



MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Tarik Rawlings, Associate Planner
Will Groves, Planning Manager

DATE: September 16, 2022

SUBJECT: Deliberations – LBNW LLC Plan Amendment and Zone Change

The Board of County Commissioners (Board) held a public hearing on September 7, 2022 to consider a request for approximately 19.12 acres along Highway 97. The subject property consists of three tax lots totaling approximately 19.12 acres. The application includes a request for a Goal 14 Exception as an alternative argument, if determined to be necessary for approval of the Plan Amendment/Zone Change. The Board is scheduled to deliberate on September 28, 2022 in consideration of the request.

I. BACKGROUND

The applicant, LBNW LLC, is requesting a Comprehensive Plan Amendment to re-designate the subject properties from Agriculture to Rural Industrial and a corresponding Zone Change to rezone the properties from Exclusive Farm Use (EFU) to Rural Industrial (RI). The applicant’s reasoning for the request is that the properties were mistakenly identified as farmland, do not contain high-value soils or other characteristics of high-value farmland, and therefore should be re-designated and rezoned for rural industrial use. The applicant has provided a supplementary soil study that identifies non-high value (Class VII and VIII) soils on a majority of the subject properties. Additionally, the applicant has provided findings within the burden of proof that provide responses to relevant state and local requirements and policies. A public hearing before a Hearings Officer was conducted on April 26, 2022 with the Hearings Officer’s recommendation of approval issued on July 12, 2022. The Board held a public hearing on September 7, 2022 and closed the written record period. The Board set a deliberation date of September 28, 2022.

II. BOARD DELIBERATIONS

On September 28, 2022, the Board will deliberate on the proposed Plan Amendment and Zone Change requests. If the Board finds that additional deliberations are necessary, the Board may schedule a future date for continued deliberations. If the Board finds no additional deliberations are necessary, the Board may then vote on whether to uphold or overturn the Hearings Officer’s recommendation of approval.

Per DCC Section 22.20.040(D), the review of the proposed quasi-judicial Plan Amendment and Zone Change is not subject to the 150-day review period typically associated with land use decisions. The record is available for inspection at the Planning Division and at the following link: <https://www.deschutescounty.gov/cd/page/247-21-000881-pa-and-247-21-000882-zc-lbnw-llc-comprehensive-plan-amendment-and-zone-change>

Board Decision Matrix

A more thorough review and discussion of the subject proposal's compliance with the applicable approval criteria and issues is provided in the associated Board Decision Matrix, prepared in conjunction with this deliberation memorandum.

III. NEXT STEPS

If the Board determines that additional deliberations are necessary, staff will work with the Board to schedule a future meeting for continued deliberations. If the Board concludes their deliberations during the September 28, 2022 meeting, the Board may then vote on whether to uphold or overturn the Hearings Officer's recommendation of approval. If the Board renders a vote during the September 28, 2022 meeting, staff will coordinate with the Board to return for a future meeting during which a draft ordinance and relevant exhibits will be presented and a first reading of the ordinance initiated.

ATTACHMENTS:

1. Area Map
2. Board Decision Matrix