



## BOARD OF COMMISSIONERS

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

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# BOCC MEETING MINUTES

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1:00 PM

**MONDAY January 5, 2026**

Allen Room  
Live Streamed Video

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Present were Commissioners Phil Chang, Anthony DeBone and Patti Adair. Also present were County Administrator Nick Lelack; Deputy County Administrator Erik Kropp; 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: [www.deschutes.org/meetings](http://www.deschutes.org/meetings).

**CALL TO ORDER:** Chair Chang called the meeting to order at 1:00 pm.

**CITIZEN INPUT:**

- Pete Shepherd referred to written comments he submitted via email which listed many outstanding questions which must be resolved before a district map is presented for public hearing. He further described a possible scenario by which a County Clerk might unilaterally modify the boundary between two precincts and in doing so switch multiple residences from one district to another or possibly even relocate a sitting Commissioner from one district to a different one.

**COMMISSIONER ANNOUNCEMENTS:**

Commissioner DeBone wished all a happy 2026.

Commissioner Adair noted it may snow this week, which is needed after very little snowfall thus far this season.

Saying that it will be his honor to serve as Chair of the BOCC for 2026, Commissioner Chang added he does not view the position of Chair as a privilege but instead as a basic duty required of each Commissioner. He pledged to not abuse this position nor use it to further his political agenda and further pledged to assure that all three Commissioners have the opportunity to speak their piece on issues and raise topics for future meeting agendas. Saying that listening to constituents is one of the BOCC's core responsibilities, he described ways in which he will facilitate opportunities to hear from the public, including his intention to ask that the County's advisory boards and committees come before the BOCC at least annually to report on their work.

**AGENDA ITEMS:**

**1. Board Recognition of the seven years of service by the Honorable Judge Wells Ashby on the Local Public Safety Coordinating Council**

Commissioner DeBone referred to his own previous service on the Local Public Safety Coordinating Council (LPSCC) and thanked Judge Ashby for serving on that important group.

Saying that crime has not decreased, Commissioner Adair thanked the Judge for his leadership, vision and service.

Commissioner Chang thanked Judge Ashby for helping to bring together professionals from various fields to address public safety needs. He then read a statement from the Judge's peers on the LPSCC commending his thoughtful guidance in fostering positive collaboration between public safety partners.

The Board then presented a letter of appreciation and a plaque of recognition to the Judge.

Saying that he has worked in Deschutes County for 20 years now and knows it to be a caring community, Judge Ashby expressed his appreciation for the job done by the Commissioners.

**2. Consideration of updates to HR-6, Deschutes County Remote Work Policy; HR-12, Family Medical Leave Policy; and HR-13, Employee Leave Donation Policy**

This item was deferred to the Board's meeting of January 14<sup>th</sup>.

**3. Destiny Court PA/ZC Remand Record Decision**

Caroline House, Senior Planner, reported that on December 23rd, Destiny Court Properties initiated a Land Use Board of Appeals (LUBA) remand application

relating to its request for a rezone of 65.11 acres from Exclusive Farm Use to Multiple Use Agricultural (MUA-10) which was approved by the BOCC in January of 2025 by a 2 – 1 vote.

After the BOCC's decision was appealed to LUBA by Central Oregon LandWatch, LUBA remanded the County's decision for further review on two issues:

- 1) Alleged inconsistency between the County's Comprehensive Plan, which requires a minimum parcel size of 10 acres for rural residential lots, and provisions in the MUA-10 zone which appear to allow parcels as small as 1.7 acres; and
- 2) Evaluation of whether the subject property is suitable for farm uses identified in the record, including various types of animal husbandry and equine facilities.

In advance of the required remand hearing to be held before the Board—which staff proposes be scheduled for January 28<sup>th</sup>—staff seeks direction on whether the record should be reopened to accept new evidence on a limited basis or for all remand issues to assist in the Board's review and final decision.

Stressing that the County is subject to a strict 120-day timeline to complete its review, House said the applicant asks that record be reopened with respect to the second issue but remain closed on the first.

Commissioners DeBone and Adair stated their support for reopening the record only to allow new information on the question of whether the property is suitable for identified farm uses.

Commissioner Chang said not reopening the record on the issue regarding alleged inconsistency with the Comprehensive Plan could result in the County not being able to satisfy LUBA's demand for new findings with respect to that issue. He was concerned that lacking new information could hinder the effort to produce new findings as required.

Commissioner DeBone said because the Comprehensive Plan is static, there is no real new information which could be presented on that issue.

Stephanie Marshall, Senior Assistant Legal Counsel, said it may be that the analysis of that matter as viewed by LUBA was incomplete and perhaps could be completed with additional evaluation and explanation.

House explained that the applicant would be able to submit more arguments and findings, just no new information if the record is not reopened on that first issue. She added that the Board could decide later to reopen the record on the first issue if it does not do that today.

Commissioner DeBone questioned what new evidence could be submitted on the Comprehensive Plan or on County Code sections which pertain to the MUA-10 zone.

DEBONE: Move approval of Board Order No. 2026-002, allowing the Board of County Commissioners to consider new testimony and evidence relevant to LUBA No. 2025-015 and Remand File No. 247-25-000759-A with regard to only and specifically the issue of whether the subject property is suitable for the farm uses identified by the petitioner in the record

ADAIR: Second

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

#### **4. BOCC representative to 2026 AOC Legislative Committee**

Referring to Commissioner DeBone's recent selection as co-chair of AOC's Public Safety and Veterans Steering Committee, which simultaneously appoints him as a voting member of AOC's Legislative Committee, Commissioner Chang noted that the Legislative Committee is scheduled to meet for the first time in 2026 this coming Monday, January 12<sup>th</sup>.

Discussion ensued that Commissioner Adair had served on AOC's Legislative Committee last year. It was not clear if Deschutes County will be asked to name another person to this committee for 2026, given Commissioner DeBone's new status as co-chair of the Public Safety and Veterans Steering Committee.

Commissioner Chang asked that Commissioner DeBone's activity as a voting member of AOC's Legislative Committee this year represent the BOCC's majority positions on three particular issues, namely: 1) the expected bill on Transient Lodging Tax; 2) transportation funding; and 3) legislation regarding expedited UGB expansions relating to manufactured home parks. In the absence of a majority position by the BOCC on any of these matters, he asked that Commissioner DeBone abstain from voting.

County Administrator Nick Lelack added that he has also been appointed to AOC's Legislative Committee for 2026 in the position of National Association of County Administrators (NACA) Representative.

## 5. Discussion regarding process and timing of assigning Commissioner districts

Jen Patterson, Strategic Initiatives Manager, reviewed that the Board has scheduled two public hearings on the draft Commissioner District Map – the first on January 20th and the second on January 21st.

Commissioner Chang explained his interest in having the potential districts be assigned before the public hearings, saying that depending on how the districts are assigned, he could possibly be precluded from running for re-election in 2028, should he want to do that.

Commissioner DeBone agreed that districts should be assigned before the public hearings.

Following discussion, the Board was in consensus to accept County Administrator Nick Lelack's suggestion that this be taken up at the Board's annual retreat on January 15<sup>th</sup>.

Following further discussion, Patterson summarized that the assignment of positions to the proposed Commissioner District Map will be taken up at the Board's retreat and accomplished, per Board consensus, by way of a random by lot process involving college or high school students.

### OTHER ITEMS:

- Commissioner DeBone noted that the Board will hold its annual retreat next Thursday.

### EXECUTIVE SESSION: None

### ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 1:55 pm.

DATED this 14<sup>th</sup> day of January 2026 for the Deschutes County Board of Commissioners.

  
PHIL CHANG, CHAIR

  
ANTHONY DEBONE, VICE CHAIR

  
PATTI ADAIR, COMMISSIONER

### ATTEST:

  
RECORDING SECRETARY