

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Denying Review of Hearings *
Officer's Decision in File Nos. 247-21-937-A. * ORDER NO. 2021-059

WHEREAS on June 21, 2019, the Oregon Land Use Board of Appeals (LUBA) issued 2018-140 remanding the review of Deschutes County's decision to approve 247-18-000386-TP, 000454-SP, and 000542-MA; and

WHEREAS on June 11, 2021, the Oregon Court of Appeals issued Appellate Judgement and Supplemental Judgement A171603, which Affirmed Without Opinion LUBA 2018-140 remand; and

Whereas on July 30, 2021, Central Land and Cattle Co., LLC initiated 247-21-000731-A, by request to review LUBA's remand of 247-18-000386-TP, 18-000454-SP, 18-000542-MA on Remand from LUBA; and

WHEREAS, on August 24, 2021, a public hearing was held at 6:00pm in the Barnes and Sawyer Meeting Room and by Zoom for the Deschutes County Hearings Officer review of 247-21-000731-A; and

WHEREAS, on October 4, 2021, the Deschutes County Hearings Officer approved Application No. 247-21-000731-A, 18-386-TP, 18-454-SP, 18-542-MA, LUBA No. 2018-140, Court of Appeals A171603; and

WHEREAS, on October 15, 2021, Annuziata Gould, the Appellant, appealed (File No. 247-21-000937-A) the Deschutes County Hearings Officer's Decision on File 247-21-000731-A; and

WHEREAS, Sections 22.32.027 and 22.32.035 of the Deschutes County Code ("DCC") allow the Deschutes County Board of County Commissioners ("Board") discretion on whether to hear appeals of Hearings Officers' decisions; and

WHEREAS, the Board has given due consideration as to whether to review this application on appeal; now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, HEREBY ORDERS as follows:

ORDER NO. 2021-059

Section 1. That it will not hear on appeal application 247-21-000937-A pursuant to Title 22 of the DCC and/or other applicable provisions of the County land use ordinances.

Section 2. Pursuant to DCC 22.32.015, the County shall refund any portion of the appeal fee not yet spent processing the subject application. If the matter is further appealed to the Land Use Board of Appeals and the County is required to prepare a transcript of the hearing before the Hearings Officer, the refund shall be further reduced by an amount equal to the cost incurred by the County to prepare such a transcript.

Section 5. Pursuant to DCC 22.32.035(D), the only documents placed before and considered by the Board are the notice of appeal, recommendations of staff, and the record developed before the lower hearing body for file nos. 247-18-000386-TP, 18-000454-SP, 18-000542-MA (appeal file no. 247-21-000731-A) as presented at the following website:

<https://www.deschutes.org/cd/page/247-21-000937-deschutes-county-board-commissioners-decision-whether-hear-appeal>

DATED this ____ day of _____, 2021.

BOARD OF COUNTY COMMISSIONERS

ANTHONY DeBONE, Chair

ATTEST:

PHIL CHANG, Vice Chair

Recording Secretary

PATTI ADAIR, Commissioner