AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of April 22, 2015

DATE: April 15, 2015

FROM: Anthony Raguine CDD 541-617-4739

TITLE OF AGENDA ITEM:
Board of County Commissioners (Board) approval and signature of Document No. 2015-023, a Board Order to hear two appeals on The Tree Farm subdivision applications.

PUBLIC HEARING ON THIS DATE? No.

BACKGROUND AND POLICY IMPLICATIONS:
The Tree Farm, LLC (Applicant), submitted applications to establish five cluster subdivisions. These applications were referred to a Hearings Officer and a public hearing on November 6, 2014. The Hearings Officer's decisions denied the applications due to a lack of detail associated with the submitted wildfire and wildlife management plans. These decisions were timely appealed by the Applicant and Rio Lobo Investments, LLC. On April 8, 2015, the Board agreed to hear both appeals via a de novo hearing limited to the specific issues identified in both appeals.

FISCAL IMPLICATIONS:
None.

RECOMMENDATION & ACTION REQUESTED:
Approval and signature of Document No. 2015-023

ATTENDANCE: Anthony Raguine and Legal Counsel

DISTRIBUTION OF DOCUMENTS:
Anthony Raguine, CDD
Laurie Craghead, Legal Counsel
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON


WHEREAS, Appellants, The Tree Farm, LLC, and Rio Lobo Investments, LLC, separately appealed the Hearings Officer’s decisions in application numbers 247-14-000242-CU, 247-14-243-TP (Tree Farm 1); 247-14-000244-CU, 247-14-000245-TP (Tree Farm 2); 247-14-000246-CU, 247-14-000247-TP (Tree Farm 3); 247-14-000248-CU, 247-14-000249-TP (Tree Farm 4); 247-14-000250-CU, 247-14-000251-TP (Tree Farm 5); and

WHEREAS, Section 22.32.027 of the Deschutes County Code allows the Board of County Commissioners (Board) discretion on whether to hear appeals of Hearings Officer’s 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:


Section 2. The two appeals shall be consolidated into a single proceeding.

Section 3. The two appeals shall be heard de novo and limited to the following issue areas and as described in the two appeals:

1. Adequacy of the proposed wildfire management plan;
2. Adequacy of the proposed wildlife management plan;
3. Rear yard setbacks for proposed residential lots located outside of the Wildlife Area Combining Zone; and
4. Whether publicly dedicated roads are required under Deschutes County Code Section 17.36.020(B).

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Section 4. Staff shall set a hearing date and cause notice to be given to persons or parties entitled to notice pursuant to DCC 22.32.030.

Dated this ______ of ________, 2015

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, Chair

ALAN UNGER, Vice Chair

ATTEST:

Recording Secretary

TAMMY BANEY, Commissioner