



MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Nicole Mardell, Senior Planner – Long Range
Will Groves, Planning Manager

DATE: July 27, 2022

SUBJECT: Consideration of Second Reading of Ordinance 2022-010: Remand of Deschutes Junction Plan Amendment and Zone Change (file nos. 247-20-000438-PA/439-ZC (247-22-000287-A))

The Board of County Commissioners (Board) will consider second reading of Ordinance 2022-010 on July 27, 2022, approving file nos. 247-20-000438-PA/439-ZC (247-22-000287-A). The application is requesting approval of Plan Amendment and Zone Change applications remanded by the Oregon Land Use Board of Appeals.

I. BACKGROUND

The applicant, Tony Aceti, is requesting a Comprehensive Plan Amendment to redesignate the subject property from Agriculture to Rural Industrial and a Zoning Map Amendment to rezone the property from Exclusive Farm Use (EFU) to Rural Industrial. The property is 21.59-acres in size and is located at 21235 Tumalo Place, Bend (Taxlot ID 161226C000201 and 161227D000104).

The application was originally submitted on June 30, 2020 and approved by the Board on January 27, 2021. Following Board approval, the application was appealed to the Oregon Land Use Board of Appeals (LUBA) and was remanded back to the County for additional review due to insufficient findings regarding the potential number of workers on site resulting from the requested plan amendment and zone change. The applicant appealed the remand decision to the Court of Appeals who affirmed LUBA's decision. The remand was then initiated by the applicant for County review on April 7, 2022. The final day in which the County must issue a final decision is August 5, 2022.

The board held *limited de novo* public hearings on May 18, 2022 and June 8, 2022, and the written record period closed on June 22, 2022. On July 6, 2022, the Board deliberated on the application and voted unanimously to approve the requests. On July 13, staff returned with a draft decision through Ordinance 2022-010, and the Board conducted first reading of the ordinance by title only.

II. NEXT STEPS / SECOND READING

The Board will conduct the second reading of Ordinance 2022-010 on July 27, 2022.

ATTACHMENTS:

1. Draft Ordinance 2022-010 and Exhibits

Exhibit A: Legal Description

Exhibit B: Proposed Comprehensive Plan Amendment Map

Exhibit C: Proposed Zone Change Map

Exhibit D: Comprehensive Plan Section 23.01.010, Introduction

Exhibit E: Comprehensive Plan Section 5.12, Legislative History

Exhibit F: Decision of the Board of County Commissioners