



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY May 28, 2025

Barnes Sawyer Rooms
Live Streamed Video

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

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

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

PLEDGE OF ALLEGIANCE

CITIZEN INPUT:

- Carl Shoemaker spoke to the subjects of tariffs and the nation's economy, saying that tariffs are one of the earliest forms of taxation and can result in unlawful smuggling to avoid paying them.

Commissioner Adair shared that this afternoon she will attend the Robert D. Maxwell Veterans Resource Center Dedication at COCC. This facility is being named in honor of Maxwell, an Army veteran who received a Medal of Honor in World War II.

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

1. Approval of an Intergovernmental Agreement with the City of Sisters for the provision of law enforcement services by DCSO
- ~~2. Approval of an amendment to the Intergovernmental Agreement with the City of La Pine regarding the provision of law enforcement services by DCSO*~~
3. Approval of a lease agreement with Coppertop, LLC for the Terrebonne substation of the Deschutes County Sheriff's Office
4. Consideration of Board Signature on letter thanking Erin Gage Fitzpatrick, for service on the Public Health Advisory Board
5. Consideration of Board Signature on letter thanking Lore Christopher, for service on the Historic Landmarks Commission
6. Approval of the minutes of the April 23 and April 30, 2025 BOCC meetings
7. Approval of the May 16, 2025 BOCC Legislative Delegation Update and Legislative Update minutes

*Item #2 was pulled as negotiations are continuing on the terms of the amendment.

CHANG: Move Board approval of the Consent Agenda as amended to remove item #2 for action at a later date

ADAIR: Second

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

ACTION ITEMS:

8. Public Hearing: Consideration of extending the Deschutes County Rural Renewable Energy Development Zone

Patricia Lucas, executive director of Sunriver-La Pine Economic Development (SLED), reminded that the County had originally approved the creation of a Rural Renewable Energy Development Zone (RREDZ) in 2014. These zones offer a tax exemption incentive to encourage new investments in renewable energy. The incentive is a 100 percent (full) exemption from property taxes normally assessed for the first three to five years of project operation. Deschutes County's RREDZ encompasses the entire territory of the County with the exception of property inside of Bend's urban growth boundary.

Deschutes County's existing Rural Renewable Energy Development Zone expires on June 30, 2025. If renewed, the new expiration date will be June 30, 2036. Lucas confirmed that EDCO notified all of the County's taxing districts of today's public hearing on the proposal to extend the RREDZ.

The public hearing was opened at 9:06 am. There being no one who wished to speak, the public hearing was closed at 9:06 am.

Commissioner Chang supported the generation of more electricity to meet demand and appreciated that the RRED program encourages the production of clean energy.

In response to Commissioner Chang, Kelsey Lucas, EDCO director for Prineville/Crook County, said no tax relief would be experienced on any land as the property tax exemption only applies to capital investment associated with renewable energy production.

ADAIR: Move approval of Resolution No. 2025-027 extending the Deschutes County Rural Renewable Energy Development Zone to expire on June 30, 2036

CHANG: Second

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

9. Public Hearing: Clear and Objective Housing Text Amendments regarding Title 17 — Subdivisions

Tarik Rawlings, Senior Transportation Planner, explained the procedures for the hearing.

Rawlings explained the State mandate that local governments apply clear and objective standards, criteria, and procedures to applications for housing projects with the aim of expanding the supply of housing. As this requirement takes effect on July 1, 2025, staff has been working to update relevant sections of Deschutes County Code to comply. Rawlings stressed that the Code continues to offer menus of options to ensure flexibility in meeting a standard by allowing applicants to choose among several options. Also, the County will continue to offer a discretionary review path as an optional alternative approach to the new clear and objective standards for applicants who cannot or choose not to follow the new path.

Rawlings along with project consultants Matt Hasty and Kate Rogers reviewed various changes being proposed, which include the relocation of some standards from Title 17 to Title 12.

In response to County Administrator Nick Lelack, County Engineer Cody Smith said he will present draft Title 12 amendments to the Board on June 4th. A public hearing has been scheduled for June 11th.

The public hearing was opened at 9:45 am. Seeing no one wished to speak, the public hearing was closed at 9:45 am.

Discussion ensued regarding whether the State requirement for clear and objective standards will ease the development of housing, or possibly have the unintended result of instituting overly restrictive regulations in rural areas.

In response to Commissioner DeBone, Rawlings said the goal was to avoid proposing any policy changes when modifying the text.

Will Groves, Planning Manager, added that staff considered comments made to the Planning Commission regarding initial draft changes which foreclosed options that were previously available. This feedback was valuable in highlighting such unintentional consequences and allowed staff to restore discretionary paths as appropriate to preserve all existing opportunities.

Commissioner DeBone stated his support for the amendments as presented, understanding that future revisions may be warranted.

Commissioner Adair asked about comments submitted by Daniel Robinson which expressed concern that the changes would result in more stringent standards compared to current County Code, which in turn would hinder rather than facilitate housing development. Groves confirmed that the text of some draft amendments was changed in response to concerns expressed by Robinson and others, although staff took care that these revisions do not change policy.

CHANG: Move to close deliberations and direct staff to return with a draft ordinance for the Board's consideration

ADAIR: Second

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

10. Public Hearing: Clear and Objective Housing Text Amendments – Goal 5 (Title 18)

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

The public hearing was opened at 10:08 am.

Saltzman reviewed the proposed amendments to Title 18 of Deschutes County Code to ensure clear and objective standards with regard to the protection of Goal 5 resources (natural resources, scenic areas, and open spaces), with some overlap of regulations for cluster and planned developments.

Saltzman stressed that the proposed amendments do not alter the County's acknowledged Goal 5 inventories or impact areas. As required by the State, the County will continue to allow residential construction in areas with Goal 5 resources subject to standards and criteria that maintain the same level of protection as the discretionary process that was previously used. Saltzman said the discretionary process remains an option for most applicants because those standards were retained alongside the new clear and objective standards in order to preserve flexibility by allowing limited exceptions in some cases.

Consultants Matt Hasty and Kate Rogers provided examples of the changes.

In response to comments about the need to ensure that defensible space standards are met, Rogers said the amendments to the design standards contained in the Landscape Management Combining Zone include a new cross-reference to the County's defensible space standards.

Saltzman reviewed agency and public comments received, including from the Oregon Department of Land Conservation and Development and the Oregon Department of Fish and Wildlife. After holding a public hearing on April 24th, the Planning Commission voted to recommend, with comments, that the Board approve the amendments.

There being no one who wished to speak, the public hearing was closed at 10:29 am.

In response to Commissioner Chang, Saltzman said ODFW approves of the amendments as proposed to refer to ESEE analysis with regard to required bird protections. Planning Manager Will Groves confirmed that ODFW finds the proposed approach acceptable and does not seek further changes.

ADAI: Move to close deliberations and approve the amendments as proposed
CHANG: Second

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

Saltzman said staff will return with a draft ordinance for the Board's consideration.

A break was announced at 10:36 am. The meeting resumed at 10:39 am.

Chair DeBone noted the meeting agenda will be amended to take up Item #16 before the planned lunch break.

11. Upper Deschutes Watershed Council Service Partner Year-end Update

Jen Patterson, Strategic Initiatives Manager, introduced Kris Knight who provided a year-end update on the work of the Upper Deschutes Watershed Council. Knight distributed copies of UDWC's annual report, saying that in the last 25 years, more than 50 projects have been undertaken to restore or improve habitat. He spoke to the mission of the Watershed Council and shared progress made in coordination with other partner organizations to re-establish critical fish passages, among other work.

In response to Commissioner Chang, Knight said 25 years ago, Wychus Creek went dry two out of every three summers. Thanks to restoration efforts, the creek now experiences substantial constant flow even in the drier months, and serves as habitat for steelhead salmon.

12. Extension of a 1.0 limited duration FTE position to support the Forensic and Acute Services Program for an additional 12 months

Evan Namkung, Program Manager for Behavioral Health, presented a request to extend a 1.0 limited duration FTE for another 12 months to support the Forensic and Acute Services division. Namkung explained the work done by the person in this position and said the \$109,63612 cost for the 12-month extension would be paid through a Community Navigator Pilot grant from the Oregon Health Authority.

CHANG: Move approval to extend a 1.0 limited duration FTE for 12 months to support the Forensic and Acute Services division

ADAIR: Second

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

13. Oregon Health Authority (OHA) Capacity Building Grant Application

Trevor Stephens, Business Manager for Community Justice, sought Board approval to apply for a Capacity Building grant from the Oregon Health Authority, explaining that some of the funds would be used to develop a process whereby the County would bill the Oregon Health Plan on behalf of Community Justice-involved clients with the goal of helping them secure health-related social needs services.

ADAIR: Move approval of the Adult Parole and Probation Division's application for a Health-Related Social Needs Capacity Building Grant from the Oregon Health Authority

CHANG: Second

VOTE: CHANG: Yes

ADAIR: Yes

DEBONE: Chair votes yes. Motion Carried 3 - 0

14. Courthouse Expansion Update

Lee Randall, Facilities Director, introduced the monthly update on the Courthouse Expansion project. Eric Nielsen, Capital Improvements Manager, reviewed the completed work to date, including the pouring of the basement slabs.

Commissioner Adair requested information on the applicable seismic zone and how the construction is planned to account for the designated level of earthquake risk.

Continuing, Nielsen reviewed ongoing work, including mock-ups of window installations into the air/wind barrier system, after which the water barrier was tested successfully with no leaks.

Cory Loomis from Pence Contractors described upcoming work, including the concrete roof decks and exterior framing and sheathing, as well as the updated construction timeline.

Wayne Powderly from Cumming Group provided updated information on the project budget, saying the cost to date is about 37% of the available budget. He assured that all of the finances are reviewed every week.

16. Community Development Department Fiscal Year 2025-26 Work Plan / Deliberation

Peter Gutowsky, Community Development Director, explained that the purpose of the Work Plan is to guide CDD in prioritizing staff resources in the upcoming year.

Commissioner Adair asked that the “Lot Line Adjustments and Re-Platting” zoning text amendments project be elevated from low priority to a higher priority. Commissioner DeBone also supported addressing that particular item sooner rather than later. Gutowsky verified that this work is not expected to require a large amount of staff resources.

Discussion ensued on potential amendments to the UGBs of Sisters and Bend, and the fact that Redmond has an urban reserve. Gutowsky noted that the County has the final say on any proposed change to a UGB boundary.

Gutowsky referred to the passage of SB1129 which directs the State to establish rules to provide greater clarification on dedicating urban reserve areas, especially when these involve rural residential exception areas. He noted that the City of Bend has expressed interest in developing a 30-year urban reserve area.

CHANG: Move approval of the Community Development Department’s 2025-26 Work Plan as recommended by the Planning Commission

ADAIR: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried 3 - 0

OTHER ITEMS:

- Jen Patterson, Strategic initiatives Manager, provided an update on the membership of the Wolf Depredation Committee, saying that Johnny Leason has indicated a desire to be reappointed, but another member is unable to serve a second term. She proposed that the resulting opening be posted and shared how interviews were previously conducted for these positions.

Commissioner Chang suggested that other members of the committee be asked whether they are interested to participate in the interviews. Commissioners DeBone and Adair were amenable to this suggestion.

A lunch recess was taken at 12:10 pm. The meeting reconvened at 1:00 pm.

15. **Deliberations: A Plan Amendment and Zone Change for Bend Park and Recreation District involving approximately 279 acres located southeast of the City**

Nate Miller, Associate Planner, introduced the deliberations on a request from the

Bend Parks & Recreation District to change the Comprehensive Plan designation and Zone of approximately 279 acres located east of the City of Bend.

Before presenting the decision matrix, Miller sought the resolution of comments entered into the record by Diane Peschka during the period reserved for the submittal of the applicant's final legal argument. Peschka had also submitted comments during the time designated for the submittal of rebuttal comments.

The Board was in consensus to not consider the comments submitted by Peschka during the time reserved for the applicant's submittal of its final legal argument while permitting the consideration of comments received from Peschka during the rebuttal phase as part of the established open record period.

Miller next presented the six applicable decisions before the Board, as follows:

1. Can the Surface Mine Zone be changed prior to the site being reclaimed under the amended Reclamation Plan?

A majority of the Board was in consensus with the findings of the Hearings Officer that the reclamation activities are met under DOGAMI requirements.

2. Is the property agricultural land, being predominately Class I-VI soils?

A majority of the Board was in consensus with the Hearings Officer's finding that the property is not agricultural land, and reclaiming it would not transition it to agricultural land.

3. Is the subject property suitable for farm use?

A majority of the Board was in consensus with the finding of the Hearings Officer that the property is not suitable for farm use.

4. Are tax lots 200 and 300 a "Farm Unit" which require conformance with OAR 660-033-0020(1)(b)?

A majority of the Board was in consensus with the findings of the Hearings Officer that tax lots 20 and 300 do not together comprise a "farm unit."

5. Is the subject property's EFU zoning necessary to permit farm practices on Tax Lot 300?

A majority of the Board was in consensus that the property's Exclusive Farm Use zoning is not necessary to permit farm practices on Tax Lot 300.

6. Can the subject property be rezoned to Rural Residential?

A majority of the Board was in consensus that the property can be rezoned to Rural Residential.

Commissioner Chang noted that the applicant has stated that rezoning the property to Rural Residential is necessary to develop a regional park as envisioned.

ADAIR: Move to close deliberations and affirm the decision of the Hearings Officer's as the Board's decision on this matter

CHANG: Second

VOTE: ADAIR: Yes

CHANG: Yes

DEBONE: Chair votes yes. Motion Carried 3 - 0

17. Estimated timeline to address a Code Enforcement violation issued by Deschutes County Community Development Department associated with County-owned property in East Redmond

Kristie Bollinger, Property Manager, said the Board had requested to see a draft timeline for addressing the Code Enforcement violation issued by the Community Development Department involving County-owned property in East Redmond. She referred to a memo which listed numerous items which could be addressed while the Code violation is held in abeyance.

In response to Commissioner Adair, Bollinger did not expect the managed camp in Redmond to begin operating until the beginning of 2026. Commissioner Adair said the City expects it to begin operating by the first of December.

Erik Kropp, Deputy County Administrator, said staff will have a better idea of the managed camp's start date once work commences on the needed improvements. He added that it may be difficult to find a service provider to manage the camp.

Saying he supported working towards making the situation better and not allowing it to worsen, Commissioner DeBone noted community expectations that the solid waste situation will be addressed.

Commissioner Adair stressed the very real danger of fire risk and said if the County allows unauthorized encampments to remain, it is not conforming to Code regulations as it expects others to do.

In response to Commissioner Adair, Bollinger said no security patrols are being conducted on the property.

Commissioner Chang said the managed camp will help to address sanitation and fire risks in east Redmond.

Commissioner DeBone advocated for making this a long-term visitor area and requiring those who use it to pledge to abide by certain rules.

Discussion ensued regarding enforcement of the “no fire” rule on County-owned land which starts on June 1st.

CHANG: Move approval of the abeyance of a Code Enforcement violation issued on March 27, 2025 by the Deschutes County Community Development Department associated with unincorporated areas of County-owned property in East Redmond known as Map and Tax Lot 1513000000103

DEBONE: Second

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

Commissioner Adair asked to know the cost of adding security patrols in this area. At the least, she wanted to make sure that campers know fires are not allowed.

Kropp said staff will return with options to provide security patrols in this area.

18. Work Session: Fee for Issuing Transient Lodging Tax Certificates of Authority

Michelle Assia, Management Analyst, introduced the proposal to assess a fee for issuing Transient Lodging Tax Certificates of Authority, as discussed at the Board’s May 5th meeting. Staff seeks Board direction on imposing a fee for the initial registration of a lodging facility and a separate fee for annual renewals. All such fees would be used to offset the administration of the Transient Lodging Tax (TLT) program.

Robert Tintle, Chief Financial Officer, said the total annual cost to administer the County’s TLT program is about \$480,000. He reviewed four options for recouping these costs through fees for certificates (initial registration and yearly renewals), noting that the County does not currently charge a fee to issue these certificates.

Tintle also provided information on what other selected counties charge for these kinds of fees, saying the average charge of the surveyed counties is \$548 for an initial certificate and \$228 for each renewal.

Commissioner Chang was supportive of recouping these costs and said an initial fee of \$300 with annual renewals costing \$150 was very modest. Commissioner Adair agreed and said these amounts appear to be reasonable relative to what other jurisdictions charge.

Commissioner DeBone stated his support for charging an initial registration fee of \$225 and annual renewals of \$113.

In response to Commissioner DeBone, Tintle said any property owner who currently has an existing certificate of authority would only need to renew it when due, and not pay whatever fee may be adopted for an initial certificate.

ADAIR: Move approval to include a Certificate of Authority fee in the County Fee Schedule set for a public hearing on June 11, 2025, in the amount of \$300 for the initial registration and \$150 for the annual renewal

CHANG: Second

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

19. EDCO request for letter of support / Central Oregon Innovation Hub

Jen Patterson introduced Jon Stark, CEO of EDCO, who asked that the Board approve a letter of support for a Business Oregon grant application to fund the Central Oregon Innovation Hub. Stark explained that EDCO was asked to take over the management and operation of the Innovation Hub which had been established under OSU-Cascades, and EDCO will apply for a grant from Business Oregon to continue this work.

In response to Commissioner Adair, Stark said EDCO's application is for nearly the maximum amount offered of \$500,000 per year for two years.

ADAIR: Move approval of a letter supporting EDCO's grant application to Business Oregon for the Central Oregon Innovation Hub

CHANG: Second

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

20. Western Rivers Conservancy request for letter supporting BLM's funding request to the Department of the Interior (Paulina Meadows / Little Deschutes River land acquisition)

Consideration of this item was postponed at the proposer's request.

OTHER ITEMS:

- Commissioner DeBone reported on the monthly meeting with the City of Bend last Thursday.
- County Administrator Nick Lelack said he attended last night's Historic Landmarks Commission meeting, adding that May was Historic Preservation Month and the HLC currently has a vacancy.
- Lelack announced that Health Services Director Janice Garceau will retire this Friday after leading the County's largest department for several years. Holly Harris will serve as acting director while the recruitment for Garceau's replacement is underway.

EXECUTIVE SESSION:

At 2:18 pm, the Board entered Executive Session under ORS 192.660 (2) (d) Labor Negotiations.

The Executive Session concluded at 2:43 pm.

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 2:43 pm.

DATED this 23rd Day of July 2025 for the Deschutes County Board of Commissioners.

ATTEST:


RECORDING SECRETARY


ANTHONY DEBONE, CHAIR


PATTI ADAIR, VICE CHAIR


PHIL CHANG, COMMISSIONER