



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY April 5, 2023

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners 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.

CALL TO ORDER: Vice Chair Adair called the meeting to order at 9:00 a.m. and noted the excused absence of Commissioner DeBone who was attending a conference in Hood River.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Carl Shoemaker shared his opposition to plans for a natural gas pipeline extending from Canada to California. Noting this would be situated next to the City of Redmond, he was concerned about negative environmental effects and potential health impacts to residents.
- Dorinne Tye (via Zoom) spoke regarding development projected over the next 20-30 years and the need to reduce harmful emissions to mitigate environmental impacts. Saying that many plants and animals are at risk, she advocated for conserving land and water and thanked Commissioner Chang for his efforts to honor biodiversity and ecosystems.

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

CHANG: Move Board approval of Consent Agenda
ADAIR: Second

VOTE: CHANG: Yes
ADAIR: Vice Chair votes yes. Motion Carried 2 - 0

1. Approval of Resolution No. 2023-017, converting 3.0 limited duration Health Services FTE to regular duration within the FY 2022-2023 Deschutes County Budget
2. Approval of Document No. 2023-318, a Reimbursement Agreement with Avion Water Company for the Deschutes Market Road/Hamehook Road Intersection Improvement Project
3. Approval of Chair Signature of Document No. 2023-351, Amendment No. 3 to Document No. 2015-052 with the Federal Highway Administration for the Fall Creek Bridge Replacement Project
4. Consideration of Board Signature on Letter of Thanks to David Huntley, and Letters Appointing Logan Clausen, Erin Gage Fitzpatrick, Carmen Madrid and Ruth Vernotico for service on the Deschutes County Public Health Advisory Board
5. Approval of minutes of the March 24, 2023 Legislative Update meeting
6. Approval of minutes of the March 20 2023 BOCC meeting

ACTION ITEMS:

7. Proclamation: Child Abuse Prevention Month

The Commissioners read the proclamation into the record.

CHANG: Move adoption of the proclamation declaring April 2023 to be
"Child Abuse Prevention Month"
ADAIR: Second

VOTE: CHANG: Yes
ADAIR: Vice Chair votes yes. Motion Carried 2 - 0

The proclamation was accepted by Gabrielle Allender, Director of Client Programs and Prevention, KIDS Center; Kara Tachikawa, Executive Director of MountainStar; Perla Jaimes, Program Manager – Redmond, MountainStar; and Maren Palotay, Program Manager – La Pine, MountainStar.

8. Proclamation: Fair Housing Month

The Commissioners read the proclamation into the record.

CHANG: Move adoption of the proclamation declaring April 2023 to be “Fair Housing Month”

ADAIR: Second

VOTE: CHANG: Yes

ADAIR: Vice Chair votes yes. Motion Carried 2 - 0

Tyler Neese, Government Affairs Director of the Central Oregon Association of Realtors, accepted the proclamation.

9. Public Hearing for a Plan Amendment and Zone Change to approximately 93 acres located east of Bend between Neff Road and Highway 20

Assistant Legal Counsel Kim Riley noted that Commissioner DeBone has stated his intention to review the video of this meeting in preparation to participate in the deliberations of this matter when those come before the Board.

Nathaniel Miller, Associate Planner, described the requests from the applicant, Te Amo Despacio, to change the Comprehensive Plan designation and zoning of properties comprising 93 acres and located east of and adjacent to the City of Bend at 62385 Hamby Road and 21480 Highway 20. The applicant requests a Comprehensive Plan change from Agricultural (AG) to Rural Residential Exception Area (RREA) and a corresponding zoning change from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA10). The applicant states that the properties do not qualify as “agricultural land” under Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR) definitions.

The public hearing was opened at 9:48 a.m.

Miller distributed comments received from Toby and Michel Bayard opposing the proposal to convert land zoned EFU to MUA and instead favoring zoning that would encourage high-density housing and reduce sprawl.

Tia Lewis, attorney for the applicant, shared a presentation with maps and illustrations showing the location of the properties, current and anticipated land uses in the area, recent nearby highway improvements, and the proximity of other properties legally

determined to be nonagricultural. Saying that the properties have neither water rights nor a history of farm use, Lewis spoke to the large cost of leaving non-agricultural properties zoned agricultural and concluded that the community will benefit from the rezone.

Commissioner Chang appreciated the high-altitude view of the proposal and shared his concern that failing to timely expand Bend's UGB could lead some property owners to develop at densities lower than may be desirable. He expressed interest in discussing how to coordinate efforts between the county and the city to facilitate appropriate development.

Matt Weller, representing the applicant, acknowledged the pressure on Bend to expand its city limits and confirmed that the intention is to develop residential housing on these properties.

Responding to Commissioner Chang, Miller said no comments were received from the city on this application.

Vice Chair Adair invited testimony from the public. The following comments were provided:

- Dorinne Tye opposed sprawl and said it is important to keep large EFU tracts like this intact; advised an independent review of the soil study claims; questioned the non-viability of hobby farming on the properties; argued for a slow expansion of Bend's UGB; noted the loss of many farm acres over recent years; and encouraged consideration of emission reduction targets and biodiversity.
- Grace Weger said this proposal will not facilitate affordable housing and urged that the Board consider this in its decision-making.

Lewis offered comments in rebuttal, beginning by referring to the soil study which confirmed that 73% of the properties' soils are Class 7 and 8. In response to the comments submitted by the Bayards, she presented a letter of rebuttal with 13 pages of exhibits and asked that it be submitted into the record. She emphasized that it is not wrong for private property owners to protect the interests of that ownership and concluded that the proposed requests are consistent with providing more housing and bringing housing costs down.

The public hearing was closed at 10:45 p.m.

Vice Chair Adair noted the consensus of the Board to close the oral portion of the public hearing and leave the written record open for seven days. Final deliberations are anticipated to occur on April 26th.

Commissioner Chang reiterated the need to engage with the City of Bend with respect to how urban area reserves or other strategies such as an overlay zone can help

facilitate abundant and affordable housing. Will Groves, Planning Manager, said County staff will meet with City staff next week on those issues.

10. Public Hearing on 4 Peaks Music Festival 2024 Outdoor Mass Gathering Permit

Rachel Vickers, Associate Planner, outlined the procedures for the hearing and shared that two comments have been received opposing the issuance of a permit for this event.

The public hearing was opened at 10:55 a.m.

Vickers provided a staff report describing the application for an outdoor mass gathering permit to allow a multi-day music festival on June 20-23, 2024 at 21085 Knott Road south of Bend. The event would include overnight camping, parking, and food and drink for an estimated 2,000 people. The approximately 150-acre property is surrounded by single family residences and small-scale farms. Event set-up would begin on June 15th and tear-down fully completed by June 24th.

Stacy Koff, owner/operator of the 4 Peaks Music Festival, shared the history of this event which is usually attended by about 2,000 people. Koff said the festival organizers are responsive to comments and concerns, and made some modifications in recent years to create more distance from neighboring properties. Other improvements have included fencing and irrigation, and an access road is maintained for emergency vehicles although no ambulance has been needed at any of the events.

Koff emphasized this event is family-oriented and said although up to 3,000 tickets could be sold, the organizers have no plans to expand to that size. In an effort to limit people from coming and going, the festival offers overnight camping. Certified flaggers direct traffic.

Vice Chair Adair invited members of the public to comment on this matter.

- Kathy Miner spoke as a resident of a property immediately adjacent to the festival and said her house is within 500 feet of the main stage. She listed many ways in which she and her neighbors are impacted and shared concerns about negative effects on wildlife and birds. Saying she documented permit violations in 2017 including non-permitted food sales and open flames left unattended, she said the noise frequently exceeds allowed levels and objected to the open consumption of alcohol which is not authorized. She believed events such as this should be restricted to the Fairgrounds and concluded that the County should not issue this permit.
- Justine Fanarof spoke to the social and community benefits of this type of event and said the festival is attended by many families of diverse orientations. She appreciated that it is a reasonably priced event with many volunteers.

Commissioner Chang asked who is responsible for investigating complaints and enforcing the terms and conditions of the permit. Peter Gutowsky, Community Development Director, offered to assess the record for evidence of complaints submitted during the last event in 2021 and how those were handled. He expected that enforcement would be managed by the Sheriff's Office when other County offices were not open.

The Commissioners asked for more information on how complaints would be handled, including complaints involving food operations or environmental health issues. Commissioner Chang said requiring a water truck may be an appropriate mitigation measure. Vickers said in the past, the County has required a water truck be provided if the irrigation pond is less than 50% filled.

Responding to Commissioner Chang regarding security at the event, Koff said the festival's security contractor, who is certified, trains volunteers in emergency protocols and provides radios for communication between the persons on duty.

During the period allowed for rebuttal, Stacy Koff said the event is inspected by Environmental Health, the Sheriff's Office, the Bend Fire Department and Public Health. She said the noise is lowered after 10 pm and the organizers do not allow alcohol to be brought in. She assured compliance as far as placement of tents and the number of fire extinguishers made available.

Commissioner Chang asked about persons improperly blocking nearby residential driveways. Koff said the festival installs signage to deter prohibited parking and has established a new gated area to clearly mark the rideshare pick-up location.

Commissioner Chang asked about impacts to wildlife habitat, specifically mule deer. Koff said the event lasts three days and the organizers leave no trace. She said she has confirmed that the land is relatively restored two or three months after the event.

The public hearing was closed at 12:07 p.m.

The Board was in consensus to close the oral portion of the hearing and leave the record open for a week to allow additional written comments to be submitted. Final deliberations will likely occur in May.

11. Request approval to apply for SAMHSA Treatment for Individuals Experiencing Homelessness

Behavioral Health Program Manager Kara Cronin shared the opportunity to apply for a Substance Abuse and Mental Health Services Administration grant for treatment for individuals experiencing homelessness. The program will award funding up to \$500,000 per year for up to five years.

Responding to Commissioner Chang, Cronin said DCHS has applied for this grant before and not been successful. In response to Commissioner Adair, Cronin confirmed that if awarded, part of the funding would be used to purchase a vehicle to facilitate street outreach to homeless individuals.

CHANG: Move Board approval to authorize the application of a Substance Abuse and Mental Health Services Administration grant for treatment for individuals experiencing homelessness

ADAIR: Second

VOTE: CHANG: Yes
ADAIR: Vice Chair votes yes. Motion Carried 2 - 0

12. Request approval to apply for OHA Mobile Health Unit grant

Health Services Deputy Director Holly Harris and Behavioral Health Program Manager Adam Goggins described the opportunity to apply for a \$100,000 grant from Oregon Health Authority (OHA) to fund a Mobile Health Unit. These funds would be used to purchase a van to assist DCHS in responding to individuals in crisis situations which do not require the involvement of law enforcement.

CHANG: Move Board approval of the request to authorize staff to apply for a Mobile Health Unit Pilot Program grant from OHA

ADAIR: Second

VOTE: CHANG: Yes
ADAIR: Vice Chair votes yes. Motion Carried 2 - 0

Vice Chair Adair announced a short break at 12:23 pm. The meeting resumed at 12:27 pm.

13. Board Direction Regarding FY24 Fee Increases

Peter Gutowsky, Community Development Director, introduced Sherri Pinner, Senior Management Analyst. Pinner explained that the revenues of the Community Development Department (CDD) decreased in FY23 due to lower-than-expected permit and application volumes. Because CDD is primarily a fee-supported department, staff seeks Board guidance on how to address the projected revenue shortfall of \$1.3 million in FY24.

Commissioner Chang asked if the department expects further declines. Pinner said that is not known, but the lowered volumes have not recently increased or decreased.

Pinner reviewed the department's projected budget for FY24 including resources and expenditures. She presented three options for addressing the funding gap and balancing the budget, all of which include fee increases of varying amounts along with transferring between \$453,000 to \$562,000 from the department's reserve fund.

Gutowsky spoke to the number of staff in the department as well as current vacancies and referred to an upcoming retirement. He noted that if vacancies remain unfilled, it will take longer to process permits or respond to code enforcement complaints and violations.

Pinner relayed the department's recommendation to increase other fees for such permits as plumbing and mechanical to keep pace with inflation.

Gutowsky favored Option #1 for moving forward as he did not want to exhaust the reserves. He said Option #1 affords more flexibility if the economy becomes more volatile.

Vice Chair Adair said this subject will come back before the Board next week for continued discussion.

OTHER ITEMS:

- Commissioner Adair reported that although CASA has recently succeeded in adding 19 more volunteers to its program, more are needed. She encouraged interested persons to contact Heather Dion.
- Commissioner Chang spent Monday in Salem talking to legislators about the drought package. He also attended the Governor's conference on tourism yesterday during which he shared information about recreational camping in Deschutes County.
- Commissioner Adair testified before the legislature on the need for elk and deer damage compensation funding. She said the drought package is now in the Rules Committee and noted that due to AOC meetings this Friday, there will be no separate Legislative Update meeting this week.
- Deputy County Administrator Erik Kropp introduced a request from staff to apply for an energy efficiency and community development block grant (EECBG).

Facilities Director Lee Randall and Strategic Initiatives Manager Jen Patterson described the request to submit a pre-application for a non-competitive grant of \$78,310. If approved, staff would return to the Board later in the year with proposed projects that these funds could be used for.

CHANG: Move Board approval to authorize staff to submit a pre-award sheet for \$78,130 in EECBG funding as described

ADAIR: Second

VOTE: CHANG: Yes
ADAIR: Vice Chair votes yes. Motion Carried 2 - 0

EXECUTIVE SESSION: None

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 1:16 p.m.

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



ANTHONY DEBONE, CHAIR



PATTI ADAIR, VICE CHAIR



PHIL CHANG, COMMISSIONER

ATTEST:



RECORDING SECRETARY