



Deschutes County Board of Commissioners
1300 NW Wall St., Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

MINUTES OF WORK SESSION

DESCHUTES COUNTY BOARD OF COMMISSIONERS

MONDAY, NOVEMBER 9, 2015

Present were Commissioners Anthony DeBone, Tammy Baney and Alan Unger. Also present were Tom Anderson, County Administrator; Erik Kropp, Deputy County Administrator; David Doyle, County Counsel; Christina Partain, Finance; Nick Lelack, Peter Gutowsky and Matt Martin, Community Development; Jane Smilie, Tom Kuhn, Sherri Pinner and Eric Mone, Health Services; and two other citizens, including media representative Ted Shorack of The Bulletin.

Chair DeBone opened the meeting at 1:30 p.m.

1. Discussion of Changes to the FY 2016 Fee Schedule (Environmental Health).

Tom Kuhn referred to a memo detailing the need for fee increases for some services. The number of facilities has risen, creating a higher workload. Commissioner Baney asked what has changed since the last budget was adopted. Sherri Pinner stated she did not have enough time to determine the necessary amounts, since it had been a long time since there was an adjustment. Jane Smilie added that the State is increasing licensing fees as of the first of the calendar year. There has been no increase since 2009.

Commissioner Baney asked if they plan for future adjustments automatically as necessary. Mr. Kuhn stated that he does not feel it needs to be adjusted annually. Ms. Pinner noted that she would like to review this for next year, depending on what the State indicates is the proper amount given the size of an establishment, number of employees and other factors.

Mr. Mone added that the fee increase should cover most of another FTE, which is badly needed. The added person will not necessarily add revenue, but can help with the workload. There are unfunded mandates such as mold issues that they are required to handle. There are measurements and standards for the food service component.

Commissioner Unger asked why the fees are higher than in other counties. Mr. Mone stated that some are heavily supported by the general fund or their solid waste department. They are trying to be self-supporting as much as possible. The policy question for the Board is whether the users should pay most of the fee or if it should be supported more through the general fund. Mr. Anderson stated that here there is a heavy emphasis on education, which takes more time and effort than just flying through an inspection. This is a policy choice, which has been supported by the Board in the past.

Chair DeBone asked if the restaurant owners have been advised of this potential increase. Mr. Mone said there would be a renewal notice sent out in December but they do have an electronic newsletter that goes out twice a year. The additional FTE would also help with the educational component instead of just enforcement. Mr. Kuhn added that the relationship part is important to the department and the business owners. There are other businesses besides restaurants, such as day care centers, public pools and schools. Christina Partain stated that there is a public hearing on the increase as well, which will be noticed. The department will reach out via e-mail to let the business owners know.

The Board was supportive of moving forward.

2. Discussion of Plan Amendment and Zone Change Applications and Request for Emergency Adoption of Ordinances, from CR Contracting.

Matt Martin said that the applicant has requested that the Ordinances be adopted by emergency. The hearing before the hearings officer was held and supported. The Board is to review the Ordinances but the applicant would like this to happen more quickly. The applicant wants to get a faster start on the development of the property. They have outgrown their current location and wish to start on the process for the new property before spring.

Commissioner Unger would like the adoption process to be similar to that of the cities. He suggested adopting by emergency with an effective date 30 days afterwards. That would still allow some for someone to appeal.

Mr. Martin said that the Hearings Officer's decision is final but the Board is to review and adopt. The timeframe is at the Board's discretion.

Chair DeBone said there is a Tumalo group that is fairly active, and perhaps should be advised. Mr. Doyle stated that there is time to appeal to LUBA regardless. Most jurisdictions do land use by emergency so someone can appeal immediately to LUBA. Commissioner Baney said that some people question each adoption by emergency. She thinks thirty days is defensible since it is the same as the cities here, but would still have to be adopted by emergency for the first and second readings.

Nick Lelack said this is a formality because the decision has already been made and the appeal period has already passed. The Board is supportive of the emergency component, as long as it is clear to the public as to the reasons why.

Commissioner Unger said the applicant requested the zone change but did not indicate the proposed uses. He asked if there are other processes allowing for oversight of what is being done there. Mr. Martin replied that there would be site plan review. It was clear that it was for CR use, and they are a paving company. It will include equipment storage and an office building. Traffic impacts are also being considered.

3. Discussion of an Additional FTE for Assistant Planner.

Peter Gutowsky gave an overview of the request. They are reclassifying Paul Blikstads's position to assistant planner, but need to add an assistant planner due to workload. This will help with more effective counter coverage without overpaying for it. They are trying to gauge the workload, and staff accordingly.

They have land use planning fees adequate to cover the position. They have an on-call planner now, but that person has had to work full time.

Mr. Lelack said they have not increased FTE's for planning for almost a decade. Commissioner Baney stated she appreciates them being conservative while providing consistent service. The Board was supportive of this.

BANEY: Move approval of a Resolution in this regard.

UNGER: Second.

VOTE: BANEY: Yes.

UNGER: Yes.

DEBONE: Chair votes yes.

4. Other Items.

Ken Hales joined the meeting to discuss the CASA funding issue with the Board. Commissioner Baney said she heard from Representative Gene Whisnant and is reaching out to clarify the situation. It would take more time if this goes back to the committee to review and approve. Benton County has CASA in their application so perhaps it was stated differently.

Mr. Hales said that the award to Benton County included addressing the questions the local CASA received. Apparently the information received locally did not address the specific questions. It should have been presented a different way.

Commissioner Baney said this is an important asset to the system. Mr. Hales noted that the committee has recommended awarding it as it is now, but they might entertain another submission from CASA prior to the award. Mr. Anderson added that this part of the process was coordinated by the District Attorney's Office.

Chair DeBone said the State does not want to build more prisons so are apparently redirecting funds this way. Mr. Hales said that CASA received funds previously but this year had to go through an application process. It might not be the correct funding pool for CASA. Commissioner Baney said that every child who is subject to neglect is not necessarily a victim. However, they need to work on prevention and this part of it.

Mr. Hales stated that the other application included a CASA component, which included a sub-section on children that could be specifically called a victim due to certain crimes. They have to show what they would be doing that is new and different with this funding. He can contact the CASA director and try to institute changes. However, the submittal from the Public Safety Coordinating Council would have to be modified if they want to pursue a change in the submittal.

Commissioner Unger feels they should focus on other sources of funding. Mr. Anderson said they are a County service partner. Mr. Hales stated he provided some guidance as to how CASA might get more attention at budget time. Chair DeBone does not want them to suffer because the criteria have changed in the grant process with the State. CASA is facing a shortfall and pursuing other avenues would take time.

Mr. Hales stated that he can meet with some of the parties again and look at strategies. Commissioner Baney would like them to examine what Benton County did and see if it can be duplicated locally, so is willing to try this if they can pull PSCC back together to make a decision, due to the tight timeframe. The Board is willing to give them a chance to make appropriate changes to the application, if they can get it done quickly.

Mr. Anderson spoke of a message from Dan Moore of ONDA, who is lobbying hard for the Canyonlands designation in southeastern Oregon. Mr. Moore wants to make a presentation to the Board. Commissioner Baney said it was not that the Board does not support wilderness, but more to support local control. Commissioner Unger feels they should review the monument designation process overall, including the local governments. He does not think anyone has the whole story. The Board is open to a presentation at a work session.

Whitney Malkin spoke about Sunriver being approached for the dates for the WIR conference, so it would have to be moved up a week or another venue considered. Chair DeBone would like to attend as he hasn't before. Commissioner Baney does not know what kind of attendance might be expected. Ms. Malkin said most people prefer the Memorial Day aspect so they can perhaps stay longer. Commissioner Unger stated that it is going to be up to the WIR. Commissioner Baney thinks they will be flexible, but they should stay away from the Pole-Pedal-Paddle event. Ms. Malkin will speak with Alana at COVA about any potential conflicts.

Chair DeBone spoke about the chili feed at the Historical Society this Friday to have city representatives and others speak together about the upcoming Deschutes County centennial.

CONVENED AS THE GOVERNING BODY OF THE 9-1-1 COUNTY SERVICE DISTRICT

A. Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for the 9-1-1 County Service District in the Amount of \$36,039.31.

UNGER: Move approval, subject to review.

BANEY: Second.

VOTE: UNGER: Yes.

BANEY: Yes.

DEBONE: Chair votes yes.

CONVENED AS THE GOVERNING BODY OF THE EXTENSION/4-H COUNTY SERVICE DISTRICT

B. Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for the Extension/4-H County Service District in the Amount of \$1,135.16.

UNGER: Move approval, subject to review.

BANEY: Second.

VOTE: UNGER: Yes.

BANEY: Yes.

DEBONE: Chair votes yes.

RECONVENED AS THE DESCHUTES COUNTY BOARD OF COMMISSIONERS

C. Before the Board was Consideration of Approval of Weekly Accounts Payable Vouchers for Deschutes County in the Amount of \$1,086,327.88.

UNGER: Move approval, subject to review.

BANEY: Second.

VOTE: UNGER: Yes.

BANEY: Yes.

DEBONE: Chair votes yes.

Being no further items discussed, the meeting adjourned at 3:15 p.m.

DATED this 23rd Day of November 2015 for the
Deschutes County Board of Commissioners.

Anthony DeBone
Anthony DeBone, Chair

Alan Unger
Alan Unger, Vice Chair

ATTEST:

Bonnie Baker
Recording Secretary

Tammy Baney
Tammy Baney, Commissioner



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
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WORK SESSION AGENDA

DESCHUTES COUNTY BOARD OF COMMISSIONERS

1:30 P.M., MONDAY, NOVEMBER 9, 2015

1. Discussion of Changes to the FY 2016 Fee Schedule (Environmental Health)
– *Wayne Lowry; Jane Smilie, Tom Kuhn, Eric Mone*

2. Discussion of Plan Amendment and Zone Change Applications and Request
for Emergency Adoption of Ordinances, from CR Contracting – *Matt Martin*

3. Discussion of an Additional FTE for Assistant Planner – *Nick Lelack and
Peter Gutowsky*

4. Other Items

PLEASE NOTE: At any time during this meeting, an executive session could be called to address issues relating to ORS 192.660(2) (e), real property negotiations; ORS 192.660(2) (h), litigation; ORS 192.660(2)(d), labor negotiations; or ORS 192.660(2) (b), personnel issues; or other issues under ORS 192.660(2), executive session.

Meeting dates, times and discussion items are subject to change. All meetings are conducted in the Board of Commissioners' meeting rooms at 1300 NW Wall St., Bend, unless otherwise indicated. If you have questions regarding a meeting, please call 388-6572.

Deschutes County encourages persons with disabilities to participate in all programs and activities. To request this information in an alternate format please call (541) 330-4640, or email anna.johnson@deschutes.org.

Nov, 9, 2015

Name

Mailing AddressCityZipPhone #e-mail address

Chris Partain

D.C. Finance

Shruti Pinnar

Health Services

GARNETT CHROSTKE

BL3

S91 SW 1/4 US 5N 14W BEND

97702

5-11-302-4331

CHAPTER 13

Tom Kuhn

Health Services

Eric Mone

“ ”

541-322-7410

Ted Shorack

Bulletin

1778w Chandler Ave Bend

541-388-6566



Deschutes County Health Services

Memorandum

To: Deschutes County Board of County Commissioners

CC: Tom Anderson, County Administrator
Jane Smilie, Health Services Director

From: Tom Kuhn, Community Health Manager
Eric Mone, Environmental Health Supervisor

Date: November 9, 2015

Re: **Request to increase Environmental Health Program Fees**

Rationale:

- Standard 8 of the Food and Drug Administration (FDA) Voluntary National Retail Food Regulatory Program Standards recommends “a staffing level of 1.0 FTE devoted to the foodservice program for every 280-320 inspections performed per year.” Currently, Deschutes County Health Services Environmental Health (EH) foodservice staff perform 810 foodservice inspections per year, per FTE. This high volume of inspections can have the impact of reducing the quality of inspection, ultimately reducing the quality of public health protection staff can deliver.
- During a recent site visit of the EH program, FDA Regional Food Specialist Katey Kennedy noted that the program is unable to fully meet any of the nine (9) FDA Voluntary National Retail Food Regulatory Program Standards due to insufficient FTE.
- Current staff workload allows little room for building capacity or performing other important EH functions including responding to animal bites, mold mitigation, program planning, and quality improvement/evaluation programs.
- In the summertime, the surge of tourism inflates the population of Bend alone to approximately 100,000 (18,000 visitors a day) and rarely falls below 93,000 year-round. This increased population creates a burden on EH staff who are actually serving a larger population and a larger per capita food and tourist industry.
- The EH Supervisor must spend 50% of his time in the field in order to support staff inspections. This field work contribution allows him less time to perform traditional supervisory duties such as performance management, operational development, data analysis, and budget functions.
- EH fees have not been raised since 2009. It was decided after 2009 not to raise fees due to the burden caused by the recession on local business owners.

Proposal: Raise Environmental Health Program Fees 6%

- Raising all EH fees 6% would provide approximately \$50,000 additional revenue (FY 15 revenue of \$819,187 x 6% = \$49,157), which would be sufficient to support 0.5 Environmental Health Specialist II FTE in the FY 17 budget.
- This position will inspect 250-300 Licensed Facilities per year. This position will take lead in functions such as animal bites, mold, outbreak investigations, FDA Voluntary Standards, and reduce the burden of inspections for EHS staff.
- The FDA Standard for foodservice inspections is 280-320 per year per FTE. Currently, 3.3 FTE DCHS staff perform 810 foodservice inspections per FTE. Adding 0.5 FTE would reduce the inspection volume to 703 inspections per FTE, which is a 13.2% reduction.
- In order to meet the FDA standard of 280-320 inspections per year, EH would have to increase at least 5.0 FTE, which would require a 60% increase in fees. Such an increase would be excessive and not an option.

Comparison of similarly sized Oregon county environmental health programs

County	Inspections annually	Foodservice FTE	Inspections per FTE per year	EH funding source	Food Service License cost for 0-15 seat
Yamhill (102K)	962	1.25	770	100% fees	\$497
Douglas (109K)	1,514	2.2	688	75% fees; 25% GF	\$600 (7/1/16)
Linn (119K)	No stats			75% Fees; 25% Solid Waste	\$485
Deschutes (166K)	2,672	3.3	810	92% fees, 8% GF (FY 15)	\$645
Jackson (208K)	2,404	3.15	763	100% fees	\$599
Marion (326K)	3,404	4.6	740	96% fees, 4% GF	\$425
Lane (358K)	3,846	4.2	916	100% fees	\$536

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

A Resolution Adopting and Continuing Fees and Charges
for Services and Providing an Effective Date.

*
* RESOLUTION NO. 2015-105

WHEREAS, various departments of Deschutes County charge fees for services and permits; and

WHEREAS, any fee that charged by the County which is established or authorized may be amended in accordance with Chapter 4.12 of the Deschutes County Code, as amended; and

WHEREAS, Deschutes County Environmental Health Department has proposed a modification to fees and charges for services and permits; and

WHEREAS, The Board of County Commissioners held a public hearing on November 23, 2015, on the proposed change to the fee schedule as set forth in Exhibit "A" reflect the actual cost of providing services and permits; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, as follows:

Section 1. That the fees set forth in Exhibit "A", attached hereto and, by this reference, incorporated herein, is hereby adopted as the fees and charges of Deschutes County, Oregon.

Section 2. The fees and charges for services and permits adopted in Section 1 of this Resolution are effective January 1, 2016.

Section 3. All fees and charges for services and permits in effect prior to January 1, 2016, are hereby continued or superseded as provided herein.

Dated this _____ day of _____, 2015

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Anthony DeBone, Chair

Alan Unger, Vice Chair

ATTEST:

Recording Secretary

Tammy Baney, Commissioner

Deschutes County Fee Schedule
FY 2016

2

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY
	Public Health			
HLTH 1	Certified Copy of Birth Certificate-first copy of order	20.00	per order	State of Oregon
HLTH 2	Certified Copy of Birth Certificate-after first copy of order	15.00	each	State of Oregon
HLTH 3	Certified Copy of Death Certificate or Abstract-first copy of order	20.00	per order	State of Oregon
HLTH 4	Certified Copy of Death Certificate or Abstract-after first copy of order	15.00	each	State of Oregon
HLTH 5	Corrected Certificate Replacement charge after third copy (no charge first 3 copies)	20.00	per order	State of Oregon
HLTH 6	Vital Records Search	20.00		State of Oregon
HLTH 7	Birth Abstract Listing for Publication	0.10	per name	
HLTH 8	Page Copy	0.25	per page	
HLTH 9	Release of Information fees for medical record copies (patients requesting personal information will be charged the page copy)	25.00	1-10 pages	State of Oregon
HLTH 10	Copies (after 10 pages)	0.25	per page	
HLTH 11	Actual postage charges	ACS	per mailing	
HLTH 12	Charge for provider's time to respond to written questions	35.00	per hour	
	Note: Most fees are based on sliding scale according to Federal Poverty income guidelines. Consult each program			
	New Patient Office Visits and Well Service Visits			
	Fees are charged at actual cost of services based on annual cost analysis. Annual cost analysis is on file for review.			
	New Patient - Office Visit			
HLTH 13	Problem focus straightforward	117.00	per visit	
HLTH 14	Expanded straightforward	200.00		
HLTH 15	Detailed Low	289.00		
HLTH 16	Comp Moderate	441.00		
HLTH 17	Comp High	554.00		
	Established Patient - Office Visit			
HLTH 18	Incident to Minimal	53.00		
HLTH 19	Problem focus straightforward	117.00		
HLTH 20	Expanded problem focused	194.00		
HLTH 21	Detailed Low	289.00		
HLTH 22	Comp Moderate	389.00		

Deschutes County Fee Schedule

FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY
	Public Health (continued)			
	Well Services - New Patient			
HLTH 23	12 - 17 year	366.00		
HLTH 24	18 - 19 year	355.00		
HLTH 25	40 - 64 year	411.00		
	Well Services - Established Patient			
HLTH 26	12 - 17 year	312.00		
HLTH 27	18 - 39 year	319.00		
HLTH 28	40 - 64 year	341.00		
	Maternal Child Health Program*			DHS
	Fees set by State DHS Program are adjusted as DHS adjusts fees. List of current prices is on file for review			
HLTH 29	Initial needs assessment	24.00	visit	
HLTH 30	Case management full	75.00	visit	
HLTH 31	Case management partial	37.00	visit	
HLTH 32	High risk case management full	128.00	visit	
HLTH 33	High risk case management partial	64.00	visit	
HLTH 34	Home assessment	42.00	visit	
HLTH 35	Telephone contact	21.00	each	
HLTH 36	Case management visit	42.00	visit	
HLTH 37	Topical application of fluoride	18.00	each	
	* Fees set by State DHS Program are adjusted as DHS adjust fees.			
	Counseling / Education / Training / Promotion / Consultation / Screening / Referral			
	Fees are charged at actual cost of services based on annual cost analysis			
	*Annual cost analysis is on file for review.			
	**New procedures not included in cost analysis will be billed at minimum Medicaid reimbursement rate plus any additional cost for staff or supplies.			

*ACS=Actual Cost of Services

Deschutes County Fee Schedule
FY 2016

ITEM NO.		DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY
		Public Health (continued)			
		Procedures			
		Misc Medical Procedures - medical procedures are charged at actual cost of services based on annual cost analysis.			
		*Annual cost analysis is on file for review.			
		**New procedures not included in cost analysis will be billed at minimum Medicaid reimbursement rate plus any additional cost for staff or supplies.			
HLTH	38	Cervical biopsy	343.00		
HLTH	39	Biopsy of Uterus Lining	292.00		
HLTH	40	Diaphragm fit	163.00		
HLTH	41	Lesion destruction penis cryo	356.00		
HLTH	42	Lesion destruction vulva any	351.00		
HLTH	43	IUD insert	189.00		
HLTH	44	IUD remove	254.00		
HLTH	45	Contraceptive Capsule Insert (Implanon)	377.00		
HLTH	46	Contraceptive Capsule Removal (Implanon)	383.00		
HLTH	47	Contraceptive Capsule Removal and Reinsertion (Implanon)	597.00		
HLTH	48	Non-genital lesion destruction up to 14	295.00		
HLTH	49	Non-genital lesion destruction 15 or more	350.00		
		Visiting Physician			
HLTH	50	Colposcopy w/o biopsy	293.00		
HLTH	51	Colposcopy w/biopsy	384.00		
HLTH	52	Colposcopy of vulva w/o biopsy	317.00		
HLTH	53	Colposcopy of vulva w/biopsy	423.00		
HLTH	54	Vulvar biopsy 1st lesion	221.00		
HLTH	55	Endocervical curettage w/o D&C	411.00		
HLTH	56	Cervical Cryotherapy - simple	306.00		

Deschutes County Fee Schedule
FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY
	Public Health (continued)			
	Immunizations**			
	Clients eligible for Vaccines for Children Program (VFC) pay only an administrative fee. This admin fee is set by the State and is subject to change			
HLTH 57	Administration fee on first immunization - other than State	50.00		DHS
HLTH 58	Administration fee on add'l immunization - other than State	27.00		DHS
HLTH 59	Admin Fee for State and/or each additional immunization	21.96		DHS
	Fees for clients not eligible for the VFC Program are based on the actual cost of the vaccine plus the admin fee.			
HLTH 60	DTAP	19.51		DHS
HLTH 61	DTaP / IPV	47.55		DHS
HLTH 62	HIB	19.21		DHS
HLTH 63	Polio IPV (Eipv)	27.44		DHS
HLTH 64	MMR	59.85		DHS
HLTH 65	MMRV	168.30		DHS
HLTH 66	Td 7+yrs	22.35		DHS
HLTH 67	Tdap 11-16 years	33.03		DHS
HLTH 68	Varicella	104.75		DHS
HLTH 69	DTAP/HEPB/IPV	68.22		DHS
HLTH 70	Hep A Peds	20.11		DHS
HLTH 71	Hep B Ped/adol	14.01		DHS
HLTH 72	PCV 13	156.75		DHS
HLTH 73	Rotavirus			DHS
HLTH 74	Menveo	105.75		DHS
	Special Programs**			
HLTH 75	Influenza	30.00		DHS
HLTH 76	Flumist	35.00		DHS
HLTH 77	IG - only pay admin fee	0.00		DHS
HLTH 78	HPV Vaccine	142.62	each	DHS
	Vaccines Not in VFC Program**			
HLTH 79	Hep A/Hep B Adult	58.65		DHS
HLTH 80	Hep A Adult	30.61		DHS
HLTH 81	Hep B Adult	36.31		DHS
HLTH 82	Pneumo - 23	70.21		DHS
HLTH 83	PPD - TB Test	30.00		
HLTH 84	Antibiotic Injection Administration	27.00		
	** If the cost of the immunization increases during the fiscal year, the Health Department will adjust the price to reflect the actual increase in cost.			

*ACS=Actual Cost of Services

Deschutes County Fee Schedule
FY 2016

6

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY
	Public Health (continued)			
	Laboratory Processing Specimen			
HLTH 85	Handling fee - varies depending on fee charged from laboratory	15.00 - 30.00	each	
	In-House Testing			
	In-House testing is charged at Actual Cost of Service including supply costs.			
HLTH 86	Glucose blood test	10.00		
HLTH 87	Preg test - urine	10.00		
HLTH 88	Strep test	20.00		
HLTH 89	UA w/o micro test	4.00		
HLTH 90	Wet Mount Test	10.00		
HLTH 91	Wet mount test, KOH	10.00		
HLTH 92	Hemoccult feces screen	5.00		
HLTH 93	HGB test	5.00		
	External Labs			
HLTH 94	Lab fees - actual flow-through price from outside lab	ACS		
	Medication and Lab Charges - Non Title X			
	Charge at cost, no slide, client must pre-pay			
HLTH 95	Other labs and medications	ACS		
	Injections			
HLTH 96	Therapeutic/Antibiotic Injection Administration	27.00		
	Dispensed Medications ***			
	***Medications and drugs are priced at Health Department costs and may be adjusted during the year. A current fee schedule will be on file for review. Cost varies according to specials and amounts purchased.			
	Clients may be eligible for FPEP coverage at no charge for contraception services.			

Deschutes County Fee Schedule
FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY
	Public Health - Environmental Health Division			
	LICENSES: Food Service			
	<p>Note: A supplementary inspection charge equal to 50% of the annual license fee shall be assessed for each complete inspection required because of failure to meet applicable standards when such complete inspection is performed during the license period in addition to the two semi-annual inspections normally performed. Charges accrued and not paid during the current license period will be added to the license fee for the next license period and will be subject to the late penalties specified. New licensees will not be assessed any surcharges accrued by the previous license holder. Any licensed facility opened in Oct/Nov/Dec will be charged 1/2 fee.</p>			
	Full service restaurant seating:			
HLTH 97	0 - 15	645.00		
HLTH 98	16 - 50	700.00		
HLTH 99	51 - 150	830.00		
HLTH 100	151 and over	930.00		
HLTH 101	Commissary	250.00		
HLTH 102	Warehouse	200.00		
HLTH 103	Limited service	540.00		
	Government Entities - fee is 50% of full service restaurant fees, based on restaurant seating.			Senate Bill 631
	Mobile Unit Annual Operating License per OAR 333-162-0020			
HLTH 104	Class I	215.00		
HLTH 105	Class II	240.00		
HLTH 106	Class III	300.00		
HLTH 107	Class IV	345.00		
	Temporary Restaurant License			
HLTH 108	Temporary Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	40.00	per event	
HLTH 109	Temporary for Profit	125.00	per event	
HLTH 110	Temporary Prior to Event: Temporary Restaurant Applications must be received at least 7 calendar days before the day the event starts.	80.00	per event	
HLTH 111	Temporary at Event (operating without a license)	200.00	per event	
HLTH 112	Temporary Event - Ice as only non-exempt food	50.00		
HLTH 113	Temporary Event - Events with five or more applicants (received 7 calendar days before the event)	70.00		

*ACS=Actual Cost of Services

Deschutes County Fee Schedule
FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY
	Public Health - Environmental Health Division (continued)			
	Intermittent Temporary Restaurant License			
HLTH 114	Intermittent Temporary Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	62.50		
HLTH 115	Seven days or more before event start date	125.00		
HLTH 116	Less than seven days before event start date	150.00		
	Seasonal Temporary Restaurant License			
HLTH 117	Seasonal Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	62.50		
HLTH 118	Seven days or more before event start date	125.00		
HLTH 119	Less than seven days before event start date	150.00		
HLTH 120	Operational Review	85.00		
HLTH 121	Operational Review Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	42.50		
HLTH 122	Re-check fee for Temporary Restaurant	85.00		
	School Cafeteria & Kitchens:			
HLTH 123	School Inspection (production kitchen)	200.00		
HLTH 124	School Inspection (satellite branch)	150.00		
HLTH 125	Bed and breakfast (food facility)	375.00		
	Vending machines (of potentially hazardous foods):			
HLTH 126	1 - 10	120.00		
HLTH 127	11 - 20	160.00		
HLTH 128	21 - 30	200.00		
HLTH 129	31 - 40	240.00		
HLTH 130	41 - 50	280.00		
HLTH 131	Food handlers certification	10.00		
HLTH 132	Certification card replacement	5.00		
	Review of restaurant plan prior to construction			
HLTH 133	New	500.00		
HLTH 134	Remodel	300.00		
HLTH 135	School cafeteria plan review	500.00		
HLTH 136	Daycare Plan Review	200.00		
HLTH 137	Daycare Remodel Plan	75.00		
HLTH 138	Commissary/Base of Operation	250.00		

Deschutes County Fee Schedule
FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY
	Health Services - Environmental Health Division (continued)			
	Mobile Unit (review of mobile unit plan prior to construction)			
HLTH 139	Class I	215.00		
HLTH 140	Class II	270.00		
HLTH 141	Class III	375.00		
HLTH 142	Class IV	400.00		
HLTH 143	Non-profit organization plan review	250.00		
	Note: A penalty of \$150.00 shall be added if payment is 30 days after the license expiration date. An additional penalty of \$150.00 shall be added on the first day of each succeeding month of delinquency.			
	Tourist facilities:			
HLTH 144	Organizational camp or picnic park	135.00	plus fee for each space	
HLTH 145	Traveler's accommodation	200.00	plus fee for each space	
HLTH 146	Recreation park	135.00	plus fee for each space	
HLTH 147	First 50 spaces	3.00	per space	
HLTH 148	Next 50 spaces	2.00	per space	
HLTH 149	Each space beyond 100	1.00	per space	
	Note: Any person initially licensed under ORA 446.310 to 446.350 for engaging in the recreation park or travelers accommodation business who has failed to renew a license on or before the expiration date is delinquent. If delinquency extends 15 days past the expiration date, a penalty fee of 50% of the annual license fee shall be added. The penalty fee shall be increased by 50% of the license fee on the first day of each succeeding month of delinquency.			
	Swimming pools:			
HLTH 150	License (first public pool, spa, bathhouse)	565.00		
HLTH 151	Second pool or spa (same location)	340.00		
HLTH 152	Additional pools or spas (same location)	280.00		
HLTH 153	Pool plan review fee	460.00		
HLTH 154	Pool construction permit	460.00		
	Surcharges for pools, spas & tourist facilities will be based on the amount set forth by the Oregon Health Division for local govts..	Varies		

*ACS=Actual Cost of Services

Deschutes County Fee Schedule
FY 2016

ITEM NO.		DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY
		Health Services - Environmental Health Division (continued)			
		Miscellaneous:			
HLTH	155	Children's Service: Foster home/day care inspection	175.00		
HLTH	156	Children's Service: Child Care Center Inspection	200.00		
HLTH	157	Fee for licensed facility that requires + two re-check inspections / year	150.00		
HLTH	158	Miscellaneous Inspection or Plan Review	200.00		
HLTH	159	Limited Inspection or Plan Review	ACS		
HLTH	160	Outdoor Mass Gathering	200.00		
HLTH	161	Convenience/Handling Fee (On-line renewal of Food Service license)	Varies	2.5% of transaction amount	
		Note: A penalty of \$150.00 shall be added if payment is 30 days after the license expiration date. An additional penalty of \$150.00 shall be added on the first day of each succeeding month of delinquency.			

Deschutes County Fee Schedule
FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY	Requested Fee (\$)
	Public Health				
HLTH 1	Certified Copy of Birth Certificate-first copy of order	20.00	per order	State of Oregon	
HLTH 2	Certified Copy of Birth Certificate-after first copy of order	15.00	each	State of Oregon	
HLTH 3	Certified Copy of Death Certificate or Abstract-first copy of order	20.00	per order	State of Oregon	
HLTH 4	Certified Copy of Death Certificate or Abstract-after first copy of order	15.00	each	State of Oregon	
HLTH 5	Corrected Certificate Replacement charge after third copy (no charge first 3 copies)	20.00	per order	State of Oregon	
HLTH 6	Vital Records Search	20.00		State of Oregon	
HLTH 7	Birth Abstract Listing for Publication	0.10	per name		
HLTH 8	Page Copy	0.25	per page		
HLTH 9	Release of Information fees for medical record copies (patients requesting personal information will be charged the page copy)	25.00	1-10 pages	State of Oregon	
HLTH 10	Copies (after 10 pages)	0.25	per page		
HLTH 11	Actual postage charges	ACS	per mailing		
HLTH 12	Charge for provider's time to respond to written questions	35.00	per hour		
	Note: Most fees are based on sliding scale according to Federal Poverty income guidelines. Consult each program page				
	New Patient Office Visits and Well Service Visits				
	Fees are charged at actual cost of services based on annual cost analysis. Annual cost analysis is on file for review.				
	New Patient - Office Visit				
HLTH 13	Problem focus straightforward	117.00	per visit		
HLTH 14	Expanded straightforward	200.00			
HLTH 15	Detailed Low	289.00			
HLTH 16	Comp Moderate	441.00			
HLTH 17	Comp High	554.00			
	Established Patient - Office Visit				
HLTH 18	Incident to Minimal	53.00			
HLTH 19	Problem focus straightforward	117.00			
HLTH 20	Expanded problem focused	194.00			
HLTH 21	Detailed Low	289.00			
HLTH 22	Comp Moderate	389.00			

*ACS=Actual Cost of Services

Deschutes County Fee Schedule
FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY	Requested Fee (\$)
	Public Health (continued)				
	Well Services - New Patient				
HLTH 23	12 - 17 year	366.00			
HLTH 24	18 - 19 year	355.00			
HLTH 25	40 - 64 year	411.00			
	Well Services - Established Patient				
HLTH 26	12 - 17 year	312.00			
HLTH 27	18 - 39 year	319.00			
HLTH 28	40 - 64 year	341.00			
	Maternal Child Health Program*			DHS	
	Fees set by State DHS Program are adjusted as DHS adjusts fees. List of current prices is on file for review				
HLTH 29	Initial needs assessment	24.00	visit		
HLTH 30	Case management full	75.00	visit		
HLTH 31	Case management partial	37.00	visit		
HLTH 32	High risk case management full	128.00	visit		
HLTH 33	High risk case management partial	64.00	visit		
HLTH 34	Home assessment	42.00	visit		
HLTH 35	Telephone contact	21.00	each		
HLTH 36	Case management visit	42.00	visit		
HLTH 37	Topical application of fluoride	18.00	each		
	* Fees set by State DHS Program are adjusted as DHS adjust fees.				
	Counseling / Education / Training / Promotion / Consultation / Screening / Referral				
	Fees are charged at actual cost of services based on annual cost analysis				
	*Annual cost analysis is on file for review.				
	**New procedures not included in cost analysis will be billed at minimum Medicaid reimbursement rate plus any additional cost for staff or supplies.				

Deschutes County Fee Schedule

FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY	Requested Fee (\$)
	Public Health (continued)				
	Procedures				
	Misc Medical Procedures - medical procedures are charged at actual cost of services based on annual cost analysis.				
	*Annual cost analysis is on file for review.				
	**New procedures not included in cost analysis will be billed at minimum Medicaid reimbursement rate plus any additional cost for staff or supplies.				
HLTH 38	Cervical biopsy	343.00			
HLTH 39	Biopsy of Uterus Lining	292.00			
HLTH 40	Diaphragm fit	163.00			
HLTH 41	Lesion destruction penis cryo	356.00			
HLTH 42	Lesion destruction vulva any	351.00			
HLTH 43	IUD insert	189.00			
HLTH 44	IUD remove	254.00			
HLTH 45	Contraceptive Capsule Insert (Implanon)	377.00			
HLTH 46	Contraceptive Capsule Removal (Implanon)	383.00			
HLTH 47	Contraceptive Capsule Removal and Reinsertion (Implanon)	597.00			
HLTH 48	Non-genital lesion destruction up to 14	295.00			
HLTH 49	Non-genital lesion destruction 15 or more	350.00			
	Visiting Physician				
HLTH 50	Colposcopy w/o biopsy	293.00			
HLTH 51	Colposcopy w/biopsy	384.00			
HLTH 52	Colposcopy of vulva w/o biopsy	317.00			
HLTH 53	Colposcopy of vulva w/biopsy	423.00			
HLTH 54	Vulvar biopsy 1st lesion	221.00			
HLTH 55	Endocervical curettage w/o D&C	411.00			
HLTH 56	Cervical Cryotherapy - simple	306.00			

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Deschutes County Fee Schedule
FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY	Requested Fee (\$)
	Public Health (continued)				
	Immunizations**				
	Clients eligible for Vaccines for Children Program (VFC) pay only an administrative fee. This admin fee is set by the State and is subject of change				
HLTH 57	Administration fee on first immunization - other than State	50.00		DHS	
HLTH 58	Administration fee on add'l immunization - other than State	27.00		DHS	
HLTH 59	Admin Fee for State and/or each additional immunization	21.96		DHS	
	Fees for clients not eligible for the VFC Program are based on the actual cost of the vaccine plus the admin fee.				
HLTH 60	DTAP	19.51		DHS	
HLTH 61	DTaP / IPV	47.55		DHS	
HLTH 62	HIB	19.21		DHS	
HLTH 63	Polio IPV (Eipv)	27.44		DHS	
HLTH 64	MMR	59.85		DHS	
HLTH 65	MMRV	168.30		DHS	
HLTH 66	Td 7+yrs	22.35		DHS	
HLTH 67	Tdap 11-16 years	33.03		DHS	
HLTH 68	Varicella	104.75		DHS	
HLTH 69	DTAP/HEPB/IPV	68.22		DHS	
HLTH 70	Hep A Peds	20.11		DHS	
HLTH 71	Hep B Ped/adol	14.01		DHS	
HLTH 72	PCV 13	156.75		DHS	
HLTH 73	Rotavirus			DHS	
HLTH 74	Menveo	105.75		DHS	
	Special Programs**				
HLTH 75	Influenza	30.00		DHS	
HLTH 76	Flumist	35.00		DHS	
HLTH 77	IG - only pay admin fee	0.00		DHS	
HLTH 78	HPV Vaccine	142.62	each	DHS	
	Vaccines Not in VFC Program**				
HLTH 79	Hep A/Hep B Adult	58.65		DHS	
HLTH 80	Hep A Adult	30.61		DHS	
HLTH 81	Hep B Adult	36.31		DHS	
HLTH 82	Pneumo - 23	70.21		DHS	
HLTH 83	PPD - TB Test	30.00			
HLTH 84	Antibiotic Injection Administration	27.00			
	** If the cost of the immunization increases during the fiscal year, the Health Department will adjust the price to reflect the actual increase in cost.				

Deschutes County Fee Schedule

FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY	Requested Fee (\$)
	Public Health (continued)				
	Laboratory Processing Specimen				
HLTH 85	Handling fee - varies depending on fee charged from laboratory	15.00 - 30.00	each		
	In-House Testing				
	In-House testing is charged at Actual Cost of Service including supply costs.				
HLTH 86	Glucose blood test	10.00			
HLTH 87	Preg test - urine	10.00			
HLTH 88	Strep test	20.00			
HLTH 89	UA w/o micro test	4.00			
HLTH 90	Wet Mount Test	10.00			
HLTH 91	Wet mount test, KOH	10.00			
HLTH 92	Hemoccult feces screen	5.00			
HLTH 93	HGB test	5.00			
	External Labs				
HLTH 94	Lab fees - actual flow-through price from outside lab	ACS			
	Medication and Lab Charges - Non Title X				
	Charge at cost, no slide, client must pre-pay				
HLTH 95	Other labs and medications	ACS			
	Injections				
HLTH 96	Therapeutic/Antibiotic Injection Administration	27.00			
	Dispensed Medications ***				
	***Medications and drugs are priced at Health Department costs and may be adjusted during the year. A current fee schedule will be on file for review. Cost varies according to specials and amounts purchased.				
	Clients may be eligible for FPEP coverage at no charge for contraception services.				

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Deschutes County Fee Schedule
FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY	Requested Fee (\$)
	Public Health - Environmental Health Division				
	LICENSES: Food Service				
	Note: A supplementary inspection charge equal to 50% of the annual license fee shall be assessed for each complete inspection required because of failure to meet applicable standards when such complete inspection is performed during the license period in addition to the two semi-annual inspections normally performed. Charges accrued and not paid during the current license period will be added to the license fee for the next license period and will be subject to the late penalties specified. New licensees will not be assessed any surcharges accrued by the previous license holder. Any licensed facility opened in Oct/Nov/Dec will be charged 1/2 fee.				
	Full service restaurant seating:				
HLTH 97	0 - 15	645.00			684.00
HLTH 98	16 - 50	700.00			742.00
HLTH 99	51 - 150	830.00			880.00
HLTH 100	151 and over	930.00			986.00
HLTH 101	Commissary	250.00			265.00
HLTH 102	Warehouse	200.00			212.00
HLTH 103	Limited service	540.00			572.00
	Government Entities - fee is 50% of full service restaurant fees, based on restaurant seating.			Senate Bill 631	
	Mobile Unit Annual Operating License per OAR 333-162-0020				
HLTH 104	Class I	215.00			228.00
HLTH 105	Class II	240.00			254.00
HLTH 106	Class III	300.00			318.00
HLTH 107	Class IV	345.00			366.00
	Temporary Restaurant License				
HLTH 108	Temporary Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	40.00	per event		42.00
HLTH 109	Temporary for Profit	125.00	per event		133.00
HLTH 110	Temporary Prior to Event: Temporary Restaurant Applications must be received at least 7 calendar days before the day the event starts.	80.00	per event		85.00
HLTH 111	Temporary at Event (operating without a license)	200.00	per event		212.00
HLTH 112	Temporary Event - Ice as only non-exempt food	50.00			53.00
HLTH 113	Temporary Event - Events with five or more applicants (received 7 calendar days before the event)	70.00			74.00

Deschutes County Fee Schedule

FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY	Requested Fee (\$)
	Public Health - Environmental Health Division (continued)				
	Intermittent Temporary Restaurant License				
HLTH 114	Intermittent Temporary Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	62.50			66.00
HLTH 115	Seven days or more before event start date	125.00			133.00
HLTH 116	Less than seven days before event start date	150.00			159.00
	Seasonal Temporary Restaurant License				
HLTH 117	Seasonal Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	62.50			66.00
HLTH 118	Seven days or more before event start date	125.00			133.00
HLTH 119	Less than seven days before event start date	150.00			159.00
HLTH 120	Operational Review	85.00			90.00
HLTH 121	Operational Review Benevolent: Must show a valid I.R.S. tax exempt I.D. number to qualify	42.50			45.00
HLTH 122	Re-check fee for Temporary Restaurant	85.00			90.00
	School Cafeteria & Kitchens:				
HLTH 123	School Inspection (production kitchen)	200.00			212.00
HLTH 124	School Inspection (satellite branch)	150.00			159.00
HLTH 125	Bed and breakfast (food facility)	375.00			398.00
	Vending machines (of potentially hazardous foods):				
HLTH 126	1 - 10	120.00			127.00
HLTH 127	11 - 20	160.00			170.00
HLTH 128	21 - 30	200.00			212.00
HLTH 129	31 - 40	240.00			254.40
HLTH 130	41 - 50	280.00			296.40
HLTH 131	Food handlers certification	10.00			11.00
HLTH 132	Certification card replacement	5.00			5.50
	Review of restaurant plan prior to construction				
HLTH 133	New	500.00			530.00
HLTH 134	Remodel	300.00			318.00
HLTH 135	School cafeteria plan review	500.00			530.00
HLTH 136	Daycare Plan Review	200.00			212.00
HLTH 137	Daycare Remodel Plan	75.00			80.00
HLTH 138	Commissary/Base of Operation	250.00			265.00

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Deschutes County Fee Schedule
FY 2016

8

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY	Requested Fee (\$)
	Health Services - Environmental Health Division (continued)				
	Mobile Unit (review of mobile unit plan prior to construction)				
HLTH 139	Class I	215.00			228.00
HLTH 140	Class II	270.00			286.00
HLTH 141	Class III	375.00			398.00
HLTH 142	Class IV	400.00			424.00
HLTH 143	Non-profit organization plan review	250.00			265.00
	Note: A penalty of \$150.00 shall be added if payment is 30 days after the license expiration date. An additional penalty of \$150.00 shall be added on the first day of each succeeding month of delinquency.				
	Tourist facilities:				
HLTH 144	Organizational camp or picnic park	135.00	plus fee for each space		143.00
HLTH 145	Traveler's accommodation	200.00	plus fee for each space		212.00
HLTH 146	Recreation park	135.00	plus fee for each space		143.00
HLTH 147	First 50 spaces	3.00	per space		
HLTH 148	Next 50 spaces	2.00	per space		
HLTH 149	Each space beyond 100	1.00	per space		
	Note: Any person initially licensed under ORA 446.310 to 446.350 for engaging in the recreation park or travelers accommodation business who has failed to renew a license on or before the expiration date is delinquent. If delinquency extends 15 days past the expiration date, a penalty fee of 50% of the annual license fee shall be added. The penalty fee shall be increased by 50% of the license fee on the first day of each succeeding month of delinquency.				
	Swimming pools:				
HLTH 150	License (first public pool, spa, bathhouse)	565.00			599.00
HLTH 151	Second pool or spa (same location)	340.00			360.00
HLTH 152	Additional pools or spas (same location)	280.00			297.00
HLTH 153	Pool plan review fee	460.00			488.00
HLTH 154	Pool construction permit	460.00			488.00
	Surcharges for pools, spas & tourist facilities will be based on the amount set forth by the Oregon Health Division for local govts..	Varies			

Deschutes County Fee Schedule

FY 2016

ITEM NO.	DESCRIPTION	FY 2016 Fee (\$)	UNIT	ENACTMENT AUTHORITY	Requested Fee (\$)
	Health Services - Environmental Health Division (continued)				
	Miscellaneous:				
HLTH 155	Children's Service: Foster home/day care inspection	175.00			186.00
HLTH 156	Children's Service: Child Care Center Inspection	200.00			212.00
HLTH 157	Fee for licensed facility that requires + two re-check inspections / year	150.00			159.00
HLTH 158	Miscellaneous Inspection or Plan Review	200.00			212.00
HLTH 159	Limited Inspection or Plan Review	ACS			
HLTH 160	Outdoor Mass Gathering	200.00			212.00
HLTH 161	Convenience/Handling Fee (On-line renewal of Food Service license)	Varies	2.5% of transaction amount		
	Note: A penalty of \$150.00 shall be added if payment is 30 days after the license expiration date. An additional penalty of \$150.00 shall be added on the first day of each succeeding month of delinquency.				

*ACS=Actual Cost of Services



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

MEMORANDUM

TO: Deschutes Board of County Commissioners

FROM: Matthew Martin, Associate Planner

DATE: November 4, 2015

RE: November 9, 2015, Work Session – CR Contracting Plan Amendment/Zone Change
(File Nos. 247-15-000272-ZC/273-PA)

The purpose of this work session is to determine if the Board of County Commissioners (Board) is supportive of adopting ordinances by emergency. Based on Board direction, staff will prepare two ordinances for the business meeting on November 30.

Summary

C.R. Contracting, LLC, requested a Plan Amendment and Zone Change to change the zoning from Tumalo Residential-5 Acre Minimum (TuR5) to Tumalo Industrial (Tul) and the plan designation from Residential 5-Acre Minimum (TuR5) to Industrial (Tul) for a 5.39 acre property located near the southern boundary of the Tumalo Rural Community.

The Hearings Officer held a public hearing on August 18, 2015, and found the application met, or could meet, all relevant criteria and approved the applicant's proposal in a decision dated October 7, 2015 (attached). The Hearings Officer's decision was not appealed.

Under DCC 22.28.030(B), "In considering all quasi-judicial zone changes and those quasi-judicial plan amendments on which the Hearings Officer has authority to make a decision, the Board of County Commissioners shall, in the absence of an appeal or review initiated by the Board, adopt the Hearings Officer's decision. No argument or further testimony will be taken by the Board."

Staff will bring the ordinances for review and adoption on November 30, 2015. The attached letter from Sharon Smith, attorney for the applicant, explains their interest in adoption by emergency.

ATTACHMENTS:

1. 247-15-000272-ZC/273-PA Hearings Officer Decision
2. Letter from Sharon Smith, on behalf of C.R. Contracting, LLC

BRYANT
LOVLIE
& JARVIS

EST. 1915
ATTORNEYS AT LAW

November 6, 2015

ATTORNEYS

Neil R. Bryant

Sharon R. Smith

John D. Sorlie

Mark G. Reinecke

Melissa P. Lande

Paul J. Taylor

Jeremy M. Green

Melinda Thomas

Heather J. Hansen

Garrett Chrostek

Danielle Lordi

Caroline J. Ponzini

Alan R. Dale

Via: email

Deschutes County Board of County Commissioners
c/o Matt Martin, Associate Planner
1300 NW Wall Street, Suite 200
Bend, OR 97701
matt.martin@deschutes.org

Re: C.R. Contracting, LLC/247-15-000272-ZC / 273-PA

Dear Commissioners:

Our office represents C.R. Contracting, LLC, a long-time asphalt management and paving business in Deschutes County. C.R. Contracting outgrew its present facilities within the Bend city limits and has had a challenging time finding a suitable alternative location. This led to a zone change and plan amendment application for a 5.39 acre property adjacent to Knife River in Tumalo. The Hearings Officer approved that application on October 7th and the decision was not appealed. Now, the County must adopt an ordinance to implement the zone change. Because of a pressing need to relocate, we request that the Board adopt the zone change/plan amendment ordinance by emergency.

If the Board does not adopt the ordinance by emergency, it will not become effective for 90 days. Given the holidays and staff workload, we may not have a second reading until mid December with an effective date in March. Furthermore, C.R. Contracting must still receive site plan approval before it can move its operations to the new site, let alone break ground on a new building. A site plan application cannot be filed until the ordinance is effective and likely will not be approved until the late summer of 2016 with the current large volume of land use applications.

Like all contractors, C.R. Contracting's peak season is summer. Spending the summer moving to the new site instead of working would be disastrous to the company and its 40 peak season employees. Adopting the ordinance by emergency will allow C.R. Contracting to start moving in early spring in advance of the busy season.

November 6, 2015

Page 2

We understand the reasons why the Board avoids adopting zone change ordinances by emergency. However, those reasons are not present here. The proposed ordinance does not have wide ranging application to county residents who would need some time to prepare for this change. It is only applicable to a single parcel and all of the neighbors were provided notice of C.R. Contracting's plans for the property. In any event, the site plan application processing period provides that transition. Accordingly, adoption by emergency is appropriate and would facilitate continuity of business by C.R. Contracting.

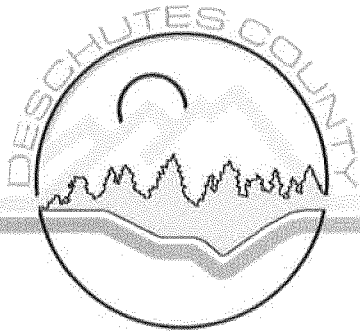
Thank you for your consideration.

Sincerely,



Sharon R. Smith
smith@bljlawyers.com

c: Client



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

117 NW Lafayette Avenue Bend Oregon 97701-1925
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

HEARINGS OFFICER DECISION

FILE NUMBERS: 247-15-000272-ZC and 217-15-000273-PA

SUBJECT: The applicant requests a Plan Amendment and Zone Change to change the zoning from Tumalo Residential-5 Acre Minimum (TuR5) to Tumalo Industrial (Tul) and the plan designation from Residential 5-Acre Minimum (TuR5) to Industrial (Tul) for the subject 5.39 acre property.

APPLICANT: C.R. Contracting, LLC

OWNER: CLR Inc.

AGENT: Sharon R. Smith
Bryant Lovlien & Jarvis PC

LOCATION: The property has an assigned address of 64435 Strickler Avenue, Bend, and is further identified as tax lot 401 on the County Assessor's Map 16-12-31.

STAFF REVIEWER: Matthew Martin, AICP, Associate Planner

HEARINGS OFFICER: Dan R. Olsen

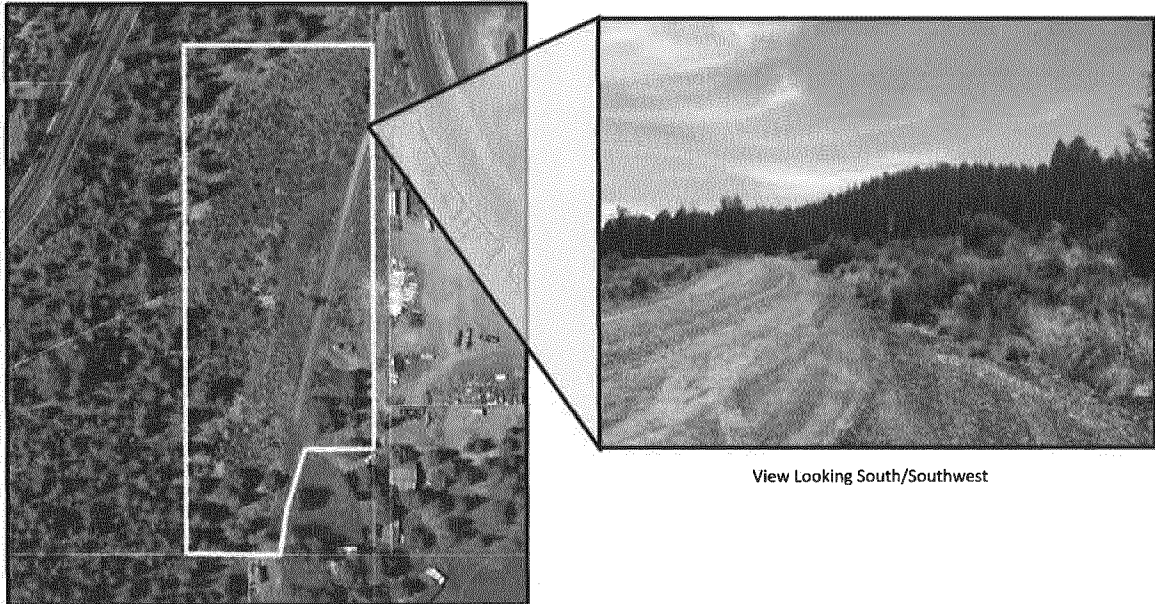
SUMMARY OF DECISION: The plan amendment, zone change and text amendments are approved, subject to a condition of approval.

Except as noted by "Hearings Officer" the findings below are taken from the staff report and all are the findings of the Hearings Officer.

I. BASIC FINDINGS:

- A. **Location:** The property has an assigned address of 64435 Strickler Avenue, Bend, and is further identified as tax lot 401 on the County Assessor's Map 16-12-31.
- B. **Lot of Record:** Pursuant to the findings in Lot of Record Determination LR-04-28, the subject property is recognized as legal lot of record.
- C. **Zoning and Plan Designation:** The Subject Property is zoned Tumalo Residential 5 Acre Minimum District (TUR5) and is within the Surface Mining Impact Area (SMIA) Combining Zone. It is designated Residential 5- Acre Minimum (TUR5) on the Comprehensive Plan Map.

- D. **Site Description:** The subject property is approximately 5.39 acres and generally rectangular in shape except for an irregularly shaped southeast corner. Vegetation consists of scattered juniper and pine trees with sage, bitterbrush, and other native ground cover. The topography is generally flat with portions sloping to the south. The property is unused but developed with a well, pump house, and gravel driveways traversing the property.



View Looking South/Southwest

- E. **Surrounding Land Use:** Properties to the north and west are zoned TUR5 and developed with residential uses, some with small scale agriculture, and elevated significantly higher than the subject property. The properties to the south are zoned Exclusive Farm Use (EFU) and developed with residential and agricultural uses. The property adjacent to the east is zoned TUI and is currently being developed with a mini storage facility (land use file 247-14-000413-SP). The properties to the southeast and further east are zoned Surface Mining (SM) and developed with the Knight River facility.
- F. **Proposal:** Applicant requests a Zone Change and Plan Amendment for the subject property to change the zoning from Tumalo Residential-5 Acre Minimum (TuR5) to Tumalo Industrial (Tul) and the plan designation from TuR5 to Tul. No specific development is proposed for the property at this time.
- G. **Hearing:**
Hearings Officer: A public hearing was conducted on August 18, 2015. Several persons testified and the following exhibits were received:

- H-1 Fidler letter dated August 18.
- H-2 Ross/Resnick letter dated August 13
- H-3 Baker letter dated August 18.

I stated that I have no relationship to the applicant or any conflicts of interest. There were no ex parte contacts. I did not conduct a site visit. I provided an opportunity

for any person to raise procedural or other objections but none were raised.

At the conclusion of the hearing, the applicant asked the record be kept open for additional submittals. The request was granted as follows:

September 8, 2015 at 5:00pm for new evidence
September 15, 2015 at 5:00pm for rebuttal evidence to new evidence
September 22, 2015 at 5:00pm for applicant's rebuttal but no new evidence

Numerous submittals were received and with one exception are admitted into the record. An email from Dick and Lois Allen was received by staff on September 17, 2015, after the close of the written record on September 8, 2015.

- H. **Public Notice:** The Planning Division mailed written notice of the applicant's proposal and the public hearing to the owners of record of all property located within 250 feet of the subject property.

Hearings Officer: No objections or concerns regarding notice have been raised.

- I. **Land Use History:** There are no previous land use approvals for the subject property.

II. **APPLICABLE STANDARDS:**

Chapter 18.136, Amendments

1. Section 18.136.010, Amendments

DCC Title 18 may be amended as set forth in DCC 18.136. The procedures for text or legislative map changes shall be as set forth in DCC 22.12. A request by a property owner for a quasi-judicial map amendment shall be accomplished by filing an application on forms provided by the Planning Department and shall be subject to applicable procedures of DCC Title 22.

FINDING: The applicant has requested a quasi-judicial map amendment and filed the applications for a plan amendment/zone change. The applications are being reviewed under the procedures of DCC Title 22.

Hearings Officer: Also proposed are text amendments as discussed below.

2. Section 18.136.020, Rezoning Standards

The applicant for a quasi-judicial rezoning must establish that the public interest is best served by rezoning the property. Factors to be demonstrated by the applicant are:

- A. ***That the change conforms with the Comprehensive Plan, and the change is consistent with the plan's introductory statement and goals.***

FINDING: Staff finds that the following are the applicable portions of the comprehensive plan (Title 23 of the DCC):

Chapter 4, Urban Growth Management

Section 4.1, Introduction

Purpose

The Urban Growth Management chapter, in concert with the other chapters of this Plan, specifies how Deschutes County will work with cities and unincorporated communities to accommodate growth while preserving rural character and resource lands.

Section 4.7

Background

The Tumalo Community Plan was adopted in Ordinance 2010-027 is hereby incorporated into this Plan as Appendix B.

FINDING: This chapter establishes no approval criteria. The Tumalo Community Plan is discussed below.

Tumalo Community Plan

Land Use

Land Use Designations and Inventory

Hearings Officer: As part of the proposal, the applicant seeks two text amendments to the Tumalo Community Plan and staff proposes one.

Amendment #1

Although not included in Table 4, the TUI designation is discussed on page 9 of the Tumalo Community Plan and the designation was approved by Ordinance 2005-017. The proposed amendment addresses this omission and corrects the table so the Comprehensive Plan designations and Zoning Districts match. The table below includes the proposed changes with the added text identified by underline and the deleted text identified by ~~strike through~~.

Table 4 - Tumalo Land Use Designations

Comprehensive Plan Designations	Zoning Districts
Commercial (TUC)	Commercial District (TUC)
Floodplain (FP)	Floodplain (FP)
Research and Development (TURE) <u>Industrial (TUI)</u>	Industrial District (TUI)
Residential (TUR) <u>Research and Development (TURE)</u>	Research and Development District (TURE)
Residential 5 Acre Minimum (TUR5) <u>Residential (TUR)</u>	Residential District (TUR)
Residential 5 Acre Minimum (TUR5)	Residential Five Acre Minimum District (TUR5)

Amendment #2

Approval of the proposed plan amendment and zone change requires amendment of the Table 5 changing the total number of TUR5 and TUI zoned parcels. The table below includes the proposed changes with the added text identified by underline and the deleted text identified by ~~strikethrough~~.

Table 5 - Tumalo Land Use Inventory *

Zone	Residential Units	Commercial / Industrial Developments	Undeveloped Parcels	Total Number of Parcels
TUC	28	17	57	102
TUR	93	0	37	127
TUR5	75	0	28 <u>27</u>	400 <u>99</u>
TURE	0	2	1	3
TUI	0	2	0 <u>1</u>	2 <u>3</u>
Total	196	21	123	334
* Assessor's Data 2009				

Amendment #3

The text description of the TUI designation is currently very specific and this amendment is necessary to allow for properties other than the Knife River operation to be designated as Industrial. The text below includes the proposed changes with the added text identified by underline and the deleted text identified by ~~strikethrough~~.

Industrial (TUI). An "Industrial" designation allows a limited range of industrial uses to serve Tumalo and the surrounding area. The designation recognizes nonconforming industrial uses ~~related to surface mining activities located outside of Tumalo in a Surface Mining zone, and properties suitable for limited amounts of additional industrial development.~~ It applies to This designation is concentrated around the Knife River operation that fronts O.B. Riley Road and U.S. 20.

Hearings Officer: The staff report characterizes these changes as necessary updates to address omissions. The applicant states that they merely reflect existing conditions. See Fourth Supplemental Burden of Proof. Terry Fidler Excavation contends that they are substantive and create a class of industrial use beyond the mining that already is allowed. The unrefuted testimony is that there are other TUI zoned properties with uses not associated with surface mining. The TUI District as provided for in the zoning code clearly allows more than surface mining related industrial uses and there is a separate surface mining designation. It is not clear how the Tumalo Community Plan, the zoning code and the actual land uses got out of sync, or how other industrial uses were approved without a change to the Community Plan language. I find that the changes are substantive but necessary and appropriate so as to reflect the uses permitted in the zone and actual existing conditions.

Goals and Policies

Land Use Goal

Protect and enhance the rural small-town character of Tumalo by supporting public services, healthy active lifestyles and social connections among residents and stakeholders.

Hearings Officer: Staff concluded that the proposed zone change and plan amendment to industrial use would not adversely impact the rural small-town character of Tumalo as it is limited to the 5.39 acre subject property. In its Sept.8, letter, Fidler argues that this policy is violated as the proposal would extend the incompatible impacts of Hwy 20, which the Knife River site buffers, into quieter areas. I agree with Fidler that the size of the parcel at issue, is not necessarily determinative, but do not see how the proposal expands the impact of Hwy 20. As discussed below, industrial use of the site may impact nearby properties but this "goal" is directed at the overall community. In fact, it is doubtful that it is an approval standard at all, at least as relates to the type of proposal at issue, since it seems to be directed toward promoting certain things deemed desirable. I do not see how the proposal would interfere with the provision of public services or encouraging healthy lifestyles and social connections.

Community Policies

- 1. Consider adding Tumalo State Park to the Tumalo Rural Community boundary.***

FINDING: Tumalo State Park is not subject to the proposed plan amendment and zone change. Furthermore, neither the subject property owner nor Oregon State Parks Department can be required to modify the Tumalo Rural Community boundary as part of this request.

- 2. Coordinate with community groups and organizations that are working to improve the livability, economy and access to Tumalo.***

FINDING: Notice of the public hearing was provided in compliance with the county procedures ordinance. Notice was mailed to the Tumalo Business Association and no comments were submitted. Staff also attempted to contact the Tumalo Community Association and learned the group is no longer active.

- 3. Support economic development initiatives and tourism in the Tumalo area.***

FINDING: The applicant argues the proposal will enhance economic development as it will allow for greater economic opportunities than the present TUR5 zoning. Staff agrees.

Hearings Officer: It appears that there is a very limited amount of industrial land in the area and that there is a demand for such land, this inevitably will result in more economic activity than a single home on a large parcel as currently zoned.

4. ***Review the Tumalo community goals and policies every five years to determine if they meet the current and future needs of the area.***

FINDING: This policy is not applicable to this proposal.

5. ***Support the school district in improving opportunities to use Tumalo Community School facilities for education, recreation and enrichment programs for students, parents and area residents.***

FINDING: This policy is not applicable to this proposal.

Open Space and Recreation Policies

6. ***Establish Tumalo as a regional bicycle destination through land use, transportation and recreation policies and programs.***
7. ***Encourage parks and open space, and where feasible, acquire land for open space.***
8. ***Preserve public access to the river.***
9. ***Preserve publically owned lands along the Deschutes River by designating them as open space.***
10. ***Support infrastructure improvements including formal river access points, public signage, lighting, sanitary facilities and improved parking conditions.***
11. ***Establish a multi-use trail system from Tumalo State Park to Tumalo.***
12. ***Support community efforts to create and maintain local parks.***
13. ***Coordinate implementation of bikeways with signs and best maintenance practices on County arterials and collectors.***
14. ***Support community efforts to designate the segment of the Deschutes River through Tumalo as an Oregon Scenic Waterway for its recreational values.***
15. ***Support the development of a trails and recreation master plan.***
16. ***Explore the future expansion of the Bend Metro Park and Recreation District to include the Tumalo area.***

FINDING: Staff believes these open space and recreational policies are not applicable to this proposal because there are no identified bicycle, trail, park, open space, or river standards or requirements associated with the subject property.

Land Use Policies

1. ***Conform land use regulations to the requirements of Unincorporated Communities as defined in OAR 660 Division 22 or any successor.***

FINDING: Conformance with the requirements of Unincorporated Communities as defined in OAR 660 Division 22 is addressed below.

2. ***Ensure County plans and land use regulations require that new uses authorized within Tumalo do not adversely affect agricultural uses in the surrounding exclusive farm use zones.***

FINDING: Staff conducted a site visit to the area and reviewed aerial photos. These inspections revealed some agricultural uses occurring on nearby EFU zoned lands. The distance of the subject property from these agricultural uses on EFU zoned properties, along with the Tumalo Industrial Zone (DCC 18.67.060) allowing "...a limited arrange of industrial use," will minimize impacts. Furthermore, the County can impose conditions of approval for specific site-development proposals to ensure compatibility with adjacent agricultural uses.

Hearings Officer: Mr. Fidler testified that he has some cattle on his EFU properties, expressing a generalized concern about noise and dust. Other than that, the record just indicates that there are "some" apparently limited agricultural uses in the area with an indication that most are some distance from the site. Virtually all of the concerns raised in opposition are directed at impacts on rural residential uses, traffic, water and so on. It is possible that a re-designation to industrial may have the potential greater impacts than the existing rural residential designation but the record provides no basis for such a finding. Moreover, again, it does not appear that this policy is an applicable approval standard. It is directed toward drafting plan and code language, not a particular application.

3. ***Apply setbacks for homes built along the rim forming the Deschutes River Canyon and Laidlaw Butte to protect scenic views visible from the community.***

FINDING: This policy is not applicable to this proposal.

4. ***Coordinate with Tumalo Community Association, Tumalo Business Association and similar local organizations on land use issues, where appropriate.***

FINDING: The Tumalo Business Association was mailed notice of the public hearing and did not comment. The Tumalo Community Association is not currently active. No other local organizations were identified to receive notice.

5. ***Encourage the preservation of historical structures such as the Tumalo Community Church (1905) and the Laidlaw Bank and Trust (1910).***

FINDING: This policy is not applicable to this proposal.

Residential Area Policies

6. ***Designate residential lands on the comprehensive plan map with a corresponding residential district on the zoning map.***
7. ***Designate residential lands so they are proximate to the commercial area.***
8. ***Designate Residential 5 acre lands on the perimeter of the community.***
9. ***Designate higher density residential lands in the bowl formed by the Deschutes River canyon.***

FINDING: The applicant is not proposing residential designation or zoning. Therefore, these policies are not applicable to this proposal.

10. ***Permit livestock in the residential districts subject to use limitations.***

FINDING: This policy is not applicable to this proposal.

11. ***Plan and zone for a diversity of housing types and densities suited to the capacity of the land to accommodate water and sewage requirements.***

FINDING: The proposed zone change will decrease the amount of land available for housing by one single family dwelling pursuant to current TUR5 zoning. As the Tumalo Community Plan indicates, residential uses are the predominate use within Tumalo and there are presently a large number of vacant residential lots within Tumalo. The applicant argues that removing one TUR5 lot will not inhibit the ability to provide a diversity of housing types and densities in Tumalo. Staff agrees.

Commercial Area Policies

12. ***Limit access from U.S. 20 so it is safe and economically viable.***
13. ***Encourage design standards in the commercial district so new development is compatible with the rural character of the community and reduces negative impacts on adjacent residential districts.***
14. ***Prohibit livestock from being permanently stabled in the commercial districts.***
15. ***Prohibit additional lands from being designated commercial until an economic analysis review is completed.***
16. ***Allow residential uses and mixed residential/commercial uses, while preventing residential uses from dominating or setting development standards in the commercial district.***
17. ***Utilize approval standards for conditional uses in the commercial district to consider the impact on nearby residential and commercial uses and the capacity of public facilities and services.***
18. ***Prohibit replatting for exclusively residential purposes in the commercial district.***

FINDING: The applicant is not proposing commercial designation or zoning. Therefore, these policies are not applicable to this proposal.

Industrial Area Policies

19. ***Allow only the following new or expanded industrial uses in the Tumalo rural community boundary:***
a. ***Uses authorized under Goals 3 and 4 (farm and forest uses);***
b. ***Expansion of a use existing on the date of this rule;***
c. ***Small-scale, low impact uses;***
d. ***Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);***
e. ***New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule; or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;***
f. ***New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the***

Comprehensive Plan demonstrates, and land use regulations ensure:

- i. That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;***
- ii. That such uses would not rely upon a work force employed by uses within urban growth boundaries; and***
- iii. That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.***

FINDING: These policies are taken from OAR 660-022-0030 (Planning and Zoning of Unincorporated Communities). Subsection (g)(A)(B) was not adopted into the Tumalo Community Plan. Even though they do not apply, they are as follows:

- (g) Industrial uses, including accessory uses subordinate to industrial development, as provided under either paragraph (A) or (B) of this subsection:
 - (A) Industrial developments sited on an abandoned or diminished industrial mill site, as defined in ORS 197.719 that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that is zoned for industrial uses; or
 - (B) Industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in an area planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.

There is no development proposal for the subject property at this time. Compliance with the use criteria and standards of the TUI zone (DCC 18.67.060) will be reviewed upon application for site-specific development. A subsequent application will need to demonstrate that Policy 19(e) is met.

Public Facilities Goal

Ensure water and sewage treatment systems encompass the appropriate scale and cost.

FINDING: The Tumalo Rural Community is not presently served by a community sewage treatment system and only a portion of the community, not including the subject property is served domestic water by the Laidlaw Company.

Public Facility Policies

1. ***Determine residential minimum lot sizes by the capacity of the land to accommodate available water and wastewater facilities.***

FINDING: No residential use or zoning is proposed. Therefore, this policy is not applicable to this proposal.

2. ***Encourage high quality fire protection in Tumalo and the surrounding area.***

FINDING: Fire protection for the subject property is currently provided by the Bend Rural Fire Protection District #2.

3. ***Encourage early planning and acquisition of sites needed for public facilities (e.g. school, roads, water supply facility, parks).***

FINDING: The policy is not applicable to this proposal.

4. ***Coordinate development within the Laidlaw Water District to determine if connection to its water system is required.***

FINDING: Notice of these applications was sent to the Laidlaw Water District and no comments were received.

5. ***Support replatting of lots in the area comprising the Laidlaw Plat and other lands designated commercial to create lots large enough to accommodate a DEQ approved on-site sewage disposal system.***

FINDING: The subject property is not part of the Laidlaw Plat.

6. ***Support the protection of the Tumalo Town Ditch easement and its distribution system.***
7. ***Support the development and management of the domestic water system for Tumalo so that cumulative development will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.***
8. ***Coordinate with the Tumalo residents and business owners on the creation of a sewer district, if the community initiates district formation.***

FINDING: These policies are not applicable to this proposal.

Transportation Goal

Provide a safe and efficient system for all modes of transportation, including active modes, to support local economic development, recreational uses, and community health.

Hearings Officer: Staff initially recommended denial of the proposal due to inadequacies in the transportation analysis provided by the applicant. On August 17, the applicant submitted a new Supplemental Transportation Impact Analysis that Peter Russell, Senior Transportation Planner found acceptable. See discussion below.

Road Network Policies

1. ***Review the existing Transportation System Plan policies and standards for Tumalo.***
2. ***Review existing roadway design requirements to ensure complete streets which accommodate all modes of travel.***

FINDING: These policies are not applicable to this proposal.

Road and Sidewalk Policies

3. ***Implement road development standards for Tumalo that minimize pavement width and are consistent with the small-scale character of the community.***
4. ***Utilize land development and grant funding opportunities to improve street segments identified for improvement in the Transportation System Plan.***
5. ***Provide functional, cost effective sidewalks that are consistent with the rural character of the community.***
6. ***Provide sidewalks or multi-use paths where they are needed for safety, as set forth in the Transportation System Plan.***
7. ***Construct sidewalks specified on community roads without curbs and gutters, distant from property lines, to allow room for utilities.***

FINDING: The provision of sidewalks/paths will be addressed in a future development application.

U.S. 20 Policies

8. ***Coordinate with the Tumalo community and Oregon Department of Transportation to implement both short and long-term improvements to solve transportation problems, including at the Cook Avenue and U.S. 20 intersection.***
9. ***Enhance the roadside environment, through tree planting, signage or other means.***
10. ***Promote safe access and slower speeds on U.S. 20 through Tumalo.***
11. ***Retain and enhance access across U.S. 20 using above, below, or at grade crossings to support pedestrian, bicycle and equestrian access to recreation and community services.***

FINDING: The subject property does not take access from U.S. 20. Notice of the applications was sent to the Oregon Department of Transportation and no comments were received.

Hearings Officer: See discussion under the Transportation Planning Rule.

2. Section 18.136.020, Rezoning Standards (Continued)

- B. That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.***

FINDING: The purpose of the TUI zone is listed under DCC 18.67.060 as follows:

The purpose of the Industrial District is to allow a limited range of industrial uses to serve the community and the surrounding area.

FINDING: There is currently no development proposed but the applicant intends to use the property to relocate its current business operations. Those operations include storage of equipment used in road paving and related office uses. Likely development includes a 10-12,000 square foot, maintenance and storage building with an office as well as a paved storage/circulation area. Equipment storage associated with industrial activities (such as road paving) is one of the limited permitted uses in the TUI zone.

C. *That changing the zoning will presently serve the public health, safety and welfare considering the following factors:*

1. *The availability and efficiency of providing necessary public services and facilities.*

FINDING: The applicant indicates public services and facilities will not be required to utilize the property for the storage of industrial equipment. Bend Rural Fire provides fire protection, water could be provided by private on-site well, and septic could be provided on-site. As previously indicated, the submitted traffic study is deficient in its analysis therefore staff cannot evaluate if the anticipated traffic impacts have been adequately mitigated. The applicant intends to address this with a supplemental submittal.

Hearings Officer: At the hearing I asked for clarification of the rather cryptic comment from the Bend Fire Department. In its Second Supplemental Burden of Proof statement the applicant represents that it discussed the comments with the Fire Marshall and they are intended as a general admonishment that fire regulations may impose restrictions on the use or storage of regulated materials on the subject property. That appears to be consistent with the best reading of the comment.

2. *The impacts on surrounding land use will be consistent with the specific goals and policies contained within the Comprehensive Plan.*

FINDING: No specific development is proposed at this time so specific impacts cannot be assessed. However, the relevant plan goals and policies are addressed herein.

Hearings Officer: I read this standard as requiring consideration of the potential impacts of the entire range of uses allowed in the TUI designation and zone. As discussed above, however, there appear to be very few policies relevant to this proposal or that raise compliance issues. In its September 8, letter Fidler cites to an arguably applicable standard not raised by staff.

Comp Plan Chapter 4, Urban Growth Management, Section 4.1 states that the purpose of the comprehensive plan is "to accommodate growth while preserving rural character and resource lands." Since the proposal would remove land from rural residential and add industrial, the argument is that this is inconsistent with this policy because the industrial land would not "mesh with rural and agricultural surrounding uses."

In and of itself, this policy is so general as to not provide any meaningful guidance to a specific provision. It provides no locational guidance. For example, it could but does not, permit designation of land as commercial or industrial only if surrounded by other commercial/industrial

land or otherwise isolated so as to not impact rural character. Rather, Chapter 4 refers to the Tumalo Community Plan for implementation guidance. As discussed above, the TCP has few applicable standards to guide this proposal. But it does clearly permit new or expanded industrial uses so long as meet the standards of Policy 19, in particular being small scale, low-impact uses. That limitation appears to be how the County chose to "accommodate growth while preserving local character." This conclusion is consistent with the fact that the uses allowed under Site Plan Review appear to be limited to those with minimal impacts. More intensive uses require a conditional use approval. The zone also grants fairly broad authority to address impacts with increased setbacks, landscaping and so on.

At the hearing, concerns were raised about potential impacts on wells and on access to the Baker/Ross-Resnick well. Again, it is not at all clear that there are approval standards at this stage that are relevant to these issues. The plan amendment/zone change in itself will not affect water or access, although it opens the door to consideration of whether to approve uses that may have such impacts. The development review stage is where such impacts may be considered and addressed based on a specific proposed use.

The applicant asserts in its Third Supplemental Burden of Proof that it is willing to provide continued access to the Baker/Ross-Resnick well. It may be that a prescriptive easement or other legal right exists. If it does not, the current owner could cut off access under the current zoning. Denying this application would have no impact on this issue. It is more likely (although not certain) that the Bakers and Ross-Resnick will be able to secure some sort of assurance by working with the applicant and county through the land development process.

Finally, as to the concerns about noise, approval certainly increases the odds that a use noisier than a residence will be approved for the site. But there is insufficient basis, particularly given the approval standards, to deny on this basis. Again, the TUI zone grants fairly broad discretion to address impacts associated with a specific proposed use and that should be used to provide reasonable mitigation as necessary.

D. That there has been a change in circumstances since the property was last zoned, or a mistake was made in the zoning of the property in question.

FINDING: There have been several changes of circumstances since the property was zoned TUR5 in 1997 through Ordinance No. 97-032 that justify the proposed zone change:

- (1) The Knife River properties were rezoned from Tumalo Residential to TUI via ZC-04-5.
- (2) The primary Knife River Facility has undergone substantial development including the construction of an office building and truck shop (SP-05-6), a ready-mix concrete recycling facility (SP-05-38), and alterations of both of those facilities (SP-06-5 and SP-08-36 respectively).
- (3) The Creative Real Estate Solutions LLC property was approved for 40,000 square feet of mini-storage (247-14-000413) on the adjacent property to the east.

The applicant argues this substantial amount of industrial development adjacent to the subject property has decreased the suitability of the site for residential development and increased its utility as an industrial site. Staff agrees.

Oregon Administrative Rules

OAR 660, Division 12, Transportation Planning Rule

OAR 660-012-060, Plan and Land Use Regulation Amendments.

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:***
 - (a) *Limiting allowed land uses to be consistent with the planned function, capacity and performance standards of the transportation facility;***
 - (b) *Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;***
 - (c) *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or***
 - (a) *Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.***
- (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:***
 - (a) *Changes the functional classification of an existing or planned transportation facility;***
 - (b) *Changes standards implementing a functional classification system;***
 - (c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or***
 - (d) *Would reduce the performance standards of the facility below the minimum level identified in the TSP.***
- (3) *Determinations under subsections (1) and (2) of this section shall be coordinated with affected transportation facility and service providers and other affected local governments.***

FINDING: This above language is applicable to the applicant's proposal because it involves an amendment to an acknowledged plan. The applicant is not proposing any land use development of the property at this time and has indicated that future development may include industrial development.

Hearings Officer: The applicant submitted a Supplemental Transportation Impact Analysis dated August 17. Unlike the first analysis, it correctly looks at the range of uses permitted under the requested designation and zone. It states that "an unrestricted zone change would

significantly affect the transportation system as defined by TPR criteria." On the other hand, ODOT did not respond and the TPR permits approval without mitigation in such a case.

The Senior Transportation Planner indicates in his August 18 email that he concurs with the analysis and conclusions. But it appears that he does not actually concur with the statement that the 3 pm peak trips are de minimus and do not need to be addressed. Rather, he suggests a condition prohibiting shift start/end from 4-6 pm.

In its application, the applicant suggests that traffic generation from the site be restricted to that generated by the use it says it intends to pursue and in its Second Supplemental Burden of Proof suggests such that a shift limitation makes little practical sense given the number of trips it intends to generate.

As I understand it, however, the issue is not the overall number of trips but the peak hour trips, even though they are minimal. The applicant testified that the majority of its crews leave on Sunday and return late Friday. The impression conveyed by the description of its intended use is one of a fair amount of flexibility in terms of scheduling. Further, the County apparently has experience with conditions on shift scheduling.

Accordingly, I find that a condition of approval requiring that employee shifts commence and end outside of the 4-6 p.m. period is warranted.

OAR 660, Division 15, Statewide Planning Goals and Guidelines

FINDING: Findings regarding the Statewide Planning Goals and Guidelines are provided below:

Goal 1, Citizen Involvement. The Planning Division has provided notice of the proposed plan amendment and zone change to the public through individual notice to affected property owners, the applicant will be posting a "proposed land use action sign," and notice of the public hearing will be in the "Bend Bulletin" newspaper. In addition, a public hearing will be held on the proposed plan amendment/zone change.

Goal 2, Land Use Planning. Goals, policies, and processes related to zone change applications are included in the Deschutes County Comprehensive Plan, and Title 18 of the Deschutes County Code. The application of these processes and policies/regulations are documented within this staff report.

Goal 3, Agricultural Lands. Because the property is within an unincorporated community it is not agricultural land or zoned EFU. As discussed herein, staff believes the proposed zone change will not adversely affect agricultural uses on surrounding EFU lands on account of the limited range of industrial uses permitted in the TUI. Additional mitigation measures could be imposed as upon review of a future site-specific development proposal.

Goal 4, Forest Lands. The existing site and surrounding areas do not include any lands that are zoned for, or that support, forest uses.

Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources. The existing site and surrounding areas are not included in the County's Goal 5 inventory.

Goal 6, Air, Water and Land Resources Quality. No specific development is proposed at this time. Development of the property would not likely result in significant adverse impacts to air, water, or land resources quality due to the small size of the site and that any future development would be subject to local, state, and federal regulations protecting these resources. With that said, comments received from adjacent property owners Bakers and Ross/Resnick- and express concerns with contamination of and access to the shared well they use that is located on the subject property. Recognizing and understanding their concerns, staff notes that the rezoning of the property will not impact water quality or access to the well. These impacts will be dictated by any future use of the property and the provisions of the private well agreement. The applicant has indicated they will address these comments in a supplemental submittal.

Goal 7, Areas Subject to Natural Disasters and Hazards. This goal is not applicable because the subject property is not located in a known natural disaster or hazard area.

Goal 8, Recreational Needs. The proposed plan amendment and zone change do not affect recreational needs.

Goal 9, Economy of the State. This goal is to provide adequate opportunities throughout the state for a variety of economic activities. By increasing the types and intensity of industrial uses available to the property, staff believes the proposal will increase economic opportunities on the property.

Goal 10, Housing. The goal of Goal 10 is "To provide for the housing needs of citizens of the state" and is further explained stating:

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

The applicant argues that because Goal 10 defines needed housing as housing within urban growth boundaries and the subject property is outside a UGB then Goal 10 is not applicable. Staff agrees with this conclusion. Staff adds that, as the Tumalo Community Plan indicates, residential uses are the predominate use within Tumalo and there are presently a large number of vacant residential lots within Tumalo. Removing one TUR5 lot will not inhibit the ability for Tumalo to provide a diversity of housing types and densities. Therefore, staff believes this proposal will have no adverse impact on the availability of housing on the area.

Goal 11, Public Facilities and Services. The applicant's proposal will have no adverse effect on the provision of public facilities and services to the subject site.

Goal 12, Transportation. This report states in a foregoing finding that the transportation impacts of proposed plan amendment and zone change were not adequately addressed in the materials submitted at the time of the issuance of the staff report. However, as previously founds, the Supplemental Transportation Impact Analysis dated August 17 shows the traffic impacts will be mitigated with a condition of approval requiring that employee shifts commence and end outside of the 4-6 p.m. period is warranted.

Goal 13, Energy Conservation. Staff believes that the proposal will not have an effect on energy use or conservation, until such time as it is developed.

Goal 14, Urbanization. The subject property is within the Tumalo Rural Community boundary. This proposal does not change the types or intensity of uses allowed in, nor does it change the boundary of, the Tumalo Rural Community.

Goals 15 through 19. These goals, which address river, ocean, and estuarine resources, are not applicable because the subject property is not located in or adjacent to any such areas or resources.

IV. CONCLUSION AND CONDITION OF APPROVAL

Based on the record and the foregoing findings and conclusion, the application for a Plan Amendment from TuR5 to Industrial (Tul) and for a zone change from Tumalo Residential-5 Acre Minimum (TuR5) to Tumalo Industrial (Tul) the subject 5.39 acre property is APPROVED subject to the following condition of approval:

“Any industrial use approved for the subject property shall demonstrate that it can and will employ effective measures to ensure that the start and end of employee shifts occur outside of the 4:00 to 6:00 p.m. peak hour. This condition may be removed or modified only after notice and public hearing and upon demonstration by the applicant that impacts on the US 20/OB Riley-Cook Avenue intersection will be avoided or mitigated, or that intersection conditions have changed so as to warrant modification or removal.”

Further, the following text amendments are APPROVED:

Table 4 - Tumalo Land Use Designations

Comprehensive Plan Designations	Zoning Districts
Commercial (TUC)	Commercial District (TUC)
Floodplain (FP)	Floodplain (FP)
Research and Development (TURE) Industrial (TUI)	Industrial District (TUI)
Residential (TUR) Research and Development (TURE)	Research and Development District (TURE)
Residential 5 Acre Minimum (TUR5) Residential (TUR)	Residential District (TUR)
Residential 5 Acre Minimum (TUR5)	Residential Five Acre Minimum District (TUR5)

Table 5 - Tumalo Land Use Inventory *

Zone	Residential Units	Commercial / Industrial Developments	Undeveloped Parcels	Total Number of Parcels
TUC	28	17	57	102
TUR	93	0	37	127
TURS	75	0	28 27	400 99
TURE	0	2	1	3
TUI	0	2	0 1	2 3
Total	196	21	123	334

* Assessor's Data 2009

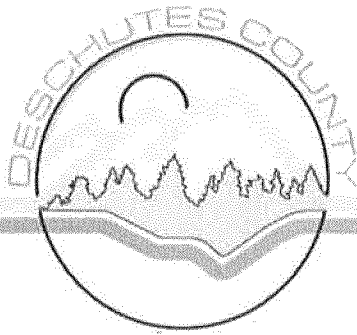
Industrial (TUI). An "Industrial" designation allows a limited range of industrial uses to serve Tumalo and the surrounding area. The designation recognizes nonconforming industrial uses ~~related to surface mining activities located outside of Tumalo in a Surface Mining zone, and properties suitable for limited amounts of additional industrial development.~~ It applies to This designation is concentrated around the Knife River operation that fronts O.B. Riley Road and U.S. 20.

Dated this 7th day of October, 2015.

Mailed this ___ day of October, 2015.



Dan R. Olsen
Hearings Officer



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

P.O. Box 6005 117 NW Lafayette Avenue Bend, Oregon 97708-6005
(541)388-6575 FAX (541)385-1764
<http://www.co.deschutes.or.us/cdd/>

CERTIFICATE OF MAILING

FILE NUMBERS: 247-15-000272-ZC/247-15-000273-PA

DOCUMENT MAILED: Hearings Officer's Decision

MAP/TAX LOT NUMBER: 16-12-31 401

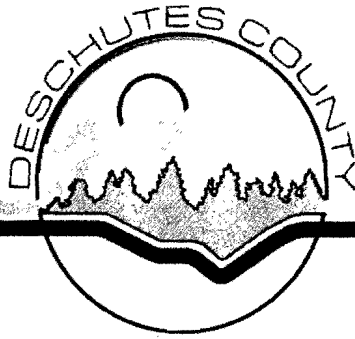
I certify that on the 15th day of October, 2015, the attached notice(s)/report(s), dated October 15, 2015, was/were mailed by first class mail, postage prepaid, to the person(s) and address(es) set forth below/on the attached list.

Dated this 15th day of October, 2015.

COMMUNITY DEVELOPMENT DEPARTMENT

By: Sher Buckner

Applicant: C.R. Contracting, LLC c/o Bryant Lovlien & Jarvis, PC 591 SW Mill View Way Bend, OR 97702	Owner: CLR, Inc. 703 NW Stonepine Dr. Bend, OR 97701
Mary Ross Michael Resnick 64495 Bailey Rd. Bend, OR 97703	Terry Fidler 64375 OB Riley Rd Bend, OR 97701
Dick and Lois Allen 64455 OB Riley Rd. Bend, OR 97701	Lawrence and Conchita Baker 64435 Bailey Rd. Bend, OR 97703
Elizabeth Dickson Hurley Re, PC 747 SW Mill View Way Bend, OR 97702	



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Memorandum

DATE: November 5, 2015

TO: Board of County Commissioners

FROM: Nick Lelack, Community Development Department Director
Peter Gutowsky, Planning Manager

RE: Planning Staff / Budget Amendment / Authorization to Fund Assistant Planner Position

The Community Development Department (CDD) is respectfully requesting the Board of County Commissioners (Board) amend the CDD budget to add 1 New Full Time Equivalent (FTE) employee to fill an Assistant Planner position.

Background

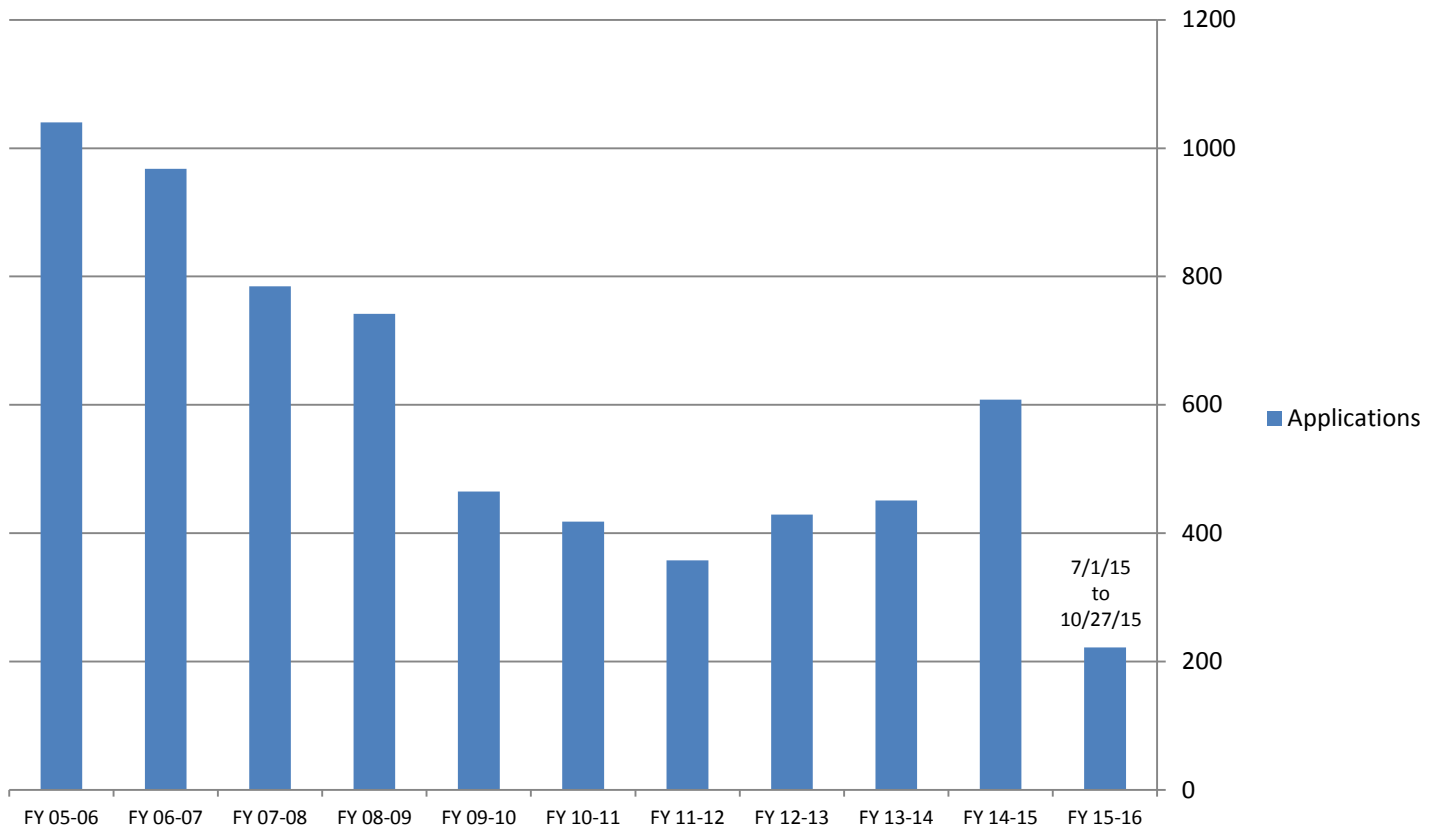
In preparation for a Senior Planner retirement at the end of the calendar year, CDD is reclassifying the Senior Planner position to an Assistant Planner. In addition to this reclassification, a new FTE position of Assistant Planner is requested. The result is to replace a Senior Planner with two Assistant Planners to reestablish the Planning Division's pre-recession organizational structure (i.e. two Senior Planners, two Associate Planners and two Assistant Planners). The goals are to meet service demands, provide outstanding customer service and to adequately pay for the services delivered (i.e. Senior Planners should not perform routine duties better suited for a lower planner classification).

Justification

To demonstrate the Planning Division's operational needs, CDD offers the following as justification to add 1 FTE to its budget for a second Assistant Planner position:

- High land use volume shows since FY 2005-2006, that Planning Division FTEs rise and fall based on land use revenue (Attachment)
- Planning Division cannot meet its current needs as evidenced by an on-call planner working full time
- CDD has sufficient revenue to fund the position based on year-to-date revenue total of 45% in Current Planning. Expenditures are on target at 33%.
- CDD has employed an on-call planner in the last four months to meet the demands of the division (costs of this position is included within the 33% expenditure total).

Deschutes County Land Use Applications



Proposed Planning Division FTE's

