



MEMORANDUM

TO: Board of County Commissioners

FROM: Audrey Stuart, Associate Planner

DATE: February 14, 2024

RE: Edits made to draft ordinance 2024-003 between first and second reading; Land use file nos. 247-23-000547-PA, 247-23-000548-ZC.

On February 21, 2024, the Board of County Commissioners (“Board”) will hold the second reading of an ordinance approving a Comprehensive Plan Amendment and Zone Change for a property that is currently zoned Surface Mining. At the meeting on February 7, 2024, the Board voted to approve the first reading of Ordinance 2024-003. The purpose of this memorandum is to outline edits that have been made to the draft ordinance following the first reading.

Edit #1: The applicant was incorrectly listed as the City of Bend in the draft ordinance. This was a simple error and has been corrected to list the applicant as Caldera Land, LLC. All other materials correctly list the applicant as Caldera Land, LLC.

Edit #2: Section 5.8 of the Deschutes County Comprehensive Plan includes a table of Deschutes County Surface Mining Mineral Aggregate Inventory. Removing the subject property from this inventory of Goal 5 surface mine sites was part of the applicant’s request and addressed in the Hearings Officer’s decision. The draft ordinance has been edited to explicitly approve this concurrent change to Table 5.8.1 of the Deschutes County Comprehensive Plan. Exhibit “F” has been added to the draft ordinance and includes an edit to Table 5.8.1 of the Comprehensive Plan, to remove the subject property from the Deschutes County Surface Mining Mineral and Aggregate Inventory. Editing the draft ordinance to acknowledge this change to Table 5.8.1 will make the ordinance formatting consistent with Deschutes County’s most recent example of a Zone Change that removed a surface mine designation.

Edit #3: The language of the draft ordinance has been edited to specify that the Surface Mining Impact Area (SMIA) Combining Zone associated with the subject property will be removed. The removal of the SMIA Combining Zone is addressed in the Hearings Officer decision and required by

Deschutes County Code. Adding this language will better capture the full effect of the draft ordinance.

Staff has coordinated with Legal Counsel and confirmed that these edits do not materially alter the draft ordinance, and therefore do not require a new first reading. Overall, the purpose of these edits is to provide greater clarity about the effects of the draft ordinance.

Attachments:

1. Draft Ordinance 2024-003