



## BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

# BOCC MEETING MINUTES

1:00 PM

**MONDAY March 6, 2023**

Barnes Sawyer Rooms  
Live Streamed Video

Present were Commissioners Anthony DeBone, Patti Adair and Phil Chang. Also present were Nick Lelack, County Administrator; Kim Riley, Assistant County Counsel; and Brenda Fritsvold, BOCC Executive Assistant.

This meeting was audio and video recorded and can be accessed at the Deschutes County Meeting Portal website [www.deschutes.org/meetings](http://www.deschutes.org/meetings).

**CALL TO ORDER:** Chair DeBone called the meeting to order at 1:00 p.m.

### **CITIZEN INPUT:**

- Kenneth Katzaroff advised extending the schedule for the update of the Comprehensive Plan until after the next election.
- Ed Murrer spoke regarding plans to establish a homeless camp in south Bend.

### **AGENDA ITEMS:**

#### **1. Hearings Officer & Appeals Cost of Service Analysis and Funding Alternatives**

Peter Gutowsky explained that staff is seeking direction from the Board on how Hearings Officer services and appeals should be funded. Gutowsky said currently, the Community Development Department, which is fee-dependent, collects a \$5,500 deposit on land use applications which require a Hearings

Officer proceeding. One option would be to discontinue this practice and instead charge these costs to the General Fund. Responding to Commissioner Adair, Sherri Pinner, Senior Management Analyst, said the cost to the General Fund in 2022 would have been \$82,000 for appeals of applications which meet Deschutes County Code and State land use laws.

Commissioner DeBone said under the current fee structure, decisions are easily appealed by paying a \$250 fee.

Will Groves, Planning Manager, agreed that some situations merit legal review. He said for every 1,000 applications, about 20 of these proceed to a Code-required hearing or are appealed. He said applications more likely to proceed to a hearing include dog kennels, cell towers and destination resorts. Groves added that according to State law, the final decision on any land use application must be issued within 150 days.

Commissioner Chang suggested deferring a decision on this question until the Budget Committee can provide input. Commissioner Adair supported funding Hearings Officer services entirely through an increased annual General Fund contribution.

## **2. Extension of Enterprise Zone Agreement with Wild Mike's Pizza**

Erik Kropp, Deputy County Administrator, introduced Steve Curley, REDI Director. Curley explained the request from Wild Mike's Pizza to extend its Enterprise Zone Agreement for nine months to December of 2023. The reasons for the extension request include the rise in construction costs in 2021 and early 2022 and how recent high inflation impacted financing costs.

ADAIR: Move approval of County Administrator Signature of Document 2023-220, Greater Redmond Area Enterprise Zone Agreement for Long-Term Rural Enterprise Zone Abatement First Amendment

CHANG: Second

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

#### **4. Mule Deer Inventory Update** *(taken out of order with the Board's assent)*

Tanya Saltzman, Senior Planner, said the first evidentiary hearing for the mule deer wildlife inventory update project will take place before the Planning Commission on April 13<sup>th</sup>. The Commission may hold additional public hearings, as necessary, prior to submitting a recommendation to the Board before the end of June.

Saltzman added that staff is developing a project website with maps and a summary of draft regulations, and will mail information to more than 6,000 potentially affected properties. Commissioner DeBone asked that this mailing make clear to those who receive it why it was sent to them.

Commissioner Adair said the term "new combining zone" needs to be changed to "proposed combining zone" as it is not yet known whether the proposed zone will be approved.

*At 2:00, the meeting was recessed to allow the Board's virtual attendance at the Western Interstate Region/Public Lands Committee meeting where the National Association of Counties presented on the National Center for Public Lands Counties initiative.*

*At 2:30, the meeting was resumed.*

#### **3. Deschutes County 2040 – Round 1 Community Engagement Briefing**

Nicole Mardell explained the work being done to update the County's Comprehensive Plan, which is used to address current community needs and guide anticipated growth and development over the next twenty years. The Plan contains goals and policies regarding agriculture, forestry, housing, recreation, natural resources, natural hazards, economic development, and transportation. Mardell reviewed the project schedule and introduced consultant Matt Hastie from MIG to summarize the initial round of community engagement being done for the update.

Hastie described the type of activities used to distribute information and gather public feedback, including open houses and online surveys, along with the results. Hastie said the goal is to achieve equitable community involvement that includes all members of the community, particularly those who are commonly under-represented.

Mardell said because many residents do not read a newspaper or follow the County on social media, staff is trying to leverage other information avenues and sources as those are identified. She outlined next steps, including a secondary review by the

Planning Commission following open houses in April and May in La Pine, Terrebonne, Sisters, Bend, Brothers and Alfalfa.

Commissioner Chang said he will email suggestions for additional groups who might be interested to participate in the "Meeting in a Box" series. With respect to the policy goals, he commented that because destination resorts are limited in terms of who can access them, they are not always viewed as recreational amenities but rather as housing and lodging or economic drivers.

**OTHER ITEMS:**

- Commissioner Chang attended a meeting on how to facilitate safe egress from McKenzie Canyon Road where it was agreed that some of the necessary work will involve federal land. He said this is a significant concern and hoped the County will cooperate in this effort.

Commissioner Adair noted her past work on this matter and agreed it is a concern in the event of fire.

- Commissioner DeBone reported a celebration of life last Saturday for former Deschutes County Sheriff Les Stiles.
- Commissioner Adair reported on a meeting held to discuss the problem of homeless encampments in the China Hat area and the need for security measures.

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**EXECUTIVE SESSIONS:**

At 3:14, the Board recessed into Executive Session regarding ORS 192.660 (2) (e) Real Property Negotiations and ORS 192.660 (2) (i) Employee Evaluation.

**ADJOURN:**

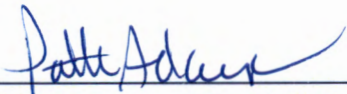
Being no further items to come before the Board, the meeting was adjourned at 3:32 p.m.

DATED this 22<sup>nd</sup> Day of March 2023 for the Deschutes County Board of Commissioners.

  
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**ANTHONY DEBONE, CHAIR**

**ATTEST:**

  
RECORDING SECRETARY

  
PATTI ADAIR, VICE CHAIR

  
PHIL CHANG, COMMISSIONER