



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY April 24, 2024

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, Tony DeBone and Phil Chang. Also present were County Administrator Nick Lelack, 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:

- Carl Shoemaker spoke regarding the need to protect children from physical and emotional abuse, and encouraged people to vote.

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

1. Approval of a change order to the Knott Landfill Cell 9 construction project
2. Approval of revision to F-10 Investment Policy
3. Consideration of Board signature on letter appointing Patrick Neely for service as an alternate member on the Deschutes County Solid Waste Advisory Committee

DEBONE: Move approval of the Consent Agenda as presented
CHANG: Second

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

Commissioner DeBone acknowledged Administrative Support Specialists Day.

On another topic, Commissioner DeBone announced prescribed burns happening today and spoke to their value in reducing wildfire threats. Commissioner Chang added that the Public Health division has information on how to mitigate the effects of smoke.

ACTION ITEMS:

4. 2024 Public Safety Campus Plan

Lee Randall, Facilities Director, presented the draft 2024 Public Safety Campus Plan, noting that the public safety campus was established nearly 30 years ago. Randall said the plan is the culmination of nearly two years of collaboration and represents an attempt to anticipate future needs while maintaining core services over time.

Emily Freed from Pinnacle Architecture said a critical piece of this project entailed the stakeholder groups cooperating to establish a shared vision for the campus. She outlined the process undertaken to develop the plan and the principles used to guide the plan's development.

Greg Cook from KMB Architects explained work done to reimagine the access to and within the site, including for pedestrians. He explained that the plan is divided into three parts: a near-term plan (5-10 years) which addresses high-priority near-term needs; a mid-term plan (6-10 years) which identifies needs that are central to the campus as well as others that can be relocated to make room for core uses; and a long-term plan (11-20 years) which seeks to fulfill the goal of a unified campus.

Commissioner Adair asked about the proposal to use part of the campus--specifically the area designated for storage needs of the Oregon State Police (OSP)—for housing certain persons released on parole. Saying that the campus would be an appropriate site for this housing since it is not far from a bus stop

while being located some distance from residences, she said the OSP storage could be moved elsewhere.

Randall said both OSP and 9-1-1's radio and communications system were identified as core services which should be sited on the campus. Adding that as growth occurs, the campus is running out of space, he said the service road would need to be extended in order to utilize the undeveloped part of the property. In addition, it is unknown whether development of that tax lot would trigger the requirement of frontage improvements.

Commissioner DeBone asked about the storage of vehicles and equipment needed for search and rescue efforts. Randall answered that these things could be located nearby, but off-campus.

Gregory Cook stressed that a primary goal of the plan was to simplify the site's motorized traffic.

Commissioner Adair asked that the map be revised to reflect the seven cabins being added to Veteran's Village.

Discussion ensued regarding a future expansion of the jail and the need to provide natural lighting in that facility by way of skylights or vertical glazing.

Responding to Commissioner Chang, DCSO Lt. Mike Gill said a detox center or sobering center is viewed as a Health Services function rather than a public safety function.

Commissioner DeBone summarized the potential cost of \$20 million over the next five years for the near-term priorities, and \$5 million to modify the parcel which has substantial rock outcroppings.

Randall said staff will bring a final version of the plan back for consideration of adoption by the Board.

5. Multiple Unit Property Tax Exemption application for Penn Avenue development at 445 NE Penn Avenue, Bend

Nick Lelack, County Administrator, reminded that the Board previously approved this application, after which the project was revised to add another 19 units for a new total of 59 units.

Allison Platt, Core Area Project Manager for the City of Bend, said six of the added units would be dedicated to renters with middle income levels. The proposed

project includes enhanced stormwater facilities and EV charging infrastructure for half of the parking spaces.

Ryan Andrews of Hiatus Homes, the applicant, said the units will be under 450 sf in size. A total of nine parking spaces will be provided; transit is available nearby and all of the units will have bicycle storage. The expected initial monthly rents will vary from a low of \$1300/\$1400 to a high of \$2500/\$2600, depending on the amenities of the unit. The development will include community spaces for tenant use.

Commissioner Adair questioned if people will want to rent units that don't have parking available and advised of the increasing rental vacancy rate in Bend.

Noting that the City of Bend and the Park District have already approved the revised application, and the Board previously approved the original application, Commissioner Chang anticipated that the School District will also support the requested property tax exemption. He saw no reason to not be part of the consensus of approval, saying the project proposes a unique housing opportunity not yet seen in Bend or Deschutes County.

Commissioner Chang moved approval of the application from Hiatus Homes for a Multiple Unit Property Tax Exemption related to property at 445 Penn Ave in Bend. There was no second to the motion.

Commissioner DeBone said while he can see the vision and appreciate that a great deal of effort has been made, he was hesitant to lead with supporting the project. No action was taken by the Board.

12. Salary, Market and Compensation Survey Project

Kathleen Hinman, Human Resources Director, sought direction to define the labor market which will be used for comparables when evaluating compensation for County staff. She presented a memo which provided three options, including surveying counties not previously used as comparables in addition to the City of Bend and select private employers.

Consultant Laurie Grenya from HR Answers explained that a geographic adjustment is a standard compensation comparison practice used to render results more relevant. This practice was utilized in 2017 by the County's previous consultant for the salary survey conducted at that time.

Hinman added that geographic adjustments are determined according to an area's cost of living (which involves 20 factors, including the cost of housing) and an area's cost of labor (determined by six factors).

In response to Commissioner Chang, Hinman recommended against using Washington and Multnomah Counties as comparables because their populations and budgets are much higher than Deschutes County's and, as a result, some of their operations are very different. She advised using aggregator surveys instead of individual surveys, which are time-consuming and therefore costly.

Anna Lee from HR Answers recommended using two aggregator surveys, saying this would make position matches more consistent and is likely to best meet the County's goals of collecting necessary, relevant information.

Hinman suggested a fourth option for the Board's consideration, as follows: retain Clackamas, Marion and Lane Counties as comparables; add aggregator surveys using an Oregon-wide geographic adjustment to recognize labor differences; and add the City of Bend as a comparable.

CHANG: Move to approve Option 4 as described with the use of the Oregon adjustment model, and confirm replacing Jackson County as a comparable with the City of Bend

DEBONE: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

6. Application for two OHA Reproductive Health Services Grants

Anne Kilty, Public Health Program Manager, sought authorization to apply for two grants from the Oregon Health Authority to support reproductive health services. The grants are for infrastructure (\$50,000—this would be used for vaccines and testing supplies, office equipment, software programs, interpretation services, training, and other direct and indirect expenses) and for modernization (\$100,000—this would be used to support approximately 56% of a current 0.8 FTE Nurse Practitioner along with indirect expenses).

DEBONE: Move to authorize the application for Oregon Health Authority Reproductive Health Services Infrastructure and Modernization Grants

CHANG: Second

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

7. OHA grant amendment #180009-8 and Resolution No. 2024-013

Jessica Jacks, Public Health Program Manager, reported the receipt of unexpected funding from OHA for suicide prevention, intervention and postvention services, and for mental health education and training. The additional funding for both programs totals \$64,840.

CHANG: Move approval of Document No. 2024-351, amending an agreement with the Oregon Health Authority accepting grant funding
DEBONE: Second

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

CHANG: Move approval of Resolution No. 2024-013 increasing appropriations within the 2023-24 Deschutes County budget
DEBONE: Second

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

8. First Reading of Ordinance 2023-016 adopting the Tumalo Community Plan Update 2020-2040

Tarik Rawlings, Senior Transportation Planner, presented Ordinance No. 2023-016 for consideration of first reading. This ordinance adopts the Tumalo Community Plan Update for 2020-2040, replacing the previous 2010-2030 plan.

DEBONE: Move approval of first reading of Ordinance No. 2023-016, adopting the Tumalo Community Plan Update for 2020-2040 by title only
CHANG: Second

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

Chair Adair read the title of the ordinance into the record.

9. Consideration to hear an appeal of the Hearings Officer’s Decision concerning three non-farm dwellings on properties in the EFU zone

Haleigh King, Associate Planner, said a public hearing was held on February 6th before a Hearings Officer concerning an application to allow three non-farm dwellings on properties in the EFU zone. On March 22nd, the Hearings Officer issued a decision approving the application; Central Oregon LandWatch subsequently submitted a timely appeal of that decision.

King shared background on this issue, saying the applicant was required to demonstrate compliance with conditional use criteria for non-farm dwellings and also with wildlife area siting standards. Relaying the key issues contained in the appeal, King said staff and County legal counsel recommend that the Board decline to hear the appeal for the following reasons:

- The Hearings Officer decision could be supported as-is on appeal to the Land Use Board of Appeals;
- The Hearings Officer addressed the issues raised by the appellant;
- The applicant and appellant were both represented by legal counsel and had ample opportunity to submit desired evidence to the Hearings Officer; and
- The issues raised on appeal are primarily related to provisions in State statute, and the Board is unlikely to broadly receive deference if the application is further appealed to the Land Use Board of Appeals.

Commissioner Chang asked about the possible cumulative impact of non-farm dwellings, noting some have already been approved. He specifically asked to know the ultimate potential of non-farm dwelling buildout in this area.

King said this is difficult to determine because the fact of adverse soil quality is a site-specific condition. Referring to page 28 of the Hearings Officer decision which addresses potential non-farm dwellings and potential non-farm parcels, she said between 14-15 non-farm parcels could be created within a one-mile study area, depending on certain factors including soil conditions.

Will Groves, Planning Manager, said the staff report concluded that up to 30 to 31 new non-farm dwellings may theoretically be possible under a maximum development potential, depending on site-specific constraints.

DEBONE: Move approval of Order No. 2024-013 denying review of Hearings Officer’s decision in File Nos 247-23-000293-CU, 294-CU, 295-CU, 737-SMA, 738-SMA and 739-SMA

CHANG: Second

VOTE: CHANG: Yes
 DEBONE: Yes
 ADAIR: Chair votes no. Motion Carried 2 - 1

10. General Administrative Policy No. GA-23A – Removal of Unauthorized Encampments Located on Vacant County-owned Property

Kim Riley, Assistant Legal Counsel, summarized previous Board discussion of this policy and said now that the associated section of Deschutes County Code has taken effect, Legal recommends the policy be approved.

Commissioner Chang asked if approving this policy before the establishment of any site where people can relocate to if removed from an unauthorized encampment could pose a legal challenge or increase the County’s legal risk.

Riley answered that the State requires the County to have a policy in effect before removing encampments by enforcing Deschutes County Code section 11.04. Since Deschutes County Code section 11.04 is already in effect, the liability surrounding whether this policy is adopted does not increase. She confirmed that this policy will not be utilized until an alternate location is identified.

Commenting on the negative impacts of unsanctioned encampments, Commissioner DeBone said the alternative is to offer resources for people in need.

Commissioner Chang was concerned that the County has not made more progress to establish alternate locations for people to relocate to. He indicated he will support this policy in the hope that it will prompt the County to do that necessary work.

DEBONE: Move approval of County Administrator signature of General Administrative Policy No. GA-23A: Removal of Unauthorized Encampments Located on Vacant County-owned Property

CHANG: Second

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

11. Cannabis Advisory Panel Marijuana Tax Revenue Allocations

Jen Patterson, Strategic Initiatives Manager, reported the recommendations from the Cannabis Advisory Panel for allocating anticipated marijuana tax revenues of \$185,811 in FY 2024-25, as follows:

1. \$20,000 – Community Development for Code Enforcement work related to complaints involving marijuana regulations
2. \$60,000 - Health Services to continue paid media advertising focused on supporting parents and guardians in the County to talk with their kids about marijuana and other drugs
3. \$100,000 - Sheriff's Office to continue to support funding for a marijuana detective
4. \$5,811 - Community Justice (use not specified; potential uses outlined in the staff memo)

DEBONE: Move to accept the recommendations of the Cannabis Advisory Panel for expending marijuana tax revenue as presented

CHANG: Second

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

OTHER ITEMS:

- Commissioner DeBone wished a happy birthday to his father.
- Commissioner Adair wished a happy birthday to Canyon Keith.
- A majority of the Board indicated plans to attend a local leaders meeting on Sunday hosted by U.S. Senator Jeff Merkley in advance of a town hall at COCC in Bend.

EXECUTIVE SESSION: None

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 11:13 am.


DATED this 29th day of May 2024 for the Deschutes County Board of Commissioners.

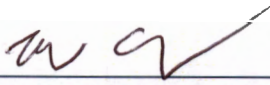


PATTI ADAIR, CHAIR

ATTEST:


RECORDING SECRETARY


ANTHONY DEBONE, VICE CHAIR


PHIL CHANG, COMMISSIONER