



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

1:00 PM

MONDAY September 16, 2024

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, Tony DeBone and Phil Chang. Also present were Acting County Administrator Erik Kropp; Deputy County Administrator Whitney Hale; 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 1:00 pm.

CITIZEN INPUT: None

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

1. Approval of Chair Signature of Document No. 2024-761, a Notice of Intent to Award a contract for Market Research and Strategic Master Plan Design Services for the Deschutes County Fair & Expo
2. Approval of Document No. 2024-039, a Notice of Intent to Award a contract for the Hamehook Rd Bridge #17C32 Replacement Project

DEBONE: Move approval of the Consent Agenda as presented

CHANG: Second

VOTE: CHANG: Yes

DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried

ACTION ITEMS:

3. Notice of Intent to Award a contract for the Landfill Siting Consultant Services – Phase 3

Tim Brownell, Director of the Solid Waste Department, reminded that the process to site a new landfill started in 2021, culminating with the Board's acceptance earlier this year of the Solid Waste Advisory Committee's recommendation to proceed with negotiating the purchase of the Moon Pit site for this facility. Brownell described the scope of the contract for Phase 3 of the consulting services for the project, listing duties and responsibilities as contained in the Request for Proposals. Two proposals were received in response to the solicitation—these were evaluated by a committee which recommends the contract be awarded to Parametrix. Brownell concluded that a copy of the scoring summary used for the selection process was provided to the Board for its information.

Commissioner Chang hoped that Parametrix does a better job at public outreach and engagement for the remainder of this project, especially with respect to the required mitigation measures as the project proceeds. He stressed the need to involve the broader public as well as those who live in the general area as the mitigation measures are developed.

CHANG: Move approval of Notice of Intent to Award the Landfill Siting Consultant Services—Phase 3 project to Parametrix, Inc.

DEBONE: Second

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

4. Deschutes County Statewide Transportation Improvement Fund Advisory Committee Member Roster Update

Derek Hofbauer, Outreach and Engagement Administrator for the Central Oregon Intergovernmental Council (COIC), reminded that COIC was delegated by Deschutes County to administer its Statewide Transportation Improvement Fund (STIF) program. One of COIC's main responsibilities is to manage the County's

STIF Advisory Committee (STIFAC) meetings and maintain the member roster. Because STIFAC members are appointed by the Board of County Commissioners, COIC has proposed an updated committee member roster for the Board's consideration. Specific changes are as follows:

- Appoint Robert (Bob) Townsend, Transportation Director for Cascades East Transit (CET), to replace Andrea Breault who no longer works for CET;
- Appoint Kristin Thomas, executive director of the Sunriver Area Chamber of Commerce, to replace Dan Youmans who no longer serves on that board;
- Appoint Jason Dumanch to represent the City of Sisters Public Works Department, replacing Troy Rayburn who no longer works for Sisters; and
- Reappoint members with 2024 terms to serve another two years on the committee (Bill Gregoricus, Zachary Bass, Jamie Donahue and Matthew Schmitz).

Hofbauer added that COIC recommends the seat vacated by Ken Thorp upon his retirement in 2023 remain vacant pending a new recruitment that will be conducted in early 2025.

In response to Commissioner Chang, Hofbauer confirmed that the designated alternates to STIFAC regularly attend the meetings but only participate if someone is absent.

Commissioner DeBone suggested that COIC apprise the Crescent Creek neighborhood association of the current vacancy on the STIFAC.

DEBONE: Move approval of the updated Deschutes County Statewide Transportation Improvement Fund Advisory Committee member roster as presented

CHANG: Second

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

5. Proposed changes to the FY25 Fee Schedule

Laura Skundrick, Management Analyst, introduced proposed changes to the FY 2025 Fee Schedule to raise certain fees in the Community Development and Health Services departments, and add a new Information Technology fee for external jurisdictions which seek assistance with their databases and systems.

Skundrick explained that the increases in CDD and Health Services are proposed to help offset higher-than-anticipated costs of the County's health benefits plan, with CDD estimating a \$167,000 annual impact to its budget effective August 1st.

Saying that the changes reflect the impact of inflation on health care and other costs, Commissioner DeBone judged the proposed increases to be businesslike.

Noting that the County's environmental review fees are generally lower than or competitive with fees in other parts of the state, Commissioner Chang spoke to the challenges of improving the ratio of inspectors to inspections and maintaining current levels of service while offering health insurance to recruit and retain staff. He was comfortable with and supportive of the proposed changes.

In response to a question from Commissioner Adair regarding pressures on the restaurant industry, Eric Mone, Environmental Health Supervisor, said the number of restaurants and food trucks grows each year, with those that go out of business tending to quickly sell and re-open under new ownership.

Responding to Commissioner Chang, IT Operations Manager Kevin Furlong said in the past, IT did not track the time involved in assisting other jurisdictions to design and develop databases and systems.

Sherri Pinner, Senior Management Analyst for the Community Development Department, presented three options for the Board's consideration regarding potential CDD fee increases, noting these are proposed to take effect November 1st while the non-CDD fees would take effect October 1st. The first option is to enact no fee changes, with transfers from reserve funds used to pay for the increased health benefit costs. Option 2 proposes various fee increases to generate a total of \$106,000, with the permit cost to construct a 2,700 sf house estimated to rise by \$143. Option 3 also proposes higher fee increases in addition to forgoing half of the approved \$100,000 General Fund allocation for Hearings Officer services in 2025; under this option, the estimated cost of permits to construct a 2,700 sf house would rise by \$239.

Peter Gutowsky, Community Development Director, spoke to the difference between Option 2 and Option 3, saying that members of the Central Oregon Builders Association and the Central Oregon Association of Realtors have shared their opinions that Hearings Officer services should continue to be at least partially funded by the General Fund.

Commissioners DeBone and Adair expressed their support for Option 2. Commissioner Chang preferred that the County not use General Funds to subsidize Hearings Officer costs for controversial applications.

Skundrick concluded that a public hearing will be scheduled before the Board next Wednesday to accept comments on the proposed changes.

6. Consideration of first reading of Ordinance 2024-007, adopting the Deschutes County 2040 Comprehensive Plan Update

Nicole Mardell, Senior Planner, presented the 2040 Comprehensive Plan as drafted, noting one final edit to the credit page to recognize that Commissioner Adair currently chairs the Board of County Commissioners.

Saying that the State recently approved new rules for groundwater allocations, Commissioner Chang requested revisions to the Comprehensive Plan to acknowledge and address the need to slow or reverse the level of groundwater declines in the county.

Commissioner DeBone stated his support of the document as presented.

Commissioner Adair spoke to the tragedy of the extremely large amount of land across Oregon which has burned due to wildfires this summer, saying that fires ravage the landscape and negatively impact habitat for wildlife. Adding that the State is down to just 168 logging mills, she supported protections for the small percentage of private property in the county.

Saying that over 200 domestic wells have gone dry in the last three years, Commissioner Chang said it can be expected that this will continue to happen unless the situation is addressed. He advocated for protecting people from the significant cost of drilling new wells.

Commissioner Adair said many wells are redrilled due to the presence of sediment or other issues, not necessarily because of declining groundwater levels.

Commissioner DeBone acknowledged that differences of opinion exist, and these are reflected in the draft document. He appreciated that the Comprehensive Plan explains a great deal and provides the big picture as well as serving as a foundation for future development, and said rural development is limited by State land use regulations which direct the bulk of population growth to occur inside of urban growth boundaries.

DEBONE: Move approval of the September 6, 2024 version of the 2040 Comprehensive Plan

ADAIR: Second

VOTE: CHANG: No

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried 2 - 1

DEBONE: Move approval of first reading of Ordinance No. 2024-007 by title only

ADAIR: Second

VOTE: CHANG: No

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried 2 - 1

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

Mardell said staff is completing an initial draft of the associated action plan and will bring that to the Board following second reading of the ordinance.

Commissioner DeBone reported the availability of the most recent "Oregon by the Numbers" publication which is produced annually by The Ford Family Foundation in partnership with Oregon State University Extension, saying this document provides a detailed profile for each of Oregon's 36 counties and includes many explanatory charts and graphs.

7. Legislative Priorities Review for 2025 Legislative Session

Jen Patterson, Strategic Initiatives Manager, introduced the review of legislative priorities for the upcoming session.

Doug Riggs of Northwest Policy Advocates reported on visits to Deschutes County by various legislators earlier this year, presented a preliminary list of priorities for the upcoming session, and said the deadline to file bills is later this month. The list included:

- EMS modernization to address the skyrocketing number of calls related to homelessness and behavioral health which impacts the budgets of the responding agencies
- Allowing managed homeless camps in the unincorporated county, particularly on the Gales property

Saying that the Gales property could be used for a managed homeless camp if it is rezoned, Commissioner Chang believed this solution to be a faster and more

efficient solution than legislative action. He stated his support for lobbying efforts to add safe parking to the State's list of recognized responses to homelessness and to secure ongoing funding for operating shelter facilities which were established in the recent past.

Discussion ensued regarding the statewide ballot measure to allow ranked choice voting in Oregon, which will go before the voters in November.

Other priorities identified by departments were:

- Possible increased tax on gross receipts of businesses with more than \$25 million in annual sales (this is also on the statewide ballot for voters to determine in November)
- Creating a "used system" path for Orenco ATT septic systems
- Funding for the CORE3 project
- Meetings of the Cannabis Advisory Panel

With regard to the Cannabis Advisory Panel (CAP), Patterson suggested that the Board support changing its state-mandated meeting frequency requirement from every quarter to once or twice per year, due to the general lack of meeting agenda items which reflects CAP's very limited authority.

One priority identified by the Community Development Department involves regulations to allow ADUs (i.e., inconsistencies with how other residential properties are regulated with respect to defensible space requirements such as fire hardening; language clarifying attached/shared walls vs. a standalone structure)

Discussion ensued about the Community Development Department's inability to collect the full cost of the first appeal of an administrative land use decision due to a State cap of \$250 on this fee. Commissioner Adair suggested researching when this fee was initially adopted to buttress the stance that changing it warrants consideration.

Other priorities identified were:

- National Flood Insurance Program/Endangered Species Act Implementation—Commissioners DeBone and Chang supported tracking this but not prioritizing it
- Implementation of clear and objective standards
- QRS 197A.400 amendments
- DEQ's onsite wastewater management program (work to update and clarify regulatory language and provide enhanced environmental protection in high-risk areas)

Discussion continued of other identified legislative priorities, including:

- Diversion and treatment options for juveniles in possession of controlled substances as defined in HB 4002
- Adolescent behavioral health and residential resources
- Funding for Aid & Assist programs to provide adequate support to this population
- Funding to modernize the Juvenile Justice Information System
- Medical Examiner system workgroup

In response to Commissioner Chang, Riggs said the governor plans to ask that the Legislature double the amount of funding for deflection programs from \$25 million to \$50 million.

Commissioner DeBone spoke to efforts by AOC and others to address certain components of the State's Medical Examiner (ME) system, including reimbursements to rural counties for miles travelled to provide ME services and advocating for a regional ME facility in Lane County.

Other identified legislative priorities discussed included:

- Discovery costs of prosecuting criminal cases
- CAFFA funding/the provision of essential tax assessment services
- HB 4056 – continued efforts to work with the Department of Treasury and other parties to define a process for distributing excess tax revenues tied to foreclosed properties, including how to fund potential reimbursements
- State regulation changes affecting credentialing/who is authorized to perform certain behavioral health work
- Funding for child psychiatric services
- Transportation Funding Package (protection of the 50-30-20 allocation of State highway fund revenues)
- Advocacy for continuation of the PILT and SRS federal funding programs
- Wildfire hazard maps/Wildlife Urban Interface

Behavioral Health Director Holly Harris spoke to the dire need for a child psychiatric facility in Central Oregon, stressing that it will be imperative to resolve the problem of insufficient qualified workforce needed to operate such a facility in both the short- and long-terms.

Health Services Director Janice Garceau shared that one factor complicating the County's working relationship with the Oregon Health Authority is the fact that all OHA staff have been permitted to work from home in perpetuity, which has resulted in a loss of collaboration and effectiveness.

A break was announced at 3:45 pm. The meeting resumed at 3:48 pm.

Discussion ensued about modernization efforts in Public Health to address vaccination rates, communicable diseases, access to health care and environmental threats, and the funding allocated by the State to community health partners across Oregon to implement these efforts.

Commissioner Chang reported on his trip to Washington, DC last week in conjunction with a National Association of Counties effort to advocate for the continuation of the national Payments In-Lieu of Taxes (PILT) program as well as the Secure Rural Schools (SRS) program. Saying both of these programs support America's public lands counties, including Deschutes County, Chang reported that \$30 million in PILT funding is received by counties in Oregon, with Deschutes County receiving over ten percent of this. Oregon receives about one-third of the total national SRS revenue distribution.

Commissioner Chang supported making passage of a funding package to fight wildfires a priority as well as the certification of and funding assistance for neighborhood wildfire protection cooperatives to allow property owners to secure insurance premium discounts.

Commissioner Adair said the removal of junipers is important for water conservation efforts. Riggs expected that funding to remove junipers will be proposed in a larger water-related package which is currently being drafted.

8. Planning Division Work Plan Update / Long Range Planning / FY 2024-2025

Will Groves, Planning Manager, referred to the Community Development Department (CDD) FY 2024-25 Work Plan, summarized upcoming projects, and sought feedback from the Board on whether it supports staff applying for grant funds from the Department of Land Conservation and Development (DLCD) to coordinate the development of land near Urban Growth Boundaries (UGBs) with the goal of facilitating future urbanization.

Upon Deputy County Administrator Erik Kropp exiting the meeting, Whitney Hale assumed the role of Acting County Administrator.

In response to Commissioner Adair, Groves acknowledged that when no longer utilized for medical hardship caretaking, a RV or mobile home is allowed to remain on the property, and further agreed that some of the language in the Code should be updated. He added that other changes are needed as well to align with State law, which permits the use of RVs and mobile homes for simple "aged or infirm" situations outside of documented medical hardship cases.

Discussion ensued regarding UGBs and urban reserves and how and why these are established. Groves said possible regulations could restrict or, at the least, influence how land use divisions occur within a certain radius of the UGB or a specific distance from identified transportation infrastructure corridors.

Groves agreed that the outcome of any attempts to coordinate future potential development with the cities of Bend and Sisters is not clear at this point. He spoke to the need to balance this coordination with development opportunities and the preservation of property rights.

Saying that property owners want predictability, Commissioner Chang said any land brought into an urban reserve can be expected to be brought into the UGB at some point. He referred to the process proposed by the City of Bend to establish the desired predictability and said cluster development does not impede future urbanization.

Following further discussion, the Board was in consensus to support applying for \$25,000 in grant funds from DLCD for an Urbanization Coordination for Land Divisions near Urban Growth Boundaries project.

9. Work Session: Preparation for 2024 Housekeeping Amendments Public Hearing

Kyle Collins, Associate Planner, said the Planning Division regularly amends Deschutes County Code (DCC) and the Comprehensive Plan to correct minor errors identified by staff, other County departments, and the public, and to update DCC in response to revisions in State law. Collins referred to a full list of proposed amendments, including revisions to align with State HB 2192 regarding the replacement of dwellings in the Exclusive Forest Use and Forest Use zones. Other changes update definitions for “residential facility” and residential home”; allow residential homes outright within all residential zones; allow residential facilities outright in all zones where multifamily residences are an allowed use; and provide for new standards for residential homes and facilities within the EFU Zone.

Collins reviewed the process undertaken to date on the proposed changes, including a public hearing before the Planning Commission. Saying that one public comment has been submitted thus far, he concluded that a public hearing is scheduled before the Board on September 25th.

OTHER ITEMS:


- Commissioner DeBone announced he will not be present at the Board's meeting this Wednesday.
- Commissioner DeBone wished a happy birthday to his wife this Thursday.
- Commissioner DeBone attended the Deschutes Civic Assembly last Saturday, explaining this was established to address the problem of youth homelessness.
- Commissioner Adair thanked Health Services Director Garceau for speaking to OHA's practice of allowing many of its staff to work remotely, with problematic effects.

EXECUTIVE SESSION: None

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 4:46 pm.

DATED this 22nd day of Oct. 2024 for the Deschutes County Board of Commissioners.



PATTI ADAIR, CHAIR

ATTEST:



ANTHONY DEBONE, VICE CHAIR


RECORDING SECRETARY
PHIL CHANG, COMMISSIONER