



## BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

# BOCC MEETING MINUTES

1:00 PM

**MONDAY, November 14, 2022**

Barnes Sawyer &  
VIRTUAL MEETING PLATFORM

Present were Commissioners Patti Adair, Tony DeBone, and Phil Chang. Also present were Nick Lelack, County Administrator; Dave Doyle, Legal Counsel; and Brenda Fritsvold, Board 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 PM.

### **PLEDGE OF ALLEGIANCE**

### **CITIZEN INPUT:**

Chair Adair stated that persons wanting to speak to the proposal for a ground lease with Mountain View Community Development for the Redmond Safe Parking Program will be accommodated later in the agenda.

- Ceta Kelley, 65115 Smokey Ridge Road, sought representation for Tumalo.
- Deborah Finck, 65360 Gerking Market Road, objected that Tumalo does not currently have designated representation on the Planning Commission. She shared her willingness to volunteer as well as her opposition to fast-tracking development and growth.

- Justin Hoffman, 63870 Johnson Road, wanted to see representation for Tumalo since decisions are being made which impact the area.
- Katherine Powell, 64845 Allen Road, felt it was irresponsible that Tumalo does not have representation on the Planning Commission and said residents lack information and support.
- Jeannie Fraley, 64790 Bruce Ave., supported having representation on the Planning Commission specific to Tumalo.
- Dale Peer, 64711 Wood Ave. expressed desire for a representative who is active in the Tumalo area and familiar with the community and its concerns.
- Larry Loveland, 64750 Cook Ave., supported representation for the Tumalo community.
- Deborah Sie, 63870 Johnson Road, appreciated knowing that the Tumalo Community Plan update is on hold pending completion of the sewer analysis. She questioned why a Tumalo resident was not appointed to the Planning Commission earlier this year even though the TCP is in the process of being updated.
- Dianne Dunn, 20036 Tumalo Road, did not want any decisions affecting Tumalo made until it has a representative on the Planning Commission.
- Jim Dunn, 20036 Tumalo Road, explained that residents are concerned about the sewer feasibility study because zoning and development are linked to whether or not sewer is available. He said those who live in Tumalo must be apprised of all potential development implications involving the TCP, ADUs and other initiatives.

Chair Adair noted eight emails received by the Board on this matter, in addition to an email received from a citizen thanking the Board for supporting rural affordable housing options to lower the high cost of living in the County.

*Further Discussion:*

Commissioner Adair said although someone who resigned from the Planning Commission earlier this year was a resident of Tumalo, that person served in one of the at-large positions. She agreed it may be time to convert one of the Commission's at-large positions back to someone who will specifically represent Tumalo.

Commissioner Chang explained that the Planning Commission is not involved in the sewer feasibility study which is being conducted. He offered to consider converting an at-large position on the Commission to specifically represent Tumalo when the one of these nears the end of its term, but it would not be possible to make that change now without unseating a current member. He agreed it is important for the County to hear from residents about road and other issues and encouraged citizen input directly to the Board.

Commissioner DeBone cautioned against unnecessarily drawing divisions. Noting that because Tumalo was platted long ago, sewer is allowed in that area, he said the update of the Tumalo Community Plan appropriately focuses attention on the important question of how Tumalo should develop from now until 2040. He emphasized that the Board is full-

time Commissioners who welcome questions and concerns.

Peter Gutowsky, Director of Community Development, described the composition of the Planning Commission and how terms are staggered. He said while Code acknowledges that geographic representation should be achieved, this does not constitute a strict requirement that Tumalo be specifically represented. He concurred that come June, when two members will term out, the Board can direct staff how to recruit for those positions. Until then, one option would be for the Board to appoint an *ex officio* member who could not vote but who could otherwise participate as a non-voting member.

County Administrator Nick Lelack assured that no action is expected on the Tumalo Community Plan before July of 2023. Gutowsky added that the TCP is currently on hold pending completion of the sewer feasibility study.

Lelack summarized that the Planning Commission is not a decision-making body, but rather is advisory to the Board of Commissioners with respect to land use policies. He shared that the Board will hear a presentation on the sewer feasibility study in December.

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

CHANG: Move Board approval of Consent Agenda

DEBONE: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

1. Renew Contract for Humane Society Animal Shelter Services
2. Consideration of Board Signature of Order No. 2022-064, Appointing Health Services Director's Designees
3. Approve Document No. 2022-854, an Intergovernmental Agreement with the Oregon Judicial Department for Parental Custody Mediation Funds
4. Consideration of Board Signature on Letter of Thanks to Bill Anderson for service on the Deschutes County Facility Project Review Committee
5. Consideration of Board Signature on Letter of Thanks to Mark Davis for service on the Spring River Special Road District
6. Approval of the Minutes of November 2, 2022 BOCC Meeting

**ACTION ITEMS:**

**7. Consideration of Board signature of Central Oregon Intergovernmental Agreement #2022-782**

Janice Garceau, Director of Health Services, explained this agreement would satisfy the State’s requirement that remaining grant funds awarded by OHA be expended before the end of this year. She reported that grant funds spent thus far have had a positive effect in helping HS reduce its staff vacancy rate from 17% to 11%. Although the remaining funds cannot be used for wages, they can potentially be utilized for other kinds of incentives such as training, childcare, or reimbursement of tuition or licensure fees, or to boost recruitment efforts through advertising.

Legal Counsel David Doyle added that OHA has provided written guidance that the agreement is satisfactory. Commissioner Adair asked for a copy of this communication.

Commissioner Chang questioned how COIC would pay for the new initiatives. Garceau responded that the County would incur the expense, submit an invoice and receive reimbursement.

Commissioner DeBone suggested that the County could instead choose to relinquish the unspent funds back to the State. Garceau replied that the County had very little time in which to expend these funds, and offered to share a specific spending plan when that has been determined.

- CHANG: Move approval of Board signature of Document No. 2022-782, Central Oregon Intergovernmental Agreement up to \$866,000
- ADAIR: Second
  
- VOTE: CHANG: Yes  
DEBONE: No  
ADAIR: Chair votes yes. Motion Carried 2 – 1.

**8. Consideration of Document No. 2022-793, a Ground Lease with Mountain View Community Development for the Redmond Safe Parking Program**

Kristie Bollinger, Property Manager, described the proposed lease to utilize County-owned property for the Redmond Safe Parking Program in conjunction with Mountain View Community Development (MVCD). The lease would be for an initial 90-day trial period, with continued use beyond that time subject to authorization by the Board.

Rick Russell, executive director of Mountain View Community Development, said the

organization conducts background checks on persons seeking to enter the program, and those who are admitted must agree to abide by certain rules. All participants will receive personalized case management services to assist with transitioning into permanent housing.

Chair Adair noted emails received from David Welton and Sandy King on this matter.

- Bob Bohac spoke as the lead of the Jericho Road outreach program in Redmond in support of this location for additional safe parking.
- Mike Moorman, a resident of Redmond, shared his empathy for homeless persons and said while he does not oppose this program, he did object to locating it at this particular site. Saying that this area already has the highest concentration of homeless persons across numerous campsites, he cited negative effects from campers, said almost all who live or work in the area oppose this proposal, and asked that the Board vote the will of the neighborhood and not approve the lease.
- Ron Hagen spoke as an active volunteer in Redmond's Safe Parking program and a member of the MVCD Board. He stated that participants are screened before being admitted to the program, and must be willing to follow the rules. He believed that expanding the program would have positive results.
- Lena Barry, 839 SW Cascade, Redmond, recalled David Savory who froze to death outside of the RiteAid in Bend in 2020. Saying that lives are at stake, she advocated for a safe place for people to go and concluded that the safe parking program has proven successful.
- Steve Curley, director of Redmond Economic Development, Inc., said homelessness is affecting economic development in Redmond. He acknowledged the misgivings voiced by some but said the safe parking program is a great solution for those who are trying to reconnect and get back on their feet.
- Johanna Johanson-Weinberg from Thrive Central Oregon said the high cost of housing and lack of shelter space have resulted in families living in their cars. She said the proposed lease would make four family units available and provide access to shower and laundry facilities.
- Bonnie Sullens, 354 SE 5<sup>th</sup> St., Redmond, shared her experience with and compassion for homeless persons and said attempts to trespass do not work. She objected to the proposed location and believed it would draw more people across 9<sup>th</sup> Street. She suggested moving it to a larger property such as the Fairgrounds.
- Dana Dennis, 772 Castrol Court, commented on the three families and 13 individuals currently on the waiting list for this program.

Commissioner Chang said the County is continuing to explore having a safe parking site at the Fairgrounds, but the need for more services and facilities such as

temporary shelters must be addressed everywhere. He agreed that the situation is worsening and was willing to consider all of the land the County owns in Redmond.

Commissioner DeBone appreciated all who shared their thoughts on this subject. He spoke to the need of keeping people housed and supported safe parking sites as a step forward.

Commissioner Adair emphasized that the lease would approve a 90-day pilot program, which would then be evaluated as to how it's working.

CHANG: Move approval of Document No. 2022-793, a Ground Lease with Mountain View Community Development for the Redmond Safe Parking Program

DEBONE: Second

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

DEBONE: Move to authorize Property Manager Kristie Bollinger to sign and submit a letter to the City of Redmond to consent the use of certain County-owned property for safe parking

CHANG: Second

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

At 2:53 PM, the meeting recessed for a short break.

At 3:00 PM, Chair Adair reconvened the meeting.

**9. Consideration of American Rescue Plan Act Funding Proposal: Friends of the Children**

Laura Skundrick, Management Analyst, described a request from Friends of the Children for \$100,000 in ARPA funding expand their mentorship program to La Pine.

Rachel Cardwell, Executive Director, said Friends of the Children is committing to a minimum program term of 12 years. She shared the initial three-year funding plan for the program, half of which has been raised this year. She emphasized the financial stability of the organization, said the learning loss during the pandemic was catastrophic, and noted La Pine's comparatively low graduation rate.

Commssioner DeBone said while he is supportive of this program, ARPA funds are one-time dollars which he preferred to use for one-time costs.

Commissioner Chang appreciated the program’s intensive approach and the success the organization has had thus far. He thought it most appropriate to support Friends of the Children as a service partner. Commissioner Adair noted the County previously awarded Friends of the Children \$20,000 in special projects grant funds.

ADAIR: Move to grant Friends of the Children \$30,000 in ARPA funds to expand its 1:1 mentorship program to La Pine

CHANG: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

**10. 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**

This item was moved to the November 21<sup>st</sup> BOCC meeting agenda to allow staff time to make necessary changes.

**11. 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**

This item was moved to the November 21<sup>st</sup> BOCC meeting agenda to allow staff time to make necessary changes.

**12. Senate Bill (SB) 391 Work Session – Rural Accessory Dwelling Unit (ADU) Legislative Amendments**

Kyle Collins, Associate Planner, recapped the process to date to develop regulations for rural Accessory Dwelling Units (ADUs). Referring to the connection between SB 391 and SB 762, Collins said because the updated wildfire risk map will not be released until 2023, no permits for rural ADUs can be issued until the additional fire mitigation standards are known.

Commissioner Chang suggested a presumptive approach—i.e., seeking legislative action early in the session that would allow ADUs to proceed if they presume a

future designation of high or extreme risk and are constructed with the requisite fire resistant building materials.

Commissioner DeBone supported advocating for disconnecting the wildfire risk map from the ADU regulations.

Commissioner Chang requested additional background analysis on not allowing ADUs in the rural Westside Transect Zone. Collins explained the reasoning behind feathering density out to the rural areas for wildfire protection and also to preserve natural open space and wildlife habitat.

Commissioner Chang raised the issue of how short-term rentals can be monitored and said an ADU which totaled 900 sf including a garage does not seem large enough. Collins said the County could allow ADUs to be connected to a primary well; however, even if a second well was drilled, the property would not be allowed to double the standard capacity of 15,000 gallons/day.

The Board was in consensus to bring this matter back in early 2023.

### **13. Preparation for Public Hearing – Psilocybin TPM Amendments**

Tanya Saltzman, Senior Planner, provided background on this subject in advance of next week's public hearing. The statewide passage of Ballot Measure 109 in 2020 allows licensed manufacturers to cultivate and process psilocybin-producing mushrooms and fungi and for licensed service providers to administer psilocybin-producing mushroom and fungi products to adults 21 and older.

Saltzman described the proposed changes to Code, which would: add new definitions for terms relating to psilocybin; add psilocybin service centers as a conditional use with site plan review in various areas; and add psilocybin service centers to allowable uses in destination resorts. In addition, psilocybin testing laboratories would be allowed as a conditional use with site plan review in the Tumalo Industrial zone and areas zoned Rural Industrial. Finally, a new chapter would be added creating time, place and manner criteria for psilocybin manufacture as a farm use and as a processing use.

The Planning Commission held a public hearing in September and October. Next week's public hearing before the Board is needed prior to adopting the amendments before the program begins accepting applications on January 2<sup>nd</sup>.

### **14. Paid Leave Oregon Implementation**

Kathleen Hinman, Human Resources Director, explained that the State of Oregon



has established a paid leave program for employees which takes effect in 2023. Staff recommends against self-insuring the program at this time and instead recommends enrolling in the State-offered plan. Hinman estimated the annual cost to be \$649,000 for employee contributions to the program and \$433,000 for the County's employer costs.

DEBONE: Move Board approval of participation in the state plan for Paid Leave Oregon and authorization of the County Administrator's signature on applicable plan documents

CHANG: Second

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

## 15. DSL Property Exchange

Whitney Hale, Deputy County Administrator, distributed a draft letter from the Fair Board to the Department of State Lands regarding the urgency of finalizing the transfer of land between the County and the State Land Board as approved by DSL in August. Geoff Hinds, Fair & Expo Director, said the Fair Board will meet this week or next week to finalize and issue the letter.

Commissioner Adair agreed the letter must be issued as soon as possible and shared that she spoke with the Governor about this matter last week.

Chair Adair noted consensus of the Board to support the letter as drafted.

### OTHER ITEMS:

- Commissioner Adair reported the upcoming term expiration of Budget Committee member Judy Trego. The Board concurred in asking whether she is interested to continue serving in this capacity.
- Commissioner DeBone proposed the Board gather for an informal work session before the end of the year.
- Commissioners Adair and Chang attended a housing policy workshop hosted by the Bend Chamber.
- Commissioner Chang reported on a housing bond roundtable discussion regarding the "Housing For All" initiative.
- Commissioner Adair attended a Sunriver Chamber meeting.
- Commissioner Adair reported that the COACT meeting included presentations from the Redmond and Bend airports.

At 4:50, the Board recessed for a short break.

At 4:52, Chair Adair reconvened the meeting.

**EXECUTIVE SESSION:**

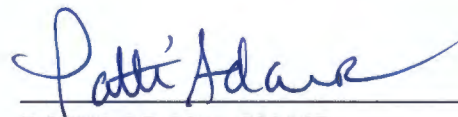
At the time of 4:52 p.m., the Board went into Executive Session under ORS 192.660 (2)(d) Labor Negotiations. The Board came out of Executive Session at 5:00 p.m. to direct staff to proceed as discussed.

At the time of 5:00 p.m. the Board went back into Executive Session under ORS 192.660 (2) (d) Labor Negotiations. The Board came out of Executive Session at 5:23 p.m. to direct staff to proceed as discussed.

**ADJOURN**

Being no further business brought before the Commissioners, the meeting was adjourned at 5:23 p.m.

DATED this 28<sup>th</sup> Day of November 2022 for the Deschutes County Board of Commissioners.



**PATTI ADAIR, CHAIR**



**ANTHONY DEBONE, VICE CHAIR**

**ATTEST:**



**RECORDING SECRETARY**



**PHIL CHANG, COMMISSIONER**