



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY March 27, 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 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 shared that when he attended Bend High School in the early 1970s, some of his classmates organized parties in the desert.

Commissioner Adair hoped that during the Board's joint meeting with the Redmond City Council next Tuesday, one of the topics discussed will be improving safety at the intersection of Highway 126 and SW Hemholtz Way.

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

1. Approval of minutes of the BOCC January 30, 2024 annual retreat

2. Approval of minutes of the BOCC February 21, 26 and 28, 2024 meetings

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

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

ACTION ITEMS:

3. Proclamation: International Dark Sky Week

Carter Gudell, representing Visit Central Oregon and Dark Sky Oregon, explained that the proponents of dark skies do not seek or expect that no lighting will be used at night, but rather encourage the use of certain lighting designs which preserve the ability to view the stars and planets. He shared several recommended lighting principles which advise that nighttime lighting be warm-colored, of low lumen levels, and aimed at the ground.

Commissioner Adair said those who live in areas populated by wolves need nighttime lighting on their properties.

The Commissioners read the proclamation into the record.

DEBONE: Move adoption of a proclamation declaring the week of April 2-8, 2024, as "International Dark Sky Week" in Deschutes County
CHANG: Second

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

Commissioner DeBone said COIC will also present this proclamation at one of its future Board meetings.

4. Multiple Unit Property Tax Exemption application for Timber Yards Parcel A development at 175 SW Industrial Way

County Administrator Nick Lelack presented information on the application from KW Kelton-Bend Owner, LLC for a Multiple Unit Property Tax Exemption (MUPTE) relating to property at 175 SW Industrial Way in Bend. Lelack explained that in

order for this project to qualify for the tax exemption, the application must be approved by the boards which represent at least 51% of the combined levy of the property's taxing districts. This minimum 51% approval has already been secured by way of a Bend City Council action on March 20th in combination with the previous decision of the Bend-LaPine School District to approve all MUPTE applications inside the Core Area TIF Area through June 30, 2025.

Allison Platt, Core Project Area Manager for the City of Bend, added that in February, the City placed its MUPTE program on pause and is not currently accepting applications. In addition to the Timber Yards application before the Board today, one other application involving property on Penn Avenue had already been submitted prior to February and will continue through the process—staff will bring that before the Board on April 24th.

Commissioner DeBone stated his support for having these applications come before the Board for public information and to fulfill the process.

In response to comments regarding the creation of the Bend Urban Renewal Agency's Core Area Tax Increment Finance (TIF) Fund, Platt said when the TIF was proposed, the County had asked that its area and the maximum indebtedness amount both be reduced. Neither of the County's requests were incorporated into the program, which was fashioned at the discretion of the City of Bend in accordance with State law.

Commissioner Chang said the MUPTE program is intended to revitalize areas and increase housing, and ultimately helps to expand the tax base for all of the taxing districts.

Commissioner Adair expressed appreciation that the MUPTE program has been placed on hold and noted that the applicant for the tax exemption on the SW Industrial Way property is from Beverly Hills, California. Platt said while that is true, half of the financial partnership for this development is based in Bend.

CHANG: Move approval of the application from KW Kelton-Bend Owner, LLC for a Multiple Unit Property Tax Exemption relating to property at 175 SW Industrial Way in Bend

ADAIR: Second

VOTE: CHANG: Yes

DEBONE: No

ADAIR: Chair votes yes. Motion Carried 2 - 1

Commissioner DeBone explained he voted against approving this application to demonstrate that the MUPTE program lacks universal strong support.

5. Planning Commissioner Appointment and Reappointment

Peter Gutowsky, Community Development Director, said four interviews were held last week for the open at-large Planning Commission position. In addition, the Board may want to consider reappointing Planning Commissioner Susan Altman who represents the Bend area to a second four-year term.

DEBONE: Move to reappoint Susan Altman to the Planning Commission for a second four-year term to expire on June 30, 2028

CHANG: Second

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

Commenting that four quality candidates were interviewed for the at-large position, Commissioner Chang said for various reasons, he supported appointing Sean Creighton or Helen Marston, both of whom live in South County.

Commissioner DeBone agreed that each of the candidates offers different experiences and views. He supported appointing Marc Stockamp, who has great experience in citizen involvement. A second choice would be Helen Marston.

Saying that Stockamp has demonstrated strong advocacy for certain land use and planning issues, Commissioner Chang had concerns as to whether he would be able to set his personal views aside and represent the public.

DEBONE: Move to appoint Marc Stockamp to the Planning Commission to fill the vacant at-large position for an uncompleted term to expire on June 30, 2027

ADAIR: Second

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

6. COHC Engaging Communities and Schools in Substance Misuse and Overdose Prevention Grant Application

Jessica Jacks, Public Health Program Manager, introduced the request to apply for a \$125,000 Central Oregon Health Council (COHC) Engaging Communities and Schools in Substance Misuse and Overdose Prevention Grant to support the UpShift program.

Heather Tang, Community Health Strategist and coordinator of the UpShift program, described how the program addresses substance use by teenagers through prevention and intervention strategies. Tang said UpShift helps students stay in school and adopt healthy behaviors, and also serves to increase student and guardian knowledge of substance use risks. Students in the program are first evaluated to determine their level of risk and then referred for appropriate intervention. Tang concluded that early interventions can be highly effective in changing behavior.

Commissioner Adair spoke to the grave danger which marijuana poses to teens and young adults, as cannabis use can result in psychosis. She added that the County's adult jail reports that 80% of its inmates have either substance use disorder or mental health issues, or both.

In response to Commissioner Chang, Tang said the UpShift program started in 2021. In the 2022-2023 school year, 189 students completed the program; so far this school year, about 112 students have been engaged. Tang said fewer than 30% of the referrals are related to marijuana use—the others involve nicotine, alcohol or prescription drug use.

Jacks reported gains made to secure parental consent when referrals are warranted by allowing those consents to be made verbally or via email.

DEBONE: Move to authorize the submittal of an application for the COHC Engaging Communities and Schools in Substance Misuse and Overdose Prevention Grant

CHANG: Second

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

7. Acceptance of two Central Oregon Health Council Behavioral Health Surplus Funds Grants

Cheryl Smallman, Health Services Business Officer, presented the requests from Health Services to accept two grants totaling \$1,101,984 to be used for the Older Adults program and to offer respite services at the Stabilization Center.

CHANG: Move approval of Document Nos. 2024-264 and 2024-265, accepting Central Oregon Health Council Surplus Funds grants in the total amount of \$1,101,984

DEBONE: Second

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

DEBONE: Move approval of Board Order No. 2024-011, designating signing authority for the two COHC surplus funds grants to Janice Garceau, Health Services Director

CHANG: Second

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

CHANG: Move approval of Resolution No. 2024-008 extending 1.0 limited duration FTE from June 30, 2024 to June 30, 2025

DEBONE: Second

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

8. Deliberations: Draft 2020-2040 Tumalo Community Plan Update

Tarik Rawlings, Senior Transportation Planner, presented the draft update to the existing 2010-2030 Tumalo Community Plan. Noting the Board held a public hearing on this matter last December, Rawlings said the Planning Commission recommended that four sections of the draft update be amended, as follows:

1. Remove Policies #10 and #11 from the Natural Resources, Open Space, and Recreation Policies section of the TCP's goals and policies.
2. Add a policy to explore legislative changes to limit multi-family housing to four units in Tumalo.
3. Express support for public art in Tumalo.
4. Encourage residents and community groups to reach out to Deschutes County for updates and information.

Following discussion, the Board was in consensus to remove Policies #10 and #11 from the Natural Resources, Open Space, and Recreation Policies section of the TCP's goals and policies which read as follows: "10. Assist in outreach to Oregon

State Parks Department or municipal parks and recreation districts to explore the annexation of Tumalo into an existing district. Assess opportunities for access and parking improvements at heavily used river access points.”; and “11. Explore whether the County should form a Parks and Recreation District as part of the County’s Comprehensive Plan Update.” Following their removal, these policies will be replaced with one policy, as follows: “Support community-led efforts to address concerns regarding recreational use of and impacts to the Deschutes River and its floodplain.”

The Board was in consensus to approve the Planning Commission’s recommendation to add a policy to explore legislative changes to limit multi-family housing to four units in Tumalo.

The Board discussed the Commission’s third recommendation to express support for public art in Tumalo. County Administrator Nick Lelack noted that support can take many forms and is not necessarily financial. Commissioner DeBone commented that the County does not have a fund for public art.

The Board was in consensus to retain this reference and word it as follows: “Encourage opportunities for public art in Tumalo.”

The Board was in consensus to approve the Commission’s fourth recommendation to encourage residents and community groups to reach out to the County for updates and information.

CHANG: Move approval of the 2020-2040 Tumalo Community Plan update, with amendments as discussed
DEBONE: Second

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

Rawlings said staff will return at a later meeting with an ordinance for the Plan’s formal adoption.

9. Treasury Report for February 2024

Bill Kuhn, County Treasurer, presented the February 2024 Treasury Report, including a high-level economic overview.

10. Finance Report for February 2024

Robert Tintle, Chief Financial Officer, presented the Finance Report for February 2024.

A break was announced at 11:30 am. The meeting reconvened at 11:34 am.

11. Work Session: RVs as Rental Dwellings Text Amendments

Tanya Saltzman, Senior Planner, introduced the topic of allowing recreational vehicles (RVs) as rental dwellings, noting that the Planning Commission had voted 4 – 3 to not recommend adoption of these amendments to Deschutes County Code. Saying that the issue of wastewater is significant, Saltzman reviewed State law which requires property owners to provide a connection for waste from an inhabited RV.

Todd Cleveland, Onsite Wastewater Manager, explained that any new connection or new use to an existing system requires a site review to confirm the capacity of the system. State rules administered by the Department of Environmental Quality (DEQ) require certain sizing criteria, which for an added RV use is not at the level required for a full dwelling or an ADU. Cleveland emphasized that wastewater emanating from a house or ADU is diluted and thus very different from waste emanating from an RV, which is much more concentrated.

Continuing, Cleveland said in some cases, tankage needs to be added or other changes made to accommodate an additional dwelling. Noting that the South County area is of particular concern due to already-present nitrate issues, he said inhabited RVs should not be allowed on properties smaller than one acre. He added that DEQ does not consider or address the potential for having laundry facilities in an RV, and adding another laundry system to an existing site would generate a much larger amount of wastewater.

Cleveland said he has witnessed many problems with unconnected RVs, noting that violations can be hard to enforce because the County requires evidence of discharge onto the ground, which happens intermittently. Although the County has established minimum requirements to avoid public health hazards such as unsanctioned discharges, it can be difficult to secure evidence of these as RVs can be connected and then disconnected and reconnected at will.

In response to Commissioner Chang, Cleveland said the problems currently being experienced arise from unauthorized RV uses, which, outside of medical hardship cases, aren't allowed to be used as a dwelling. Cleveland said unapproved, unauthorized, unpermitted connections are problematic—not people who use

their RVs to go camping and discharge the waste into their system upon their return home.

Angie Havnear, Administrative Manager, said Code Enforcement currently has 93 open cases for RV occupancy. Of the 342 pending cases, 73 involve RV occupancy issues. Another 148 cases concern unauthorized disposal—not all of these involve RVs being used as dwellings, however.

Stressing that current regulations do not sufficiently protect the aquifer in South County, Cleveland explained why additives sometimes used in RV waste systems should never be disposed into septic systems.

Havnear said because RV occupancy cases are difficult to investigate, Code Enforcement receives some complaints that cannot be proved. Dan Smith, Lead Code Enforcement Specialist, added it is hard to confirm that someone is occupying an RV 30 out of every 60 days rather than 20 out of every 60 days, for example.

In response to Commissioner Chang, Smith said allowing RVs as dwellings would result in staff needing to verify whether the required rental agreement is valid and being followed by the property owner and tenant, and that the tenant who is a party to the agreement is the person who is living in the RV, among other program factors.

Saltzman provided information requested by the Board comparing medical hardship cases and non-medical hardship RV occupancies, saying that every rural residential property is eligible for a medical hardship accessory dwelling, which can be an RV or a manufactured home. No minimum acreage is needed for these temporary uses.

Responding to Commissioner Chang, Smith said about 100 medical hardship permits are currently active.

Discussion ensued regarding the potential requirement for ramadas to protect RVs from snow loads and if installing one would result in a higher property value. Saltzman shared her research into this latter issue, saying that if a new pad and ramada cost more than \$18,200, installing these could add to the value of a property and result in higher property taxes. Improvements valued at less than \$18,200 would not trigger an increase in the property value used to calculate property taxes.

Saltzman reported that Tillamook and Clackamas counties are also looking into allowing RVs as dwellings, but neither county has yet implemented this use.

Commissioner Chang noted that the issue of RV occupancy is already impacting the Community Development Department through the processing of medical hardship cases and Code investigations of unallowed occupancies. Given that unauthorized uses are already happening, he wondered how formally allowing RVs as dwellings would impact staff.

Peter Gutowsky, Community Development Director, said while it is important to provide a certain level of service, it takes resources to simply answer questions and such interactions do not always result in development activity. Gutowsky added that allowing RVs as dwellings would be a pathway to compliance for those who are already doing this, but it would not be a panacea considering the need to comply with all necessary regulations.

Discussion ensued regarding allowed and unauthorized ADUs and unpermitted structures used as short-term rentals.

Commissioner Chang said the County could not rely on permit fees to pay for this work. He suggested that perhaps a portion of the \$500,000 in ARPA funds reserved by the Board could be used to develop a program, including all of the needed public information. Noting that the intention of setting that ARPA money aside was to disperse new affordable housing or shelter across the county, he said allowing RVs to be used as dwellings could result in more affordable housing opportunities.

Commissioner DeBone supported looking into whether this would be an allowable use of these funds. County Administrator Nick Lelack confirmed that staff will investigate this.

Commissioners DeBone and Chang supported proceeding with a public hearing on the proposal to allow RVs as dwellings.

Commissioner Adair concurred, saying people are struggling to find a place to live, and it would be preferable to move people out of non-compliance with Code.

Gutowsky said the Board could hold a public hearing and upon its conclusion, keep the written record open for additional comments. At the same time, Saltzman could continue to track the processes of the other counties.

A lunch break was announced at 12:42 pm. The meeting reconvened at 1:31 pm.

13. End of Legislative Session Review from Northwest Policy Advocates

Jen Patterson, Strategic Initiatives Manager, introduced Doug Riggs from Northwest Policy Advocates who serves as the County's lobbyist. Riggs provided a review of the recent short legislative session, saying 135 of 291 proposed bills were passed and noting the two main issues were housing and the reform of Ballot Measure 110.

Riggs summarized bills passed relating to: behavioral health and substance use disorder treatment, property tax foreclosures, childcare and early childhood education, and water conservation. He reported failed bills relating to wildfire prevention/protection and other issues, some of which may be re-introduced in 2025. Riggs concluded with potential next session priorities for Deschutes County, including funding for the CORE3 project and a child psychiatric center.

OTHER ITEMS:

- Commissioner DeBone relayed a request for a proclamation recognizing Stroke Awareness Month in May.
- Commissioner Chang announced he will be in Salem tomorrow for the second meeting of the State wildfire hazard maps committee.
- Commissioner Adair said on Monday, she drove through the County-owned property at Juniper Ridge with DCSO Captain William Bailey. She said although this area has improved since last summer, more clean-up remains to be done.

EXECUTIVE SESSION:

At 2:31 pm, the Board announced it would enter Executive Session under ORS 192.660 (2) (h) Litigation/ 2(e) Real Property Negotiations.

The Board went into Executive Session at 2:38 pm. At 2:56 pm, the Board moved out of executive session to take the following action:

DEBONE: Move to terminate the agreement with Free On The Outside to operate and manage the Wilson Ave. program and proceed with divesting the property at 640 Wilson Avenue in Bend

ADAIR: Second

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

Commissioner Chang stated his belief that the County should meet its contractual obligations for this project which the Board had approved proceeding with at multiple junctures. He said this program effectively mitigated risks associated with having justice-involved individuals housed at the Wilson Ave. facility.

Commissioner Chang wanted people to understand that today's decision flowed directly from the decision made at the Board's meeting on March 20th. He said because it is not possible to transfer this program to an alternate location in one year's time, it is instead being terminated.

Commissioner DeBone said the County retains the opportunity to seek a residential lot for re-establishing this program in the future. He felt it was a shame that the notification process and political climate had resulted in this outcome.

Commissioner Adair said no one wants to live next door to this program.

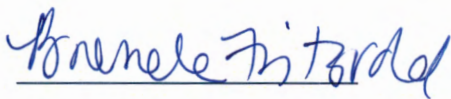
ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 2:59 pm.

DATED this 10th day of April 2024 for the Deschutes County Board of Commissioners.


PATTI ADAIR, CHAIR

ATTEST:


RECORDING SECRETARY


ANTHONY DEBONE, VICE CHAIR


PHIL CHANG, COMMISSIONER