



## MEMORANDUM

**TO:** Deschutes County Board of Commissioners (Board)

**FROM:** Tarik Rawlings, Senior Transportation Planner

**DATE:** August 9, 2023

**SUBJECT:** Deliberations – LBNW LLC Plan Amendment/Zone Change Remand

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On August 16, 2023, the Board of Commissioners (Board) will hold a *limited de novo* public hearing held to consider a remanded decision of the Oregon Land Use Board of Appeals (LUBA) regarding a Plan Amendment and Zone Change application proposed by LBNW LLC (Applicant). The record associated with this remanded review is located on the project webpage<sup>1</sup>.

### I. BACKGROUND

On September 30, 2021, an application was filed for a Plan Amendment and Zone change application for a 19.12-acre property located at 65301 N Hwy 97, Bend (Taxlot ID 1612230000305), 65315 Hwy 97, Bend (Taxlot ID 1612230000500), and 65305 Hwy 97, Bend (Taxlot ID 1612230000301) approximately 4.5 miles south of Redmond and approximately 4.25 miles north of Bend. The applicant is requesting to rezone and re-designate the property from Agriculture/Exclusive Farm Use - Tumalo/Redmond/Bend subzone (EFU-TRB) to Rural Industrial (RI).

The Deschutes County Hearings Officer issued a decision recommending approval of the application on July 12, 2022. The second hearing, as required by the County procedures ordinance, was held before the Board on September 7, 2022. The Board then adopted Ordinance 2022-011 on December 14, 2022 approving the application with conditions.

Central Oregon Landwatch appealed the county decision to LUBA. On April 24, 2023 LUBA issued its Final Opinion and Order remanding the decision to the County for further findings and conclusions of law. On May 17, 2023, the Applicant initiated remand proceedings under local file no. 247-23-000398-A. A work session was held before the Board on June 26, 2023. The final day on which the County must issue a final decision on this application is September 14, 2023.

### II. BOARD DELIBERATIONS

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<sup>1</sup> <https://www.deschutes.org/cd/page/247-23-000398-luba-remand-lbnw-llc-comprehensive-plan-amendment-and-zone-change>

On August 16, 2023, the Board will deliberate on the proposed request. If the Board finds that additional deliberations are necessary, the Board may schedule a future date for continued deliberations. This would, however, potentially conflict with the state-mandated 120-day clock, the deadline of which is September 14, 2023. If the Board finds no additional deliberations are necessary, the Board may then vote on the proposal.

The record is available for inspection at the Planning Division and at the following link: <https://www.deschutes.org/cd/page/247-23-000398-luba-remand-lbnw-llc-comprehensive-plan-amendment-and-zone-change>

### **Board Decision Matrix**

A more thorough review and discussion of the subject proposal's compliance with the applicable approval criteria and issues is provided in Attachment 1 - Board Decision Matrix, prepared in conjunction with this deliberation memorandum.

### **III. NEXT STEPS**

If the Board determines that additional deliberations are necessary, staff will work with the Board to schedule a future meeting for continued deliberations. As mentioned previously this would potentially conflict with the state-mandated 120-day clock, the deadline of which is September 14, 2023. If the Board concludes their deliberations during the August 16, 2023 meeting, the Board may then vote on whether to approve the proposal. If the Board renders a vote during the August 16, 2023 meeting, staff will intends to come back to the Board for a 1<sup>st</sup> reading of the Ordinance on Wednesday August 30<sup>th</sup>, 2023 and a 2<sup>nd</sup> reading of the Ordinance on Wednesday September 13<sup>th</sup>, 2023.

### **ATTACHMENTS:**

1. Board Decision Matrix