



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 9/28/16

DATE: September 27, 2016

FROM: Will Groves CDD (541) 388-6518

TITLE OF AGENDA ITEM:

Consideration of a Request to Reopen the Post-Hearing Record, for File Nos. 247-14-000395-TP; 396-SP; 397-LM, 206-A, and 086-MA, an application to establish a nine-lot, zero-lot-line subdivision as well as site plan and Landscape Management (LM) review for dwellings on the proposed subdivision lots on property in Widgi Creek zoned Resort Community (RC). Order Number 2016-041.

PUBLIC HEARING ON THIS DATE? No.

BACKGROUND AND POLICY IMPLICATIONS:

Kine and Kine Properties appealed the Hearings Officer's decision in application number 247-14-000395-TP; 396-SP; 397-LM, 206-A, and 086-MA. The Board of County Commissioners ("Board") agreed to hear this appeal de novo under Order No. 2015-029. The Board conducted public hearings on January 27, 2016 and February 29, 2016 and established post-hearing periods, for the submittals of written materials. Kine and Kine Properties, has requested a re-opening of the public hearing record for the submittal of written materials. The Board may at its discretion reopen the record in accordance with DCC 22.24.160. The applicant has agreed in writing to an extension of the 150-day time limit accordance with DCC 22.24.160(A). Based on Board direction, staff has drafted the attached order to reopen the record written evidence, but only for the purpose of submitting into the record the evidence and argumentation pertaining to the effect of the "Mile Post 1" and Points West subdivisions on the unit count and open space requirements under the Widgi Creek Master Plan.

FISCAL IMPLICATIONS:

None.

RECOMMENDATION & ACTION REQUESTED:

Consider signature of Order Number 2016-041.

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 for the
Submittal of Written Materials in the De Novo
Hearing on File Numbers of 247-14-000395-TP;
396-SP; 397-LM, 206-A, and 086-MA

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ORDER NO. 2016-041

WHEREAS, Appellant, Kine and Kine Properties, appealed the Hearings Officer's decision in application number 247-14-000395-TP; 396-SP; 397-LM, 206-A, and 086-MA; and

Whereas, the Board of County Commissioners ("Board") agreed to hear this appeal *de novo* under Order No. 2015-029; and

WHEREAS, the Board conducted public hearings on January 27, 2016 and February 29, 2016 and established post-hearing periods, for the submittals of written materials; and

WHEREAS, Appellant, Kine and Kine Properties, 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 247-14-000395-TP; 396-SP; 397-LM, 206-A, and 086-MA shall be reopened for written evidence, but only for the purpose of submitting into the record the evidence and argumentation pertaining to the effect of the "Mile Post 1" and Points West subdivisions on the unit count and open space requirements under the Widgi Creek Master Plan.

Section 2. The written record for all parties for new evidence and argumentation is extended to 5:00 p.m. October 19, 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. October 26, 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. November 2, 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