



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY December 4, 2024

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair and Tony DeBone. Also present were County Administrator Nick Lelack, 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 9:00 am.

CITIZEN INPUT:

- Ron Boozell called on the Commissioners to represent the electorate's values, stated his expectation that the Board should act with fairness and integrity, and said that Commissioner Chang should be selected to chair the Board starting in January of 2025.

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

1. Approval of Resolution No. 2024-055 to add 2.00 regular duration Health Services FTE
2. Acceptance of a grant from the Oregon Health Authority for a Behavioral Health Initiative for Older Adults and authorization to add 1.0 FTE
3. Consideration of Board Signature on letter reappointing Dr. Peter Boehm for service on the Public Health Advisory Board

4. Consideration of Board Signature on letters thanking Nyle Head, and appointing Wil Hansen and Maria McKee, for service on the Panoramic Access Special Road District
5. Consideration of Board Signature on letters thanking Chris McLeod, and appointing Tom Emmons and Walter Dutra, for service on the River Forest Acres Special Road District
6. Approval of the minutes of the BOCC joint meeting on October 16, 2024 with the Deschutes County Circuit Court
7. Approval of the minutes of the BOCC meetings of October 16, 21, 23 and 28, 2024

DEBONE: Move to approve the Consent Agenda as presented
 ADAIR: Second

VOTE: CHANG: (absent)
 DEBONE: Yes
 ADAIR: Chair votes yes. Motion Carried 2 - 0

ACTION ITEMS:

8. Public Hearing and consideration of Order No. 2024-048 approving the annexation of 63220 Johnson Road into Rural Fire Protection District #2

Senior Assistant Legal Counsel Kim Riley said after the County received a petition to annex property at 63220 Johnson Road into Rural Fire Protection District #2, the Assessor's Office, County Clerk and Community Development reviewed the petition and the District approved it.

The public hearing was opened at 9:06 am. There being no one who wished to speak, the public hearing was closed at 9:07 am.

DEBONE: Move approval of Order No. 2024-048 authorizing the annexation of property located at 632220 Johnson Road into Rural Fire Protection District #2

ADAIR: Second

VOTE: CHANG: (absent)
 DEBONE: Yes
 ADAIR: Chair votes yes. Motion Carried 2 - 0

9. Public Hearing and consideration to authorize subscription co-mingled recycling collection service and rate adjustments for Wilderness Garbage and Recycling, Bend Garbage and Recycling, High Country Disposal

Tim Brownell, Director of the Solid Waste Department, provided an overview of the various refuse collection services available in Deschutes County and said while in the past, South County residents were able to drop off recyclable materials at a depot in Sunriver, that closed at the end of October. Because many residents want access to recycling services, staff has worked with Republic Services to offer comingled collection services via a subscription program.

In response to Commissioner DeBone, Brownell described the recycling market and said new legislation taking effect in July of 2025 will require companies which sell products in Oregon and California to demonstrate that their product is recyclable and responsibly packaged. Brownell added that all plastics have value once separated—the cost is in separating these and transporting them.

Responding to Commissioner DeBone, Brownell shared best practices for recycling on a personal basis, saying all items submitted for recycling should be clean and able to be recycled.

The public hearing was opened at 9:26 am.

- Kathy Haniban stated her willingness to pay for curbside recycling services and expressed concern that people will not recycle if they must transport the material themselves to someplace farther away.
- Frank Sieglitz was 100% committed to paying \$20 each month for curbside recycling services and said this proposal would serve the beneficial objectives of recycling.
- Courtney Voss from Republic Services said curbside recycling increases how much material is recycled because it makes the collection of recyclables easy and accessible. Noting that because this will be offered as a subscription service, people will not have to pay if they don't want to, she said about 350 residences in the Three Rivers Area have expressed interest in signing up.

In response to Commissioner DeBone, Voss said Republic Services aims to begin this service in March.

- Miranda Wells supported the proposal and spoke to the aspect of convenience, noting that residents from Three Rivers will no longer have to individually transport their recyclable materials to La Pine.

There being no one else who wished to speak, the public hearing was closed at 9:42 am.

DEBONE: Move to authorize Republic Services to offer subscription-based residential commingle recycling services in select distant rural collection zones serviced by Wilderness Garbage and Recycling, Bend Garbage and Recycling, and High Country Disposal, for a service rate not to exceed \$20 per month

ADAIR: Second

VOTE: CHANG: (absent)
DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried 2 - 0

Commissioner DeBone noted that 600 subscribers are needed in each area to make providing this service viable.

Discussion ensued of the Plastics Pollution Reduction and Recycling Modernization Act which will take effect next July and require producers and manufacturers to reduce waste and facilitate recycling.

10. Amendment to an OHA grant (180009-14) to roll over funding, provide additional funding, and update program descriptions

Heather Kaisner, Public Health Director, introduced the proposed amendment to an agreement with the Oregon Health Authority to roll over grant funding and provide additional funding.

Jessica Jacks, Public Health Program Manager, explained that the additional funding will be used for tobacco and other substance use prevention efforts and for suicide prevention, intervention and postvention.

Commissioner Adair shared that the jail needs access to more funding to treat inmates who have substance use disorder. Jackson agreed to reach out to DCSO Captain Michael Shults on this matter.

In response to Commissioner Adair, Kaisner said Health Services is using the remaining \$200,000+ in COVID funding to address communicable disease outbreaks. This funding will not be renewed after this fiscal year.

Commissioner Adair strongly encouraged Behavioral Health to assist the jail's efforts to help people who are incarcerated so their lives can be different when they are released.

DEBONE: Move to approve Chair signature on Document No. 2024-861 to

amend a grant agreement with the Oregon Health Authority
ADAIR: Second

VOTE: CHANG: (absent)
DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried 2 - 0

11. ARPA Funding: Consideration to amend the ARPA grant agreement with Mountain View Community Development and recategorize other funds

Laura Skundrick, Management Analyst, reminded that the Board allocated \$200,000 in ARPA funds to Mountain View Community Development (MVCD) for site work, infrastructure investment, community building, and restroom/laundry outbuildings of a transitional shelter community RV park in Redmond. MVCD has recently asked that these funds instead be used to support feasibility study work to determine possible avenues for development of the County-owned property on the north side of Highway 126 adjacent to Oasis Village. The proposal is to use these funds to determine development concepts with a focus on permanent supportive housing for those whose incomes are between zero to 30% of AMI, and to identify potential partners for development of the site.

Commissioner DeBone said he wanted the County to be ready to move forward on the DSL land swap by July 1st.

Commissioner Adair questioned the use of \$200,000 to explore a development proposal.

Rick Russell from MVCD said this change would grant flexibility in developing the County-owned property north of Oasis Village and shared that MVCD has contracted with someone to research possible sources of available funding with the goal of securing \$13.5 million for this project.

Commissioner Adair asked to know how much of the \$200,000 has been spent. Skundrick responded that approximately \$45,000 has been expended to date.

Saying that HousingWorks has experience in developing this kind of project, Commissioner DeBone said it is not yet known whether funding will be made available for this proposal, although that is the hope.

Russell said while MVCD's initial proposal was for an affordable RV park, it is difficult to secure funding for such a project. On the other hand, the State has funds available for permanent supportive housing which is needed in Deschutes County.

In response to Commissioner Adair, Russell confirmed that the proposal is for 60 units of 400 to 600 sf each. Russell added that the proposal is to use the funds from the County for pre-development work as the State has not yet awarded any funding for this project.

Commissioner DeBone spoke to the need to align this proposal with the City of Redmond's interests and advised that MVCD secure a letter of support from the City. He also wanted information on this proposal from HousingWorks.

Commissioner Adair concurred that some people who are homeless and disabled will never be able to secure housing on their own.

The Commissioners were in consensus to not take action on this proposal today but rather have MVCD return with more information.

With respect to other ARPA funds, Skundrick said because funds previously allocated by the Board for operations of the Coordinated Houseless Response Office (CHRO) may no longer be needed for this purpose, staff recommends the recategorization of \$250,000 to Revenue Replacement so as not to lose the opportunity to use these funds before the December 31, 2024 obligation deadline.

DEBONE: Move to approve the recategorization of \$250,000 in ARPA funds from CHRO Operations to Revenue Replacement

ADAIR: Second

VOTE: CHANG: (absent)

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried 2 - 0

12. Request to add 1.0 Onsite Wastewater Specialist I or II position

Peter Gutowsky, Community Development Director, presented the request of CDD to add a 1.0 Onsite Wastewater Specialist position in light of increasing permitting volume and associated required inspection work.

In response to Commissioner DeBone about the sustainability of the funding for this position, Sherri Pinner, Senior Management Analyst, expected that repair permits will continue to be plentiful.

Todd Cleveland, Onsite Wastewater Manager, added that site evaluations for ADUs are time-consuming.

Noting that the time it takes to issue a permit has increased significantly, Commissioner Adair supported the proposal.

DEBONE: Move to approve adding 1.0 Onsite Wastewater Specialist FTE within the Community Development Department

ADAIR: Second

VOTE: CHANG: (absent)
DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried 2 - 0

13. Review of draft Board Decision on a proposed Plan Amendment and Zone Change at 19975 Destiny Court

Anthony Raguine, Principal Planner, reviewed that the Board conducted deliberations on these applications on October 1st. He presented a draft decision to document the Board's approval of the applications.

DEBONE: Move to approve a Board decision approving an application from Destiny Court Properties to change the Comprehensive Plan designation of property at 19975 Destiny Court from Agricultural to Rural Residential Exception Area, and further change to the zone of the property from Exclusive Farm Use to Multiple Use Agricultural

ADAIR: Second

VOTE: CHANG: (absent)
DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried 2 - 0

Raguine said an ordinance will be brought to the Board to formally effect the changes.

14. Deliberations for a proposed Plan Amendment and Zone Change for approximately 20.36 acres at 65110 N Highway 97, 64994 Deschutes Market Road, and 64975 Deschutes Pleasant Ridge Road (Last Ranch, LLC)

Principal Planner Anthony Raguine reminded that an application from Last Ranch, LLC, seeks a change in the Comprehensive Plan designation of property at 65110 N Highway 97 from Agricultural to Rural Industrial and a change in zoning from Exclusive Farm Use to Rural Industrial. After the Hearings Officer recommended the applications be denied, a public hearing was held before the Board on June 12, 2024.

In response to Commissioner DeBone, Ragaine confirmed that the Board's meeting materials include the applicant's revised Economic, Social, Environmental and Energy (ESEE) analysis. The Hearings Officer had recommended denial of the applications based on the original ESEE analysis.

Raguine proceeded with presenting the decision matrix, as follows:

1. Is the subject property agricultural land with respect to soils?

A majority of the Board was in consensus that the subject property is not agricultural land with respect to soils.

2. Is the property agricultural with respect to applicable OAR factors?

Raguine noted that the property currently has no water rights.

A majority of the Board was in consensus that the property is not agricultural with respect to applicable OAR factors.

3. Is the property agricultural land considering adjacent or nearby agricultural lands? Is the property necessary to permit farm practices on adjacent or nearby agricultural lands?

A majority of the Board was in consensus that the property is neither agricultural considering adjacent or nearby agricultural lands, nor is it necessary to permit farm practices on adjacent or nearby agricultural lands.

4. Will the proposed change to Rural Industrial introduce new uses that would conflict with the scenic corridor associated with Highway 97?

Raguine explained that in response to arguments put forth by Central Oregon LandWatch as well as the Hearings Officer's recommendation that the applications be denied because the applicant had failed to address Goal 5 or the ESEE which was conducted in 1992, the applicant has argued that a site-specific ESEE is not required because the variety and intensity of development allowed in 1992 is less than would be allowed today.

Raguine added that the applicant has submitted a site-specific ESEE in the event that the Board decides this is required.

Commissioner DeBone said while he agreed that a site-specific ESEE is not required, he found the one submitted to be informative.

Raguine noted that the submitted site-specific ESEE proposes a limited combining zone on the property which is not part of the RI zone. This was not proposed in the initial application.

A majority of the Board was in consensus that a site-specific ESEE is not required.

5. An ESEE analysis is required if the Board decides that the PAPA would introduce new conflicting uses. Even if the Board decides that a site-specific ESEE is not required, the Board can include an ESEE as part of its decision in support of alternative findings. Does the Board adopt the applicant's ESEE analysis as its own?

(This decision point was rendered moot by the Board's determination that a site-specific ESEE is not required.)

6. Has the applicant demonstrated compliance with Goal 6?

A majority of the Board was in consensus that the applicant has demonstrated compliance with Goal 6.

7. Has the applicant demonstrated compliance with Goal 11?

A majority of the Board was in consensus that the applicant has demonstrated compliance with Goal 11.

8. Will the PA/ZC result in urbanization such that an exception to Goal 14 is required?

A majority of the Board was in consensus that the applications, if approved, would not result in urbanization such that an exception to Goal 14 is required.

9. Adequacy of the HO's findings on the remaining approval criteria

A majority of the Board was in consensus to adopt the Hearings Officer's recommendations except as modified by its deliberations.

DEBONE: Move to approve an application from Last Ranch, LLC, seeking a change in the Comprehensive Plan designation of property at 65110 N Highway 97 from Agricultural to Rural Industrial and a change in zoning from Exclusive Farm Use to Rural Industrial

ADAIR: Second

VOTE: CHANG: (absent)
 DEBONE: Yes
 ADAIR: Chair votes yes. Motion Carried 2 - 0

OTHER ITEMS:

- County Administrator Nick Lelack asked if the Board supports continuing membership in the National Association of Counties for the following year, saying the cost is approximately \$2,700.

Both Commissioners Adair and DeBone supported continuing membership in NACo.

- Commissioner DeBone referred to an email from Representative Cliff Bentz’s office suggesting that the Board submit a letter of support for legislation which would authorize the transfer of 40 acres of land in the Deschutes National Forest southeast of La Pine to the County; this land has been certified as a supply of hard rock.
- The Commissioners will hold a joint meeting with the City of Sisters tonight.
- Commissioner DeBone shared that he and a local contractor disposed of an abandoned trailer which had no axles or tires.
- Commissioner Adair said Lisa Clark is working to get another contractor to assist with the removal of abandoned trailers in the South County area.

A lunch recess was announced at 11:03 am. The meeting reconvened at 1:00 pm.

15. Healthy Schools 2023-24 Annual Report

Jessica Jacks, Program Manager, reported that this is the third year of the Healthy Schools program and the first year of full program implementation in all 14 middle and high schools in the Bend-La Pine district. Jacks said the purpose of the program is to assist schools in promoting student health and to offer guidance in the use of effective practices to prevent student health issues from taking hold or worsening.

Aimee Snyder, Adolescent School Health Supervisor, said this program is directly staffed by five Public Health Specialists who are each assigned two or three schools. Snyder shared outcomes including a significant decrease in hospital emergency visits by youth aged 11-17 due to suicide attempts or substance use, citing statistics from January 2021 through June 2024. She added that the Stabilization Center has also reported fewer visits by persons in this age group and said these changes have had a secondary effect of reducing the cost of self-

harm and suicide-related ED visits and hospitalizations from January 2021 through March 2024 at a total estimated cost savings of \$3.68 million.

Jacks then listed key highlights from program areas, including health education and family engagement.

Snyder next described the Sources of Strength program, which is meant to prevent suicide, substance use, and violence by increasing feelings of belonging and connection.

In response to Commissioner Adair, Jennifer Howe, Director of Social, Emotional and Mental Wellbeing for the school district, described the district's "off and away" policy which requires that cell phones either be stowed in backpacks or lockers during class time, or placed in a phone caddy in rooms which offer those.

Ella Bacigalupi, a student at Bend High school, spoke to the value of being a peer leader and the benefits she has experienced by participating in the Sources of Strength program.

Jacks expressed her excitement about the progress the Healthy Schools program is making and the positive impacts it is having.

16. Deschutes County 2025-2027 Biennium STIF and FTA 5310 Projects

Derek Hofbauer, COIC Outreach and Engagement Administrator, reminded that Oregon's Statewide Transportation Improvement Fund (STIF) offers a dedicated funding source for maintaining and expanding public transportation to improve mobility, relieve congestion and reduce greenhouse gas emissions. Deschutes County contracts with the Central Oregon Intergovernmental Council (COIC) to administer the County's STIF requirements.

Hofbauer reported that the Deschutes County STIF advisory committee met on October 9, 2024 to review and prioritize projects for the 2025-2027 STIF biennium. The advisory committee also approved the list of Federal Transit Administration (FTA) 5310 projects which were included in the same solicitation cycle. The total amount of the 2025-2027 STIF Plan is \$15,684,481, which includes \$2 million in carry-over funds from the previous biennium. The total amount of the FTA 5310 projects is \$1,697,318, including matching funds. Funding for 2025-2027 STIF projects will be available starting July 1, 2025.

In response to Commissioner Adair, Bob Townsend, Cascades East Transit (CET) Director, said CET is not yet collecting fares although its goal is to be back to a fare system by this time next year on a majority of the routes.

Discussion ensued of the need to provide transit options early in the day so service is available for those heading to work.

Commissioner DeBone spoke to his role on the COIC Board and advocated for more engagement in determining policies for how these funds are administered with an eye to the vision of achieving a premier transportation system for locals and visitors. In response, Townsend expected that CET will be able to plan routes with more certainty in the future as fares are added.

Michelle Williams, COIC Deputy Director/Fiscal Manager, said the STIF plan was drafted assuming \$18 million will be received by ODOT in the next biennium, but this is only an estimate and it's possible that between \$15 million and \$17 million may be received. She explained that COIC overestimates how much will be received so if more payroll tax revenues become available than expected, those can be paid out.

Williams then reviewed the applications received for FTA 5310 funds and the recommended allocations.

DEBONE: Move to approve the 2025-2027 biennium STIF Projects and FTA 5310 Projects for Deschutes County as presented
ADAIR: Second

VOTE: CHANG: (absent)
DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried 2 - 0

17. 2024 Rural Housing Profile

Tanya Saltzman, Senior Planner, reminded that Planning first presented a Rural Housing Profile to the Board of Commissioners in 2020, and has now updated it with currently available data. She presented a chart showing population projections of various areas out to 2047 and 2072, noting that long-term growth is projected to be lower than short-term.

Commissioner Adair disagreed that the population of the unincorporated areas will reduce between 2047 and 2072 as projected by Portland State University.

Continuing, Saltzman shared a table showing the total number of housing units in the county and how many are owner-occupied as compared to how many are renter-occupied. She noted that in the unincorporated county, 28% of homes are neither owner- nor renter-occupied. She then referred to information on the

number of vacant lots in various areas (destination resorts, resort communities, rural residential zones and rural communities); presented a high-level 12-month market analysis of rural residential areas and resort areas; and listed existing residential opportunities, including vacant lots, cluster developments, and ADUs along with emerging opportunities, which include the possible allowance of using recreational vehicles as residential dwellings.

Commissioner Adair suggested bringing this report to the Board's joint meeting with the City of Sisters tonight.

Discussion ensued regarding the purpose and benefit of the report and if and how often it should be updated.

Commissioner DeBone said while the report contains good information, he wanted to be sure that however many resources are dedicated to it correlate with the correct amount of investment. He commented that adding high-end homes to destination resorts does not provide workforce housing and in fact moves the county further away from having sufficient workforce housing.

A break was announced at 2:28 pm. The meeting resumed at 2:33 pm.

EXECUTIVE SESSION:

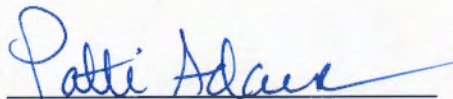
At 2:33 pm, the Board entered executive session under ORS 192.660 (2) (h) Litigation.

At 2:56 pm, the executive session concluded and the public was invited to return to the room. The Board then directed staff to proceed as discussed during the executive session.

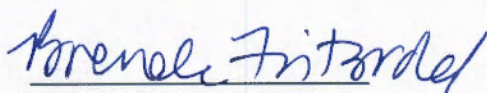
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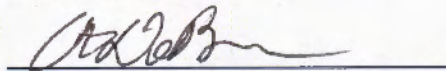
Being no further items to come before the Board, the meeting was adjourned at 2:57 pm.


DATED this 8th day of January 2025 for the Deschutes County Board of Commissioners.


PATTI ADAIR, CHAIR

ATTEST:


RECORDING SECRETARY


ANTHONY DEBONE, VICE CHAIR


PHIL CHANG, COMMISSIONER