



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY July 10, 2024

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, Tony DeBone and Phil Chang (joining remotely via Zoom). 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 a.m.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Ron Boozell reminded that last year, a man died after being severely mauled by dogs at a homeless camp in Deschutes County. He asked what will be done to ensure this never happens again.

Commissioner Adair agreed the incident described was a tragedy and said the County has since provided security patrols and done work to clean up encampments on County-owned property in the Juniper Ridge area, although more work remains to be done.

- Carl Shoemaker warned that nicotine is manufactured to be addictive for the sake of profits despite its extremely harmful health effects.

- Dorinne Tye spoke to the significant negative environmental impacts of airport operations, particularly from flight schools, which are detrimental to humans, farmlands and wildlife.

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

1. Approval of Document No. 2024-605, an amendment to the intergovernmental agreement accepting a Community Navigator Pilot grant from the Oregon Health Authority (#PO-44300-00026008-2)
2. Consideration of Board Signature on letter thanking Heather Johnson for service on the Two Rivers Special Road District
3. Consideration of Board Signature on letters reappointing Sabrina Haggerty, Dave Thompson, Mark Smith, Neil Baunsgard and Matt Muchna for service on the Bicycle and Pedestrian Advisory Committee
4. Consideration of Board Signature on letter thanking Christopher Cassard for service on the Bicycle and Pedestrian Advisory Committee
5. Approval of minutes of the BOCC May 29 and June 24, 2024 meetings

DEBONE: Move approval of the Consent Agenda as presented

CHANG: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

ACTION ITEMS:

6. Request from the City of La Pine for a letter supporting its application for a Transportation Growth Management grant

Nick Lelack, County Administrator, shared the City of La Pine's plans to apply for a Transportation Growth Management grant from the State Department of Land Conservation and Development and the Oregon Department of Transportation for funding to update its Transportation System Plan (TSP). In conjunction with this application, the City asks for a letter of support from the Board.

Brent Bybee, City of La Pine Principal Planner, said La Pine will ask for \$225,000 in grant funds. The application process is expected to be competitive as only one jurisdiction will be awarded a grant.

In response to Commissioner DeBone, Bybee said the City's TSP update will take more than 12 months to accomplish. Bybee added that from now until the update is finished, the City is relying on its 2013 TSP which is a limiting factor with respect to proposed developments.

Lelack assumed this work will be closely coordinated with the County. Commissioner DeBone noted the existence of County-maintained roads inside of La Pine, and foresaw a discussion about how to transfer those to the City at some point.

Noting that the City of Redmond may also apply for this grant, Commissioner Chang asked if Redmond has requested a letter of support from the Board. Lelack said no such request has yet been received.

DEBONE: Move approval of a letter supporting the City of La Pine's application for a Transportation Growth Management grant

CHANG: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

7. Consideration of a request to extend the written record period for the Last Ranch, LLC, Plan Amendment & Zone Change

Caroline House, Senior Planner, reminded that on June 12, the Board held a public hearing for a Comprehensive Plan Amendment and Zone Change request for properties located at the northeast corner of the Deschutes Junction Highway 97 overpass. At the conclusion of the hearing, the Board established a written record period that is scheduled to close today at 4 pm; however, last week, the applicant requested the written record period be extended to allow the submission of additional materials related to compliance with Statewide Planning Goal 5 and the associated Economic, Social, Environmental, and Energy analysis.

Specifically, the applicant has requested the written record period be extended as follows:

New evidence & testimony –new deadline: July 17, 2024, at 4 pm

Rebuttal evidence & testimony – new deadline: August 7, 2024, at 4 pm

Applicant final argument – new deadline: August 21, 2024, at 4 pm

House said there is no 150-day clock running in this matter, and staff agrees it would benefit the Board to have this information in the record. Central Oregon LandWatch has objected to the record being extended.

Commissioner Chang said while he saw the value in having the ESEE analysis completed, there likely was sufficient time to do that by today. He indicated that he would abstain from any Board action on this request.

DEBONE: Move approval of Order No. 2024-027 extending the written record period for the Last Ranch, LLC, Comprehensive Plan Amendment & Zone Change applications as requested

ADAIR: Second

VOTE: CHANG: (abstained)

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried 2 – 1 – 0

8. Request to add 1.00 Building Safety Inspector I, II or III

Peter Gutowsky, Community Development Director, explained CDD's proposal to add a Building Safety Inspector position, saying that last year, four unfilled building safety inspector positions were removed to align staffing with lower permitting volumes. Recently, however, CDD is experiencing an increase in single family dwelling applications; in addition, multiple recent Family Medical Leave Act requests will impact staffing levels.

Gutowsky said a new position can be fully funded by building fees and, if necessary, allocating a portion of the department's very healthy reserve fund.

Commissioners Adair and DeBone voiced their support for adding this position.

Commissioner Chang asked about the need for an additional vehicle in conjunction with the added position. Gutowsky explained that the County's building inspectors work 100% remotely. He said CDD will evaluate whether its current vehicle fleet can accommodate the needs of a new inspector.

DEBONE: Move approval of Resolution No. 2024-35, increasing FTE and appropriations within the 2024-25 Deschutes County Budget in association with the addition of a Building Safety Inspector I, II or III

CHANG: Second

VOTE: CHANG: Yes

DEBONE: Yes
ADAIR: Chair votes yes. Motion Carried

9. Oregon Health Authority grant agreement #180009--11 for Public Health

Heather Kaisner, Public Health Director, said the proposed agreement amends and restates the previous intergovernmental agreement to outline program descriptions and reporting requirements for Deschutes County as the Local Public Health Authority. The agreement further provides for \$4,508,181 of funding for FY 2025; these funds will be used for various public health programs and services, including disease prevention and school-based health centers.

Cheryl Smallman, Health Services Business Officer, added that forthcoming amendments to this agreement are expected for other program funding.

CHANG: Move approval of Chair signature of document #2024-554, an Oregon Health Authority agreement #180009-11

DEBONE: Second

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

10. Consideration of recommendations from the Solid Waste Advisory Committee regarding the siting, development and mitigation of a new landfill

Tim Brownell, Director of Solid Waste Department, said following a public hearing before the Board on June 12th regarding the selection of a site for a new County landfill, the County's consultant on this project, Parametrix, submitted three memos in response to questions raised by the Board to provide additional information and/or clarification regarding water rights, environmental mitigation, and aggregate value as those issues pertain to the Moon Pit site. Those memos are now in the record.

Brownell next shared the recommendations of the Solid Waste Advisory Committee, as follows:

1. Select the Hooker Creek "Moon Pit" property for siting Deschutes County's future landfill and authorize staff to move forward with negotiating a purchase agreement and securing associated permits;
2. Direct that staff work with stakeholders to develop and implement a robust and comprehensive mitigation strategy that reflects community values to minimize impacts to area wildlife and recreation; and

3. Direct staff to prioritize waste prevention and recovery and move as quickly as possible to implement those strategies to reduce the overall costs and greenhouse gas emissions of the new landfill.

Commissioner Chang expressed significant concerns regarding this site, especially with regard to the availability of a reliable and affordable water source, the property's mineral resources, and the mitigation of environmental impacts. Saying he wanted to be sure that the County would meet all of its mitigation responsibilities while securing the best deal possible for the ratepayers, he was comfortable proceeding with negotiations at this point.

In response to Commissioner Adair, Kristie Bollinger, Property Manager, said the County has been referred to a geologist who could possibly conduct an appraisal of the property, including its aggregate use.

Brownell agreed that the issue of water rights is of significant concern, and that the value of the mineral rights must be clearly understood and incorporated into any purchase agreement. He was confident that these issues could be addressed through a due diligence process.

Commissioner Adair agreed that securing water rights is critical and the County cannot be put in the position of applying for a new groundwater permit.

Commissioner Chang stressed that the County is considering this property as one option for siting a new landfill. If fatal flaws emerge during the negotiations, the County could look at other possible sites.

Commissioner DeBone concurred and noted that SWAC's recommendations represent the culmination of many years of analysis and consideration.

DEBONE: Move approval of Board Order No. 2024-021, adopting the recommendations of the Solid Waste Advisory Committee for the development of a new solid waste management facility in Deschutes County at the Hooker Creek "Moon Pit" site

CHANG: Second

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

OTHER ITEMS:

- Robert Tintle, Chief Financial Officer, presented a proposed letter to the Oregon

Department of Revenue House Bill 4056 workgroup convened to develop a uniform process for counties to use in collecting and distributing surplus proceeds from property tax lien foreclosure sales. Tintle also shared a letter jointly submitted by several counties to the Department of Revenue on this effort.

Commissioner DeBone agreed that the process requires clarity. He stated his support for the draft letter as submitted.

In response to Commissioner Chang, Tintle said the workgroup has thus far researched and considered how other states handle proceeds from property tax lien foreclosure sales as it works to develop and refine its recommendations.

CHANG: Move approval of Board signature of a letter to the Oregon Department of Revenue workgroup convened on House Bill 4056 to develop a uniform process for distributing surplus proceeds from property tax lien foreclosure sales

DEBONE: Second

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

- Jen Patterson, Strategic Initiatives Manager, invited the Board to finalize the logistics for the upcoming July 30th community meeting regarding a possible campground on County-owned property at Fort Thompson Lane. ECONorthwest, the consultant who prepared the camping feasibility study, has agreed to present general information regarding the study at the beginning of the meeting.

Commissioner Chang was interested to receive cost and revenue projections of a campground with 50, 100, or 150 sites instead of 50, 75 or 100. He asked that ECONorthwest also look at the cost of financing the development of a campground, including how debt service would be repaid over time.

Patterson said ECONorthwest will also share information on the number of campgrounds currently available as compared with the demand for these. Although the meeting's primary purpose is to engage in a conversation with community members, representatives from agencies such as the Deschutes Trails Coalition, Bend Parks & Recreation District, Visit Bend, Visit Central Oregon, and the Oregon Parks and Recreation Department will be invited to attend and comment as well.

The Board discussed mailing notices of the meeting to nearby property owners. A majority of the Board was in consensus to mail notices to owners of property within one quarter mile of the Fort Thompson property.

Patterson reviewed a draft agenda and explained the proposed format of the meeting.

County Administrator Nick Lelack added that persons unable to attend will have the option of submitting written comments.

- Commissioner DeBone said he will attend an Eastern Oregon County Association meeting next Thursday.
- Commissioner DeBone attended the Sunriver/La Pine Economic Development advisory board meeting yesterday; one of the subjects discussed was incubator building and spec building on land donated in partnership with the City.
- Commissioner Adair complimented the Redmond Chamber on its excellent July 4th parade and said La Pine's celebration was also enjoyed. She announced that Three Creeks Brewery in Sisters has closed.

EXECUTIVE SESSION: None

ADJOURN:


Being no further items to come before the Board, the meeting was adjourned at 10:49 am.

DATED this 21st day of August 2024 for the Deschutes County Board of Commissioners.


PATTI ADAIR, CHAIR

ATTEST:


RECORDING SECRETARY


ANTHONY DEBONE, VICE CHAIR


PHIL CHANG, COMMISSIONER