

Deschutes County Board of County Commissioners

Applicant: LBNW LLC



Hearing Procedure

The Board's decision on this application will be based upon the record, the staff report, and the testimony and evidence presented at this hearing and following the hearing, if the record should be left open.

HEARING ORDER – The hearing will be conducted in the following order

1. Staff will provide a brief report
2. The applicant will present its testimony and evidence (30 min)
3. Interested persons and agencies will present testimony and evidence (3 min for general public 10 minutes for agencies)
4. The applicant presents rebuttal testimony (10 min)
5. Closing remarks from Staff



In-Person Participants

- **During public testimony portion, please raise hand to testify**
- **State first and last name and mailing address for the record**



Zoom Hearing Procedures

Public Hearing Notices

<https://www.deschutes.org/bcc/page/public-hearing-notices>

Project Website – Notice of Public Hearing dated 7/21/2022

<https://www.deschutes.org/cd/page/247-21-000881-pa-and-247-21-000882-zc-lbnw-llc-comprehensive-plan-amendment-and-zone-change>



Zoom Hearing Procedure

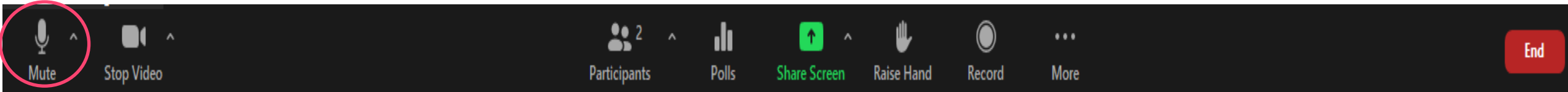
- Zoom participants are either Attendees or Panelists
 - Attendees are *not* on audio or video
 - Panelists will have audio and video recorded
 - Ability to mute microphone and blackout video



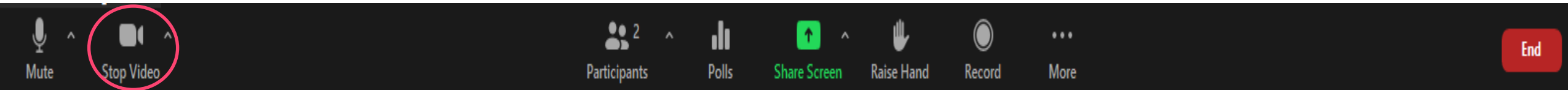
Zoom Participants

Important Tools for Panelists on a Computer

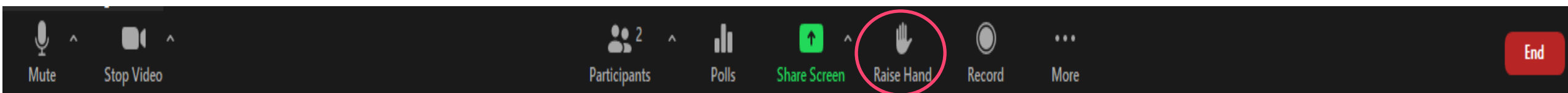
- *Microphone*



- *Video*



- *Raise Hand*



Phone Participants

Important Tools for Panelists Calling in by Phone

- **Mute / Unmute**

- ❖ **Enter *6 on your keypad**



- **Raise Hand**

- ❖ **Enter *9 on your keypad**



Remote Participants

- Attendees who wish to testify please use the “Raise Hand” feature

- **Computer Attendees**

- Select the *Raise Hand* button



- **Call-in Attendees**

- *Dial *9* on your keypad to Raise Hand



Hearing Procedure

Order of Testimony

1. Applicant (30 min.)
2. Other's wishing to provide testimony (3 min. for general public, 10 min. for agencies)
 - In Person
 - Zoom/Phone
3. Applicant has an opportunity for rebuttal testimony (10 min.)



Hearing Procedures

- **Orderly hearing**
- **Written testimony can be submitted to staff**
 - Hand to staff
 - Email to staff: Tarik.Rawlings@deschutes.org
- **Please also include physical copy if submittal is:**
 - **More than 20 pages in length**
 - **Includes any color figures**
 - **Includes documents larger than 8.5" x 11"**

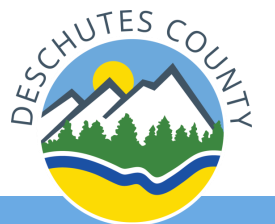
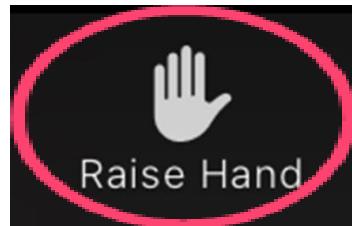


Hearing Procedure

Objections to Hearing Format?

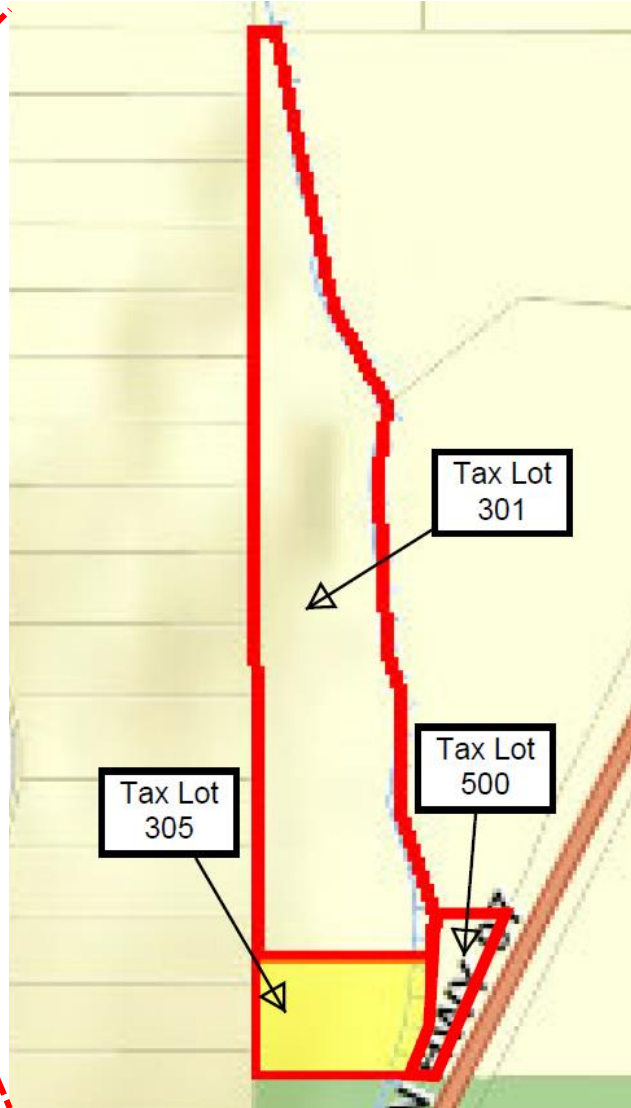
If you would like to object to the hearing format,
please notify us now.

Remote Participants - Use the Raise Hand button / Dial *9.



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



Request

Plan Amendment

- AG to RI

Zone Change

- EFU to RI

Traffic Study Included

No Goal 3 Exception Proposed

- Soil study submitted, verified by DLCD

Goal 14 Exception Submitted – Alternative Argument



Review Process



Hearings Officer Hearing & Recommendation

✓ April 26, 2022 – Initial Hearing

✓ July 12, 2022 – Recommendation of Approval



Board of County Commissioners Hearing & Deliberations



Decision & Ordinance



Hearings Officer Hearing and Recommendation

Hearings Officer Recommendation

Initial Hearing Held April 26, 2022

- One (1) public comment via oral testimony (Central Oregon LandWatch)
 - Potential loss of agricultural land
 - Compatibility with surrounding properties
 - Validity of Order 1 soil survey
 - Compliance with Oregon Statewide Planning Goals 3, 5, 12, and 14 and potential need for goal exceptions
 - Traffic and emergency access impacts



Hearings Officer Recommendation

Initial Hearing Held April 26, 2022

- Applicant's team provided oral testimony in support.

Recommendation of approval (July 12, 2022)



Hearings Officer Recommendation

Condition of Approval (OAR 660-012-0060 Division 12 – Transportation Planning):

“The maximum development on the three subject parcels shall be limited to produce no more than 32 trips in the PM peak hour and/or 279 daily trips as determined by the Institute of Engineers Trip Generation Manual, 11th Edition. The County may allow development intensity beyond these maximum number of vehicle trips only if the applicant submits to the County a traffic impact analysis that demonstrates that the proposed intensification of use would be consistent with the Transportation Planning Rule and the Deschutes County Code.”



Next Steps

Four options to move forward:

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



Open Record Period Deadlines

- New Evidence & Testimony
 - Wednesday, September 14th at 4pm
- Rebuttal
 - Wednesday, September 21st, at 4pm
- Final Argument (Applicant Only)
 - Wednesday, September 28th at 4pm



Open Record Period

- Email submittals must be:
 - Sent to **Tarik.Rawlings@deschutes.org**
 - Submission of 20 pages or less
 - Documents can be printed in black and white only
 - Documents can be printed on 8.5" x 11" paper
 - Any submittals exceeding these requirements must be submitted as a hard copy
- Deschutes County does not take responsibility for retrieving information from a website link or a personal cloud storage service.
- Written submittals should be to the attention of Tarik Rawlings, Associate Planner and **must be received in-person by 4pm on the date of the deadline**
- Electronic submittals **must be received by the County's server by 4pm** on the date of the deadline



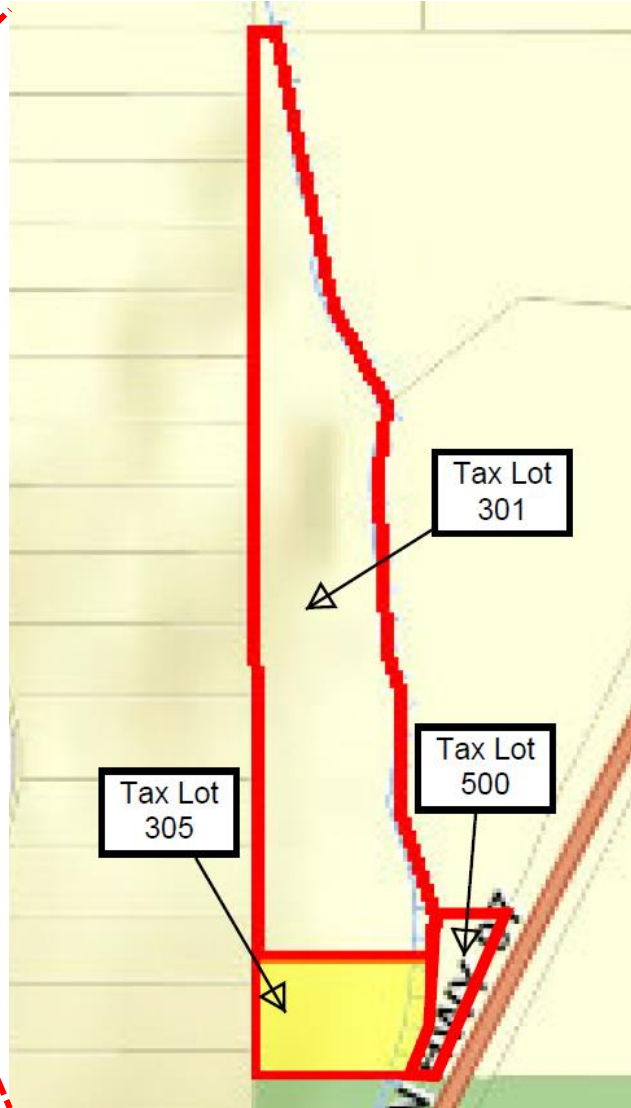
Questions?

Tarik Rawlings, Associate Planner

541-317-3148, Tarik.Rawlings@deschutes.org



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