



BOARD OF COMMISSIONERS

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

FOR RECORDING STAMP ONLY

BOCC MEETING MINUTES

9:00 AM

WEDNESDAY August 20, 2025

Barnes Sawyer Rooms
Live Streamed Video

Present were Commissioners Anthony DeBone, Patti Adair and Phil Chang.
Also present were Deputy County Administrator Whitney Hale; 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: None

COMMISSIONER ANNOUNCEMENTS:

Referring to her current service roles on the Central Oregon Health Council and the State of Oregon Local Government Advisory Committee, Commissioner Adair announced that she will attend the State of Reform Health Policy conference on November 4th in Portland. The registration fee will be waived.

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

1. Adoption of Resolution No. 2025-035 to acquire Right of Way for the construction of road improvements on Tumalo Reservoir Road

2. Consideration of Board Signature on letters appointing Marie Manes and Wendy Jackson, and reappointing Lindsay Atagi, Sarah Baron, Sharity Ludwig, Robert Ross and Colleen Sinsky for service on the Public Health Advisory Board
3. Approval of the minutes of the BOCC July 23, 2025 meeting

ADAIR: Move Board approval of the Consent Agenda as presented
CHANG: Second

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

Commissioner Chang expressed his appreciation for those willing to serve on the Public Health Advisory Board, saying he tremendously values their service as well as the participation from others who present information on pertinent topics.

ACTION ITEMS:

4. **Public Hearing and consideration of Order 2025-034 approving the annexation of two properties in the 61000 block of Cabin Lane into the Bend Park & Recreation District**

Dave Doyle, County Counsel, said the proposed annexation meets all of the relevant requirements to proceed.

The public hearing was opened at 9:05 am. There being no one who wished to testify, the public hearing was closed at 9:06 am.

CHANG: Move approval of Board Order 2025-034 approving the Cabin Lane annexation into the Bend Park & Recreation District

ADAIR: Second

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

5. **Public Hearing on an application submitted by BLC LLC to rezone 240 acres from Exclusive Farm Use to Multiple Use Agricultural with a corresponding Comprehensive Plan designation change from Agriculture to Rural Residential Exception Area**

Audrey Stuart, Associate Planner, reviewed the procedures for the hearing.

The public hearing was opened at 9:12 am.

Stuart provided background on the application submitted by BLC, LLC to rezone four parcels from Exclusive Farm Use to Multiple Use Agricultural and shared a map showing the location of the parcels which together total about 240 acres. Noting that a significant portion of the property is within the Landscape Management Combining Zone (LMCZ), Stuart added that the applicant is not seeking an exception to Goal 3 as it argues that the property does not constitute agricultural land. The Hearings Officer recommended approval of the application.

In response to Commissioner Chang, Stuart confirmed that because the soil maps provided by the Natural Resource Conservation Service (NRCS) indicate that the land is non-agricultural, no separate soil studies involving test pits or soil collected from the property were conducted. Stuart agreed that the NRCS mapping is not site-specific but more generalized.

Saying that soil quality can be amended with compost and irrigation, Commissioner Chang added that the goal of the MUA10 zone is to serve as an orderly transition from urban to rural areas.

Chris Koback, representing the applicant, said staff presented a detailed report to the Hearings Officer on the rezone application, and the decision of the Hearings Officer was likewise detailed. He referred to a recent decision of the Land Use Board of Appeals with regard to the Destiny Court rezone matter and spoke to other recent rezones of resource land to rural residential zoning in the area. He explained the two primary ways in which soil conditions are determined and said the applicant has shown that the property, which has no irrigation rights, cannot support any farming activities for profit.

Continuing, Koback brought up Statewide land use Goal 14 and how rezoning rural land to MUA10 has created exception areas. He summarized the reasons given by the Hearings Officer to recommend approval of the application and said while the existing solar farms would be made a non-conforming use upon a rezone to MUA10, the fact of this non-conformance would not make them inconsistent with the MUA10 zone. He said the solar farms, which are spread over 63 acres, were specifically approved because the land they are on was deemed to be not suitable for agricultural use. Adding that the solar farms utilize valuable equipment which is not yet obsolete and expected they will continue to operate for another 10 or 20 years, he said the conditional use permit issued for the solar farms requires that the equipment be removed at the end of its useful life, after which the land must be restored to its previous condition.

Continuing, Koback rejected the assertion by Central Oregon LandWatch that farming activities other than grazing or hay production could possibly be conducted on the properties, saying it is not sufficient to mention the possibility of such uses without submitting evidence which supports such activities as viable. He spoke to the high cost of investing in agricultural activities and to the need to weigh that against the possibility of returning a profit, given that 100 acres of water rights is currently being marketed for \$2 million. Saying that the purpose of the MUA10 zone is to allow rural development consistent with the character of the area and the resources on the land, Koback said there is no intention of extending urban services such as sewer and water to the properties.

Referring to future population trends developed by Portland State University which indicate that the population of the rural part of Deschutes County will begin to decline after 25 years, Commissioner Chang said sufficient residentially-zoned land already exists to provide for the projected housing needs in the rural areas over that time.

In response to Commissioner Chang, Koback agreed that the MUA10 zone is meant to provide an orderly transition from rural to urban areas and said this raises complex issues, including how higher quality resource land will be protected as Deschutes County continues to grow in population. Koback stressed that these particular parcels—like others—will not be farmed due to poor soil conditions.

Rory Isbell, Central Oregon Land Watch (COLW), referenced written comments submitted by COLW Associate Staff Attorney Robin Hayakawa. Isbell said that although County Code requires ensuring that a proposed rezone aligns with the intent of the new zone, because these particular properties contain solar farms which are allowed in the EFU zone but not in the MUA10 zone, the proposed rezone would create a non-conforming use.

With regard to the condition of the property's soils, Isbell said any soil analysis must be certified by the State, which has not happened in this case. COLW believes the land is suitable for agricultural uses and that it shows proof of previous farming activity, including irrigation. He concluded that COLW is additionally concerned that because the property is within one mile of the UGB, a rezone would allow the application of a density bonus which could result in the development of a 48-unit subdivision having no minimum lot size.

Brent Barnett sought information on potential impacts to wildlife in the area. Saying that digging new wells could impact the supply of water to existing wells, he questioned approving rural sprawl instead of urban infill and wondered if his parents' property taxes would rise. He spoke to road safety, questioned how

increased traffic would be mitigated, and wondered if the local fire department would be able to provide adequate response to a higher population, in particular for medical emergencies.

Following up to a question posed by Commissioner Chang, Senior Planner Nicole Mardell spoke to the Future Urbanization Code Amendment project currently underway, saying staff awaits information on changes to State law relating to urban reserve rulemaking. She offered to provide more information at next month's joint meeting between the BOCC and the Planning Commission.

In rebuttal for the applicant, Koback said even if the solar farms were rendered non-conforming by a rezone, this does not mean that they would be inconsistent with the new zone. He reminded that both cluster and planned developments require that 65% of a property remain undeveloped and said the rezone application meets all of the requirements for approval.

There being no one else who wished to testify, the public hearing was closed at 10:23 am.

Following discussion, the Board was in consensus to accept additional written testimony until 4 pm on August 27th. The applicant's rebuttal will be due on September 3rd with the applicant's final legal argument due on September 10th.

Commissioner Adair sought a follow-up on whether the roundabout at Ward and Hamby has reduced accidents and improved safety in that area. Deputy County Administrator Whitney Hale said Road Director Chris Doty will provide a report to the Commissioners.

Commissioner DeBone commented that development pressure is real, and said this is happening here in Deschutes County more than in other places.

OTHER ITEMS:

- Commissioner Adair will attend a meeting of the Redmond Airport art selection committee tomorrow.
- Commissioner DeBone reported on a community listening session in La Pine last night which was hosted by NeighborImpact and said other listening sessions will be held in other areas.
- Commissioner Chang announced that Senator Merkley will be in town tomorrow for a roundtable to discuss Medicaid reductions and how those are expected to impact Oregon residents.
- Commissioner Adair attended an EDCO orientation yesterday.
- Commissioner Chang reported on yesterday's Solid Waste Advisory Committee meeting, saying that the Roth Northeast and Dodds Road sites have been set aside

while the Roth East and Horse Ridge sites remain under consideration. The Moon Pit site was withdrawn from consideration by its owners. He advocated for considering more than one site for the sake of a competitive process.

EXECUTIVE SESSION: None

ADJOURN:

Being no further items to come before the Board, the meeting was adjourned at 10:39 am.

DATED this 17th Day of Sept. 2025 for the Deschutes County Board of Commissioners.



ANTHONY DEBONE, CHAIR

ATTEST:



RECORDING SECRETARY



PATTI ADAIR, VICE CHAIR



PHIL CHANG, COMMISSIONER