



## MEMORANDUM

**TO:** Board of County Commissioners

**FROM:** Nicole Mardell, AICP, Senior Planner

**DATE:** June 11, 2025

**SUBJECT:** Public Hearing: Cascades Academy Plan Amendment and Zone Change

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The Board of County Commissioners ("Board") will convene a Public Hearing on June 18, 2025, to consider a request for a Comprehensive Plan Amendment and Zone Change (File nos. 247-24-000392-PA, 393-ZC).

The record is available for inspection at the following link: <https://bit.ly/CascadesAcademy>

### I. BACKGROUND

The subject property is comprised of seven (7) tax lots with a total area of 22.5 acres, including 4.03 acres zoned Surface Mine and 18.47 acres zoned EFU-Tumalo/Redmond/Bend Subzone. Four (4) taxlots are partially within the Landscape Management Combining Zone associated with State Highway 20 and the Deschutes River. The EFU properties are also within the Surface Mining Impact Area Combining Zone associated with Mining Site No. 370. The property is irregular in shape and is located immediately south of the Tumalo Rural Community and west of State Highway 20. Refer to Attachment A for location and zoning maps.

Cascades Academy, the applicant and property owners, request a change to the Comprehensive Plan designation of the subject property from Agricultural (AG) and Surface Mining (SM) to Rural Residential Exception Area (RREA) and a corresponding Zone Change from Exclusive Farm Use – Tumalo/ Redmond/ Bend subzone (EFU-TRB) & Surface Mining (SM) to Multiple Use Agricultural (MUA-10). The applicant intends to rezone the property to allow for expansion of the existing school on an adjacent parcel, although they are not requesting approval for the school or other specific development as part of this application.

The applicant finds the subject property does not qualify as "agricultural land" under Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR) definitions, and there are no active mining operations at the former surface mine site. Further, the Applicant argues that no exception

to Statewide Planning Goal 3, Agricultural Land, is required because the subject property is not agricultural land.

A soil study, conducted by a certified soil scientist, determined the subject property contains approximately 68.6% or 16.59 acres of Land Capability Class 7 and 8 nonirrigated soils. According to the soil study, the subject property is comprised of soils that do not qualify as Agricultural Land<sup>1</sup>. The soil study was verified as completed and meeting the requirements of OAR 660-033-0045(6)(a) by the Department of Land Conservation and Development on May 27, 2025 for four parcels and June 5, 2025, for the remaining three parcels.

Pertaining to the Surface Mine zoning, tax lots 4200, 4300, and 4400 are inventoried as part of Site No. 370 in the County's inventory of mineral and aggregate sites only for "storage" uses. The tax lots were never intended to be mined and do not contain significant mineral or aggregate resources.

## **II. PUBLIC COMMENTS**

Central Oregon Landwatch provided oral and written comments in opposition to the proposal, which are addressed in the attached Hearings Officer recommendation. No additional comments have been received following the issuance of the Hearings Officer Recommendation.

All comments and materials are included in the electronic record.

## **III. HEARINGS OFFICER RECOMMENDATION**

The Deschutes County Hearings Officer held a public hearing on November 14, 2024. On February 26, 2025, the Hearings Officer issued a recommendation of denial for the proposed Plan Amendment and Zone Change, citing a lack of evidence demonstrating compliance with Statewide Planning Goal 5 pertaining to wetland, scenic road, and scenic water resources associated with the subject property.

On April 4, 2025, the applicant provided additional application materials, including an Environmental, Social, Economic, and Energy analysis to address concerns in the Hearings Officer's recommendation. On June 9, 2025, DLCD staff provided comments to staff regarding the ESEE analysis which have been uploaded to the record under "Comments & Submittals – Agencies".

## **IV. BOARD CONSIDERATION**

As the property includes lands designated for agricultural use, Deschutes County Code 22.28.030(C) requires the application to be heard *de novo* before the Board, regardless of the determination of the Hearings Officer.

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<sup>1</sup> The phrase 'agricultural soils' is defined in OAR 660-033-0020.

## **V. NEXT STEPS**

At the conclusion of the public hearing, the BOCC can choose one of the following options:

1. Continue the hearing to a date and time certain;
2. Close the oral portion of the hearing and leave the written record open to a date and time certain;
3. Close the hearing and commence deliberations; or
4. Close the hearing and schedule deliberations for a date and time to be determined.

**Attachment A:** Subject Property Maps

**Attachment B:** Hearing Officer Recommendation