



COMMUNITY DEVELOPMENT

HEARINGS OFFICER HEARING - LAND USE: ODOT LAVA BUTTE TRAIL REMAND

1:00 PM, TUESDAY, MARCH 18, 2025

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend

(541) 388-6575 | www.deschutes.org

AGENDA

MEETING FORMAT

Per DCC 22.34.030(A), only those persons who were parties to the proceedings before the County as part of the File Numbers 247-23-000302-DR / 247-24-000072-A are entitled to notice and participation in this remand hearing.

This meeting will be conducted electronically, by phone, in person, and using Zoom.

Members of the public may view the meeting in real time via the Public Meeting Portal at www.deschutes.org/meetings.

Using Zoom is free of charge. To login to the electronic meeting online using your computer, copy this link: <https://us02web.zoom.us/j/89422854397>

Using this option may require you to download the Zoom app to your device.

Members of the public can access the meeting via telephone, dial: 1- 253-215- 8782. When prompted, enter the following Webinar ID: 894-2285-4397. Written comments can also be provided for the public comment section to Caroline.House@deschutes.org.

1. ODOT requests the County review its prior record (ref. file no. 247-23-000302-DR), adopt adequate findings that ODOT's application does not constitute a collateral attack on the 1999 Weigh Station Decision, and issue a final decision that the Subject Property is zoned RR-10 on which the Lava Butte Path may be constructed.

PUBLIC HEARING

REMAND FILE NUMBER: 247-25-000093-A

FILE NUMBERS: 247-23-000302-DR / 247-24-000072-A

LUBA FINAL OPINION & ORDER: Windlinx Ranch Trust v. Deschutes County, __ Or LUBA __ (LUBA No. 2024-010, June 24, 2024) Windlinx Ranch Trust v. Deschutes County (LUBA No 2022-022)

SUBJECT PROPERTIES: Parcel 1 - A portion of Oregon Department of Transportation Right-of-Way for Highway 97 in Township 18S, Range 12E, Sections 19, 30, and 31, and in Township 18S, Range 11E, Section 36 & Parcel 2 - 59800 Highway 97, Bend, OR 97702 / Map and Taxlot 181100001900

APPLICANT: Oregon Department of Transportation (“ODOT”)

REQUEST: ODOT requests the County review its prior record, adopt adequate findings that ODOT’s application does not constitute a collateral attack on the 1999 Weigh Station Decision, and issue a final decision that the Subject Property is zoned RR-10 on which the Lava Butte Path may be constructed.

STAFF PLANNER: Caroline House, Senior Planner Caroline.House@deschutes.org / 541-388-6667

RECORD: Record items can be viewed and downloaded
from: <https://www.deschutes.org/cd/page/247-25-000093-odot-lava-butte-trail-remand>



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 call (541) 617-4747.



COMMUNITY DEVELOPMENT

NOTICE OF PUBLIC HEARING

HEARING FORMAT

The Deschutes County Hearings Officer will conduct a public hearing on March 18th, 2025, at 1:00 p.m., in the Barnes and Sawyer Rooms of the Deschutes Services Center, 1300 NW Wall Street, Bend, to consider the request below. The public hearing will be conducted 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

REMAND FILE NUMBER: 247-25-000093-A

FILE NUMBERS: 247-23-000302-DR / 247-24-000072-A

LUBA FINAL

OPINION & ORDER: *Windlinx Ranch Trust v. Deschutes County*, __ Or LUBA __ (LUBA No. 2024-010, June 24, 2024)

SUBJECT PROPERTIES: Parcel 1 - A portion of Oregon Department of Transportation Right-of-Way for Highway 97 in Township 18S, Range 12E, Sections 19, 30, and 31, and in Township 18S, Range 11E, Section 36

Parcel 2 - 59800 Highway 97, Bend, OR 97702 /
Map and Taxlot 181100001900

APPLICANT: Oregon Department of Transportation ("ODOT")

REQUEST: ODOT requests the County review its prior record, adopt adequate findings that ODOT's application does not constitute a collateral attack on the 1999 Weigh Station Decision, and issue a final decision that the Subject Property is zoned RR-10 on which the Lava Butte Path may be constructed.

HEARING DATE/TIME: Tuesday, March 18, 2025, at 1:00 p.m.

STAFF PLANNER: Caroline House, Senior Planner
Caroline.House@deschutes.org / 541-388-6667

RECORD:

Record items can be viewed and downloaded from:
<https://www.deschutes.org/cd/page/247-25-000093-odot-lava-butte-trail-remand>

STANDARDS AND APPLICABLE CRITERIA:

Participants to this proceeding identified the following as potentially applicable to the requested Declaratory Ruling:

Deschutes County Code (“DCC” or “Code”) Title 17, Subdivisions

- Chapter 17.04, General Provisions
- Chapter 17.08, Definitions and Interpretations of Language
- Chapter 17.12, Administration and Enforcement
- Chapter 17.40, Improvements
- Chapter 17.48, Design and Construction Specifications
- Chapter 17.56, Variances

DCC Title 18, Deschutes County Zoning Ordinance

- Chapter 18.04, Title, Purpose, and Definitions
- Chapter 18.12, Establishment of Zones
- Chapter 18.40, Forest Use Zone (F2)
- Chapter 18.60, Rural Residential Zone (RR10)

DCC Title 22, Deschutes County Development Procedures Ordinance

- Chapter 22.40, Declaratory Ruling

Oregon Revised Statutes (ORS)

- Chapter 215, County Land Use Planning; Resource Lands

Oregon Administrative Rules (OAR)

- Chapter 660, Land Conservation and Development Department
- Division 12, Transportation Planning

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 Hearings Officer has the discretion to reopen the record in instances in which they deem it to be appropriate.
- The scope of the remand hearing is limited to those issues that LUBA required to be addressed.

- Absent an order from the Hearings Officer reopening the record, no new evidence or testimony may be submitted.

If the Hearings Officer reopens the record, the instructions detailed below apply. Those parties who wish to participate at the public hearing are requested to contact the staff planner by 4 pm on Monday, March 17, 2025.

- Parties to this proceeding can participate in-person at the Barnes and Sawyer Rooms of the Deschutes Services Center located at 1300 NW Wall Street, Bend.
- Parties to this proceeding can participate remotely by using Zoom. To login to the electronic meeting online using your computer, copy this link: <https://us02web.zoom.us/j/89422854397>. Using this option may require you to download the Zoom app to your device.
- Parties to this proceeding can participate remotely by telephone by dialing 1- 253- 215- 8782. When prompted, enter the following Webinar ID: 894-2285-4397.
- Parties to this proceeding can submit written *arguments and/or proposed findings* to the record. Please see the Document Submission section below for details regarding written submittals.
- The Deschutes County Planning Division has set the following time limits for participants at the hearing:
 - Applicant: 30 minutes
 - Appellant(s): 20 minutes
 - General Public: 3 minutes
 - Applicant Rebuttal: 10 minutes

Please note, the above time limits can be modified or eliminated by the Hearings Officer at their discretion.

- Any interested persons may *listen/watch* the hearing by going to the 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. Copies of all documents, evidence and the staff report can be purchased at CDD for (25) cents a page.

Failure to raise an issue in person at a hearing or in writing precludes appeal by that person to 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

Parties to this proceeding may submit written comments on the subject application. 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, Caroline House
P.O. Box 6005
Bend, OR 97708-6005

Email

Email submittals should be directed to Caroline.House@deschutes.org.

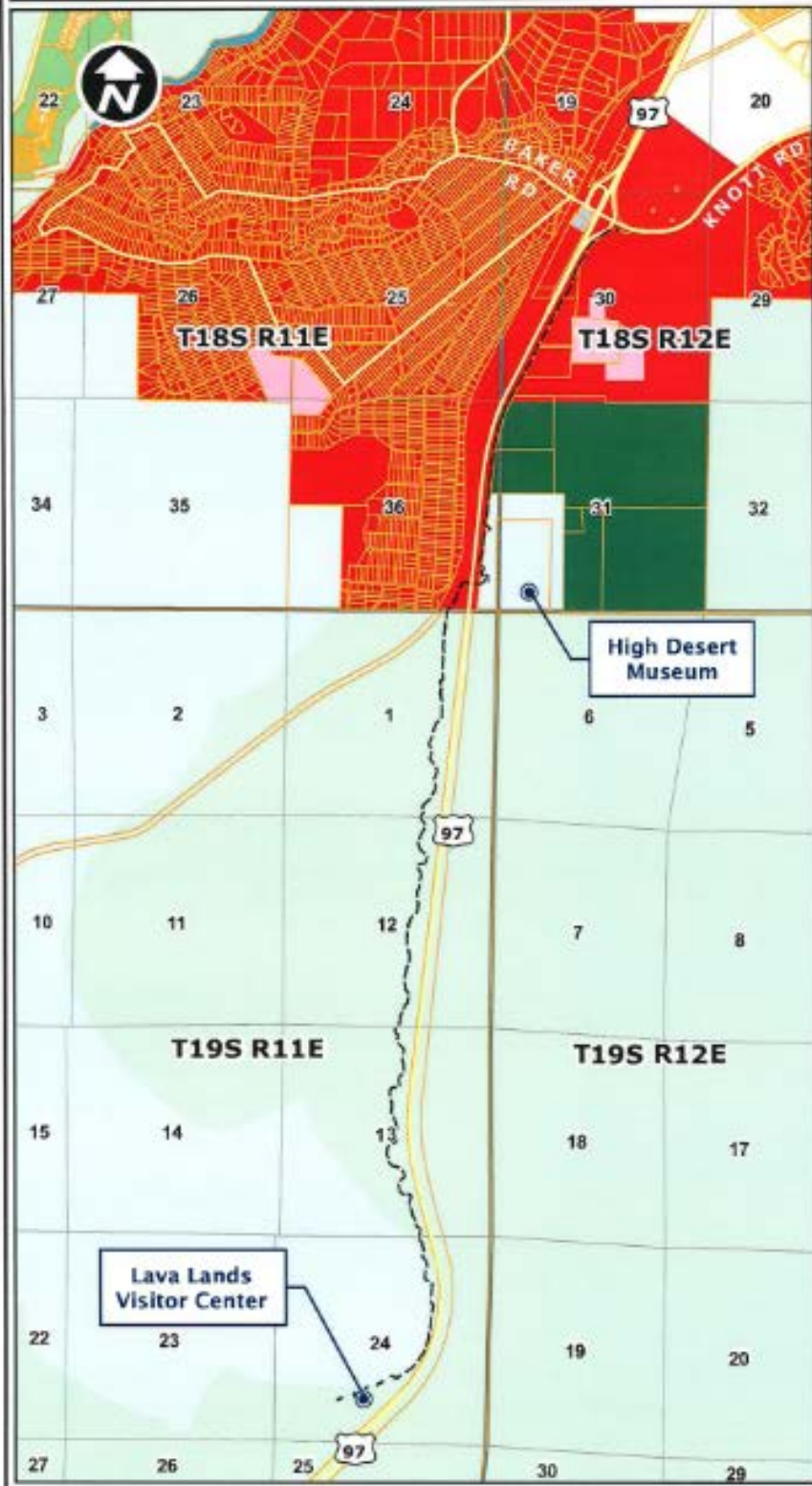
Limitations

- 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.
- 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, 22.24, and 22.34.

US-97 LAVA BUTTE TRAIL



- FEATURES**
- Lava Butte Trail
 - ✚ Tax Lot Boundary
 - ▭ Township & Range Grid
 - ▭ Section Grid
 - Roads & Highways

- ZONING**
- Forest Use 1
 - Forest Use 2
 - Flood Plain
 - Open Space & Conservation
 - Rural Commercial
 - Rural Residential
 - Bend Residential
 - Surface Mining
 - Widgi Crk Seventh Mtn Residential
 - Widgi Creek Residential



PRODUCED BY ODOT GIS UNIT
 GIS No. 23-62 | FEBRUARY 2023
 ODOTMaps@odot.oregon.gov

This product is for informational purposes and may not be suitable for legal, engineering, or surveying purposes. Users of this product should review and consult the primary data sources to determine the usability of the information. Conclusions drawn from this information are the responsibility of the user.

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owner	agent	inCareof	address	cityStZip	type	cdd id	email
ODOT Region 4 Planning	David Amiton		63055 N. Highway 97, Bldg M	Bend, OR 97703	NOPH	25-093-A	David.Amiton@odot.oregon.gov
WINDLINX RANCH TRUST	WINDLINX, ROBERT H JR TTEE		59850 SCALE HOUSE RD	BEND, OR 97702	NOPH	25-093-A	
Windlinx Ranch Trust	Randy Windlinx		59895 Scale House Rd	Bend, OR 97702	NOPH	25-093-A	rwindlinx@empnet.com
Christopher P. Koback			1331 NW Lovejoy Street, Suite 950	Portland, OR 97209	NOPH	25-093-A	chris@hathawaylarsen.com
Dana Whitelaw					NOPH	25-093-A	dwhitelaw@highdesertmuseum.org
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Ken Shonkwiler			63055 N. Hwy 97, Bldg M	Bend OR 97703	NOPH	25-093-A	Kenneth.d.shonkwiler@odot.oregon.gov
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