



Community Development Department

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MEMORANDUM

DATE: April 20, 2015

TO: Deschutes County Landmarks Commission

FROM: Matthew Martin, Associate Planner

RE: Board of County Commissioner's decision on application for a comprehensive plan amendment to designate a segment of the Pilot Butte Canal as a Goal 5 historic resource.

The purpose of this memorandum is to provide an update on the review of application 247-14-0000373, a proposed comprehensive plan amendment to designate a segment of the Pilot Butte Canal as a Goal 5 historic resource. Below is a summary of the review process:

- On December 9, 2014, staff issued an administrative decision rejecting the filing of the application. The rejection was based on a threshold issue regarding an interpretation of Deschutes County Code (DCC) 2.28.060(A)(2) and the timing of the application filing as it relates to another pending application (TA-13-4) affecting the subject properties. In addition, the decision addresses a second procedural issue relating to an interpretation of the term "owner," finding Central Oregon Irrigation District is an owner of record of the canal along with the underlying real property owners.
- On December 15, 2014, by Order 2014-038, the Board of County Commissioners (Board) initiated review of this application under DCC 22.28.050 through a de novo hearing.
- On January 28, 2015, the Board conducted a de novo public hearing. The hearing was closed this same day and the written record remained open until March 6th.
- On March 25, 2015, the Board voted 3-0 to affirm staff's decision rejecting the filing of the application (attached). The 21-day period to appeal the decision to the Land Use Board of Appeals (LUBA) ends April 28th.

On a related matter, the Board deliberated on March 25, 2015, and was unable to vote on file TA-13-4¹ because no motion was seconded which effectively denied the application. The applicant, Central Oregon Irrigation Company, filed a notice of intent to appeal the decision to LUBA. In response, on April 20, 2015, the Board voted 3-0 to voluntarily remand the application to provide a decision on the application. A decision is expected in early June.

Attachment: Board Decision (Document No. 2015-217)

¹ TA-13-4 proposes a text amendment to DCC 19.20 to allow the operation, maintenance, and piping of existing irrigation systems as an outright use within the SR 2.5 zone.