



MEMORANDUM

TO: Board of County Commissioners (Board)

FROM: Nicole Mardell, AICP, Senior Planner

DATE: August 20, 2025

SUBJECT: Deliberations: Cascades Academy Plan Amendment and Zone Change

The Board of County Commissioners ("Board") will conduct Deliberations on August 27, 2025, to consider a request for a Comprehensive Plan Amendment and Zone Change (File nos. 247-24-000392-PA, 247-24-000393-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) tax lots 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 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 has been uploaded to the record under "Comments & Submittals – Agencies".

The Board held a public hearing on June 18, 2025. Following testimony, the Board established an Open Record Period of a 7-day *New Evidence and Testimony* phase, a 7-day *Rebuttal* phase, and a 7-day *Applicant's Final Legal Argument* phase. The record closed at 4:00 pm on July 16, 2025. Record submittals can be found on the project website.

II. PROCEDURAL OBJECTION

In their *Final Legal Argument* submittal, the applicant raised concerns that Central Oregon Landwatch (COLW) raised new evidence in their *Rebuttal* phase testimony, violating the parameters of the open record period. The applicant has requested that the Board reject this testimony and remove it from consideration in making the final decision on the application. County legal staff has reviewed the testimony and agrees that COLW raised new evidence. Further discussion on this issue, the staff recommendation, and an alternative action option are included as the first item in the Board's deliberations matrix. Staff has included a draft order in the event the Board chooses to reopen the record.

III. FORMAT FOR DELIBERATIONS

The attached Decision Matrix (**Attachment B**) is designed to assist the Board in its deliberations. It focuses on the contested aspects of the application that require Board determinations or interpretations. There are nine key issues identified in testimony and materials that are related to approval criteria for the subject applications.

Attachment A: Location Maps
Attachment B: Decision Matrix
Draft Order 2025-038