



## BOARD OF COMMISSIONERS

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

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# BOCC MEETING MINUTES

1:00 PM

**MONDAY November 21, 2022**

Barnes Sawyer Rooms  
Live Streamed Video

Present were Commissioners Patti Adair, Anthony DeBone, 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 Adair called the meeting to order at 1:00 p.m.

### **PLEDGE OF ALLEGIANCE**

### **CITIZEN INPUT:**

Chair Adair reported a comment received via voicemail from Terri Dusek urging the enforcement of Measure 114, and a comment received via email from Charles Webster Baer supporting the legalization of psilocybin and asking if psilocybin sales will be allowed online.

Commissioner Chang congratulated his fellow Commissioners on their recent re-elections to the Board and hoped to work together to address the many issues facing the community.

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

DEBONE: Move Board approval of Consent Agenda  
CHANG: Second

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

1. Consideration of Board Signature of Document No. 2022-450, Purchase Agreement, and Document No. 2022-451, Permanent Slope Easement, from Anthony and Jessica Minisce for right-of-way for the Deschutes Market Road/Hamehook Road Intersection Improvement Project
2. Consideration of Document No. 2022-906, a Deed of Dedication for public right of way appurtenant to Sunrise Boulevard
3. Consideration of Resolution No. 2022-074 correcting a scrivener's error and replacing Resolution No. 2022-060
4. Authorize the requisition of computer servers and operating system software licenses for the Deschutes County Information Technology department using State of Oregon pricing agreement membership
5. Consideration of Resolution No. 2022-068, Initiating Vacation Proceedings for a Public Right of Way in Section 19 of Township 18S, Range 12E, W.M.
6. Consideration of Board Signature on letter reappointing Richard Ambrose for service on the Deschutes County Investment Advisory Committee
7. Consideration of Board Signature on Letters of Thanks to Michelle Cermak and Dave Edwards for service on the Deschutes County Investment Advisory Committee
8. Approval of the minutes of the November 7, 2022 BOCC Meeting

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**ACTION ITEMS:**

**9. Presentation by the Board of a plaque to Charla DeHate, recognizing her for ten years of service on the Public Health Advisory Board**

Commissioner Adair announced the presentation of a plaque to Charla DeHate expressing the Board's deep appreciation for her invaluable contributions and dedication while serving on the Deschutes County Public Health Advisory Board. The

Commissioners spoke to particular accomplishments and stated their gratitude for DeHate's many years of exemplary service in the area of community health care.

**10. Request for authorization to add 1.0 FTE within Health Services**

Jessica Jacks, Prevention and Health Promotion Manager, explained the proposal to utilize new resources from Oregon Health Authority (OHA) to add a position to address problem gambling in the community. The position will provide prevention services as well as outreach and referrals, and integrate into suicide prevention programming for veterans and older adults.

Commissioner Adair asked if these services include assistance for persons who are addicted to playing video games, which Jacks confirmed.

Commissioner DeBone asked if screen gaming involves gambling. Jacks said it does not involve gambling as normally construed, but some video games offer play components that increase costs beyond the initial expense of the game. This type of activity can prime adolescent brains for addictive behavior.

Commissioner DeBone expressed concern regarding the State's willingness to bond against future lottery dollars.

CHANG: Move approval of Chair Signature of Document No. 2022-847,  
amending a grant agreement with OHA

DEBONE: Second

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

Commissioner Debone commented on positions being added outside of the normal budget process and asked County Administrator Nick Lelack to assess the ongoing stability of this practice.

**11. Application for a COHC grant to purchase a mobile outreach van**

Anne Kilty, Clinical Services Manager, explained the request to apply for a grant from COHC to purchase and retrofit a mobile outreach van which would be used to reach residents outside of the Bend and Redmond areas. Health Services would use the vehicle to implement a mobile clinic service ("PH on the MOVE") to support vulnerable populations in remote settings. This would enable the department to offer many clinical services at partner sites to improve health outcomes for many individuals.

Responding to Commissioner questions, Kilty said the department has estimated the cost of a used Sprinter van to be in the range of \$70,000 to \$75,000. Although the van

would be based in Bend or Redmond, the department will publicize a calendar of service dates and locations to enable those seeking care to coordinate their schedules. Kilty concluded that HS is not seeking additional staff for this program.

DEBONE: Move approval of the request to authorize staff to apply for a COHC grant in the amount of \$80,000 to purchase and retrofit a mobile outreach van  
CHANG: Second

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

**12. Consideration of Chair Signature of Document No. 2022-830, a Notice of Intent to Award a contract for the Deschutes Market Rd/Hamehook Rd Canal Crossing Project**

Cody Smith, County Engineer, said this project will install an irrigation canal crossing structure as the first phase of improvements at the Deschutes Market Rd/Hamehook Rd intersection. Four bids were received, with the apparent low bidder determined to be Knife River Corporation – Northwest. Staff requests authorization to issue a Notice of Intent to Award the contract to the apparent low bidder.

DEBONE: Move approval of Board Chair signature of Document No. 2022-830, a Notice of Intent to Award a contract for the Deschutes Market Road/ Hamehook Rd Canal Crossing Project  
CHANG: Second

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

**13. Legislative Update**

Doug Riggs from Northwest Policy Advocates provided an overview of the upcoming 2023 legislative session and sought input from the Board as to items the County wishes to advocate for or against. Riggs noted factors for the legislative session include a newly-elected governor and the elimination of supermajorities in the Senate and the House. He identified key issues as housing/homelessness, workforce (including behavioral health and childcare), Measure 110, public safety and semiconductors.

Riggs shared the latest revenue forecast which anticipates that more general fund revenues will be available for distribution. He concluded that the session will begin on January 17<sup>th</sup>.

Discussion ensued regarding inviting Governor-elect Kotek to attend the Central Oregon legislative meeting on December 16<sup>th</sup>.

Commissioner Adair asked what the County can do to address negative impacts of Measure 110. Riggs advised focusing on efforts to incentivize people to seek treatment and holding them accountable if they do not. He noted the importance of getting funding out to treatment programs much more quickly than has happened.

Commissioner Chang favored taking a non-punitive approach to addicted persons who need treatment. He said substance abuse happens in jail, but jail does not offer opportunities for intervention or connection to services such as residential treatment facilities.

Commissioner DeBone said it is more likely for substance abuse to happen outside of jail, which is a highly controlled environment. He agreed that incarceration may not be the most stable situation available and said judges must be given the necessary tools to appropriately respond to addicted persons.

Commissioner Adair said some people end up sending their loved ones out of state for treatment, and that these attempts are not always successful. She noted the high rate of drug use and the number of fatal overdoses.

#### **14. Healthy Schools 2021-2022 Annual Report**

Jessica Jacks, Prevention & Health Promotion Manager, introduced Aimee Snyder, Healthy Schools Supervisor, who described the Healthy Schools program as a cost-sharing partnership between the County and Bend-La Pine schools. The 2021-22 school year was the first for the program, which places public health specialists in schools to help students with problems such as suicidal ideation, vaping, bullying, tobacco and alcohol use, pregnancy, and sexually transmitted infections. The goal is to help students with situations or concerns that keep them from attending or being engaged in school.

Public Health Specialist Lindsey Seibel reported on a typical workday for her and summarized successes achieved in the program's first year.

Sean Reinhart, executive director of student services at Bend-La Pine schools, said the program has had a tremendous amount of impact in a short amount of time. He applauded the program for supporting students to realize better overall wellness, and characterized the public health specialists as essential to the Bend and La Pine high schools.

Commissioner Chang asked how parents are being made aware of this program and what it is doing for students. Snyder said no direct outreach to parents has occurred because the goal is to integrate the public health specialists into the schools as much as possible and not have their services be viewed as a separate program.

Commissioner Adair requested an update in four months, before the next budget presentations.

**15. Discussion and consideration of a letter to Oregon's Congressional Delegation requesting assistance in asking FEMA to delay implementation of the Oregon NFIP BiOp**

Commissioner Adair said Tillamook County has asked that Deschutes County support it in its request that FEMA delay implementing the National Marine Fisheries Service Biological Opinion (BiOp) which is tied to the Endangered Species Act and the National Flood Insurance Program. Staff drafted a letter to Oregon's Congressional delegation for the Board's consideration and discussion.

Commissioner DeBone explained the potential loss of flood insurance at stake for those affected.

Commissioner Chang advised it would be more productive for Tillamook to work with FEMA and the NFIP to address severe flooding events on a more frequent basis while seeking greater land use flexibility and funding support from the state. He did not consider this matter to be relevant to Deschutes County and said at best, Deschutes County should remain neutral.

Commissioner Adair cited concerns for farmers and her support for assisting Tillamook County.

Peter Gutowsky, Director of Community Development, said this matter is a significant issue for Oregon's coastal and valley communities.

Commissioner Chang said ignoring the reality that flooding events will become more severe will not help property owners avoid catastrophic losses. He said what people need is financial support to move out of the path of danger.

Commissioner DeBone supported issuing a shortened letter to express support for delaying implementation in favor of continued talks on this subject.

DEBONE: Move approval of Board Chair signature of a letter to Oregon's Congressional Delegation urging a pause in the implementation of the National Marine Fisheries Service Biological Opinion which would require FEMA to ensure that communities which participate in the National Flood Insurance Program and have salmonids listed on the Endangered Species Act increase their habitat protections.

ADAIR: Second

VOTE:            CHANG:            No

DEBONE: Yes  
ADAIR: Chair votes yes. Motion Carried 2 – 1

**16. Memorandum of Understanding establishing Deschutes County as a cooperating agency with the Bureau of Land Management with respect to land use plans involving the management of Greater Sage-Grouse**

Tarik Rawlings, Associate Planner, explained the proposal to continue coordinating with the Bureau of Land Management on habitat and conservation efforts to protect the Greater Sage-Grouse.

Commissioner Chang spoke to staffing constraints which delay work on other important projects and said the amount of land involved in this effort is an insignificant number of federally-owned acres.

DEBONE: Move approval of Chair Signature of a Memorandum of Understanding establishing Deschutes County as a cooperating agency with the Bureau of Land Management with respect to land use plans involving the management of Greater Sage-Grouse

CHANG: Second

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

**17. First reading of Ordinance No. 2022-011, amending the Comprehensive Plan and approving a Zone change for property totaling approximately 19.12 acres along Highway 97**

Associate Planner Tarik Rawlings summarized the proposed comprehensive plan and zoning changes.

Commissioner DeBone supported respecting efforts to preserve dark skies.

Commissioner Chang recalled his earlier vote against this rezone and said he did not believe these properties to be unsuitable for agriculture. He expressed concern with how high land costs pose a hardship for those trying to get started in farming.

DEBONE: Move approval of first reading by title only of Ordinance No. 2022-011, amending the Comprehensive Plan and approving a Zone change for property totaling approximately 19.12 acres along Highway 97

ADAIR: Second

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

Chair Adair read the Ordinance by title only.

**18. First reading of Ordinance No. 2022-013 amending the Comprehensive Plan and approving a zone change for property totaling approximately 710 acres to the west of Terrebonne and north of Highway 126**

Haleigh King, Associate Planner, summarized the proposed comprehensive plan and zoning changes.

Commissioner Chang said he was not persuaded this land is unsuitable for agricultural use, and for dry range grazing in particular. He said this type of speculative rezone drives up land prices and makes it harder for ranchers.

Commissioner DeBone referenced the Hearings Officer's decision is consistent with prior decisions regarding the State's land use system.

Commissioner Chang stated his disagreement with the interpretation and decision of the Hearings Officer and anticipated that this matter will go before the land use board of appeals.

DEBONE:       Move approval of first reading by title only of Ordinance No. 2022-013 amending the Comprehensive Plan and approving a zone change for property totaling approximately 710 acres to the west of Terrebonne and north of Highway 126

ADAIR:        Second

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

Chair Adair read the Ordinance by title only.

*At 3:32, Chair Adair announced a short break.*

*At 3:38, the meeting resumed.*



## 19. Public Hearing – Psilocybin TPM Amendments

Tanya Saltzman, Senior Planner, said the purpose of tonight's public hearing is to take comments on proposed land use regulations concerning psilocybin manufacturing, processing, testing and distribution. The hearing was originally planned to continue at 6:00 p.m. tonight, but that portion will be rescheduled.

Each of the Commissioners stated they had nothing to disclose with respect to any conflict of interest in this matter.

Saltzman presented a PowerPoint on proposed land use regulations concerning psilocybin manufacturing (cultivation and processing), service centers, and testing laboratories. The proposed amendments to County Code would:

- Add new definitions for terms relating to psilocybin;
- Allow psilocybin service centers as a conditional use with site plan review in certain areas;
- Add psilocybin service centers to uses allowed in destination resorts;
- Allow psilocybin testing laboratories as a conditional use with site plan review in the Tumalo Rural Community and Rural Industrial zones; and
- Add a new chapter creating time, place, and manner criteria for psilocybin manufacture as a farm use, psilocybin manufacture as a processing use, and psilocybin service centers.

*The public hearing was opened at 4:05 p.m.*

- Corinne Celko of Emerge Law Group in Portland, representing Juniper Preserve, encouraged the Board to accept the recommendation of the Planning Commission to allow service centers in destination resorts.
- Charles Baer, Redmond, supported the legalization of psilocybin and hoped to see its availability fast-tracked. Baer also advocated for the legalization of peyote.
- Jeannie Frahley spoke regarding gambling and gaming addictions and said more mental health facilities are needed. She said residents of Tumalo do not want a service center or a dispensary in their area and believed that all dispensation should be monitored by a licensed medical doctor.
- Piper Lucas agreed that destination resorts are appropriate for service centers, although these may be too expensive for those who live here. She estimated the cost inherent in operating a service center or manufacturing facility and said nature-based experiences have higher efficacy. She supported allowing service centers as a forest use.
- Mike Hayes said psilocybin therapy can have a lasting, beneficial effect on many who have experienced trauma, including veterans.
- Alex dos Santos said if service centers are allowed in destination resorts, these should be restricted to a small indoor facility separate from other guests who are not partaking.

- Jessica Carol described psilocybin's therapeutic benefits for those struggling with depression, anxiety and trauma. She supported minimizing roadblocks for those who are interested in entering the psilocybin industry.
- Melissa Sanchez supported allowing as many service centers as the county population will support, including in destination resorts. She concurred that psilocybin treatment can benefit mental health and in fact save lives.

Commissioner DeBone noted that the Commissioners are free to communicate with the public on this subject outside of a meeting.

Stephanie Marshall, Assistant Legal Counsel, noted the consensus of the Board to continue the public hearing to 6 pm on Wednesday, November 30<sup>th</sup>.

Ms. Saltzman noted that the written record would remain open until December 2<sup>nd</sup>.

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**OTHER ITEMS:**

- Commissioner DeBone announced his plans to travel to Washington state to tour a renewable gas facility.

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*At 4:49, Chair Adair announced a short break.*

*At 4:51, the meeting resumed.*

**EXECUTIVE SESSIONS:**

At 4:51 p.m., the Board went into Executive Session under ORS 192.660 (2) (e) Real Property Negotiations.

The Board moved out of executive session at 5:21 p.m. to direct staff to proceed as discussed.

**ADJOURN:**

Being no further items to come before the Board, the meeting was adjourned at 5:21 p.m.

DATED this 21<sup>st</sup> day of November 2022 for the Deschutes County Board of Commissioners.

  
PATTI ADAIR, CHAIR

  
ANTHONY DEBONE, VICE CHAIR

  
PHIL CHANG, COMMISSIONER

ATTEST:

  
RECORDING SECRETARY