



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY January 28, 2026

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Phil Chang, Anthony DeBone and Patti Adair. Also present were County Administrator Nick Lelack; Senior Assistant Legal Counsel Kim Riley; and BOCC Executive Assistant Brenda Fritsvold.

This meeting was audio and video recorded and can be accessed at the Deschutes County Meeting Portal website www.deschutes.org/meetings.

CALL TO ORDER: Chair Chang called the meeting to order at 9:00 am.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Nunzie Gould asked when and how openings would be announced for two Planning Commission positions which will expire in June.

County Administrator Nick Lelack responded that following the Board's decision on whether to reappoint an incumbent who is eligible for reappointment, the County will issue a press release advertising for one or two positions. That announcement, which will include a link to the application form, will be posted on the County's website and social media accounts.

COMMISSIONER ANNOUNCEMENTS:

Commissioner DeBone reported on a CORE3 discussion held the prior day regarding potential public-private partnership opportunities, noting this was not a full meeting of the CORE3 Board but rather a smaller work session-style discussion.

Commissioner Adair updated on the County's efforts to persuade the Oregon Health Authority to reduce the growing administrative burden on community mental health programs and shared that Ebony Sloan Clarke, OHA's Behavioral Health Director, has committed to " ... get a meeting scheduled to discuss the concerns raised and the strategies underway to get to greater efficiency and reduced administrative burden."

Commissioner Chang advised it would be beneficial to involve the Association of Oregon Counties in that meeting to provide broader county context. Commissioner Adair said AOC's Legislative Affairs Manager Jessica Pratt has been engaged in these conversations.

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

1. Approval of Document No. 2026-0030, an amendment to an interlocal agreement with the Oregon Health Authority providing funding for Community and Residential Assistance
2. Approval of updates to HR-6, Deschutes County Remote Work Policy; HR-12, Family Medical Leave Policy; and HR-13, Employee Leave Donation Policy
3. Approval of Resolution No. 2026-001 adopting a supplemental budget and increasing appropriations in the Sheriff's Office Fund
4. Consideration of Board Signature on letter appointing Mariann Deering for service on the Sun Mountain Ranches Special Road District Board

DEBONE: Move Board approval of the Consent Agenda as presented

ADAIR: Second

VOTE:	DEBONE:	Yes
	ADAIR:	Yes
	CHANG:	Chair votes yes. Motion Carried 3 - 0

ACTION ITEMS:

- 5. Public Hearing: Proposed amendment to Chapter 4.20 of County Code**

regarding real property conveyance recording fees

Kim Riley, Senior Assistant Legal Counsel, explained that HB 3175, which took effect on January 1st of this year, removed the statutory limit of \$10 to record a real property conveyance. This change has prompted an update to Deschutes County Code Chapter 4.20, Public Land Corner Preservation Fund.

The public hearing was opened at 9:09 am.

Commissioner DeBone noted that removing language in Deschutes County Code which refers to a fee of \$10 per instrument to record a real property conveyance will allow publishing that fee in the County's fee schedule instead.

Kevin Samuel, County Surveyor, added that the Road Department will propose that the fee be increased to \$14 in FY 2027.

In response to Commissioner Adair, Samuel said this fee was last raised in 1999.

There being no one who wished to speak, the public hearing was closed at 9:12 am.

DEBONE: Move approval of first reading of Ordinance No. 2026-003 by title only

ADAIR: Second

VOTE:	DEBONE:	Yes
	ADAIR:	Yes
	CHANG:	Chair votes yes. Motion Carried 3 – 0

Chair Chang read the title of the ordinance into the record.

6. Second Reading of Ordinance No. 2026-001 amending Chapter 2.08 of County Code

Senior Assistant Legal Counsel Kim Riley summarized that the purpose of the amendments is to align County Code with State regulations with regard to operating hours of the County Clerk's Office. The Board had approved first reading of the ordinance on January 14th.

ADAIR: Move approval of second reading of Ordinance No. 2026-001 by title only

DEBONE: Second

VOTE:	DEBONE:	Yes
	ADAIR:	Yes
	CHANG:	Chair votes yes. Motion Carried 3 – 0

Chair Chang read the title of the ordinance into the record.

ADAIR: Move adoption of Ordinance No. 2026-001 amending Title 2.08, County Clerk, of the Deschutes County Code

DEBONE: Second

VOTE: DEBONE: Yes
 ADAIR: Yes
 CHANG: Chair votes yes. Motion Carried 3 – 0

7. Healthy Schools Program Four-Year Outcome Evaluation Results

Jessica Jacks, Prevention and Health Promotion Program Manager, and Aimee Snyder, Adolescent and School Health Supervisor, presented the four-year outcome evaluation results of the Healthy Schools partnership with Bend-La Pine Schools. Jacks reminded that the Healthy Schools program embeds public health specialists in middle and high schools to facilitate prevention and health promotion activities intended to reduce risks of suicide, substance use, bullying/violence, sexually transmitted infections, and teen pregnancy. It also improves referral pathways and access to needed support services.

The four-year evaluation concluded that the Healthy Schools program prevented 21% of behavioral health-related emergency department visits by youth aged 11 to 17 in one year (84 visits), equating to an estimated \$812,000 to \$1.5 million in avoided health care charges in 2024. The report includes information detailing methods and findings as well as an external review of the results. It further describes continued efforts to update curriculum and approaches based on observed needs such as substance use prevention.

Commissioners asked questions about student reach relative to total school enrollment, the program's relationship to graduation measures and other outcomes, the staffing and ongoing effort required to sustain and maintain program quality over time and as conditions change, and the potential for realizing alternate funding sources in view of the program's successes. Commissioners also discussed the possibility of expanding the program to other grade levels or to other school districts within the county.

The Board convened as the Governing Body of the Black Butte Ranch Service District

8. Consideration of Board approval for the Black Butte Ranch Police Service District 2025-2027 collective bargaining agreement

Chief Todd Rich, Black Butte Ranch Police Department, presented the collective bargaining agreement negotiated for July 1, 2025 through June 30, 2027. Negotiations began in October 2024 and included mediation before an agreement was reached. The compensation and benefit changes include a 10% salary increase in year one and 5% in year two, incentives related to DPSST certification levels, increased longevity pay, recognition of paid holidays, and the addition of long-term disability insurance.

Chief Rich stated these changes have either already been budgeted or can be covered with available resources. Commissioners asked questions regarding the District's operating levy cycle and noted the importance of fiscal sustainability while remaining competitive as an employer.

Chief Rich expressed appreciation for the legal support provided by Kim Riley during negotiations.

ADAIR: Move approval of Document No. 2026-049, the Black Butte Ranch Police Service District 2025-2027 collective bargaining agreement

DEBONE: Second

VOTE: DEBONE: Yes
ADAIR: Yes
CHANG: Chair votes yes. Motion Carried 3 – 0

The Board reconvened as the Governing Body for Deschutes County.

9. Redmond Fire & Rescue Proposed Contract with Alfalfa Fire District

Tom Kuhn, administrator of the County Ambulance Service Area, presented a proposed agreement between the Redmond Fire & Rescue District and the Alfalfa Fire District which would enable the latter to provide basic life support non-emergency transport services on behalf of Redmond, specifically as a backup/surge option for transports originating at the Redmond Airport to regional hospitals when Redmond FRD is constrained.

Redmond Fire & Rescue Deputy Chief Dustin Miller described the operational need and how dispatch and resource availability would be assessed. He confirmed that some transports are scheduled with advance notice while others occur with limited lead time.

Discussion included response time considerations for Alfalfa, the role of the shared dispatch center, and the expectation that the upcoming airport expansion will not significantly change the volume of these transport requests.

DEBONE: Move to authorize Redmond Fire & Rescue to enter into a formal contract with Alfalfa Fire District for the provision of Basic Life Support non-emergency transport services within the boundaries of Redmond Fire & Rescue's Ambulance Service Area, as outlined in the Intergovernmental Agreement between the two agencies

ADAIR: Second

VOTE: DEBONE: Yes
 ADAIR: Yes
 CHANG: Chair votes yes. Motion Carried 3 – 0

10. Public Hearing: Destiny Court PA/ZC remand hearing

Caroline House, Senior Planner, introduced the subject of a remand hearing on a request for a Comprehensive Plan Amendment and Zone Change associated with LUBA Case No. 2025-015, stressing that because the hearing is limited to the specific issues identified in LUBA's final order and opinion, all testimony and written submittals must comply with Board Order No. 2026-002, including a verification requirement that any person wishing to testify or submit written testimony had participated previously in the proceeding. In addition, new evidence and testimony can only be submitted on the remand issue concerning farm use analysis (Issue No. 2), while legal arguments or suggested findings can be submitted on the Comprehensive Plan and zoning code interpretation issue (Issue No. 1).

Carol Macbeth, representing Central Oregon LandWatch (COLW), raised a procedural objection regarding notice and availability of applicant materials. Macbeth said state law requires that documents and evidence submitted by or on behalf of the applicant be available for inspection at no cost in advance of the hearing, yet COLW had not received those materials in advance. Macbeth added that the required availability of materials 20 days in advance is not satisfied by leaving a record open after a hearing.

House said the applicant had previously submitted only a remand request letter which initiated the remand proceedings and was immediately placed into the record. No additional materials from the applicant had been received prior to the hearing.

Stating her respectful disagreement with the contention that the applicant was required to submit further materials by a specific deadline, Senior Assistant Legal Counsel Stephanie Marshall said the Board could decide to proceed with the hearing and leave the record open at the conclusion of the hearing. Chair Chang

stated the objection would remain in the record and that the Board would proceed with the hearing.

House then gave an overview of the application and previous proceedings, saying that the subject property at 19975 Destiny Court in Bend is approximately 65 acres in size and located between the City of Redmond and the unincorporated community of Tumalo. The applicant initiated the Plan Amendment and Zone Change request in 2022 to redesignate the property from Agricultural to Rural Residential Exception Area and to change its zoning from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10). A Hearings Officer recommended approval in April 2024, and the BOCC subsequently voted 2-1 to approve the request in January 2025.

After the decision of the Board was appealed and remanded by LUBA, the applicant initiated the remand request in late December 2025. The remand issues are (1) alleged inconsistencies between the County's Comprehensive Plan Policy 3.3.1 (10-acre minimum in Rural Residential Exception Areas) and standards in the MUA-10 zone relating to planned unit developments and cluster developments which may allow smaller lots depending on open space requirements, and (2) an analysis regarding farm uses identified as feasible by COLW and whether the property should be designated agricultural land.

Kenneth Katzaroff, representing the applicant, advocated for allowing persons who did not previously testify to provide testimony with respect to Issue No. 2 as new evidence is permitted on that issue. Katzaroff said part of the purpose of the remand hearing is to address the particular farm uses identified in the appeal (including animal husbandry and equine-related uses) which were not previously rebutted to LUBA's satisfaction, and to address the "suitability factors" involving considerations such as soil quality and irrigation. Katzaroff referred to additional evidence submitted by the applicant for the record, including letters from individuals he described as knowledgeable on ranching and farming in Central Oregon for the purpose of addressing the suitability factors. He also referenced the submission of information from the USDA Agricultural Census for Deschutes County and said certain suggested uses as not relevant to the analysis based on his view of what constitutes accepted farm practices locally.

Rand Campbell stated that he had been retained by the applicant to evaluate current and historic uses of the property and provide an analysis of the feasibility of various farm uses. Saying that his analysis was based on a site visit, historic aerial images, conversations with the applicant, soil reports, and his own observations and experience, Campbell described the property's location and terrain and said it was not usable for farm uses as it is characterized by rocky rangeland with shallow, sandy soils having limited water-and nutrient-holding

capacity. Campbell described two areas that had previously been irrigated and said that effort at irrigating the land was later abandoned as unsuccessful. He said based on soil characteristics and forage production, the property is not either suitable for livestock grazing.

In response to Commissioner Chang, Campbell said his forage estimates in the record assumed no irrigation. Commissioner Chang said LUBA had directed the Board to consider the land as possessing water rights and asked about productivity with water application. Campbell repeated that the soil report reflects limited ability to hold water and nutrients due to its sandy nature. Commissioner Chang did not find the analysis persuasive because it did not consider amending the soils to improve nutrient content, depth, and water retention. Campbell responded that much of the property is too rocky and shallow to plow or till for planting.

Commissioner Chang discussed compost and the need to consider potential soil amendments. Kataroff responded that, if requested, the applicant could provide additional analysis on what soil enrichment would require and cost.

Commissioner DeBone asked Campbell what revenue might be associated with a scenario of short-term grazing, such as 15 to 17 cow/calf pairs grazing for one month. Campbell estimated this would generate less than \$1,000. He added that the prior effort to introduce grazing operations did not work due to limited forage production and the inability to cover costs associated with operating an irrigation system and related expenses.

Commissioner Chang noted that profit-making is not a criterion used to determine if certain land is agricultural.

Following the applicant's presentation, testimony was provided by appellant Central Oregon LandWatch through staff attorney Carol Macbeth. Referencing photographs and other information, Macbeth said evidence shows that the property had been used for irrigated hay production and livestock grazing. She said at one point, the property had been fully irrigated on approximately 29.84 acres, of which approximately 21.3 acres were predominantly class 3 soils when irrigated. Saying that the presence of class 3 soils indicates the land is farmable for crops, Macbeth said whether the property is suitable for farm use must be considered in light of the ability to irrigate and amend the soils. She referred to information provided by Oregon State University Extension Service regarding soil amendment practices in Central Oregon.

Macbeth also addressed Issue No. 1, saying that the Comprehensive Plan's 10-acre minimum requirement in the Rural Residential Exception Area must control,

and the allowance in the MUA-10 zone for cluster development or planned unit development which could result in lot sizes smaller than 10 acres creates an inconsistency.

With respect to the feasibility of farm uses on the property, Commissioner Chang reminded that an attempt had been made to extinguish water rights, presumably to bolster the rezone application. He added that rezoning EFU land can increase a property's price and reduce opportunities for individuals who seek reasonably priced land and water rights for farming.

Katzaroff said applying water to other EFU land that could make meaningful use of it would be preferable to applying water to soil that cannot adequately retain it.

Commissioner Adair commented on the duration of Central Oregon's growing season and the number of frost-free days in Deschutes County.

At the conclusion of testimony, the Board determined deadlines for additional written submittals, as follows: new evidence and testimony due Wednesday, February 4, 2026 at 4:00 p.m.; rebuttal evidence and testimony due Wednesday, February 11, 2026 at 4:00 p.m.; and the applicant's final argument due Wednesday, February 18, 2026 at 4:00 p.m., with Board deliberations to be scheduled in early March. House reiterated that new evidence and testimony must comply with Board Order No. 2026-002.

A break was announced at 12:17 pm. The meeting resumed at 12:21 pm.

11. Consideration of second reading and adoption by emergency of Ordinance No. 2026-002: Text Amendments for Wildfire Mitigation Building Codes

Kyle Collins, Senior Planner, reminded that on January 14th, the Board held a public hearing on these changes and conducted first reading of the ordinance. Saying that the amendments will apply to new residential construction only, he advised adopting the ordinance by emergency to allow an effective date of April 1, 2026 to align with the State's update of its Residential Building Code.

In response to comments concerning standards for screening vents and product availability, Assistant Building Official Krista Appleby said while multiple product options are available for attic and crawl space vents, unvented solutions may also be used.

DEBONE: Move approval of second reading of Ordinance No. 2026-002 by title only
ADAIR: Second

VOTE: DEBONE: Yes
ADAIR: Yes
CHANG: Chair votes yes. Motion Carried 3 – 0

Chair Chang read the title of the ordinance into the record.

ADAIR: Move to adopt Ordinance No. 2026-002 amending Deschutes County Code Title 15, Buildings and Construction, to adopt discretionary wildfire mitigation Residential Building Code standards pursuant to Senate Bill 83 by emergency to take effect on April 1, 2026

DEBONE: Second

VOTE: DEBONE: Yes
ADAIR: Yes
CHANG: Chair votes yes. Motion Carried 3 – 0

12. Second reading of Ordinance 2026-004 – BCL LLC Plan Amendment / Zone Change

Audrey Stuart, Associate Planner, presented an ordinance that would approve a Comprehensive Plan amendment from Agriculture to Rural Residential Exception Area and change the zoning of approximately 240 acres located east of Bend from Exclusive Farm Use to Multiple Use Agricultural, noting the Board had approved first reading of the ordinance on January 14th.

Commissioner DeBone stated that the Rural Residential Exception Area functions as a transition between urban and rural areas and restricts development to parcels sized ten acres or more. He further referenced the presence of solar panels on part of the property.

DEBONE: Move approval of second reading of Ordinance No. 2026-004 by title only
ADAIR: Second

VOTE: DEBONE: Yes
ADAIR: Yes
CHANG: Chair votes no. Motion Carried 2 – 1

Chair Chang read the title of the ordinance into the record.

ADAIR: Move adoption of Ordinance No. 2026-004 amending Deschutes County Code Title 23, the Deschutes County Comprehensive Plan, to change the Comprehensive Plan Map designation for certain property from Agriculture to Rural Residential Exception Area, and amending Deschutes County Code Title 18, the Deschutes County Zoning Map, to change the zone designation

for certain property from Exclusive Farm Use to Multiple Use Agricultural
DEBONE: Second

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

13. Request to Apply for 2026 Grant Funds for the Deschutes County Wolf Depredation and Financial Compensation Committee

Jen Patterson, Strategic Initiatives Manager, presented the request of the Wolf Depredation and Financial Compensation Committee to apply for State grant funds which are made available each year. The Committee has reviewed the submitted applications according to revised legislation (SB 777) and the established categories for depredation, prevention, and other expenses.

Patterson noted one request for compensation for a confirmed depredation and describe the prevention-related requests.

Following discussion, it was noted that the BOCC has the authority to adjust elements of the application before submitting it. The Board directed an adjustment to increase the compensation request for McCormick Ranch's calf loss to \$2,000 and further adjust the total request accordingly.

ADAIR: Move to authorize the Deschutes County Wolf Depredation and Financial Compensation Committee to apply for 2026 State grant funds as described except increasing the compensation request on behalf of McCormick Ranch to \$2,000 for the calf that was lost, thus raising the total amount to be applied for to \$47,000

DEBONE: Second

VOTE: DEBONE: Yes
 ADAIR: Yes
 CHANG: Chair votes yes. Motion Carried 3 - 0

Commissioner Adair exited the meeting at 12:49 pm.

14. 2025 Annual Report for the Prescribed Fire, Smoke and Public Health Community Response Plan

Will Groves, Planning Manager, introduced the 2025 Annual Report for the Prescribed Fire, Smoke and Public Health Community Response Plan, explaining that the report is required to maintain the exemption from air quality thresholds

under the Oregon Smoke Management Plan for the Bend Smoke Sensitive Receptor Area. That exemption is contingent on annual documentation of communications, health guidance, and interagency coordination.

Sara Worthington, Regional Climate and Health Coordinator, summarized public health outreach and communications activities, including smoke readiness messaging. She contrasted prescribed fire smoke impacts with those experienced from wildfires.

Commissioners discussed prescribed fire acreage goals and trends and asked questions regarding air quality monitoring, interpretation of charts and indices, and timing and duration of smoke spikes.

DEBONE: Move approval of the 2025 Annual Report for the Prescribed Fire, Smoke and Public Health Community Response Plan

CHANG: Second

VOTE:	DEBONE:	Yes
	ADAIR:	(absent)
	CHANG:	Chair votes yes. Motion Carried 2 – 0

OTHER ITEMS:

- Referring to a presentation from the Road Department earlier in the week regarding an application submitted by Jason Bethers for a permit to gate the northernmost .72 miles of Conquest Road, Senior Legal Assistant Counsel Stephanie Marshall advised that the Board consider providing notice to all property owners who would be affected before that permit is approved. Commissioners DeBone and Chang supported Marshall's recommendation to notify all property owners who would be affected.
- Jen Patterson, Strategic Initiatives Manager, shared that the Board's sponsorship of City Club this year includes two free registrations to three forums of the Board's choosing. Following discussion, the Commissioners determined that the three forums of choice are February, March and September.
- County Administrator Nick Lelack reminded that next Wednesday, the Board's meeting agenda will include the issue of the proposed Commissioner district map.

EXECUTIVE SESSION:

At 1:16 pm, the Board entered Executive Session under ORS 192.660 (2) (e) Real Property Negotiations.

At 1:41 pm, the Board exited the Executive Session with no action taken.

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 1:41 pm.

DATED this 4th day of March 2026 for the Deschutes County Board of Commissioners.



PHIL CHANG, CHAIR

ATTEST:

Karenale Fitzgerald
RECORDING SECRETARY



ANTHONY DEBONE, VICE CHAIR



PATTI ADAIR, COMMISSIONER