



## BOARD OF COMMISSIONERS

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

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# BOCC MEETING MINUTES

1:00 PM

**MONDAY June 26, 2023**

Allen Room  
Live Streamed Video

Present were Commissioners Anthony DeBone, Patti Adair and Phil Chang. Also present were Nick Lelack, County Administrator; Erik Kropp, Deputy County Administrator; Whitney Hale, Deputy 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 1:00 p.m.

**CITIZEN INPUT:** None

### **AGENDA ITEMS:**

#### **1. Service Partner Update - Healthy Beginnings**

Kathleen Cody, Kristie Schmitt and Jane Dunham from Healthy Beginnings presented information on the organization's program which offers free health and developmental assessments for infants and children up to five years in age. The screenings evaluate hearing, vision, speech, age-specific motor skills, and social and emotional development. Following the screenings, Healthy Beginnings provides referrals to other community resources as appropriate.

Responding to Commissioner DeBone, Cody said Healthy Beginnings has transitioned from open call community screening events to partnering with other organizations such as WIC and the Deschutes Public Library to reach as many

parents as possible. Commissioner Chang appreciated that Healthy Beginnings has innovated its service model to conduct more screenings.

## **2. Central Oregon Guardian Assistance Program**

Megan Horner, an estate planning attorney at Brinich & Bertalan, LLP, said Central Oregon is in dire need of pro bono and low-cost guardian services to assist incapacitated persons who, due to cognitive or physical impairment, are unable to make medical and/or financial decisions for themselves. To address this need, the Central Oregon Guardian Assistance Program (COGAP) has been formed to provide guardian services in the region. Horner described COGAP's operational plan and said it will explore working with COCC to establish a guardian training and certification program.

Horner added that Deschutes County Behavioral Health and Legal staff support the proposal to establish COGAP to facilitate better outcomes for community members while saving significant staff time and resources. She shared other expected benefits including a reduction in the number of civil commitment hearings and a lower number of psychiatric holds.

Responding to Deputy County Administrator Erik Kropp, Horner said St. Charles has granted COGAP \$100,000 to get this program off the ground; the organizers are seeking the same amount from the County. COGAP is also in the process of applying for a matching fund grant of up to \$200,000 from the Central Oregon Health Council. Horner said COGAP aims to be self-sustaining in five years.

In response to a question of whether this program would involve a core service of the County, County Counsel Dave Doyle stated his support and said it would greatly help with persons who are civilly committed, only to continue cycling through the system in the absence of personal guidance and support.

Noting the support of the Commissioners to contribute to this initiative, Kropp said staff will return at a future meeting with possible funding options.

## **3. Workforce Housing Trust Fund Proposal Update**

Cheri Helt and Morgan Greenwood updated the Board on a proposal to establish a housing trust fund to incentivize the development of workforce homes affordable to persons with incomes between 80-120% of the area's average median income (AMI). Helt shared details of the proposal and introduced Andrew Spreadborough from NeighborImpact, which has proposed to take on the administration of the application process for the program.

Responding to questions regarding how the deed restrictions will be implemented, tracked and enforced so that any homes built under this program would, upon resale, be restricted to persons making 120% AMI or less, Spreadborough confirmed that NeighborImpact could continue to be involved in these transactions so long as a deed restriction remains in effect but additional negotiations would need to occur.

Noting that Habitat for Humanity allows a larger equity gain for buyers, Commissioner Adair asked if the equity gain allowed under the proposed housing trust fund program might be changed from 1% per year with a cap of 7% total. Helt said if the value is permitted to increase above these limits, the homes could easily be priced out of the desired range. County Administrator Nick Lelack noted that the deed restrictions will expire after 30 years.

Commissioner Chang appreciated that buyers will be able to build some equity instead of just paying rent.

Commissioner DeBone referred to the request for an allocation of funding from the County in the amount of \$500,000 for two years for this initiative. He said \$300,000 might be a good starting point.

Saying that the County received \$15 million from the State for its courthouse expansion project, Commissioner Chang supported a two-year investment of \$500,000 each year to test this program as a pilot project. Commissioner Adair agreed that \$500,000 might be appropriate.

Budget & Financial Planning Manager Dan Emerson said staff will discuss funding for the courthouse project with the Board next week along with other internal and external priorities as directed by the Board.

ADAIR: Move to establish a workforce housing trust fund as discussed in the amount of \$500,000 per year for two years

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes ino. Motion Carried 2 - 1

#### **4. Veterans Village Expansion Proposal and Funding Request**

Kristie Bollinger, Property Manager, introduced Erik Tobiason from the Bend Heroes Foundation who presented a request for funding to facilitate the expansion of Veterans Village by an additional seven cabins to serve homeless veterans. The

County is being asked to contribute \$150,000 towards the amount needed to increase the number of cabins from 15 to 22. Tobiason said the new cabins could be constructed relatively quickly and available for use sometime this winter. He added that Veterans Village will also seek \$150,000 from the City of Bend; however, that request is being made via a competitive process and the result will not be known until March.

Commissioner Adair supported the use of ARPA funds for the proposed expansion. Budget & Financial Planning Manager Dan Emerson said staff could evaluate a formal funding proposal to ensure the project's eligibility for ARPA funds.

Commissioner Adair supported allocating \$300,000 at this time as Veterans Village will not know until March if Bend will contribute to this expansion.

ADAIR: Pending a formal ARPA application process, move to support the addition of seven cabins at Veterans Village in the amount of \$300,000  
DEBONE: Second

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

ADAIR: Move to approve Chair signature of an amendment to the Memorandum of Understanding with Bend Heroes Foundation to allocate an additional \$300,000 to add seven more units at Veterans Village  
CHANG: Second

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

**5. Work Session: Remand of LBNW LLC Plan Amendment and Zone Change application 247-21-000881-PA, 882-ZC (247-23-000398-A)**

Tarik Rawlings, Associate Planner, reviewed the upcoming public hearing this Wednesday on a matter remanded to the Board from the Oregon Land Use Board of Appeals. The matter involves three parcels totaling 19.12 acres in the 65300 block of Highway 97. The original application was approved by the Board with conditions in December of 2022; it was subsequently appealed to LUBA and remanded back to the Board on a narrow issue.

Regarding the procedure for the public hearing, Rawlings said while Deschutes County Code limits the scope of the hearing to issues that LUBA requires to be addressed, the Board may use its discretion to reopen the record where it deems necessary. Staff recommends that the Board hold a limited de novo hearing, meaning that new testimony may be entered only as it relates to the proposal's Goal 5 and OAR 660-023-0250(3) compliance related to protected Goal 5 Scenic Resources associated with the Highway 97 corridor.

Stephanie Marshall, Assistant County Counsel, explained that LUBA remanded this matter to the Board to determine whether the new industrial zoning designation would allow uses on the subject property that were not allowed under the previous Exclusive Farm Use (EFU) zoning and whether those uses could conflict with protected Goal 5 resources. The Board is being asked to consider this issue and make findings.

Commissioner Chang asked about uses that are allowed under Rural Industrial but not in the EFU zone. Rawlings said these include industrial uses such as commercial storage.

Chair DeBone noted the Board was in consensus to conduct this as a limited de novo hearing.

## **6. Mule Deer Inventory Update – Status Report**

Tanya Saltzman, Senior Planner, presented a status report on the Mule Deer Inventory Update project, describing the substantial amount of public outreach undertaken which has included three open houses, two well-attended public hearings, and the mailing of notices to about 7,000 addresses. Saltzman shared the recommendations from the Planning Commission, as follows:

1. That the Board adopt the mule deer inventory into the Comprehensive Plan and create a new Mule Deer Combining Zone;
2. That the Board incorporate modifications proposed by the Oregon Department of Fish and Wildlife (ODFW); and
3. That a stakeholder workgroup comprised of agencies as well as landowners, hunters and other interested parties be convened to discuss mule deer population management goals and potential solutions.

Saltzman said staff seeks direction on potential next steps such as a public hearing before the Board in August.

Saying that a new combining zone could be used to restrict development, Commissioner DeBone asked if the County should abandon this update.

Commissioner Chang said a tremendous amount of misinformation exists in the community about this process and what the new overlay would do, and many people are opposed for reasons that are not justified such as a potential loss of development rights or concern that property owners would not be able to till in the winter. He said these changes would not reduce the number of housing units that could be built, although clustering might be required. He supported having another public hearing as this would provide the opportunity to disseminate accurate information on this subject and concluded that much benefit stands to be gained for the mule deer population.

Commissioner Adair said this would result in the taking of private property rights. She questioned the reasons for the decline in mule deer population and said deer also are killed by cars, poachers, cougars and coyotes. She supported the formation of an advisory group to study this matter further.

Commissioner Chang said while the County cannot address all of the reasons for the decline in mule deer population, the loss of habitat leads to malnourishment which affects their ability to reproduce as well as their strength and ability to outrun predators or survive being hit by a car. He supported wildlife crossings to reduce the number of vehicle collisions.

Commissioner DeBone said the new overlay could further restrict private property rights, and now may be a prudent time to stop this process.

Peter Gutowsky, Community Development Director, said ODFW is well aware of the multiple threats which are contributing to the decline in the mule deer population. He added that ODFW is more well-suited than CDD to convene a stakeholder group on this subject.

Commissioner DeBone appreciated that many people were engaged in this process.

DEBONE: Move to acknowledge all the effort done but formally withdraw the legislative amendment related to the mule deer inventory update and notify the State of the conclusion of the process

ADAIR: Second

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

Commissioner Chang objected that this action grossly neglects the County's duty to safeguard the natural heritage of Deschutes County for the community and also

ignores that habitat serves as the foundational factor for a healthy wildlife population.

## **7. Treasury Report for May 2023**

Bill Kuhn, County Treasurer, presented the Treasury Report for May 2023.

## **8. Finance Report for May 2023**

Robert Tintle, Chief Financial Officer, and Dan Emerson, Budget & Financial Planning Manager, presented the Finance Report for May 2023.

## **9. FY 2024 Video Lottery Allocations to Natural Resources**

Stephanie Robinson, Administrative Services, proposed that the Board review the video lottery grant allocation to Natural Resources in light of a recent notification that the County has been awarded \$500,000 for wildfire risk reduction efforts from the Oregon State Fire Marshal.

Kevin Moriarty, County Forester, explained the \$500,000 grant will be used over three years for fuels reduction efforts, including \$25,000 per year for the FireWise program and \$25,000 per year for vulnerable or underserved communities. Moriarty noted the substantial expense involved in removing dead, dying or diseased trees.

A majority of the Board was in consensus to maintain the video lottery grant allocation to the FireWise fuels reduction program at \$45,000 for FY 2024. Commissioner DeBone suggested challenging neighborhoods to set fuels reduction goals and consider holding friendly competitions to increase the amount of material collected.

Commissioner Debone directed that his remaining discretionary funds be allocated equally to the Public Lands Stewards "Discover your Forest" program and the La Pine Rodeo.

### **OTHER ITEMS:**

- Jen Patterson, Strategic Initiatives Manager, reported two openings on the Cannabis Advisory Panel and asked if the Board wishes to appoint Jeremy Giffin, the new District 11 Watermaster, and Matt Hurt with Cannabis Nation to fill the rural retail position.

ADAIR: Move to appoint Jeremy Giffin and Matt Hurt to the Cannabis Advisory Board for terms ending 10/17/2026 and 10/17/2025, respectively

CHANG: Second

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

- Commissioner DeBone extended an invitation to the Woodcutters breakfast on July 4th in downtown La Pine during the Frontier Days celebration.
- County Administrator Nick Lelack reported that a majority of the Board supports having a work session on the subject of expanding the size of the Board of Commissioners to five members, and staff will schedule this.

**EXECUTIVE SESSION:**

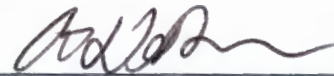
At 4:35 p.m. the Board went into Executive Session under ORS 192.660 (2) (e) Real Property Negotiations.

The Board moved out of executive session at 5:03 p.m. to direct staff to proceed as directed.

**ADJOURN:**

Being no further items to come before the Board, the meeting was adjourned at 5:03 p.m.

DATED this 9<sup>th</sup> Day of Aug 2023 for the Deschutes County Board of Commissioners.



**ANTHONY DEBONE, CHAIR**

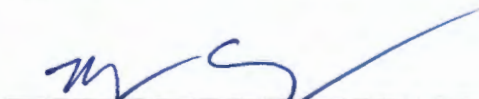
**ATTEST:**



**PATTI ADAIR, VICE CHAIR**



**RECORDING SECRETARY**



**PHIL CHANG, COMMISSIONER**