



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY September 27, 2023

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Tony DeBone, Patti Adair and Phil Chang. Also present were County Administrator Nick Lelack; Assistant County 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 website www.deschutes.org/meetings.

CALL TO ORDER: Chair DeBone called the meeting to order at 9:00 a.m.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Tony Aceti objected to receiving notices of Code violations which he believed were based on complaints from someone at the County, not any of his neighbors. Saying that others also have unsafe access off of Highway 97, he stated his belief that the way he is using his land is allowed. He offered to meet with Code enforcement staff and asked that these two notices of violation be rescinded.

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

1. Approval of a lease with Saving Grace to operate the Mary's Place supervised visitation program and the Saving Grace courthouse advocacy project

2. Approval of Revocable License with Trenton Wayne LLC dba 97 Café to operate 97 Café located in the Deschutes Services Building
3. Resolution No. 2023-056, increasing 0.2 regular duration FTE within the Health Services Department
4. ~~Approval of Order No. 2023-037 denying the petition for incorporation of the proposed City of Mountain View and adopting findings and conclusions and prescribing an effective date (see below and page 8)~~
5. Approval of Order 2023-040 concerning appointments to the 2023 Board of Property Tax Appeals
6. Consideration of Board Signature on letters reappointing Jo Ellen Zucker, Michael Simpson and Michael Walker, and appointing Frances Harder, Matthew Latimer, Brian Ricker, Peggy O'Donnell and Robert James Horvat, Jr., to the Deschutes County Board of Property Tax Appeals
7. Consideration of Board Signature on letters thanking James Sinasek and Mara Stein, for their service on the Deschutes County Board of Property Tax Appeals
8. Approval of minutes of the BOCC August 23 and 28, 2023 meetings

ADAIR: Move approval of the Consent Agenda with the exception of item #4, which will be taken up later in conjunction with related agenda item #18

CHANG: Second

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

ACTION ITEMS:

9. Presentation of 25-year service award to Kevin Furlong, IT Operations Manager

Tania Mahood, IT Director, presented a 25-year service award to Kevin Furlong, IT Operations Manager, describing him as a dedicated and extremely hard worker who leads his team by example.

10. Public Hearing and Resolution amending the Deschutes County 2023-2024 Fee Schedule to add new fees in the Community Development Department

Sherri Pinner, Senior Management Analyst, reviewed four new fees proposed to be collected by the Community Development Department (CDD), as follows:

- Petition to incorporate \$13,802
- Recreational Vehicle/RV used for residential purposes \$730
- Road vacation without public hearing \$1,500
- Road vacation with public hearing \$3,000

Pinner said if approved, management of the road vacation process would transfer from the Road Department to CDD simultaneously with these fee adoptions.

Responding to Commissioner Adair, Will Groves, Planning Manager, said CDD does not currently assess a fee to process an incorporation petition, which requires a significant amount of staff time. Assistant County Counsel Kim Riley confirmed that this fee would apply only to future petitions and not to the request for reconsideration of the Mountain View incorporation petition.

In response to Commissioner Chang, Groves said the current fees for road vacations do not cover the staff time it takes to process these.

The public hearing was opened at 9:21 am.

Cody Smith, County Engineer/Assistant Road Director, said the Road Department will remain involved in assessing requests for road vacations, while CDD will issue the public notices and assume responsibility for other necessary procedures.

There being no one who wished to testify, the public hearing was closed at 9:24 am.

Commissioner DeBone noted that all of the proposed fees include indirect payments to the Legal Department to cover review and guidance costs.

CHANG: Move approval of Resolution 2023-052 amending the Deschutes County 2023-2024 Fee Schedule to adopt new fees and revise fee descriptions in the Community Development Department

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried

11. Consideration of Approval for Road Department Submittal of ODOT Local Bridge Program

Cody Smith, County Engineer/Assistant Road Director, said applications for bridge project funding under ODOT's Local Bridge Program are due on October 16th. Staff recommends submitting four applications for the following bridge rehabilitation projects:

1. Spring River Road (Harpers) Bridge –estimated total cost \$1,131,000
2. South Century Road Bridge – estimated total cost \$2,533,000
3. Sisemore Road Bridge –estimated total cost \$818,000
4. Cottonwood Road Bridge –estimated total cost \$2,400,000

Smith said at least 10% of the available funding must be assigned to Region 4 which includes other counties in addition to Deschutes County.

ADAIR: Move approval of the submittal of ODOT Local Bridge Program applications for four bridge rehabilitation projects as described
CHANG: Second

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

12. Request for approval of two grant proposals for the Central Oregon Landscape Resiliency Project and a Community Wildfire Defense Grant

Kevin Moriarty, County Forester, sought authorization to submit for a Central Oregon Landscape Resiliency Project grant and a Community Wildfire Defense grant. For the Landscape Resiliency Project, which is administered by the Oregon Department of Forestry, the County would request \$1.25 million in funding for two private landowners, one community (Squaw Creek Estates) and 1,639 acres owned by Deschutes County for a total of 2,274 acres of treatment. The required 25% match would come from US Forest Service Wildfire Crisis Strategy funding and, if needed, up to \$960,000 from the Bureau of Land Management.

Commissioner DeBone asked who will do the work under this grant. Moriarty said the County will solicit for contractors and manage the contracts. Commissioner Chang asked for a map of all of the project sites as well as a map showing completed projects from the most recent grant cycle.

Continuing, Moriarty said for the Community Wildfire Defense grant, the County would request \$348,000 to increase the pace and scale of vegetation management on rights of way along County roads, especially in the La Pine area.

Funding would be used for contractual services and a new masticator head for brush removal. The Road Department would provide in-kind matching funds of \$100,000 per year over five years by conducting brush mowing and herbicide treatments in conjunction with fuels removal along roads identified by the project.

At Commissioner DeBone's request, Chris Doty, Road Director, reviewed the map showing areas to be treated. Doty noted that every road to be treated is a potential wildfire evacuation route. Moriarty said follow-up treatments would include the application of herbicide to control future vegetation growth.

Commissioner Chang asked if the rights of way are of sufficient width to serve as fuel breaks. Moriarty said they likely are not, but the intention is to ensure that the roads can be utilized for emergency response and evacuation.

CHANG: Move approval of the submittal of proposals for a Central Oregon Landscape Resiliency Project Grant and a Community Wildfire Defense Grant
ADAIR: Second
VOTE: ADAIR: Yes
CHANG: Yes
DEBONE: Chair votes yes. Motion Carried

Commissioner DeBone referred to a request seeking a letter of support to establish a biomass facility in Prineville. Commissioner Adair supported issuing the letter as requested.

Commissioner Chang was hesitant to provide broad-blanket support, explaining his concern that it could render the County less able to conduct wildfire risk resilience work on as many acres as it otherwise could. Saying that biomass facilities are low in efficiency, he supported considering the amount of carbon emissions created per energy unit produced and favored limiting any letters of support to case-by-case funding opportunities.

Commissioner DeBone asked County Forester Moriarty to look into this proposal and bring it back for further discussion and consideration by the Board.

13. Consideration to hear an appeal of the Hearings Officer's decision approving land use applications for the Redmond Water Pollution Control Facility Effluent and Biosolids Disposal Complex

Haleigh King, Associate Planner, stated that as this appeal has been withdrawn, the Hearings Officer's decision will stand and constitute the County's final decision on this matter.

14. Consideration of Document No. 2023-880 rendering a final County decision approving a Conditional Use Permit to establish a manufactured home as a secondary accessory farm dwelling at 19825 Connarn Road

Haleigh King, Associate Planner, reviewed that following the public hearing on August 9th, the Board reversed the Hearings Officer's decision in this matter and approved the application for a conditional use permit for this use.

Commissioner Chang recalled discussion regarding the possibility of setting a precedent with this decision. King replied that the County does not receive these applications with regularity, the most recent before this one having been submitted in the early 1990s. She noted staff's belief that the intent of the Code is to allow Class A and Class B mobile homes as secondary accessory farm dwellings and not limit these to Class C mobile homes.

ADAIR: Move approval of Board Signature of Document No. 2023-880 rendering a final County decision on File Nos. 247-23-000162-CU, 516-A approving a Conditional Use Permit to establish a manufactured home as a secondary accessory farm dwelling at 19825 Connarn Road, Bend

CHANG: Second

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

15. Deschutes County Adult Parole and Probation Community Corrections Plan and receipt of Grant in Aid funding from the Department of Corrections

Deevy Holcomb, Community Justice Director, presented the 2023-2025 Community Corrections Plan prepared by the Adult Parole & Probation Division to identify services provided and resources used, including funding from the Oregon Department of Corrections. Holcomb answered questions from the Commissioners and said the County will ask the State Legislature for \$16 million to avoid cuts in crucial staffing and programming and to build back needed services to achieve behavioral change in clientele.

Discussion ensued that Community Justice does not receive Behavioral Health Resource Network (BHRN) funding from Measure 110 revenues, and how that might be facilitated.

ADAIR: Move approval of the 2023-2025 Deschutes County Community Corrections Plan

CHANG: Second

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

CHANG: Move approval of Chair Signature of Document No. 2023-888, an intergovernmental agreement with the Department of Corrections to receive Grant in Aid funding

ADAIR: Second

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

16. Treasury Report for August 2023

Bill Kuhn, County Treasurer, presented the Treasury Report for August 2023, noting current economic indicators and projected impacts of continued inflation and high interest rates.

17. Finance Report for August 2023

Robert Tintle, Chief Financial Officer, presented the Finance Report for August 2023.

Commissioner Adair inquired about the dramatic change in the "Resources over Requirements" line of the fund balance section of Health Services Fund 274 between May 2023 and June 2023. In May, this amount was \$3,110,517 and in June, it jumped to \$8,110,517. Commissioner Adair noted this \$5,000,000 change was not explained in a footnote.

Tintle said higher expenditures resulted in the need to use reserves, which were allocated from the fund balance. He said this particular \$5,000,000 adjustment went through the public budget process earlier this year and was referenced in a budget resolution.

4. Approval of Order No. 2023-037 denying the petition for incorporation of the proposed City of Mountain View and adopting findings and conclusions and prescribing an effective date

ADAIR: Move approval of Order No. 2023-037 denying the petition for incorporation of the proposed City of Mountain View and adopting findings and conclusions and prescribing an effective date

CHANG: Second

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

18. Request for reconsideration of Mountain View petition to incorporate

Stephanie Marshall, Assistant Legal Counsel, spoke to the request for reconsideration of the Mountain View petition to incorporate which was received subsequent to the Board's action last week to deny the petition. Marshall said although there is no provision in County Code which allows the Board to reconsider its denial of the petition, any party can appeal the Board's decision to LUBA.

Noting that no name was associated with the request for reconsideration, Commissioner DeBone expressed appreciation for the great deal of work and research evident in the request, which includes information on the history and timeline of La Pine's incorporation.

Commissioner Chang acknowledged that the request for reconsideration asked that the Board initiate a special district process for this area. County Counsel Dave Doyle said standalone districts such as the Terrebonne Sanitary District operate independently and autonomously of the Board and County.

CHANG: Move approval of Order No. 2023-041, denying a request for reconsideration of the petition for incorporation of the proposed City of Mountain View

ADAIR: Second

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

Commissioner Chang supported exploring opportunities to improve service delivery to residents of this area.

OTHER ITEMS:

- Commissioner Chang reported on the meeting of the Wolf Depredation Compensation and Financial Assistance Committee the previous evening which included discussion of applying for state funding for compensation requests and prevention projects.
- Commissioner Chang helped organize a tour for Representative Khanh Pham, who serves on the State Legislature’s Joint Ways & Means Committee, to view forest restoration activities.
- Commissioner DeBone said the draft Wildfire Hazard maps were discussed at last week’s AOC District 2 meeting in Klamath Falls.
- Commissioner Adair noted the Board will not meet on October 2nd.
- Commissioner Adair reported efforts to gather names of those who have experienced property damage from elk activities.
- Commissioner DeBone relayed a request from the Eastern Oregon Counties Association (EOCA) that Deschutes County renew its membership in this organization and stated his support for this request at the general membership level of \$12,500.

Commissioner Chang said he did not understand the value of this investment, especially as the Association of Oregon Counties represents state counties collectively and AOC’s board includes persons who represent eastern counties.

ADAIR: Move to approve the payment of Eastern Oregon Counties Association dues at the general annual membership level of \$12,500
DEBONE: Second

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

- Commissioner DeBone reported forwarding an email to County Administrator Lelack from Representative Mannix seeking the completion of a survey on museums and historical societies.
- Commissioner DeBone stated his inability to attend the Oasis Village groundbreaking event on October 3rd as he had previously committed to a tour in Madras associated with the Oregon Business and Industry Manufacturing Road Show.

- County Administrator Nick Lelack presented a draft letter of support to the Department of Land Conservation and Development on behalf of the City of La Pine's application for a technical assistance grant.

ADAIR: Move approval of a letter supporting La Pine's application for a technical assistance grant from the Department of Land Conservation and Development

CHANG: Second

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

- County Administrator Lelack reported the initiation of a recruitment for a Budget Committee member to replace Bruce Barrett, who has resigned. The goal is for the Board to appoint a replacement in time for the mid-year Budget Committee meeting in December.
- Deputy County Administrator Erik Kropp presented a request from Partners in Care for a proclamation declaring November as National Hospice & Palliative Care Month. The Board was in consensus to issue the proclamation as requested.

EXECUTIVE SESSION: None

ADJOURN:


Being no further items to come before the Board, the meeting was adjourned at 12:04 pm.

DATED this 18th day of October 2023 for the Deschutes County Board of Commissioners.

ATTEST:


 ANTHONY DEBONE, CHAIR


 BRENDALE FITZGERALD
 RECORDING SECRETARY


 PATTI ADAIR, VICE CHAIR


 PHIL CHANG, COMMISSIONER