



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY October 30, 2024

Allen Room
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 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 am.

CITIZEN INPUT: None

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

1. Approval of Board Order No. 2024-041 authorizing the advance of taxes, assessments and charges to small tax districts per ORS 311.392

CHANG: Move to approve the Consent Agenda as presented

DEBONE: Second

VOTE: CHANG: Yes

DEBONE: Yes

ADAIR: Chair votes yes. Motion Carried

ACTION ITEMS:

2. Deliberations: Mini-Storage in MUA-10 Zone Adjacent to Hwy 97

Nicole Mardell, Senior Planner, reviewed the background of this matter, which included a public hearing before the Board on September 25th. The request is to allow mini-storage as a conditional use in certain areas of the Multiple Use Agricultural (MUA-10) Zone adjacent to Highway 97.

Mardell said following concerns raised by the City of Redmond, its urban reserve areas were excluded from eligibility for this change, leaving 37 properties that would be eligible under the applicant's proposed siting criteria.

Commissioner DeBone said Bend and Redmond are both growing, and storage facilities can be useful. He added that such facilities can be redeveloped in the future.

Continuing, Mardell said the first question before the Board is whether the proposed text amendment is compatible with the purpose of the Multiple Use Agricultural (MUA-10) zone.

Commissioner DeBone inquired about the maximum height that would be permitted, saying he envisioned a one-story structure and that multiple stories would be viewed differently in non-urban areas. Mardell said the maximum height allowable in the MUA zone is 30 feet.

Commissioner Chang did not view mini-storage to be consistent with the rural character of the MUA zone and said he would have preferred the applicant seek a rezone of one property instead of a change to the entire MUA zone which would allow mini-storage on 37 properties.

Commissioner Adair expressed concern about traffic safety with ingress from and egress to Highway 97 and said she did not want to see storage units up and down the highway.

CHANG: Move that as the proposed text amendment is not compatible with the purpose of the Multiple Use Agricultural (MUA-10) zone, the application be denied
ADAIR: Second
VOTE: CHANG: Yes
DEBONE: No
ADAIR: Chair votes no. Motion Carried 2 – 1

3. Deliberations: Mini-Storage in MUA-10 Zone Adjacent to Hwy 20

Senior Planner Nicole Mardell invited the Board to deliberate on a separate applicant-initiated text amendment to allow mini-storage as a conditional use in certain areas of the MUA zone along Highway 20, if specific siting criteria is met. Mardell said at the current time, only three properties would be eligible for this use, although some properties not currently zoned MUA could be rezoned in the future. The City of Bend responded to a request for comments by providing a formal "No comment" response.

Continuing, Mardell said the first question before the Board is whether the proposed text amendment is compatible with the purpose of the Multiple Use Agricultural (MUA-10) zone.

In response to Commissioner Chang, Mardell said the area around the City of Sisters does not have much property zoned MUA-10.

Commissioner Chang was concerned that the owners of properties zoned EFU could pursue rezones to MUA-10 or Rural Residential. He disagreed that mini-storage is compatible with MUA-10 zone.

Commissioner DeBone said he supported this application for the same reasons he supported the previous one.

Commissioner Adair expressed concern that the change would allow mini-storage facilities on properties as large as 35 acres, whether one parcel or multiple contiguous parcels.

Commissioner DeBone said the land use system promotes infill and density, and storage is a market which is evolving. He noted that the availability of storage facilities assists those who are moving into or out of homes in the area.

Commissioner Chang said it would be better to evaluate this use on a property-by-property basis instead of adding this use to a whole zone

CHANG: Move that as the proposed text amendment is not compatible with the purpose of the Multiple Use Agricultural (MUA-10) zone, the application be denied

ADAIR: Second

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

**4. Deliberations: Civil and Environmental Consultants, Inc. (CEC)
Protest of Contract Award for Landfill Siting Consultant Services – Phase 3**

Kim Riley, Senior Assistant Legal Counsel, reminded that following the Board's approval of a Notice of Intent to Award a contract for Landfill Siting Consultant Services – Phase 3 to Parametrix, Civil and Environmental Consultants, Inc. (CEC) filed a timely protest which was heard by the Board on October 14th. Riley presented a draft order denying CEC's protest based on staff's recommendation.

Commissioner Chang referred to the criteria which must be established for a protest to be valid according to State regulations and said after asking many questions regarding this matter, he was satisfied that the necessary criteria was not met in this solicitation process.

Commissioner DeBone supported denying the protest as he did not believe that the County's process to solicit proposals and evaluate them was compromised.

DEBONE: Move approval of Board Order No. 2024-043 denying the protest submitted by Civil & Environmental Consultants, Inc. concerning the Notice of Intent to Award a contract for Landfill Siting Consultant Services – Phase 3

CHANG: Second

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

Commissioner Adair thanked CEC for coming in and taking the time to explain their position.

The Board was in agreement to take up the next agenda items according to the availability of the presenters.

7. Fall 2024 Discretionary Grant Application Review and Allocation

Jen Patterson, Strategic Initiatives Manager, reminded that twice each year the Board considers applications submitted for the County's discretionary grant program, which is funded by video lottery revenues. Patterson said a total of \$22,500 is available to be allocated, which amounts to \$7,500 for each Commissioner.

Following the determination of allocations by the Commissioners, Commissioner Adair asked that the next round of applications be due on March 1st instead of April 1st.

Commissioner Chang assented to this change and said the Board may also want to consider other changes given that 47 applications were received seeking more than \$100,000, and some organizations may conclude that doing the work to apply is not worth receiving smaller than requested amounts.

Discussion ensued regarding the small amount of funds available to allocate and the needs in the community as documented in the grant applications.

6. Consideration to hear an appeal of a Hearings Officer's decision denying an application for a nonfarm dwelling in the EFU Zone

Anthony Raguine, Principal Planner, introduced the matter of an application submitted by Jeff and Cindi Schutte to establish a nonfarm dwelling on property in the Exclusive Farm Use Zone at 71510 Forest Service Road No. 6360 outside of Sisters. The Hearings Officer denied the application, which the property owners seek to appeal to the Board. Staff recommends that the Board not hear this appeal.

Commissioner Chang was inclined to accept the recommendation of staff and not hear the appeal as this matter involves interpretation of State statute.

Commissioner DeBone spoke to the conflict of developing private property on resource land which is not suitable for farming, although perhaps it could be used for grazing. He too supported not hearing this appeal.

Commissioner Adair said while she would hope that the County could provide some assistance to the property owners as they are trying to fulfill a long-term dream, that may not be possible.

CHANG: Move approval of Board Order No. 2024-042, denying review of the Hearings Officer's decision in File No. 247-24-000209-CU

DEBONE: Second

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

5. Criminal Justice Commission Illegal Marijuana Market Enforcement Grant Award

Danielle Martell, Management Analyst for the Sheriff's Office (DCSO), presented information on the offer of grant funding from the Criminal Justice Commission to address unlawful marijuana cultivation and distribution operations. Martell said initial grant funding was applied for and awarded in 2022 to assist the County's Illegal Marijuana Market Enforcement (IMME) efforts.

In January of 2024, the CJC offered additional grant funds. Following the submittal of a proposal from the DCSO to expend new grant funds on a management analyst position, new deputies, equipment, computer subscriptions, training and administrative costs, and a proposal from the District Attorney's office to expend grant funds for a part-time management analyst, overtime for the DA Investigator, equipment for the DA staff when working in the field on illegal marijuana cases, funds to continue utilizing an environmental company and training for the DA staff working illegal marijuana cases, both departments were awarded additional funds.

In response to Commissioner DeBone, Martell confirmed that the initial grant of \$1,000,000 is included in the FY 2025 budget, and an additional \$268,652 is now being awarded.

Discussion ensued regarding illegal marijuana grows in other counties, the need to hold property owners accountable for renting to persons who use it to illegally grow marijuana, efforts and progress made to combat illegal marijuana grows, and the fact that some growers hide illegal marijuana grows behind applications to grow hemp.

DEBONE: Move to accept the award of additional grant funding of \$268,652 from the Criminal Justice Commission to address unlawful marijuana cultivation and distribution operations

CHANG: Second

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

OTHER ITEMS:

- Commissioner Adair said she and Commissioner DeBone attended the Farm Bureau dinner last Friday night.

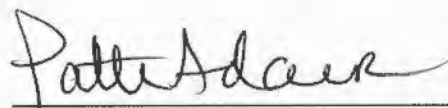
- Commissioner Adair relayed a discussion with Holly Harris regarding the Rascal Rodeo for youth, which is seeking a sponsor.
- Commissioner DeBone reported on the Board's Joint meeting with the Fair Board on Monday evening at which the Fair shared information about its master planning effort which is underway.
- Commissioner Adair sought clarification on whether the Fair is short four FTEs.
- Commissioner DeBone extended congratulations to those who graduated from the annual County College program last night.
- Commissioner DeBone announced that Scott Olszewski, the principal of La Pine High School, was selected as Bend-La Pine School District's Administrator of the year and suggested that the Board send Olszewski a letter of congratulations.
- Commissioner Adair reported that the La Pine Parks & Rec Board held its first meeting last week after the BOCC made appointments on Wednesday.
- Commissioner Chang shared that he will speak tonight on behalf of the Deschutes Collaborative Forest Project regarding forest restoration and fuels reduction efforts as part of a series sponsored by the Roundhouse Foundation.
- County Administrator Nick Lelack reminded that the Board is invited to attend the Bethlehem Inn's 25th anniversary open house this afternoon.

EXECUTIVE SESSION: None

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 10:42 am.

DATED this 18th day of December 2024 for the Deschutes County Board of Commissioners.




PATTI ADAIR, CHAIR

ATTEST:

Brenda Fritzerdel
RECORDING SECRETARY



ANTHONY DEBONE, VICE CHAIR



PHIL CHANG, COMMISSIONER