



Mailing Date:
Thursday, April 17, 2025

COMMUNITY DEVELOPMENT

REVISED NOTICE OF PUBLIC HEARING

This revised Notice of Public Hearing clarifies how the record will be reopened and what new evidence will be allowed. See attached Board Order No. 2025-014.

HEARING FORMAT

The Deschutes County Board of County Commissioners will conduct the public hearing as described below by video, telephone, and in person. Options for participating in the public hearing are detailed in the Public Hearing Participation section.

PROJECT DESCRIPTION

FILE NUMBERS: 247-25-000229-A, a remand hearing from the Land Use Board of Appeals. The original file number is 247-22-000678-MC, with two associated appeal file nos.: 247-22-000984-A and 247-23-000003-A.

OWNER/APPLICANT: Central Land & Cattle Company, LLC
Kameron DeLashmutt
Pinnacle Utilities, LLC

APPLICANT'S ATTORNEY: J. Kenneth Katzaroff, Schwabe Williamson & Wyatt, PC

PURPOSE: This is a remand hearing. You are receiving this notice as County records show you were a party to the previous proceedings. Pursuant to DCC 22.34.030(A) only those persons who were parties to the previous proceeding are entitled to notice and entitled to participate in the remand hearing.

A remand from the Land Use Board of Appeals (LUBA) for an application to modify the Final Master Plan (FMP) by amending the Fish and Wildlife Mitigation Plan (FWMP) for the Thornburgh Destination Resort.

Pursuant to the LUBA Final Opinions and Orders, the decision was remanded back to the County to address the following issues:

1. Additional findings to explain why the submittal of the 2022 Fish and Wildlife Management Plan (FWMP) to the Oregon Water Resources Department is sufficient to satisfy the "no net loss"

standard with respect to groundwater sources for fish habitat mitigation.

2. That the FWMP was a substantial change with respect to the required economic analysis and LUBA required further findings addressing DCC 18.113.070(C)(3) and (4) and that the County will either need to consider those changes or explain why that consideration is not required.
3. Whether the 2022 Fish and Wildlife Management Plan violates the Treaty with the Tribes of Middle Oregon, dated June 25, 1855.

BOARD ORDER:

Board Order No. 2025-014 specifies that the record will be reopened for Issue No. 2 – economic analysis. Parties may submit new evidence related to the economic analysis. No new evidence may be submitted on Issue Nos. 1 and 3 – only arguments.

LOCATION:

The Thornburgh Destination Resort is located at:

Map Number & Tax Lot	Address
15-12-5000	11800 Eagle Crest Blvd.
15-12-5001	11810 Eagle Crest Blvd.
15-12-5002	11820 Eagle Crest Blvd.
15-12-7700	67205 Cline Falls Rd.*
15-12-7701	67705 Cline Falls Rd.
15-12-7800	67555 Cline Falls Rd.*
15-12-7801*	67525 Cline Falls Rd.*
15-12-7900	67545 Cline Falls Rd.*
15-12-8000**	67400 Barr Rd.

*A portion of this tax lot is not included in the FMP.

**Portions of this tax lot are not included in the FMP.

HEARING DATE:

The Board of County Commissioners meeting begins at 9:00am Wednesday, May 7, 2025. Please visit www.deschutes.org/meetings for an estimated hearing start time.

HEARING TIME LIMITS:

Applicant Testimony: 30 Minutes
Agency Testimony: 10 Minutes
Public Testimony: 3 Minutes
Applicant Rebuttal Testimony: 10 Minutes

The Board of County Commissioners has the discretion to modify or eliminate the above time limits at the hearing.

STAFF PLANNER: Jacob Ripper, AICP, Principal Planner
jacob.ripper@deschutes.org, 541-385-1759

RECORD: Record items can be viewed and downloaded from the following link or scanning this QR code:

bit.ly/0425ThornburghRemand



STANDARDS AND APPLICABLE CRITERIA:

Conceptual Master Plan (CMP - File No. CU-05-20)

Final Master Plan (FMP - File Nos. M-07-2/MA-08-6)

Deschutes County Code (DCC) Title 18, Deschutes County Zoning Ordinance
Chapter 18.113, Destination Resorts Zone

Title 22, Deschutes County Development Procedures Ordinance

PUBLIC HEARING PARTICIPATION

Per DCC 22.34.030(A), only those persons who were parties to the proceedings before the County as part of the File Number(s) listed above are entitled to notice and participation in this remand hearing.

- The scope of the remand hearing is limited to those issues that LUBA required to be addressed, as detailed above.
- The Board of County Commissioners has reopened the record specific to LUBA remand Issue No. 2, as detailed above.
- If the Hearings Body reopens the record, the instructions detailed below apply.
 - If parties to the proceeding wish to provide testimony during the public hearing, please contact the staff planner no later than 4 pm on May 6, 2025. Testimony can be provided as described below. The Board of County Commissioners may choose to enforce time limits for oral testimony.
 - Please check the Commissioners' Public Meeting Calendar to see the anticipated start time for this agenda item <https://www.deschutes.org/meetings>
 - Parties to this proceeding can participate remotely using Zoom. Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link:

<http://bit.ly/3h3oqdD>. Using this option may require you to download the Zoom app to your device.

- Parties to this proceeding can participate remotely via telephone by dialing 253-215-8782. When prompted, enter the following: Webinar ID: 899 4635 9970 and Password: 013510.
- Parties to this proceeding can submit written arguments to the record. Please see the Document Submission section below for details regarding written submittals.
- If participation during the hearing by video and telephone is not possible, parties to this proceeding can provide testimony in person in the Barnes and Sawyer Rooms of the Deschutes Services Center, 1300 NW Wall Street, Bend.
- **Any interested persons may *listen/watch* the hearing by going to following website: <https://www.deschutes.org/meetings> or join the in-person participants in the Barnes and Sawyer Rooms of the Deschutes Services Center located at 1300 NW Wall Street, Bend.**

All documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost at the Deschutes County Community Development Department (CDD) at 117 NW Lafayette Avenue. Seven (7) days prior to the public hearing, a copy of the staff report will be available for inspection at no cost at CDD and on the websites listed above. Copies of all documents, evidence and the staff report can be purchased at CDD for (25) cents a page.

ALL INTERESTED PERSONS MAY APPEAR, BE HEARD, BE REPRESENTED BY COUNSEL, OR SEND WRITTEN SIGNED TESTIMONY. ANY PARTY TO THE APPLICATION IS ENTITLED TO A CONTINUANCE OF THE INITIAL EVIDENTIARY HEARING OR TO HAVE THE RECORD LEFT OPEN IN ACCORDANCE WITH SECTION 22.24.140 OF THE DESCHUTES COUNTY CODE.

Failure to raise an issue in person at a hearing or in writing precludes appeal by that person to the Land Use Board of Appeals (LUBA), and that failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please contact the staff planner identified above.

DOCUMENT SUBMISSION

Any person may submit written comments on a proposed land use action. Documents may be submitted to our office in person, U.S. mail, or email.

In Person

We accept all printed documents.

U.S. Mail

Deschutes County Community Development
Planning Division, Jacob Ripper
P.O. Box 6005
Bend, OR 97708-6005

Email

Email submittals should be directed to jacob.ripper@deschutes.org.

Limitations

- Deschutes County does not take responsibility for retrieving information from a website link or a personal cloud storage service. It is the submitter's responsibility to provide the specific information they wish to enter into the record. We will print the email which includes the link(s), however, we will not retrieve any information on behalf of the submitter.
- Deschutes County makes an effort to scan all submittals as soon as possible. Recognizing staff availability and workload, there is often a delay between the submittal of a document to the record, and when it is scanned and uploaded to Accela Citizen Access (ACA) and Deschutes County Property Information (DIAL).
- To ensure your submission is entered into the correct land use record, please specify the land use file number(s).
- For the open record period after a public hearing, electronic submittals are valid **if received by the County's server** by the deadline established for the land use action.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

This Notice was mailed pursuant to Deschutes County Code Chapters 22.20 and 22.24.



For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

An Order Allowing the Board of County	*	
Commissioners to Consider New Evidence	*	ORDER NO. 2025-014
Relevant to LUBA Nos. 2023-038, -039, -041	*	
and File No. 247-25-000229-A		

WHEREAS, the Oregon Land Use Board of Appeals ("LUBA") issued a final opinion and order in LUBA Nos. 2025-038, -039, -041 remanding the County's approval of a Thornburgh Destination Resort modification of approval to amend the Final Master Plan (FMP) by amending the Fish and Wildlife Management Plan (FWMP); and

WHEREAS, Central Land & Cattle Co., LLC, the applicant, initiated the LUBA remand in File No. 247-25-000229-A; and

WHEREAS, Section 22.34.040(A) of the Deschutes County Code ("DCC") allows the Board of County Commissioners ("Board") discretion to reopen the record in instances in which it deems to be appropriate to do so; and

WHEREAS, during previous proceedings concerning land use applications for the Thornburgh Destination Resort it was acknowledged that a Board order is required to accept new evidence relating to issues remanded by LUBA unless LUBA expressly allows the consideration of new evidence on remand;

WHEREAS, the Applicant has requested that the reopened record be limited to only one remand issue, addressing the economic analysis required pursuant to DCC 18.113(C)(3) and (4) for the FWMP.

WHEREAS, the Board wishes to clarify that parties may present new evidence regarding the issue remanded to the County by LUBA in this matter and described above; and

WHEREAS, the Board does not wish to reopen the record to allow parties to raise new issues; any additional testimony and evidence submitted by the parties will need to comply with DCC 22.34.040(C); now, therefore,

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

Section 1. The Board hereby reopens the record of the Thornburgh Destination Resort modification of approval application numbered 247-22-000678-MC to consider new testimony and evidence related to the economic analysis required pursuant to DCC 18.113(C)(3) and (4) for the FWMP, as remanded by LUBA.

Section 2. The County on remand shall not accept new testimony and evidence on any other issues unless allowed by DCC 22.34.040(C).

Dated this 16 of April, 2025

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON



ANTHONY DEBONE, Chair



PATTI ADAIR, Vice Chair

ATTEST:



Recording Secretary

- OPPOSED -

PHIL CHANG, Commissioner