



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

1:00 PM

MONDAY January 30, 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.

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

CITIZEN INPUT:

Commissioner DeBone reported the receipt of three emails supporting the preservation of dark skies; one email opposing the Thornburgh Resort development; three emails providing input on the landfill siting process; and one email sharing concerns about animal traps on public lands near forest roads.

CONSENT AGENDA: None

ACTION ITEMS:

1. Mid-Year Report from Visit Central Oregon

Julie Theisen, CEO of Visit Central Oregon, and Mackenzie Ballard, Vice President of Marketing, provided a mid-year report on the organization's success in

attracting visitors to support Central Oregon's growing tourism economy. Theisen and Ballard reported on hotel occupancy rates and efforts to promote workforce development, and described promotional campaigns including videos and a print travel guide.

Commissioner DeBone commented on the value of Central Oregon's dark skies and noted ongoing efforts to preserve these. Theisen agreed that Visit Central Oregon could include information on this subject in its regional industry newsletter.

2. Camping Feasibility Study Request for Proposals (RFP)

Jen Patterson, Strategic Initiatives Manager, presented the submittals received in response to the County's solicitation for a qualified consultant to perform a Camping Feasibility Study for development of private or public RV parks and campgrounds, along with support amenities and infrastructure. Five proposals were submitted and scored by an evaluation committee. Patterson described the criteria used to score the proposals and shared the score and key feedback from the committee on each of the proposals, along with each study's estimated cost.

Following discussion, the Board concurred to interview three of the responding companies: ECONorthwest, CHM Government Services, and Crane Associates.

3. Work Session to Prepare for the Board's Review of a Modification Request to the Thornburgh Destination Resort's Fish & Wildlife Management Plan

Caroline House, Senior Planner, explained the two appeals filed from the Hearings Officer's decision denying a request from the Thornburgh Destination Resort to modify its Fish & Wildlife Management Plan (FWMP) for its proposed resort project. The Hearings Officer denied the Resort's modification request based on the lack of sufficient time for the Oregon Department of Fish & Wildlife to review the changes and submit a meaningful response, and additionally due to a failure to propose clear, objective and enforceable compliance language. House noted that if the Board denies Thornburgh's appeal, the project could yet move forward based on the previously-approved FWMP from 2008.

Commissioner Chang questioned how the Board will evaluate whether the "no net loss" requirement would be met under the proposed 2022 FWMP modification. Stephanie Marshall, Assistant Legal Counsel, said the Board must determine the appropriate weight to give all of the presented evidence.

Commissioner Chang asked to know if other destination resorts in the County were developed according to the “no net loss” of habitat standard. Anthony Raguine, Principal Planner, said staff will research this and provide an answer.

Commissioner Chang emphasized the distinction between “wet water” and “paper water,” the latter of which merely conveys a water right. He sought clarity on whether any water offered up as mitigation for habitat protection is paper water, i.e., a legal claim to a specific allocation of water.

House shared that the Confederated Tribe of Warm Springs will send a representative to testify at the hearing. Commissioner DeBone agreed this person or persons will be treated as an agency in terms of their time allowed for testimony.

4. Update from City of Bend on its Multiple Unit Property Tax Exemption Program

Allison Platt, Core Area Project Manager for the City of Bend, reviewed that last year, Bend adopted a local Multiple Unit Property Tax Exemption (MUPTE) program to support development and redevelopment goals in the city’s core and transit-oriented areas. The program is available for multi-story residential projects that offer at least three identified public benefits; these properties can apply to receive a ten-year property tax exemption. Platt explained details of the program and how projects are determined to qualify, and described options for the County’s future evaluation of these applications.

In response to comments from the Commissioners, Platt summarized that the Board, as the authority of the Deschutes County taxing district, requests staff updates on projects in the core area Tax Increment Financing (TIF) district. The Board further directs that the first few projects outside of the core area TIF district come before it as part of the review process.

5. Draft FY 2024 Goals and Objectives

Whitney Hale, Deputy County Administrator, presented the Board’s draft FY 2024 Goals and Objectives as determined at its recent annual retreat. The goals and objectives center on safe communities, healthy people, a resilient county, housing stability and supply, and service delivery. Hale said this document will be placed on the Board’s next consent agenda for formal adoption.

OTHER ITEMS:

- Commissioner DeBone explained the reasons why citizen input at Board meetings is restricted to items not on a current meeting agenda, except in the case of public hearings. He noted the function of the Board's meetings is to conduct business, and said citizens are always welcome to call, email or meet with the Commissioners on any topic.

Commissioner Chang objected to this rule, characterized it as anti-democratic, and said the Board should go beyond the bare minimum requirement of allowing people to speak at public hearings. He added it is more efficient to allow people to address the Commissioners all at once rather than one at a time.

- Commissioner DeBone noted the receipt of communications from Doralee King regarding her proposal for a cottage housing project where homes would be built at an overall density of one structure per acre, but the houses would be built in close proximity to each other to promote security, friendship and community.
- Regarding the current state legislative session, Public Works Director Chris Doty reported he will testify in support of HB 2095 which would authorize all cities to utilize photo radar speed enforcement.
- Deputy County Administrator Whitney Hale shared an upcoming opportunity to testify in support of HB 2101, which would allow local agencies to continue exchanging federal transportation funding for state funding. The Board directed that both Commissioner Chang and Commissioner Adair be signed up to testify in support of this bill, depending on what time either is available.
- Hale distributed a draft letter regarding the regulation of Accessory Dwelling Units (ADUs). Commissioners reviewed the draft and provided feedback.

At 3:46 pm, a brief break was announced. The meeting reconvened at 3:50 to recess into Executive Session.

EXECUTIVE SESSIONS:

At 3:50 p.m., the Board went into Executive Session under ORS 192.660 (2) (e) Real Property Negotiations. The Board moved out of executive session at 4:19 p.m. to direct staff to proceed as discussed.

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ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 4:35 p.m.

DATED this 15th Day of Feb. 2023 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR



PATTI ADAIR, VICE CHAIR

ATTEST:



RECORDING SECRETARY



PHIL CHANG, COMMISSIONER