



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Rachel Vickers, Associate Planner

DATE: June 28, 2023

SUBJECT: Griffin/Renfro Comprehensive Plan Amendment and Zone Change – Deliberations

The Board of County Commissioners (“Board”) held a public hearing on May 31, 2023, to consider a request for a Comprehensive Plan Amendment and Zone Change (file nos. 247-22-000792-PA, 793-ZC) for one tax lot totaling approximately 40 acres one mile to the east of the City of Bend. The Board is scheduled to deliberate on June 28, 2023, in consideration of this request.

I. BACKGROUND

The applicants, Kevin Griffin and Libby Renfro, are requesting a Comprehensive Plan Amendment to re-designate the subject properties from Agriculture to Rural Residential Exception Area and a Zoning Map Amendment to rezone the properties from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA10). The applicant argues the property was mistakenly identified as farmland, does not contain high-value soils or other characteristics of high value farmland, and therefore should be re-designated and rezoned for rural residential use. The applicants provided a supplementary soil study that identifies non-high value (Class VII and VIII) soils on a majority of the subject properties. Additionally, the applicant’s burden of proof includes findings that demonstrates compliance with state and local requirements and policies.

II. PUBLIC COMMENTS

Staff received four (4) public comments from neighbors and local interest groups related to the February 28, 2023 Hearing’s Officer hearing and proceedings. All four comments opposed the application, however staff notes that one of the comments from a nearby neighbor related to using the property as a drug treatment facility which is unrelated to this proposal. Comments received in opposition expressed concern related to potential loss of agricultural land, credibility of the submitted soils report, and the applications ability to meet all relevant local and state regulations. No public comments were received during the Board Hearing.

III. HEARINGS OFFICER RECOMMENDATION

The Deschutes County Hearings Officer held a public hearing on February 28, 2023. One individual, not including the applicant's team, provided testimony during the hearing in support of the application.

On March 24, 2023, the Hearings Officer issued a recommendation of approval for the proposed Plan Amendment and Zone Change evaluating compliance with all applicable review criteria.

IV. BOARD DELIBERATIONS

If the Board finds that additional deliberations are necessary, the Board may schedule a future date for continued deliberations. If the Board finds no additional deliberations are necessary, the Board may then vote on whether to approve or deny the Plan Amendment and Zone Change request.

Per DCC Section 22.20.040(D), the review of the proposed quasi-judicial Plan Amendment and Zone Change is not subject to the 150-day review period typically associated with land use decisions. The full record is available for inspection at the Planning Division and at the following link:

<https://www.deschutes.org/cd/page/247-22-000792-pa-793-zc-%E2%80%93-comprehensive-plan-amendment-and-zone-change>.

Staff prepared a matrix outlining key issue areas for the Board's deliberation. This matrix is included as an attachment, and provides additional review and discussion of the application's compliance with applicable approval criteria.

V. NEXT STEPS

If the Board determines that additional deliberations are necessary, staff will work with the Board to schedule a future meeting for continued deliberations. If the Board concludes their deliberations during the June 28, 2023, meeting, the Board may then vote on whether to approve or deny the Plan Amendment and Zone Change. If the Board renders a vote during the June 28, 2023, meeting, staff will coordinate with the Board to return for a future meeting to review the draft decision, draft ordinance and relevant exhibits. If appropriate, the first reading of the ordinance can be initiated at that time.

VI. SUGGESTED MOTION

To the extent the Board decides to approve Plan Amendment and Zone Change, a motion as follows will likely be appropriate:

The Board moves to approve the Plan Amendment and Zone Change for file nos. 247-22-000792-PA and 247-22-000793-ZC.

To the extent the Board decides to modify or reverse the Hearings Officer's decision, that motion will need to be crafted to address the Board's specific concerns, as discussed in the deliberations.

ATTACHMENTS:

1. Area Map
2. Board Decision Matrix
3. Hearings Officer Recommendation