



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY August 28, 2024

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Patti Adair, Tony DeBone and Phil Chang. Also present were County Administrator Nick Lelack, Senior Assistant Legal Counsel Kim Riley and BOCC Administrative Assistant Angie Powers.

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 of Bend recited in Italian a quote by Benito Mussolini. He translated it as the definition of fascism being the matrimony between corporations and the state.
- Jeff Burgin spoke in opposition to the Fort Thompson campground project proposal, stating that he doesn't feel the campground would benefit locals but would create havoc for the neighboring residents.
- Dorinne Tye provided remote testimony and spoke about Bend Airport aircraft activity and the associated 5G interference to neighboring communities. She suggested an audit be completed on flight instruction companies operating out of the airport.

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

1. Approval of Board Order No. 2024-033 authorizing the sale of real property located at 67 NW Greenwood in Bend to Pfeifer & Associates, and further authorizing the Deschutes County Property Manager to execute the documents associated with the sale
2. Approval of a contract with Youth Villages, Inc. for pediatric mental health care and other services
3. Approval of Board Signature on letter appointing Anthony Accinelli as the La Pine area representative to the Bicycle and Pedestrian Advisory Committee
4. Approval of minutes of the BOCC July 17, 2024 meeting

CHANG: Move approval of the Consent Agenda as presented

DEBONE: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion carried.

ACTION ITEMS:

5. Proclamation: Cascades Futurity Events Days

Commissioner Adair spoke about the Cascades Futurity Event Days upcoming at the Deschutes County Fair and Expo Center. Julie Clarke was in attendance, sharing that she began this event eight years ago. In the first year of operation, 275 stalls were sold, while 576 stalls have been sold for this year's event, adding that this is the only premier event in the Northwest. Over the last few years, this event has brought in approximately \$7 million in tourism dollars annually. She considers the proclamation an honor.

Commissioner Adair expressed a desire for the Fair and Expo Center to be able to acquire more than one type of dirt for the arena for different equestrian events. Clarke shared that they stage their special dirt at the Fair and Expo Center, noting that all different disciplines have different footing requirements.

The proclamation was read aloud by the Board.

DEBONE: Move approval of the proclamation declaring September 5-15, 2024 as "Cascades Cutting Horse Futurity Event Days" in Deschutes County.
CHANG: Second

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

6. Public Hearing: Highway 20 Mini-Storage Text Amendment

Chair Adair opened the public hearing at 9:15 a.m.

This hearing is regarding file no. 247-24-000044-TA and relates to an applicant-initiated text amendment to allow mini storage as a conditional use in the MUA-10 zone in certain areas along Highway 20 east of Bend. The applicant is Eastside Bend, LLC.

Nicole Mardell, Senior Planner, noted that a similar text amendment is being proposed for a mini storage facility along Highway 97 and wished to clarify that this hearing is separate and distinct.

Mardell described the order of the hybrid hearing: staff report, applicant testimony and evidence, agency testimony and evidence, interested persons testimony and evidence, and questions to staff or applicant. Hearing procedures were summarized, and the hearing record's website link was shared.

No commissioner disclosed any conflicts of interest, nor did any party wish to challenge any commissioner based on conflicts.

Mardell provided a brief staff report, stating this is an applicant-initiated text amendment. The applicant, Eastside Bend LLC, has proposed changes to Multi Use Agricultural zone (MUA) code section 18.32 to allow mini storage as a conditional use in areas within 2,500 feet of the Urban Growth Boundary (UGB), adjacent to highway 20, and on parcels sized between 10 and 35 acres.

Based on the proposed language and an analysis, there are three properties east of Bend that may currently qualify. Mardell displayed a map outlining these properties.

Responding to Commissioner Chang, Mardell stated there are no current properties within the vicinity of Sisters that are eligible. Currently, mini storage as a use is allowed in six zones in Deschutes County: Terrebonne Commercial,

Terrebonne Commercial-Rural, Tumalo Industrial, Sunriver Business Park, Rural Commercial and Rural Industrial (Deschutes Junction).

Mardell noted that agency comments have been received into the record from four agencies: Bend Parks and Recreation, Bend Fire, ODOT, and the Deschutes County Transportation Planner. Agency comments and concerns were summarized. To-date, three public comments have been received and Mardell also summarized.

The Planning Commission voted 3-2 to recommend denial of the proposal. The key issues for those in opposition were urban use on rural lands (sprawl) and impacts to scenic views. Those in support argue the proposed use has limited impacts and is less intensive than other conditional uses. Those in support highlighted it fills in a gap in the transition area between urban and rural.

Mardell noted the Planning Commission voted 4-0 to recommend approval of the Highway 97 mini storage proposal, noting that those in attendance during deliberations for each mini storage proposal differed. Responding to Commissioner Chang, Mardell said that one key difference with the Highway 97 proposal is there are several (approximately 25) eligible properties. Another difference is the maximum parcel size was 30 acres.

Mardell highlighted the options before the Board following today's hearing.

The applicant, Eastside Bend LLC, provided testimony. Gary Miller, property owner, introduced himself. He believes the property has good egress and ingress via the Hamby Rd. and Highway 20 roundabout and believes the location will have a minimal impact on traffic. He said any future mini storage facility will be landscaped and buffered.

Matt Robinson, DOWL Land Use Planner, presented slides about the project. The text amendment would allow mini storage facilities, including boat/RV storage, in the MUA zone subject to a conditional use permit review. He noted this application is not proposing a mini storage facility, and any future properties proposing a facility would be subject to the conditional use process, including a public comment period. They would be subject to DCC 18.128, which allows the County considerable discretion in reviewing any future mini storage proposals.

Robinson summarized the applicant's arguments in favor of allowing mini storage as a use in the MUA zone.

Michael Mcgean, Attorney for the applicant, addressed some of the legal issues which have been brought up to-date. He also addressed some of the Planning

Commission's findings. He said the MUA zone is intended to be transitional in nature and the Planning Commission determined this is a conditional use. He noted existing conditional uses that have more traffic impacts, such as dog boarding facilities, churches and veterinary clinics.

Mcgean addressed the Goal 14 consideration, for open space rural protections. A four-point test considers factors based on the number of employees and impacts, whether it requires city services, whether the proposed use is resource-dependent, and whether the use is inherently urban or rural. The mini storage use has a low employee count and low impact. It does not require city services. Highway 20 is the main resource a mini storage facility would depend upon. Whether the use is inherently urban or rural is a gray area. In closing, Mcgean requested the Board consider accepting the proposal.

Commissioner Chang spoke about a site-specific rural rezone versus a legislative text amendment change. He highlighted his concerns about the MUA zone impacts of the Highway 97 and Highway 20 mini storage proposals as they change the landscape. He cited the example of a data center, and although not highly impactful to traffic flow it changes the landscape. He noted the UGB is constantly evolving as are zoning changes. He suggested the applicant pursue a site-specific rezone versus pursuing a legislative text amendment change. Mcgean noted some built-in guardrails, such as screening criteria, that are already built into the conditional use permit.

Miller discussed his reasoning for requesting a text amendment change with conditional use permit as opposed to an outright use. He acknowledged the Board's important responsibility of protecting the future as elected officials.

Robin Hayakawa, Central Oregon LandWatch Rural Lands Advocate, spoke as an individual in opposition to the proposed text amendment. He cited noncompliance with the Comprehensive Plan and MUA-10. He also cited procedural concerns, in that the proposal requests the Board to make quasi-judicial decisions. Another concern relates to Goal 14, in allowing an urban use on rural lands. He mentioned a 2005 Yamhill County case of mini storage use directly outside of the UGB, in which it was determined to be noncompliant with Goal 14. He recommended the Board deny the text amendment.

Dorinne Tye provided remote testimony, and expressed concerns that land use decisions should be community-driven and not applicant-driven. She spoke in opposition to this application.

Commissioner Chang noted the City of Bend's intent to pursue an Urban Area Reserve, and asked Community Development Department (CDD) staff in

attendance for clarification on how this designation in this area and land use interact. He cautioned against making decisions that may conflict. Mardell noted that notice of this proposal was sent to City of Bend Planning staff, but no comments were received. She did receive a comment from the City of Redmond for the Highway 97 proposal, to exclude Redmond Urban Reserve properties. Mardell noted this process is applicant-initiated and is legislative in nature.

Peter Gutowsky, Community Development Director, shared that he met with City of Bend staff regarding Senate Bill (SB) 1537 the day prior. This bill relates to a one-time expedited UGB amendment. The City of Bend is eligible to take advantage of this expansion based on socioeconomic factors related to renters, homeowners, and displacement. The City of Bend will initiate another UGB amendment opportunity and will extrapolate out for Urban Reserves. While Urban Reserves are an important tool, he doesn't anticipate the City of Bend will execute Urban Reserves anytime soon. Urban Reserves are a holding / combining zone and protects future transportation corridors while preventing up-zoning. In summary, he doesn't feel this application conflicts with Urban Reserves within the next six years or so.

Mardell noted the record for this proposed text amendment is still open, and this will be one of the Board's decision points today.

Mcgean offered answers to any follow-up questions. He noted the Yamhill County case has been addressed, and he doesn't believe mini storage is an inherently urban use. Relating to compatibility with the Comprehensive Plan, he does believe the use is compatible with MUA-10. The applicant is not asking for the record to remain open for any additional time.

The public hearing was closed at 10:26 a.m.

CHANG: Close the oral record and hold the written record open for two weeks (to close at 4 p.m. on September 11, 2024).
ADAIR: Second

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

Mardell noted that written materials must be received by 4 p.m. on September 11, 2024 and provided guidelines for submittal of comments. Responding to Commissioner Adair, she shared that the Board will likely hear the Highway 97 mini storage proposal during the first week of October, if this aligns with the applicant's schedule.

OTHER ITEMS:

- Commissioner Adair toured Dirt World and acreage east of Redmond with Dep. Blalack the day prior. She viewed a garden with mature irrigated plants at a homeless encampment, noting that many camps were deep into the woods. It is her hope to reach those who want help to help make a difference in their lives. She noted the urgency of executing the land exchange with Department of State Lands (DSL).
- Commissioner DeBone said that the City of Redmond is searching for a commissioner liaison to work on issues related to homelessness east of Redmond as it relates to the DSL land exchange. Commissioners Chang and Adair both expressed interest in serving as liaison. Lelack noted the working group would meet every other week and the first meeting will take place next Thursday, September 5th at 10:30 a.m. Commissioner Adair supported alternating between herself and Commissioner Chang to attend every other meeting. It was determined that Commissioner Adair will attend the first meeting on September 5th, Commissioner Chang will attend on September 19th, then they will alternate as liaisons moving forward.
- Commissioner DeBone recently met with Chuck Hemmingway and Home More Network representatives on siting a managed camp on 5 acres of EFU land near Juniper Ridge outside the UGB. As the County is not authorized to do so, Commissioner DeBone wished to determine which path forward the Board wishes to take. Discussion ensued related to the Board's effort to rezone on resource land to allow for managed camps. Commissioner Chang stated that land use constraints should not be used as excuses to not act on establishing projects that can provide great benefits to those experiencing homelessness. Commissioner Chang noted that, should the Gales property EFU rezone come before the Board, they would all likely need to recuse themselves.
 - Lelack stated that this topic (North Juniper Ridge and what the County can and cannot do there) will be added to next week's BOCC Wednesday meeting agenda to discuss prior to the September 5th Joint Meeting with the City of Bend.
- Commissioner DeBone spoke about the proposed campground project at Drafter Rd. near La Pine. The Board will meet with the City of La Pine in two months at their joint annual meeting. He asked the Board if they should proceed with an RFP for the project or standby. Commissioner Adair wishes to speak to La Pine City Manager Geoff Wullschlager. Commissioner DeBone briefly discussed the topic with four of five La Pine City Councilors recently. Commissioner Chang spoke to Mayor Richer about the proposal, adding that La Pine seeks assistance with fixing the Highway 97 @ Burgess Rd. intersection due to the increased traffic the campground would create. Commissioner Chang expressed hesitancy about supporting such a large transportation investment.

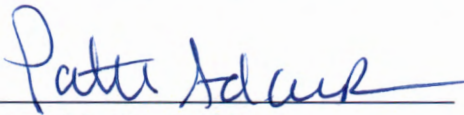
- The Heart of Oregon Corps' BlitzBuild event was attended by all three commissioners. The constructed shelters will be placed onsite at Oasis Village.
- Commissioner DeBone attended the Four Rivers Vector Control District's recent Board meeting. The Board is seeking clarity on their budget and the choices the Board are making. There can be five public members on their budget committee, and Commissioner DeBone offered to serve if needed. The Vector Control District is required to present its annual work plan to the BOCC annually.
- Commissioner DeBone participated in a septic system inspection during a ride-along with La Pine Septic Service. There he learned about septic systems and gained valuable knowledge on alternative treatment technology Orenco systems. He noted that some systems in La Pine are being removed as they are connected to community sewer. He advocated for recycling system components, but this is a legislative matter as components are currently prohibited from reuse by state law.
- Commissioners DeBone and Chang attended Deschutes River Recreation Homesites (DRRH) #9 annual HOA meeting. Residents spoke about fire hydrants and sewers. They expressed concerns about large storage buildings on lots not suitable for septic systems. Duties of the County, Special Road Districts, and water/sewer districts were discussed.
- Commissioner Chang attended an event celebrating the Boys and Girls Club summer program. He spoke to the importance of such programs, allowing parents to work, coupled with the challenges of childcare being economically viable.
- Commissioner Chang attended an annual Giving Plate's event thanking community partners. As a sign of gratitude for their ARPA investments, the Board was presented with a plaque which Commissioner Chang brought with him.
- All three commissioners attended the AOC Wildfire Hazard Map virtual discussion on Monday. Commissioner Chang was disappointed in the lack of knowledge for the purpose of the map and what it's intended to be used for, noting that discussions got off-topic at times.

Commissioner Adair noted the next BOCC meeting is on Wednesday, September 4th at 9:00 a.m. There is no meeting on Monday, September 2nd due to the Labor Day holiday.

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 11:03 a.m.

DATED this 11th day of September 2024 for the Deschutes County Board of Commissioners.


PATTI ADAIR, CHAIR

ATTEST:

Angie Powers
RECORDING SECRETARY

Anthony DeBona
ANTHONY DEBONE, VICE CHAIR

Phil Chang
PHIL CHANG, COMMISSIONER