023 and 2024. Scott stressed that nearly half of the persons responding indicated they have lived in central Oregon for at least ten years.

Commissioner Adair noted that 655 people chose not to answer the question of how long they have lived in Central Oregon. Scott said he would not expect their answers to differ from the ones that were provided.

Responding to Commissioner DeBone, Scott said PIT count results are submitted to HUD, which uses them to prepare a report that is submitted to Congress later in the year.

In response to Commissioner DeBone, Eliza Wilson, representing the Homeless Leadership Coalition (HLC), said the HLC is working to expand shelter opportunities and outreach to the homeless population. She said without more low-income housing, homeless persons cannot be moved out of shelters.

Commissioner Chang was heartened to see the total numbers of homeless persons decline in both Bend and Redmond, which he attributed to investments in transitional housing and focused work to assist people out of homelessness. He agreed that the lack of low-income housing is a continuing problem.

Discussion ensued regarding the availability of federal vouchers for housing and the fact that these do not cover the cost of housing in Bend. In addition, many more vouchers are issued than units are available.

12. Request to reopen the record on the matter concerning a commercial Activity in conjunction with farm use (Lava Terrace Cellars) in the Multiple Use Agricultural Zone

Nathaniel Miller, Associate Planner, presented a request from the applicant to reopen the record on a matter concerning a commercial activity in conjunction with farm use (Lava Terrace Cellars) in the Multiple Use Agricultural Zone. The purpose is to allow the submittal of additional information on issues raised at the public hearing held before the Board on April 10th.

Stephanie Marshall, Senior Assistant Legal Counsel, summarized the request and associated considerations. Referring to a second request to re-open the hearing if the record is reopened, Marshall said reopening the public hearing could create a procedural error since County Code does not specifically allow for that.

Noting that Commissioner Chang had recused himself from this matter, Commissioner DeBone stated his support for reopening the record at the applicant's request.

DEBONE: Move to re-open the record for Appeal No. 247-22-000018-A

ADAIR: Second

VOTE: CHANG: (recused)

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried 2 – 1 – 0 (Chang recused)

Saying that the record is now reopened, Marshall asked if the Board wished at this time to set a date for how long the record will remain reopened.

Miller added that the applicant has already waived the 150-day clock.

Following discussion, staff presented draft Order No. 2024-019 to re-open the record through July 31, 2024, thereafter allowing for a subsequent rebuttal phase and time for the applicant to submit its final legal argument. Deliberations would occur in September.

DEBONE: Move approval of Order 2024-019, reopening the record for Appeal No. 247-22-000018-A through July 31, 2024 at 4 p.m.

ADAIR: Second

VOTE: CHANG: (recused)
 DEBONE: Yes
 ADAIR: Chair votes yes. Motion Carried 2 – 1 – 0 (Chang recused)

13. Amendment to the agreement with the City of Bend regarding the use of ARPA funds for the Homeless Solutions Partnership project

Laura Skundrick, Management Analyst, explained that in 2022, the County awarded the City of Bend \$1.5 million in American Rescue Plan Act funds in support of the Homeless Solutions Partnership project. Of those funds, \$750,000 were specified for operations of the Franklin Avenue shelter; however, because that facility is fully funded through the next fiscal year, Bend has requested the ability to instead use these funds to support other shelter facilities such as the Navigation Center.

Commissioner Adair stated her support for using these funds for case management services, which can be highly effective in transitioning people out of homelessness.

CHANG: Move to authorize the County Administrator to sign Document No. 2024-442, an amendment to the agreement with the City of Bend for the Homeless Solutions Partnership project

DEBONE: Second

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

14. Update on the possible use of County-owned property on Fort Thompson Lane for a recreational campground

Commissioner Chang reviewed that last year, the County commissioned a study which looked at this County-owned property as well as three others in an attempt to determine the feasibility of using one or more of them for market-rate recreational campgrounds. Now that these properties have been evaluated for their suitability of siting a recreational campground in terms of economics, location, size and topography, community outreach will be conducted to gain input from the public.

Addressing concerns that the County is considering establishing a managed homeless camp on the Fort Thompson property, Commissioner Chang said there is no interest or intention to do this. Instead, he spoke to the possibility that a

recreational campground with basic amenities could attract people who are dispersed camping at no charge on federal lands.

Referring to the recent paving of Hunnell Road and speaking to the possibility of adding eight to ten miles of trails on the Fort Thompson property for recreational use, Commissioner Chang acknowledged the cost of establishing and operating a day use-only park and said adding a campground could render a multi-use park/campground with trails and open space revenue-neutral. He stressed that no decisions have been made, and said many discussions are needed on the preliminary ideas that have thus far been considered.

Jen Patterson, Strategic Initiatives Manager, provided a brief background of this proposal, which included the direction to staff to look into the opportunity for a State grant to develop a campground.

Will Groves, Planning Manager, referred to a memo which touched on available grant funding from the Oregon State Parks County Opportunity Grant Program; what constitutes a public vs. a private campground; and various case law decisions and land use review considerations that could arise in a park master planning process. Groves noted that the Fort Thompson property is zoned Exclusive Farm Use, which places significant limitations on potential uses and specifically prohibits its development as a privately-operated campground unless a goal exception was obtained.

Commissioner Adair said developing a campground would be costly, and the County has other pressing needs that are higher priority.

Commissioner Chang stressed that the Board has not voted to move forward to develop a campground at this or any other site. Adding that the economic analysis that was done showed a positive rate of return, he said if grant funding was secured, he expected that revenues generated from the campground would render its cashflow positive after the first year.

In response to Commissioner DeBone, Groves referred to applicable law and outlined a potential land use review process, which may or may not involve the State's park master planning process. Groves noted concerned inquiries from those who live in proximity to this property.

Commissioner Chang disclosed discussions with the Bend Park & Recreation District about a possible partnership to develop trails and open space on this property, noting that BPRD has substantial experience in developing park masterplans. He said if the County secured grant funds to develop a masterplan, that funding could perhaps be used by the BPRD to do this work.

Groves agreed that a full masterplan would allow for more amenities and facilities than could otherwise be achieved.

In response to Commissioner DeBone, Groves said no maximum campground stay is defined under State law, although most campground stays are limited to 30 days.

Commissioner DeBone said a maximum stay of two weeks might be the best option. He believed there is a market need and therefore opportunity for this, saying that some people choose to travel with solar panels, lithium batteries and satellites for internet service. He disagreed that a campground on County-owned property should be restricted to being operated by a public entity rather than a private company.

Commissioner Chang supported determining what size of campground would be economically feasible, saying a good initial project might be 50 or 100 sites if the numbers work. He suggested tabling the question on whether to apply for a COGP grant or pursue developing a masterplan until this question is answered.

Patterson offered to ask ECONorthwest for guidance in determining this from the spreadsheet already provided by them.

Commissioner DeBone stressed that because 80% of the land in Deschutes County is publicly-owned, just 20% is available for development.

Commissioner Chang said it would also be valuable to spend some time engaging with nearby residents on this proposal and hear their thoughts and concerns.

Commissioner Adair said developing a campground would have to make economic sense.

A break was announced at 11:37 am. The meeting resumed at 11:41 am.

15. Board consideration of whether to hear an appeal of a Hearings Officer decision concerning a psilocybin service center within Juniper Preserve destination resort

Audrey Stuart, Associate Planner, presented the question of whether the Board will hear an appeal of a Hearings Officer decision denying a psilocybin service center within the Juniper Preserve (formerly Pronghorn) destination resort. Following a public hearing on March 12, 2024, the applicant submitted a timely

appeal of the Hearings Officer decision denying the applications. Stuart reviewed the reasons given by the Hearings Officer for the denial.

Noting that some comments received outside of the record have not been added to the record, Stuart asked if any of the Commissioners have received comments on this matter. Commissioners Adair and DeBone stated they had received an email on this subject which they will not consider in deciding this issue. Commissioner Chang said neither will he consider any emails received on this subject in deciding whether to hear the appeal.

Commissioner Chang was interested to hear this appeal, noting it involves the first proposal of its type and he believed it important to test the County's regulations. Commissioner DeBone also supported hearing the appeal.

Senior Assistant Legal Counsel Stephanie Marshall said it is unlikely that the State's Land Use Board of Appeals would give deference to the Board's read of its regulations in this matter. She added that some comments may be submitted which could complicate this matter.

CHANG: Move approval of Order 2024-018 approving review of Hearings Officer's Decision in File Nos. 247-23-000614-CU, 247-23-000615-SP; and specifying that the review will be conducted limited *de novo*

DEBONE: Second

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

16. Department Performance Measures Updates for FY '24 Q3

Jen Patterson, Strategic Initiatives Manager, said four departments were selected to provide updates on progress made during FY '24 Q3 on selected performance measures that fall under the County goals and objectives of Resilient County and Housing Stability.

Planning Manager Will Groves reported on progress made on the County's program to allow rural accessory dwelling units following the Board's approval of amendments to County Code which implemented SB 391.

Fair & Expo Director Geoff Hinds described specific projects undertaken with the goal of providing a safe and modern venue to all—these include replacing the HVAC system, upgrading lighting, renovating the interior and restrooms of the

Middle/South Sister buildings, and embarking on a facility-wide wireless network installation in partnership with IT.

Property Manager Kristie Bollinger spoke to the goal of expanding opportunities for residential development on appropriate County-owned properties, saying progress made includes the sale of Newberry Neighborhood Quadrant 2d and the sale of the Simpson Avenue property in Bend.

Road Director Chris Doty reported on the target to have 96% of the County's public roads rated with a Pavement Condition Index above 70, saying this goal has been met with a result of 98.6%.

Commissioner Chang exited the meeting at 12:07 pm.

17. Treasury Report for April 2024

Bill Kuhn, County Treasurer, presented the Treasury Report for April 2024.

18. Finance Report for April 2024

Dan Emerson, Budget & Financial Planning Manager, presented the Finance Report for April 2024.

OTHER ITEMS:

- Commissioner DeBone recently attended a Sunriver Homeowners Association Board meeting where the subject of possible changes to the Management Agreement was discussed.
- Commissioner DeBone toured the Moon Pit site, which has been put forward as a possible location for the County's new landfill.
- Commissioner DeBone attended the first meeting of the South Redmond Tract Large Lot Industrial Technical Advisory Committee, where needed investments for the southeast corner of Redmond were discussed.
- Commissioner DeBone will be interviewed by radio station KBND tomorrow.
- Commissioner DeBone shared that on June 6th, the High Desert Museum will offer a demonstration of the 1904 Lazinka sawmill for visitors to see how lumber was processed at the turn of the century.
- Commissioner DeBone said the Newberry Regional Partnership is offering a presentation on understanding homeowners insurance to address concerns about rising rates and some property owners having their insurance cancelled due to fire risk.
- Commissioner Adair reported that candidates for the Audit Committee are being interviewed this week.

- Commissioner Adair shared that she recently arrived at the Redmond Airport to check in for a flight and was incorrectly told that her passport had expired.
- Commissioner DeBone wished his wife a happy 30th wedding anniversary.

EXECUTIVE SESSION:

At 12:29 pm, the Board entered Executive Session under ORS 192.660 (2) (e) Real Property Negotiations.

The Executive Session concluded at 12:38 pm, after which the Board directed staff to proceed as discussed.

ADJOURN:

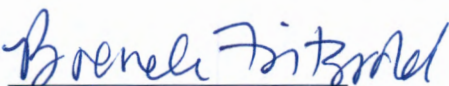
Being no further items to come before the Board, the meeting was adjourned at 12:38 pm.

DATED this 10th day of July 2024 for the Deschutes County Board of Commissioners.

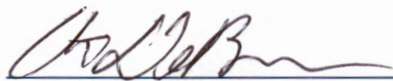


PATTI ADAIR, CHAIR

ATTEST:



RECORDING SECRETARY



ANTHONY DEBONE, VICE CHAIR



PHIL CHANG, COMMISSIONER