



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY September 28, 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 Legal Counsel; and Angie Powers, BOCC Administrative Assistant (via Zoom).

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: Chair Adair called the meeting to order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

Maggie O'Sullivan, a junior at Bend High School, spoke in support of maintaining Worrell Wayside Park for future generations.

Olive Nye, a senior at Bend High School and Co-Leader of the Green Leadership Coalition, spoke in support of maintaining Worrell Park. 335 signatures were collected on a petition.

Commissioner Adair acknowledged the receipt of four emails from citizens in support of maintaining Worrell Wayside Park.

Commissioner DeBone thanked Maggie and Olivia for getting involved. He discussed the important need for additional parking for the County Courthouse. Those serving on jury duty are a key group in need of additional spaces.

Commissioner Chang provided additional details on Worrell Wayside’s conceptual design. A downtown parking analysis is being conducted to determine the need for additional parking, and will be completed in late-October. Worrell Wayside Park was the least expensive (\$2.5 million or less) of the alternate options. The park would be reconfigured, not eliminated. Commissioner Chang’s proposal is the removal of fill material from parkway construction and the preservation of the natural lava flow outcrop. The proposed footprint wouldn’t be that much smaller than the current footprint. Revegetation with native Central Oregon plants would occur. This pocket park would continue to be a site for residents to enjoy. ADA accessible pathways would be constructed, and a gathering plaza established. A multi-level parking structure would cost substantially more than the reconfiguration of Worrell Park, and he recommended that option should go before the voters as a general obligation bond measure.

Commissioner Adair is supportive of a multi-level parking structure at the site of a current parking lot, with housing (condos) on the upper levels.

In another matter, Commissioner Adair acknowledged the loss of Lt. Ernie Brown and expressed gratitude at his service to our community. She thanked his family as well.

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

DEBONE: Move Board approval of Consent Agenda

CHANG: Second

VOTE: DEBONE: Yes

CHANG: Yes

ADAIR: Chair votes yes. Motion Carried

1. Consideration of Board signature on Document No. 2022-789, a Dedication Deed from Blue Elephant Storage Burgess Road LLC for Right of Way on Burgess Road
2. Consideration of Board signature on Letters reappointing Cody Meredith, Dan Daugherty, David Rosenberg and Jerry Thackery to the Ambulance Service Area (ASA) Committee
3. Approval of Minutes of the September 19, 2022 BOCC Meeting
4. Approval of Minutes of the September 21, 2022 BOCC Meeting

ACTION ITEMS:

5. Consideration of Board approval and Chair signature of Document No. 2022-784, a grant agreement with the Oregon Housing Authority for Behavioral Health Housing

Janice Garceau, Outgoing Deputy Director of Behavioral Health and Incoming Health Services Director, presented the grant agreement, which provides over \$3 million to Deschutes County for residential treatment facilities for behavioral health services.

Commissioner Adair questioned the high cost of \$14 million for one 16-bed facility. She cited that Umatilla County recently spent approximately \$5 million for a 16-bed facility in Hermiston, constructed between 2016 and 2020. At \$14 million, Commissioner Adair believes that funding should cover two facilities and noted that Oregon is 50th in the country for residential mental health treatment beds. She also questioned the square footage of OHA's proposed facility, which was missing from the document. Ms. Garceau noted the increase in building costs, which may contribute to some of the high cost. Commissioner Adair requested that Ms. Garceau do some research on the cost of the facility and get back to the Board.

Commissioner DeBone referenced Exhibit D of the agenda packet, which describes the scope of the project. He stressed the state's critical need for these facilities.

Commissioner Chang suggested Best Care provide the Board with additional project details and related costs, as well as the spectrum of services provided. He expressed gratitude that the state has prioritized these facilities.

DEBONE: Move Board approval and Chair signature of Document No. 2022-784, a grant agreement with the Oregon Health Authority for Behavioral Health Housing

CHANG: Second

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

Additional discussion: Chair Adair will discuss with Legal Counsel regarding signing the document, since the motion is for Chair signature to the

document.

6. Consideration of Approval of Purchase of a Motor Grader with Auxiliary Plows

Randy McCulley, Road Department, asked the Board for consideration of purchase of a new motor grader with auxiliary plows. This is a replacement for their 30-year-old grader, which has reached the end of its useful life. The new grader will be highly-capable for winter snow removal. It came in under-budget, and the County received a 37% discount through a cooperative purchasing agreement. The machine is available immediately, and is in this year's annual budget.

CHANG: Move Board approval of purchase of a motor grader with auxiliary plows from Peterson Cat in the amount of \$506,165.05

DEBONE: Second

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

7. Update from 17th Street Partners on collaborative work performed at NE 17th Street in Redmond

Kristie Bollinger, County Property Manager, introduced 17th Street Partner Collaborative Group, made up of private and public organizations. Bob Bohac, Jerico Road Representative, introduced Linda Cline, City of Redmond Affordable Housing Analyst, Stephanie Hunter, Redmond Collective Action, and Colleen Thomas, County Behavioral Health. This group meets regularly and schedules quarterly cleanup events.

Some resources provided include: the Sunday Street Kitchen, cooling centers, a mobile shower truck and laundry facilities. Mr. Bohac estimates that during hot weather events, between 20 and 30 visitors a day used the Shepherd's House cooling center, misting station, shade canopy, drinking water, veterinary services, behavioral and physical health outreach and sundries. Clean-up events are very successful, with between 2 and 4 dumpsters of

trash being removed. There has been an ongoing problem with large amounts of household waste, not sourced from homeless encampments, being dumped in this area, including discarded kitchen appliances.

There will be a volunteer clean-up event on Sunday, October 2nd at 12:15 p.m. Meeting location will be 17th and Greenwood in Redmond.

Commissioner DeBone mentioned that the County is working with Oasis Village on coming up with solutions for the houseless, and he is eager to turn the corner and decrease the number of campers by getting people into stable housing. We cannot stand by and watch this problem grow.

Commissioner Chang suggested finding out what the pathways out of homelessness look like, from those who have turned the corner. County government should be focusing on coming up with solutions based on this feedback.

Mr. Bohac and the 17th Street Partners are eager to work towards solutions with Cheyenne Purrington, the County's new Houseless Strategies and Solutions Coordinator. It can be challenging to convince those in need to accept help and to entrust those tasked in helping them. It is estimated that 500 houseless reside in the 17th Street area. He estimated that the last large-scale clean-up cost the County around \$7,000.

The Board thanked 17th Street Partners for their efforts. Commissioner Adair also thanked Mountain View Property Management on prioritizing houseless families.

8. Deliberations: LBNW LLC Plan Amendment and Zone Change

Tarik Rawlings, County Associate Planner, discussed the request by LBNW LLC for a Plan Amendment and Zone Change for three properties totaling 19.12 acres along North Highway 97. The proposed Plan Amendment change is from Agriculture to Rural Industrial and the proposed Zone Change is from Exclusive Farm Use to Rural Industrial. Mr. Rawlings and the Board went through each of the six issue areas, and the Hearings Officer's recommendations. Will Groves, Planning Manager, discussed in greater detail the decision matrix for Issue Area Number 1.

Hearings Officer recommends approval of file nos. 247-21-000881-PA, 882-ZC pursuant to DCC 22.28.030

DEBONE, CHANG, ADAIR: *In favor* of upholding Hearings Officer Recommendation on Issue Area No. 1

DEBONE, CHANG, ADAIR: *In favor* of upholding Hearings Officer Recommendation on Issue Area No. 2

DEBONE, CHANG, ADAIR: *In favor* of upholding Hearings Officer Recommendation on Issue Area No. 3

ADAIR, DEBONE: *In favor* of upholding Hearings Officer Recommendation on Issue Area No. 4, including the trip cap proposal

CHANG: *Not in favor* of upholding Hearings Officer Recommendation on Issue Area No. 4

DEBONE, ADAIR: *In favor* of upholding Hearings Officer Recommendation on Issue Area No. 5

CHANG: *Not in favor* of Hearings Officer Recommendation on Issue Area No. 5

ADAIR, DEBONE, CHANG *In favor* of upholding Hearings Officer Recommendation on Issue Area No. 6

Dave Doyle, County Legal Counsel, advised the Board to make a motion to approve or reject the proposed Plan Amendment and Zone Change for file nos. 247-21-000881-PA, 882-ZC pursuant to DCC 22.28.030

DEBONE: Move Board approval of file nos. 247-21-000881-PA, 882-ZC pursuant to DCC 22.28.030 accepting the Hearing's Officer Decision

ADAIR : Second

VOTE: DEBONE: Yes

CHANG: No
ADAIR: Chair votes yes. Motion Carried

Additional discussion: Commissioner Chang expressed concern with removing potential agricultural land from the County's supply, and wishes to preserve farm land. He also has concerns about potential transportation impacts and visual impacts.

9. Deliberations: Eden Properties Plan Amendment and Zone Change

Haleigh King, County Associate Planner, discussed the request by 710 Properties LLC for a Plan Amendment and Zone Change for properties totaling approximately 710 acres, made up of 10 different tax lots, west of Terrebonne and north of Highway 126. The proposed Amendment Change is from Agriculture to Rural Residential, and the proposed Zone Change is from Exclusive Farm Use to Rural Residential.

Hearings Officer recommends approval of file nos. 247-21-001043-PA, 1044-ZC pursuant to DCC 22.28.030

A public hearing was held on August 17, 2022 and the Board left the record open for 21 days for comments. The record was closed on September 7, 2022.

CHANG, DEBONE, ADAIR: *In favor* of upholding Hearings Officer Recommendation on Issue Area "Definition of Agricultural Land - Part 1"

DEBONE, ADAIR: *In favor* of upholding Hearings Officer Recommendation on Issue Area "Definition of Agricultural Land - Part 2"

CHANG: *Not in favor* of upholding Hearings Officer Recommendation on Issue Area "Definition of Agricultural Land - Part 2"

Additional discussion: Commissioner Chang agreed that it wouldn't make economic sense to bring water to this land for irrigation purposes, but believes it could be used as a viable ranching operation for dry land grazing.

DEBONE, ADAIR: *In favor* of upholding Hearings Officer Recommendation on Issue Area "Definition of Agricultural Land - Part 3"

CHANG: *Not in favor* of upholding Hearings Officer Recommendation on Issue Area "Definition of Agricultural Land - Part 3"

ADAIR, DEBONE, CHANG: *In favor* of upholding Hearings Officer Recommendation on Issue Area "Traffic Impacts"

ADAIR, CHANG, DEBONE: *In favor* of upholding Hearings Officer Recommendation on Issue Area "Definition of Forest Lands"

DEBONE, CHANG, ADAIR: *In favor* of upholding Hearings Officer Recommendation on Issue Area "Goal 14 Exception"

DEBONE, ADAIR: *In favor* of upholding Hearings Officer Recommendation on Issue Area "Change in Circumstances or Mistake in Zoning"

CHANG: *Not in favor* of upholding Hearings Officer Recommendation on Issue Area "Change in Circumstances or Mistake in Zoning"

Additional Discussion: Commissioner DeBone clarified the Hearings Officer decision that he did not believe the County made a mistake in zoning the subject property for Exclusive Farm Use; rather, it has been used as a catch all for rural land.

DEBONE, ADAIR: *In favor* of upholding Hearings Officer Recommendation on Issue Area "Impacts on Surrounding Land Use"

CHANG: *Not in favor* of upholding Hearings Officer Recommendation on Issue Area "Impacts on Surrounding Land Use"

DEBONE, ADAIR: *In favor* of upholding Hearings Officer Recommendation on Issue Area "Wildlife Impacts"

CHANG: *Not in favor* of upholding Hearings Officer Recommendation on Issue Area "Wildlife Impacts", citing this area as important winter range for mule deer and elk

ADAIR, DEBONE: *In favor* of upholding Hearings Officer Recommendation on Issue Area "Fire Hazard"

CHANG: Abstained from deciding on Issue Area "Fire Hazard", in the absence of available data

Additional Discussion: Commissioner Chang asked Will Groves, Planning Manager, about Wildfire Mapping per Senate Bill 762. Mr. Groves explained that this isn't able to be introduced as a new item, as the record has been closed.

DEBONE, ADAIR: *In favor* of upholding Hearings Officer Recommendation on Issue Area "Groundwater Impacts"

CHANG: *Not in favor* of upholding Hearings Officer Recommendation on Issue Area "Groundwater Impacts".

Additional Discussion: Commissioner Chang questioned whether 71 exempt wells use more water than dry land grazing, and doesn't feel that he has adequate information. A brief discussion between Commissioners Chang and DeBone took place on the topics of climate change, snow/rain weather patterns and groundwater storage. Commissioner Adair added that she is a proponent of juniper tree removal to conserve ground water.

CHANG, DEBONE, ADAIR: *In favor of upholding Hearings Officer Recommendation on Issue Area "House Bill 2229"*

Dave Doyle, County Legal Counsel, advised the Board to make a motion to approve or reject the proposed Plan Amendment and Zone Change for file nos. 247-21-001043-PA, 1044-ZC pursuant to DCC 22.28.030

DEBONE: Move Board approval of file nos. 247-21-001043-PA, 1044-ZC pursuant to DCC 22.28.030

ADAIR: Second

VOTE: DEBONE: Yes

CHANG: No

ADAIR: Chair votes yes. Motion Carried

Additional discussion: Commissioner Chang expressed concerns about wildlife, the viability of farming and ranching, and the sheer scale of this application. Reduced groundwater supply and wildfire risk were among other concerns voiced by Commissioner Chang. Although additional housing is needed in Central Oregon, it is affordable housing and not 71 high-end homes on acreage. Commissioner DeBone shared that in many people's views, rural residential use is the optimum use for this land.

10. Consideration of Board signature on Order No. 2022-055, Appointing Robert Tintle as Tax Collector

Nick Lelack, County Administrator, presented Order No. 2022-055 to the Board, appointing the County's new Chief Financial Officer Robert Tintle as County Tax Collector.

DEBONE: Move Board approval and signature of Order No. 2022-055

CHANG: Second

VOTE: DEBONE: Yes

CHANG: Yes

ADAIR: Chair votes yes. Motion Carried

OTHER ITEMS:

- Commissioner Adair shared that the Home Depot Foundation has donated approximately \$200,000 this year towards community projects. 75 employees recently helped the Sleep in Heavenly Peace project with bed construction for children who have never had their own bed. Commissioner Adair asked for a Proclamation in recognition of the Home Depot Foundation. Commissioner DeBone was hesitant to utilize a Proclamation for a specific company, as there are many companies who provide outreach and support for the community. Commissioners Chang and DeBone were supportive of writing a letter of support and thanks in lieu of a Proclamation.
- Commissioner Chang plans to attend the Groundwater Allocation public meeting with the Oregon Water Resources Department that evening, and welcomed Commissioners DeBone and/or Adair to attend.
- Whitney Hale, Deputy County Administrator, shared that on Friday, October 14th, Legislative Kick-Off with Northwest Policy Advocates will take place. The purpose is to prepare for the new legislative session and to share our County's priorities. Commissioner DeBone would like to be an advocate for County departments and their goals and priorities. Commissioner Chang noted that Aid and Assist issues and Measure 110 are some of his top concerns, and he looks forward to meeting with Northwest Policy Advocates on how to accomplish the Board's goals.

ADJOURN: Being no further items to come before the Board, the meeting was adjourned at 12:46 p.m.

DATED this 12 Day of October 2022 for the Deschutes County Board of Commissioners.



PATTI ADAIR, CHAIR



ANTHONY DEBONE, VICE CHAIR

ATTEST:

Megan Fuller

RECORDING SECRETARY

Phil Chang

PHIL CHANG, COMMISSIONER