



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY August 27, 2025

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Anthony DeBone, Patti Adair and Phil Chang.
Also present were County Administrator Nick Lelack; County Counsel David Doyle;
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 DeBone called the meeting to order at 9:00 am.

PLEDGE OF ALLEGIANCE

CITIZEN INPUT: None

COMMISSIONER ANNOUNCEMENTS:

Commissioner DeBone reported that the first session of the 2025 County College program took place last night.

Saying her home remained at Level 3 evacuation status due to the continued threat from the Flat Fire which is burning northeast of Sisters, Commissioner Adair extended gratitude to all of the first responders who are fighting the fire and urged property owners to remove juniper trees which are highly susceptible to burning.

Commissioner Chang referred to speculation that the Flat Fire originated from a homeless encampment and said no such encampment exists in Jefferson County, where the fire started. He said while many people may live in RVs or mobile homes on their property or where they have permission to stay on someone else's property, such situations do not constitute homelessness but rather rural poverty. He disclosed that a sergeant at the Jefferson County Sheriff's Office confirmed that this fire did not start at a homeless encampment.

Commissioner Adair said last year, the City of Bend documented over 80 fires which were started by transients.

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

1. Approval of Document No. 2025-864, a revised intergovernmental agreement with the Oregon Department of Human Services for the funding of Developmental Disabilities Services
2. Approval of a Purchase Agreement, Dedication Deed, and Temporary Construction Easement from MHC TT, LP for Right of Way for the South Century Drive/Huntington Road Intersection Improvement Project
3. Approval of an Intergovernmental Agreement with the Oregon Youth Authority accepting funding for Juvenile Crime Basic and Diversion Services
4. Consideration of Board Signature on letter appointing Sally Compton for service on the Wolf Depredation and Financial Assistance Compensation Committee
5. Consideration of Board Signature on letter appointing Carolyn Huddleston for service on the Historic Landmarks Commission
6. Approval of the minutes of the BOCC meetings of July 29 and August 4, 2025

ADAIR: Move Board approval of the Consent Agenda as amended to correct one portion of the August 4, 2025 minutes

CHANG: Second

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

ACTION ITEMS:

7. **Veteran Behavioral Health Peer Support Specialist grant from the Oregon**

Health Authority and request to add a limited duration 1.0 FTE Behavioral Health Specialist I position

Kristin Mozzochi, Behavioral Health Program Manager, explained the grant offered by the Oregon Health Authority to support the County's provision of enhanced support services to veterans. Saying that this program has connected with nearly 100 veterans during the current one-year grant cycle, Mozzochi said while the program has helped veterans connect to resources for housing, employment, social connections, and medical and mental health services, it has also experienced challenges in trying to meet the needs of its clients as the needed resources are limited.

In response to Commissioners Adair and Chang, Mozzochi confirmed that the person in this position does reach out to residents of Veterans Village and Veterans Ranch. Mozzochi added that the person in this position has a current caseload of 76, which is higher than that of other case managers.

ADAIR: Move to authorize the acceptance of a Veteran Behavioral Health Peer Support Specialist grant from the Oregon Health Authority

CHANG: Second

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

CHANG: Move approval of the request to add a limited duration 1.0 FTE Behavioral Health Specialist I

ADAIR: Second

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

8. Public Hearing: Dark Skies Text Amendments

Tanya Saltzman, Senior Planner, reviewed the procedures for the hearing.

The public hearing was opened at 9:21 am.

Saltzman explained the impetus for the amendments, referring to efforts to preserve the view of the night sky as both a natural and an economic resource and saying that the City of Sisters is now a certified Dark Sky community as are other areas in Oregon. She reviewed the background of the proposed changes to the

outdoor lighting section of the County's Code, noting that the current regulations were adopted in 1994 and saying that the proposed amendments include simplified rules and updated definitions. One change would require that string lights be turned off by 11 pm or, in the case of a commercial operation, at the close of business.

Saltzman next reviewed the process undertaken by the Planning Commission to consider the amendments, noting in particular discussions regarding the definition of "light trespass" and the question of whether to restrict holiday lights outside of a certain time period.

In response to Commissioner Adair, Saltzman confirmed that the Code would continue to allow illuminating the American flag when flown out of doors.

- Bill Kowalik, chair of Dark Sky Oregon, expressed strong support for the proposed changes and further encouraged the County to work towards certification as a Dark Sky community as both Sisters and Sunriver have achieved. He listed benefits of attaining this certification, including attracting visitors who want to experience a dark night sky and be able to view the Milky Way.
- Chris Hill suggested more changes beyond those in the proposed amendments such as requirements that new lighting be inspected and the number of lumens allowed be limited in addition to limits on when signs can be illuminated. He advocated for a plan to retrofit non-compliant lighting.

Discussion ensued of the additional measures sought by Dark Sky Oregon beyond the proposed amendments to County Code.

- Gale Brown objected to the brightness and glare of outdoor LED lighting at Oak Harbor Freights by Sawyer Park, which is near her residence. Saying the lighting is akin to that of a sports field, she described its negative effects and urged the Board to address this matter.

Commissioner Chang noted that Oak Harbor Freights is located within the City of Bend, which has jurisdiction over outdoor commercial lighting.

- Courtney Braun, co-owner of Wanderlust Tours, said many visitors to Central Oregon cannot view the Milky Way where they live. She spoke to the importance of protecting the view of the night sky.

Responding to Commissioner Adair, Saltzman said motion sensor lights must also be shielded.

There being no one else who wished to speak, the public hearing was closed at 10:03 am. The Board subsequently agreed to proceed to deliberations.

Commissioner DeBone referred to the enthusiasm by many people to protect dark skies and thanked the Planning Commission for its work on these amendments.

Commissioner Adair reminded that in extreme weather situations such as a heavy snow storm, outdoor lighting can help people get their bearings.

Following discussion, it was decided to allow holiday lights from the day after Thanksgiving to January 15th along with an additional 14 discretionary days outside of the winter holiday season.

Discussion ensued of the County's established process for addressing Code enforcement complaints in general, the role that education will play in sharing information about the changes to the outdoor lighting regulations, the possible pursuit of certification as a Dark Sky community, and the role of building inspectors in ensuring that outdoor lighting fixtures conform to Code.

Commissioner Chang stated his support for aspiring to work towards becoming certified as a Dark Sky community. He further supported educating the community about best practices with respect to outdoor lighting.

In response to Commissioner Adair, Peter Gutowsky, Community Development Director, confirmed that CDD prioritizes its building and Code enforcement efforts to address imminent risks to safety.

Commissioner DeBone referred to the advocacy of the tourism industry for dark sky regulations and stated his support for proceeding with these amendments as presented.

The Board was in consensus to direct staff to convene a panel of advocates for Dark Sky certification to discuss efforts and roles for moving the necessary public outreach and education efforts forward.

Following discussion, Saltzman said she will return at a future meeting with an ordinance implementing the Code changes for the Board's consideration. She confirmed that in accordance with direction from a majority of the Commissioners, the draft ordinance will not include the aspirational goal for certification as a Dark Sky community.

Chair DeBone added that the Board concurs with the recommendation of the Planning Commission to allow property owners three years to achieve compliance with the changed regulations.

A break was announced at 10:39 am. The meeting resumed at 10:45 am.

9. Second Reading of Ordinance No. 2025-007: Reconsideration of the Deschutes County 2040 Comprehensive Plan Update

Nicole Miller, Senior Planner, reviewed the background of this matter and previous Board actions, including first reading of this ordinance on June 25th.

Commissioner Adair commented that there are 250,000 privately owned acres zoned Exclusive Farm Use (EFU) in Deschutes County.

Saying that the process undertaken to update the County's Comprehensive Plan was marred because the input of the community has been ignored, Commissioner Chang asked that a guest column written by him and published in the *Bend Bulletin* last Friday be entered into the record. He submitted a copy of the column in which he stated his objections that the 2040 Comprehensive Plan as drafted encourages more destination resort housing and luxury rural residences, which are not needed, as opposed to needed workforce housing.

Commissioner DeBone said in the early 1970s, the City of Napa, California imposed land use restrictions which had the effect of immediately doubling housing prices. He said restricting land use options in Deschutes County could cause land prices to rise, making housing more expensive and also negatively impacting farmers.

Commissioner Chang said because more than 4,000 vacant, buildable rural residential lots are already available for new housing, no additional resource land needs to be rezoned for this purpose, especially as the projected population growth of the unincorporated areas is just 5,000 people over the next 20 years.

Commissioner DeBone referred to former land use decisions including the Black Butte Ranch and Tollgate developments and also to past legislative efforts to address Oregon's land use decisions. He stated his high comfort level with the Comprehensive Plan update as drafted.

Saying that many farmers have figured out how to amend soil and extend the growing season, and many ranchers are also having success in hay production, Commissioner Chang objected that rezoning EFU land drives up its price, which negatively affects those who want to farm.

Commissioner DeBone said South Deschutes County needs paved roads and groundwater protection in the form of sanitary sewer, together which could transform an already-platted area into an attractive residential area.

Discussion ensued regarding comments submitted regarding the Comprehensive Plan update as well as input received outside of the formal process.

ADAIR: Move approval of second reading of Ordinance No. 2025-007 by title only
DEBONE: Second

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

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

ADAIR: Move adoption of Ordinance No. 2025-007 superseding Ordinance 2024-007 and amending Title 23, the Deschutes County Comprehensive Plan, to incorporate revisions resulting from the Deschutes County 2040 Update Process
DEBONE: Second

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

Mardell said if the ordinance is not appealed, it will take effect 90 days from today.

10. Deliberations: Cascades Academy Plan Amendment and Zone Change involving approximately 22.5 acres south of Tumalo and west of Highway 20

Nicole Miller, Senior Planner, described the application for a rezone of approximately 22.5 acres south of Tumalo and west of Highway 20 from Exclusive Farm Use – Tumalo/ Redmond/ Bend subzone (EFU-TRB) and Surface Mining (SM) to Multiple Use Agricultural (MUA-10) and presented a matrix of decisions for the Board's consideration.

Before proceeding with the decision matrix, Mardell explained that the applicant raised a procedural objection in its final legal argument alleging that Central Oregon Landwatch (COLW) had raised new evidence in its rebuttal testimony in violation of the parameters of the open record period. The applicant has requested that the Board reject this testimony and remove it from consideration in making the final

decision on the application. County legal staff has reviewed the testimony and agrees that COLW raised new evidence.

Referring to the information provided on the soil analysis of the property, Commissioner Chang said because it was his understanding that some water rights are still attached to this property, he wanted to know how the quality of the soils would change if irrigated. Mardell referred to information in the record on this subject and offered to provide more information at a future date.

The Board proceeded to address the questions contained in the decision matrix.

1. Should the evidence submitted by Central Oregon LandWatch during the rebuttal open record period be considered in the Board's decision-making process?

A majority of the Board was in consensus to not consider this evidence as it was received past the deadline for new written evidence.

2. Can the Surface Mine Zone be changed for the subject properties?

A majority of the Board was in consensus that the Surface Mine Zone can be changed for the subject properties.

3. Is the property in violation of previous land use approval and therefore subject to Deschutes County Code 22.20.015(A)(2)?

A majority of the Board was in consensus that the property is not in violation of previous land use approval and therefore is not subject to Deschutes County Code 22.20.015(A)(2).

4. Does the property qualify as "Agricultural Land," being predominantly Class I-VI soils?

A majority of the Board was in consensus that the property does not qualify as "Agricultural Land," being predominantly Class I-VI soils.

5. Is the subject property suitable for Farm Use?

A majority of the Board was in consensus that the subject property is not suitable for Farm Use.

6. Is the subject property's EFU zoning necessary to permit farm practices on adjoining property?

A majority of the Board was in consensus that the subject property's EFU zoning is not necessary to permit farm practices on adjoining property.

7. Will the PA/ZC result in urbanization such that an exception to Goal 14 is required?

A majority of the Board was in consensus that the PA/ZC will not result in urbanization such that an exception to Goal 14 is required.

8. Will the proposed change to MUA-10 result in new uses that would conflict with the Goal 5 resources on the property or associated scenic corridors?

A majority of the Board was in consensus that the proposed change to MUA-10 will not result in new uses that would conflict with the Goal 5 resources on the property or associated scenic corridors.

9. Is the ESEE analysis sufficient to demonstrate compliance with Statewide Planning Goal 5?

A majority of the Board was in consensus that the ESEE analysis is sufficient to demonstrate compliance with Statewide Planning Goal 5.

Expressing concern that rezoning this property to MUA-10 would create opportunities to develop all or part of it for housing, Commissioner Chang asked if the County could require the property owner to commit that the property would be used for school facilities only.

Stephanie Marshall, Senior Assistant Legal Counsel, said placing a restriction such as this on a property could be construed as creating a new zone. Additionally, the application as advertised for public input did not include any such commitment or requirement.

ADAIR: Move approval of the application from Cascades Academy to rezone approximately 22.5 acres south of Tumalo and west of Highway 20 from Exclusive Farm Use - Tumalo/ Redmond/ Bend subzone (EFU-TRB) and Surface Mining (SM) to Multiple Use Agricultural (MUA-10)

DEBONE: Second

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

The Commissioners expressed their appreciation of and support for Cascades Academy, which benefits many youth and their families.

OTHER ITEMS:

- Commissioner Chang spoke to the Flat Fire which is currently burning northeast of Sisters and relayed the concern that an unstable, low-pressure system might produce thunderstorm activity and winds up to 30 mph which could carry embers up to a mile.
- Commissioner DeBone shared that he will be interviewed on KBND tomorrow morning.

EXECUTIVE SESSION:

At 12: 12 pm, the Board entered Executive Session under ORS 192.660 (2) (h) Litigation.

The Board exited Executive Session at 12:26 pm and instructed staff to proceed as directed.

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 12:26 pm.

DATED this 24th Day of Sept. 2025 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR

ATTEST:



RECORDING SECRETARY



PATTI ADAIR, VICE CHAIR



PHIL CHANG, COMMISSIONER