

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Allowing the Board of County Commissioners to Consider New Evidence Relevant to LUBA Nos. 2023-038, -039, -041 and File No. 247-25-000229-A * * * ORDER NO. 2025-014

WHEREAS, the Oregon Land Use Board of Appeals (“LUBA”) issued a final opinion and order in LUBA Nos. 2025-038, -039, -041 remanding the County’s approval of a Thornburgh Destination Resort modification of approval to amend the Final Master Plan (FMP) by amending the Fish and Wildlife Management Plan (FWMP); and

WHEREAS, Central Land & Cattle Co., LLC, the applicant, initiated the LUBA remand in File No. 247-25-000229-A; and

WHEREAS, Section 22.34.040(A) of the Deschutes County Code (“DCC”) allows the Board of County Commissioners (“Board”) discretion to reopen the record in instances in which it deems to be appropriate to do so; and

WHEREAS, during previous proceedings concerning land use applications for the Thornburgh Destination Resort it was acknowledged that a Board order is required to accept new evidence relating to issues remanded by LUBA unless LUBA expressly allows the consideration of new evidence on remand;

WHEREAS, the Applicant has requested that the reopened record be limited to only one remand issue, addressing the economic analysis required pursuant to DCC 18.113(C)(3) and (4) for the FWMP.

WHEREAS, the Board wishes to clarify that parties may present new evidence regarding the issue remanded to the County by LUBA in this matter and described above; and

WHEREAS, the Board does not wish to reopen the record to allow parties to raise new issues; any additional testimony and evidence submitted by the parties will need to comply with DCC 22.34.040(C); now, therefore,

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

Section 1. The Board hereby reopens the record of the Thornburgh Destination Resort modification of approval application numbered 247-22-000678-MC to consider new testimony and evidence related to the economic analysis required pursuant to DCC 18.113(C)(3) and (4) for the FWMP, as remanded by LUBA.

Section 2. The County on remand shall not accept new testimony and evidence on any other issues unless allowed by DCC 22.34.040(C).

Dated this 16 of April, 2025

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

PATTI ADAIR, Vice Chair

ATTEST:

Recording Secretary

PHIL CHANG, Commissioner