

BOCC Decision Matrix

Plan Amendment/ Zone Change Land Use File Nos. 247-22-000792-PA, 793-ZC

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Issue Area and Approval Criteria	Hearings Officer's Decision	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
<p style="text-align: center;"><u>Goal 3: Part 1</u></p> <p>Does the subject property constitute agricultural land, as defined by OAR 660-033-0020(1)(a)?</p> <p style="text-align: center;"><u>Applicable Criteria</u></p> <p>Deschutes County Comprehensive Plan Policy 2.2.3, and Statewide Planning Goal 3.</p>	<p>The Hearings Officer found the subject property is not Goal 3 agricultural land under the statewide planning goals.</p>	<p>Oppositional comments assert that there is usable soil in the tract and there is potential for non-crop agricultural uses.</p>	<p>The Applicant asserts that the soils are unproductive and it is not feasible to obtain a profit in money due to existing land use patterns and high cost of required inputs such as irrigation systems and availability of water.</p>	<p>Staff agrees with the Hearings Officer's findings based upon the submitted soils study analysis and the classification of unproductive soil types on the property (58.5% class 7 and 8 soils).</p>	<p>Does the subject property constitute agricultural land under OAR 660-033-0020(1)(a)?</p> <ul style="list-style-type: none"> If no, the Board can continue reviewing the applications, and move to approve the Plan Amendment and Zone Change (PA/ZC). If yes, the Board must deny the PA/ZC.
Issue Area and Approval Criteria	Hearings Officer's Decision	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
<p style="text-align: center;"><u>Goal 3: Part 2</u></p> <p>Whether the soil study provided by the applicant is sufficient to demonstrate the subject property consists of predominantly unproductive soils, or Class VII-VIII.</p> <p style="text-align: center;"><u>Applicable Criteria</u></p> <p>Deschutes County Comprehensive Plan Policy 2.2.13, and Statewide Planning Goal 3.</p>	<p>The Hearings Officer found the subject property is not Goal 3 agricultural land under the statewide planning goals and acknowledges the submitted soils report.</p>	<p>Oppositional comments assert that the NCRS data shows the subject property consists of predominately productive soils and that should be relied upon instead of the applicant's soil study.</p>	<p>The Applicant asserts the site-specific soil study was prepared by a certified soil classifier and provides more accurate soils information than the NCRS data.</p>	<p>Staff agrees with the Applicant and Hearings Officer on the issue area. The Board has previously approved Plan Amendment and Zone Change applications that relied on a property-specific soil study provided by the applicant.</p>	<p>Does the site-specific soil study show the property is predominantly Class VII-VIII soils?</p> <ul style="list-style-type: none"> If yes, the Board can continue reviewing the applications, and move to approve the PA/ZC. If no, the Board may deny the application because the property meets the definition of Goal 3 "agricultural land".

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<p>Has there been a change in circumstances since the property was originally zoned?</p> <p><u>Applicable Criteria</u> Deschutes County Code Section 18.136.020(D) Rezoning Standards.</p>	<p>The Hearings Officer found the applicants proposal is compliant with DCC 18.136.020(D) being as that there has been a change in circumstance since the property was last zoned, including but not limited to new soil data.</p>	<p>Oppositional comments assert the soils and agricultural productivity of the property have not changed since it was last zoned.</p>	<p>The Applicant asserts there has been a change in circumstances since the property was initially zoned. Specifically the Applicants note there has been an updated soil report, there have been changes in the economics of farming, and the City of Bend's boundaries have gotten closer.</p>	<p>Staff agrees with the Hearings Officer's findings based upon the submitted soils study analysis.</p>	<p>Has there been a change in circumstances since the property was zoned?</p> <ul style="list-style-type: none"> • If yes, the Board can continue reviewing the applications, and move to approve the PA/ZC. • If no, the Board may deny the application for failure to comply with DC 18.136.020(D).
Issue Area and Approval Criteria	Hearings Officer's Decision	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
<p>Does the application require an exception to Statewide Planning Goal 14: Urbanization?</p> <p><u>Applicable Criteria</u> Statewide Planning Goal 14, OAR 660-015-0000(14). Staff notes the criteria of DCC 18.136.020(C)(1) may relate to this specific topic.</p>	<p>The Hearings Officer found Goal 14 does not apply to the subject application because the Applicant's proposal does not involve property within an urban growth boundary and does not involve the urbanization of rural land.</p>	<p>Oppositional comments assert that converting EFU-zoned property to MUA10-zoned property in this area is inefficient and unsustainable. Comments raised concerns about the type and density of development that will occur on the subject property.</p>	<p>The Applicant asserts these properties are eligible for future expansion of Bend's Urban Growth Boundary, and conversion would promote an efficient extension of urban services and facilitate future urban development.</p> <p>The applicant asserts Goal 14 is not applicable because the proposal does not involve property within an urban growth boundary and does not involve the urbanization of rural land.</p>	<p>Staff agrees with the Hearings Officer and notes the subject Plan Amendment and Zone Change does not approve any new development on the subject property. Future uses may require separate land use reviews, and will require the developer to obtain all required permits.</p>	<p>Does Goal 14 apply to the subject application?</p> <ul style="list-style-type: none"> • If no, the Board can continue reviewing the applications, and move to approve the PA/ZC • If yes, the Board will need to determine whether Goal 14 has been satisfied. <ul style="list-style-type: none"> a. If Goal 14 applies, and the Board finds it has been satisfied by the Applicant, they may adopt the alternate findings and approve the application. b. If Goal 14 applies, and the Board finds it has not been satisfied, the Board may deny the application because a goal exception is required.