



Deschutes County Board of Commissioners  
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## **AGENDA REQUEST & STAFF REPORT**

### **For Board Business Meeting of 9/28/16**

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**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. 247-14-000391-TP; 392-SP; 393-LM, 207-A, and 085-MA, an application for an eight-lot, zero-lot-line subdivision consisting of a partial replat of Elkai Woods Townhomes Phase III, as well as site plan and LM review for dwellings on the proposed subdivision lots, on property in Widgi Creek zoned RC and LM and located on land developed with a swimming pool, community building, and parking area.. Order Number 2016-042.

**PUBLIC HEARING ON THIS DATE?** No.

**BACKGROUND AND POLICY IMPLICATIONS:**

Kine and Kine Properties appealed the Hearings Officer's decision in application number 247-14-000391-TP; 392-SP; 393-LM, 207-A, and 085-MA. The Board of County Commissioners ("Board") agreed to hear this appeal de novo under Order No. 2015-030. 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 2016-042.

**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 \* ORDER NO. 2016-042  
Hearing on File Numbers of 247-14-000391-TP; \*  
392-SP; 393-LM, 207-A, and 085-MA \*

WHEREAS, Appellant, Kine and Kine Properties, appealed the Hearings Officer’s decision in application number 247-14-000391-TP; 392-SP; 393-LM, 207-A, and 085-MA; and

Whereas, the Board of County Commissioners (“Board”) agreed to hear this appeal *de novo* under Order No. 2015-030; 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,

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

Section 1. The public hearing on file numbers 247-14-000391-TP; 392-SP; 393-LM, 207-A, and 085-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

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ANTHONY DEBONE, Commissioner