

Community Development Department

Public Hearing – June 28, 2023

File No. 247-23-000398-A (247-21-000881-PA, 882-ZC)

Request: Applicant-initiated remand of Comprehensive Plan Amendment and Zone Change to rezone and redesignate the property from Agricultural/Exclusive Farm Use to Rural Industrial.

Case Planner: Tarik Rawlings, Associate Planner
Email: Tarik.Rawlings@deschutes.org
Phone: (541) 317-3148



Hearing Procedure

The hearing will be conducted in the following order:

- 1. Staff will explain the hearing format and how to testify**
- 2. Staff report**
- 3. Testimony**
 - 1. The Applicant**
 - 2. Agencies**
 - 3. Persons in support**
 - 4. Persons in opposition**
- 4. Applicant rebuttal**
- 5. Staff closing comments**



Notices & Record Materials

Project Website and Full Record

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



Testifying at Today's Hearing

- **In-person and remote participation meeting format**
- **Before starting your testimony please provide:**
 1. **First and Last Name**
 2. **Mailing Address**
- **Time Limitations**
 - **Applicant = 30 minutes**
 - **Agencies/Government Bodies = 10 minutes**
 - **Other Participants = 3 minutes**
 - **Applicant Rebuttal = 10 minutes**



In-Person Participants

- **Please fill out a blue sign-up sheet and submit it to the Board's secretary**
- **Chair DeBone will call up each person to provide their testimony**
- **Please come up to the table at the front of the room to provide your testimony**



Remote Participants

- To testify remotely you must attend using Zoom
- Chair DeBone will request that all Zoom participants use the “raise hand” feature to notify the Board that you would like to testify

- ***Computer / Smart Device***

- ❖ ***Press the Raise Hand button***



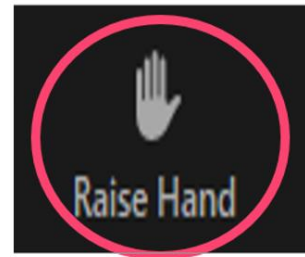
- ***Raise Hand (Dial-in)***

- ❖ ***Enter *9 on your keypad***



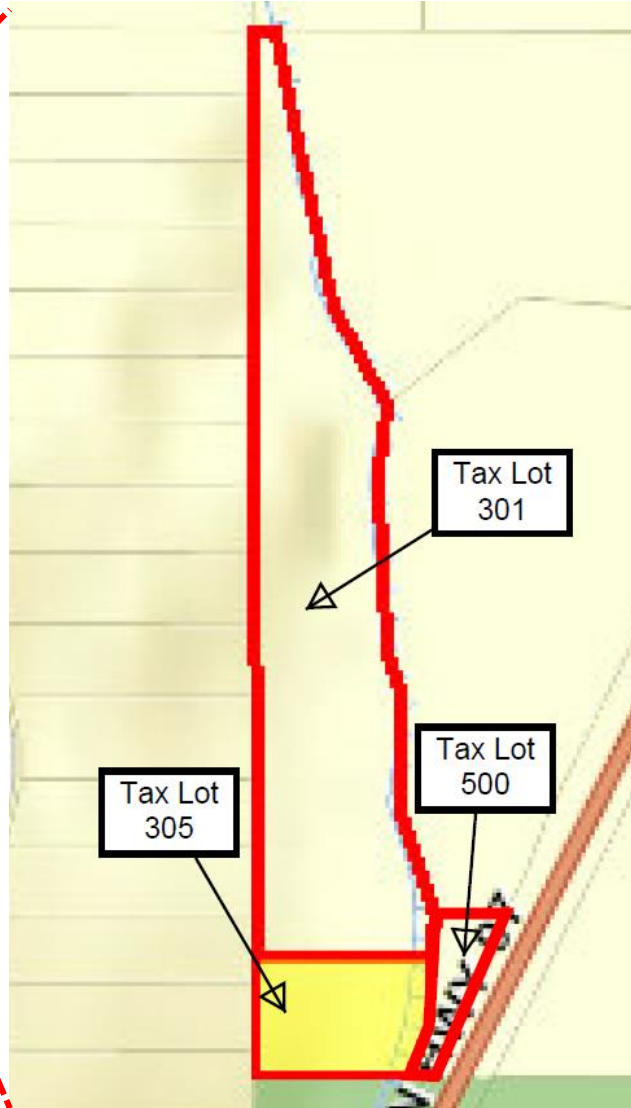
Hearing Procedures

- Written testimony can be submitted to staff
 - ❖ In-person - Hand to staff
 - ❖ Remote - Email to staff: Tarik.Rawlings@Deschutes.org
- Orderly & respectful hearing
- Commissioner disclosures
- Objections to hearing format



Staff Report

Location



Total of 19.12-acres Along Hwy 97

Assessor's Map: 16-12-23

Tax Lot 301: 15.06 acres

Address: 65305 N Hwy 97

Owner: Johnson

Tax Lot 305: 3.00 acres

Address: 65301 N Hwy 97

Owner: LBNW LLC

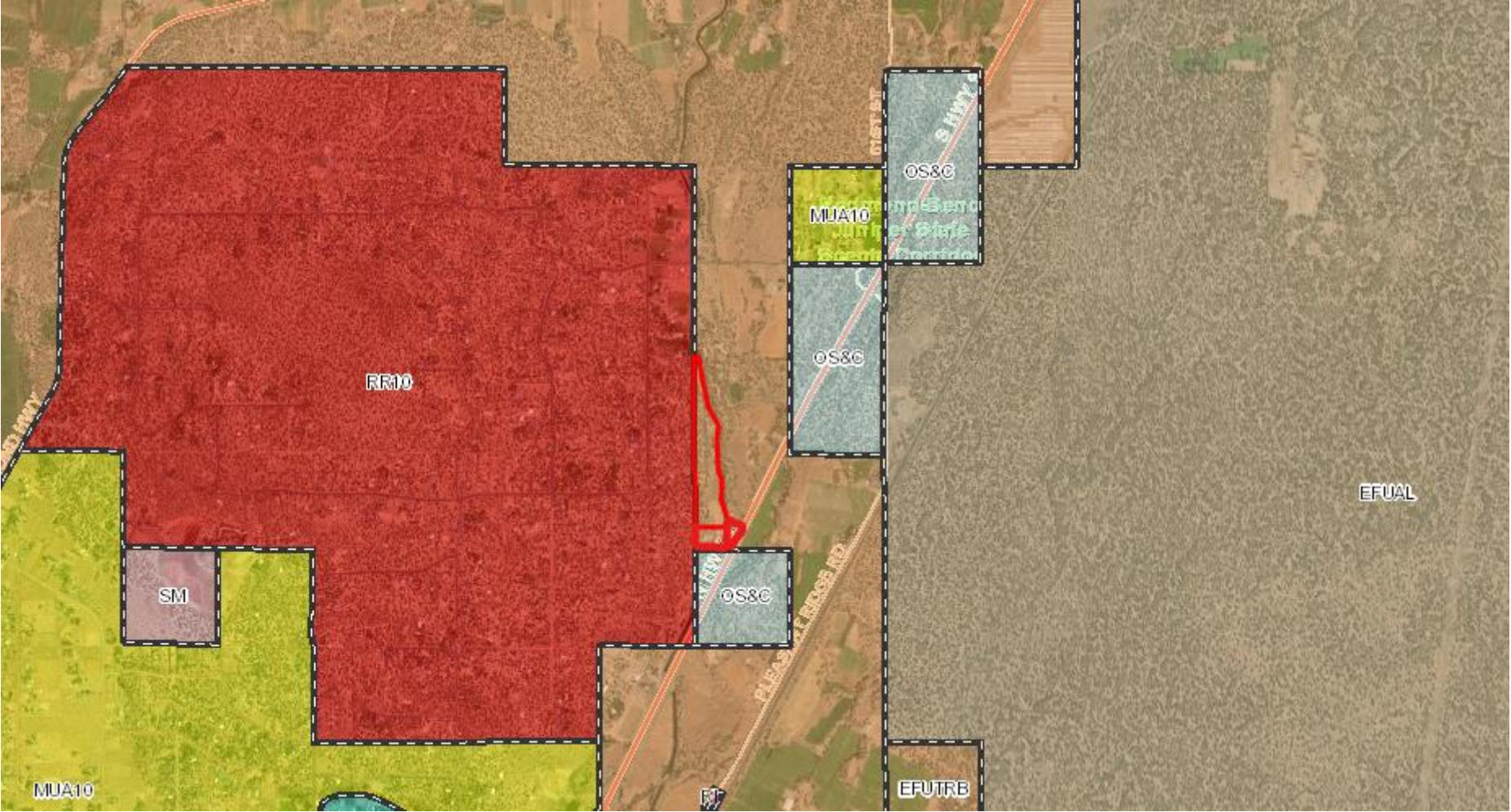
Tax Lot 500: 1.06 acres

Address: 65315 Hwy 97

Owner: LBNW LLC



Surrounding Zoning



Background

- **Current Designation/Zoning:**
 - **Agriculture/EFU-Tumalo/Redmond/Bend**
- **Proposed Designation/Zoning:**
 - **Rural Industrial**
- **No use proposed**
- **Approved with conditions December 14, 2022**
- **Appealed to LUBA**



LUBA Remand

- **Narrow issue**
 - Goal 5 and OAR 660-023-0250(3)
 - Whether new industrial designation would allow new uses not previously allowed under EFU and whether those uses would conflict with Goal 5 scenic resources
- **Applicant Submittal**
 - Proposal already complies with Goal 5
 - Timeliness



Resolved Issues

- **County reliance on local RI provisions for Goal 14 compliance**
- **Agricultural land quality for Tax Lot 301 related to Order 1 Soil Survey, ORS 215.203(2)(a), and OAR 660-033-0020(1)(a)(B).**
- **Need for Goal 3 or Goal 14 exception**



Public Comment

- **No public comments received**



Next Steps

- **Continue hearing to date and time certain**
- **Close public hearing and establish open record period for additional written evidence or testimony, rebuttal, and final argument; or**
- **Close oral and written record**

120-day timeline for final decision to be issued (September 14, 2023)



Open Record Period

- All submittals should be to sent to **Tarik Rawlings, Associate Planner**
- Electronic submittals should be:
 - Sent to Tarik.Rawlings@Deschutes.org
- Deschutes County does not take responsibility for retrieving information from a website link or a personal cloud storage service.
- Electronic submittals **must be received by the County's server by 4pm** on the date of the deadline



Open Record Period Deadlines

- **New Evidence & Testimony – Wed, _____ at 4 pm (14 days)**
- **Rebuttal – Wed, _____ at 4pm (7 days)**
- **Final Argument (Applicant Only) – Wed, _____ at 4pm (7 days)**



Questions?

Tarik Rawlings, Associate Planner

541-317-3148

Tarik.Rawlings@deschutes.org

