



**Bend Park &
Recreation**
DISTRICT

Board of Directors

November 19, 2024

District Office Building | 799 SW Columbia | Bend, Oregon



A video of the regular board meeting can be viewed on the website:

<https://www.bendparksandrec.org/about/board-meeting-videos/>

The board met in executive session prior to the regular board meeting pursuant to ORS 192.660(2)(e) for the purpose of discussing real property transactions and ORS 192.660(2)(h) for consulting with legal counsel regarding current litigation or litigation that is likely to be filed.

BOARD PRESENT

Donna Owens
Deb Schoen
Cary Schneider
Nathan Hovekamp
Jodie Barram - Virtual

STAFF PRESENT

Michelle Healy, Executive Director
Matt Mercer, Director of Recreation
Kristin Toney, Administrative Services Director
Julie Brown, Director of Community Engagement
Sheila Reed, Assistant to the Executive Director
Sasha Sulia, Director of Park Services
Kathleen Hinman, Director of Human Resources
Brian Hudspeth, Director of Planning and Development
Henry Stroud, Principal Planner

Legal Counsel: Paul Taylor

VISITORS

None

CONSENT AGENDA

1. Minutes 10/15/2024
2. Approve Executive Director's Goals

Director Schoen made a motion to approve the consent agenda. Director Hovekamp seconded. The motion was approved unanimously, 5-0.

BUSINESS SESSION

1. Resolution No. 2024-08 Approving Additional SDC Waivers for Deed Restricted Affordable Housing - Nine Peaks (Housing Works) SDC Waiver Request – *Sara Anselment*

Ms. Anselment outlined Housing Works' role in the community and described the Nine Peaks Development as a 45-unit apartment complex that would be 100% affordable and deed-restricted to serve seniors and persons with disabilities. She explained that the project met all the criteria set by the district for SDC waivers. She stated that 45 waivers were requested for the project, with 28 exceeding the waivers authorized by the board for 2024. She reviewed the criteria for consideration and detailed the district's potential impact of \$214,508 in uncollected SDC fees. She emphasized that approving additional waivers could establish a precedent for future requests. She pointed out that a district park is located within half a mile of the project site and would serve the residents of the complex.

Director Hovekamp inquired about the project's time sensitivity and whether it could be postponed until next year when additional waivers would become available.

Mr. Keith Wooden from Housing Works joined the discussion and explained that they had substantial commitments from the state for tax credits and other resources tied to specific timelines. He noted that they were targeting December 15 for permits and emphasized that delaying the project could risk code changes or other issues that might trigger a redesign and further delays.

Director Hovekamp acknowledged the significant impact of the waivers and asked which park projects might be affected. Executive Director Healy explained that while it is difficult to pinpoint specific projects, the overall funds available for future spending will be impacted when the CIP is updated. Director Hovekamp suggested that if the board continues the waiver program, 28 waivers should be deducted from the future approved waivers.

Director Schneider inquired whether the park serving the area would need updates or improvements to accommodate increased use. Staff responded that the park is not currently listed on the CIP for needed upgrades, it is a larger park capable of handling greater use.

Director Schoen expressed support for the project but emphasized her concern about setting a precedent for future requests exceeding the waivers approved by the board. She noted, however, that adding these waivers would keep the district under the cumulative total of waivers authorized by the board.

Director Barram voiced her support for the project, highlighting the merits of its location and design

Director Schneider made a motion to adopt Resolution No. 2024-08 Approving Additional System Development Charge Waivers for Deed Restricted Affordable Housing, which provides 28 additional waivers for the Nine Peaks development. Director Schoen seconded. The motion was approved unanimously, 5-0.

~~2. 1565 NE 1st Street City of Bend Income Qualified Property Tax Exemption Request
—Rachel Colton (20 min)~~

3. 2024 Midterm Update to the Comprehensive Plan Adoption – *Sara Anselment*

Ms. Anselment reviewed the updates to the comprehensive plan, as detailed in Attachment B of the board report. The changes included:

1. Clarification of level of service and unmet needs analysis.
2. Adjustments to table titles and removal of specific wording.
3. A reference to the 2018 plan for additional details about recreation programming.
4. Consolidation of South UGB bridge and trailhead parking for the project.
5. Inclusion of a project to account for a potential one-time UGB expansion.
6. Correction to a label on the trails map.
7. Changes to tables addressing needs and unmet needs analysis for parks and trails.
8. Revisions to text to align with the updated tables.

She discussed community interest in a westside recreation center at the Simpson site and suggested that there is a need to discuss initial planning, including site suitability, financial feasibility, and partnership opportunities.

Ms. Anselment provided a potential motion for approval that incorporated amendments to the text.

Director Hovekamp expressed appreciation for beginning the preliminary steps toward a westside facility, acknowledging that it is a long-term project likely requiring 10 years to complete.

The board expressed unanimous support for the updates to the comprehensive plan.

Director Schoen made a motion to adopt the Bend Park and Recreation District Comprehensive Plan: 2024 Midterm Update with the amended text as shown on page 35. Director Hovekamp seconded. The motion was approved unanimously, 5-0.

4. Approve Resolution No. 2024 – 09 Liability Protections for Public Trail Use – *Henry Stroud and Paul Taylor, LBJ*

Mr. Stroud explained that the state requires the board to formally opt in to take advantage of an opportunity to receive immunity related to trail use. He reviewed the relevant Oregon Revised Statutes (ORS) addressing recreational immunity and highlighted a recent court case that led to this new process for trail protections in 2024. He noted that the ORS expanded the definitions of recreation types, the kinds of lands protected, and modified a separate statute that previously applied only to cities.

He outlined that most district trails are located on district-owned properties, while others are situated on public easements, under use agreements, within rights-of-way, or on city property. By opting in, the district can expand its recreational immunity coverage to include non-recreational uses in certain areas.

Mr. Stroud remarked that existing statutes are not always clear, making it challenging to fully understand the scope of coverage across all areas. He acknowledged that while adopting the

resolution tonight would only add protections to a small portion of the district's trails, it would extend coverage for non-recreational uses as well.

Director Hovekamp made a motion to adopt Resolution No. 2024-09 Opting to Limit Liability for Certain Claims Arising from the Use of Public Trails or Structures in Public Easements and Unimproved Rights-Of-Way Pursuant to ORS 105.668. Director Schneider seconded. The motion was approved unanimously, 5-0.

5. Trident Contract and Budget changes – *Julie Brown and Kristin Toney (15 min)*
 - a. Approve Contract Amendment with Trident Services
 - b. Approve Resolution No. 2024-10 Budget Appropriation Transfer Between Administration and Community Engagement categories

Ms. Brown said the district conducted a competitive bid process in June 2023 for contracted security services to support the work of the Park Stewards. Trident Security was awarded the two-year contract. She reminded the board that the Park Stewards are now part of the Community Engagement team, and added with the additional services provided by Trident Security, there is a need to increase and amend the contract.

Ms. Brown requested an additional \$10,000 for the contract, which would require a budget amendment and an appropriation transfer from the General Fund. She noted that Ms. Toney plans and budgets for unexpected expenses, allowing flexibility to address such needs.

Director Schoen made a motion a motion to adopt Resolution No. 2024-10 approving the appropriation transfer for Fiscal Year 2024-25. Director Hovekamp seconded. The motion was approved unanimously, 5-0.

Director Schoen made a motion to authorize the executive director to execute amendment No. 2 of the professional services contract with Trident Professional Security. Director Hovekamp seconded. The motion was approved unanimously, 5-0.

EXECUTIVE DIRECTORS REPORT

Executive Director Healy spoke about the following:

- Sue Boettner, Carolyn Creedican and the Natural Resources Department were honored with awards at the ORPA Conference this fall.
- She acknowledged the staff work on the comp plan update that was done without a consultant.
- She invited the board to attend a Larkspur volunteer appreciation event tomorrow at 1:30, with fresh baked pie.
- Miller's Landing work is going to begin soon, just waiting on two permits.
- We expect to have a fully executed contract for demolition of the house and building on the Coulter property within the next week. Work will begin once the contractor secures appropriate permits. Staff has contacted Habitat for Humanity to see if they would like anything first and they may salvage some windows and doors.

- Additional gate and parking bumpers are installed at Simpson (Park & Float) parking lot. Half of the lot is now closed for the season. This work was done to mitigate the street racing issues that have been ongoing at the lot for years.
- The first year of the Supervisor Development Initiative (SDI) is complete. SDI was launched in November 2023 for a few reasons: first was to improve the professional development tools offered to employees, second was to ensure consistent understanding of district philosophy, policy, and employment law administration, and third was to create a reliable training program with year-long training opportunities. Attendees dove into a variety of topics such as recruitment, employment law, finance, communication and DEI, and safety. We have had 54 supervisors and 14 employees on a professional development plan go through the training program.

A survey was conducted, the responses were overwhelmingly positive and identified some key areas to improve, such as providing an online format, adding soft skill topics like coaching, and diversifying in-person sessions for better attendance. We plan to continue, and improve upon, the program as we move into the new year.

- She shared that she has had a few monthly meetings with the Bend Chief of Police, she said they are creating a new dashboard that park stewards and Trident will have access to and will help them with their jobs. Staff continues to discuss enforcement and appreciate the partnership that includes providing access to the police to district security cameras when needed. Juniper Park continues to be the area of biggest concerns for the district.
- The hearing to change the zoning on one of the parcels of the Rose property from SM (and EFU), to RR10 hearing was last Tuesday evening, before a Hearings Examiner. Unfortunately, at the last hour, Central Oregon Land Watch submitted testimony in opposition to the request. Staff had checked in with Land Watch earlier in the year and they indicated they were not concerned with the property. The district asked for an extension of time to provide rebuttal to their testimony. Fourteen days were granted (record left open), then 7 days for rebuttal of any new opposition, and final 7 days for only applicant to respond. This means the Hearings Examiner will make a final decision in late December. Then it goes to the County Commissioners for final approval/denial. It is still unclear if Land Watch would appeal if the request is approved. She said board member attendance could be important at some of the future meetings.

REPORTS

CALENDAR

GOOD FOR THE ORDER


- Director Hovekamp shared his concerns for district and board time that is spent on discussing housing projects and waivers. He said these discussions can begin to undermine other district priorities and weaken land use laws with bump outs to the Urban Growth Boundary as one-time events that continue to occur and changes to zoning laws in Bend.
- Director Schoen said in relation to the SDC waivers that some of the money has been made up with the access the district has had to grants. She said she is concerned that some of the grant money could diminish with the new federal administration next year. Executive Director Healy reassured the board that most grants are funded locally and are likely to remain available. She also highlighted that higher interest rates have increased interest earnings on SDC funds, which may prompt further discussions in the future.
- Director Schneider said he went to Little Fawn Park and complimented staff on the design and development of the park.

- Director Barram said she participated in the ORPA Conference and encouraged everyone to go to Central Oregon gives and donate to the district foundation.

ADJOURN: 7:07pm



Prepared by,
Sheila Reed
Assistant to the Executive Director



Jodie Barram, Chair



Donna Owens, Vice-Chair

Deb Schoen



Cary Schneider



Nathan Hovekamp