



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of 5/23/16

DATE: May 20, 2016

FROM: Will Groves CDD (541) 388-6518

TITLE OF AGENDA ITEM:

Consideration of a Request to Reopen the Post-Hearing Record, for a Proposed Tentative Subdivision Plan, and SMIA Site Plan Review (247-15-000194-CU, 195-TP, 521-A, 689-MA) for a property located between the Deschutes River and Lower Bridge Way west of Terrebonne. Order Number 2016-025.

PUBLIC HEARING ON THIS DATE? No.

BACKGROUND AND POLICY IMPLICATIONS:

Lower Bridge Road, LLC had appealed the Hearings Officer's decision in application number 247-15-000194-CU, 247-15-000195-TP, 247-15-000689-MA (247-15-000521-A). The Board conducted a public hearing on January 6, 2016 and established and extended post-hearing periods, concluding on March 4, 2016, for the submittals of written materials. Lower Bridge Road, LLC, has requested a re-opening of the public hearing record for the submittal of written materials. The applicant has agreed in writing to an extension of the 150-day time limit accordance with DCC 22.24.160(A). The Board may, at its discretion, reopen the record in accordance with DCC 22.24.160. Staff has provide alternate versions of Order Number 2016-025 either 1) reopening the record and specifying time periods for the submission of written materials pertaining to DCC 18.128.201(B)(6) and the question of whether Flood Plain Zoned lands can be included in the Planned Unit Development or used towards housing density calculations or 2) denying the request.

FISCAL IMPLICATIONS:

None.

RECOMMENDATION & ACTION REQUESTED:

Approve or deny the record request and sign the appropriate version Order Number 2016-025.

ATTENDANCE: Will Groves, Legal

DISTRIBUTION OF DOCUMENTS:

Will Groves, Legal

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Re-opening the Public Hearing on File
Numbers for the Submittal of Written Materials in
the de novo Hearing of 247-15-000194-CU, 247-
15-000195-TP, 247-15-000689-MA (247-15-
000521-A)

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ORDER NO. 2016-025

WHEREAS, Appellant, Lower Bridge Road, LLC, appealed the Hearings Officer's decision in application number 247-15-000194-CU, 247-15-000195-TP, 247-15-000689-MA (247-15-000521-A); and

Whereas, the Board of County Commissioners ("Board") agreed to hear this appeal *de novo* under Order No. 2015-054; and

WHEREAS, the Board conducted a public hearing on January 6, 2016 and established and extended post-hearing periods, concluding on March 4, 2016, for the submittals of written materials; and

WHEREAS, Appellant, Lower Bridge Road, LLC, has requested a re-opening of the public hearing record for the submittal of written materials, and

WHEREAS, the Board has determined that additional testimony and information regarding this matter is of paramount importance in this proceeding; and

WHEREAS, the Board may at its discretion reopen the record in accordance with DCC 22.24.160; and,

WHEREAS, the applicant has agreed in writing to an extension of the 150-day time limit accordance with DCC 22.24.160(A); therefore,

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

Section 1. The public hearing on file numbers 247-15-000194-CU, 247-15-000195-TP, 247-15-000689-MA (247-15-000521-A) shall be reopened for written evidence, but only for the purpose of submitting into the record the evidence and argumentation pertaining to DCC 18.128.201(B)(6) or the question of whether Flood Plain Zoned lands can be included in the Planned Unit Development or used towards housing density calculations.

Section 2. The written record for all parties for new evidence and argumentation is extended to 5:00 p.m. June 3, 2016, but only for evidence and argumentation submitted per Section 1.

Section 3. The written record of all parties is extended to 5:00 p.m. June 10, 2016, but only for response to the evidence and argumentation per Section 2.

Section 4. The written record for final argument by the applicant is extended to 5:00 p.m. June 17, 2016.

Section 5. The Planning Division shall give written notice to all parties that the record is being reopened, in accordance with DCC 22.24.160(B)(2).

Dated this _____ of _____, 2016

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ALAN UNGER, Chair

TAMMY BANEY, Vice Chair

ATTEST:

Recording Secretary

ANTHONY DEBONE, Commissioner

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Denying Re-opening the Public Hearing
on File Numbers for the Submittal of Written
Materials in the de novo Hearing of 247-15-
000194-CU, 247-15-000195-TP, 247-15-000689-
MA (247-15-000521-A)

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ORDER NO. 2016-025

WHEREAS, Appellant, Lower Bridge Road, LLC, appealed the Hearings Officer's decision in application number 247-15-000194-CU, 247-15-000195-TP, 247-15-000689-MA (247-15-000521-A); and

Whereas, the Board of County Commissioners ("Board") agreed to hear this appeal *de novo* under Order No. 2015-054; and

WHEREAS, the Board conducted a public hearing on January 6, 2016 and established and extended post-hearing periods, concluding on March 4, 2016, for the submittals of written materials; and

WHEREAS, Appellant, Lower Bridge Road, LLC, has requested a re-opening of the public hearing record for the submittal of written materials, and

WHEREAS, the Board may at its discretion reopen the record in accordance with DCC 22.24.160; and,

WHEREAS, after considering the Applicant's request the Board has chosen to at its discretion to not reopen the record; therefore,

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

Section 1. The public hearing on file numbers 247-15-000194-CU, 247-15-000195-TP, 247-15-000689-MA (247-15-000521-A) shall be remain closed.

Dated this _____ of _____, 2016

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ALAN UNGER, Chair

TAMMY BANEY, Vice Chair

ATTEST:

Recording Secretary

ANTHONY DEBONE, Commissioner