



MEMORANDUM

TO: Board of County Commissioners

FROM: Audrey Stuart, Associate Planner

DATE: October 23, 2023

RE: Consideration of whether to initiate review of a Plan Amendment/Zone Change request; Land use file nos. 247-23-000415-PA, 247-23-000416-ZC.

On November 1, 2023, the Board of County Commissioners (“Board”) will consider whether to initiate review of a Hearings Officer’s approval of a Comprehensive Plan Amendment and Zone Change, for a property known as the ‘Stevens Road Tract.’

I. SUBJECT PROPERTY

The subject property is approximately 261 acres and is located immediately to the south of Stevens Road. The property is zoned Multiple Use Agricultural (MUA10) and is undeveloped.

House Bill 3318 was passed by the Oregon Legislature in 2021 and allows for the Stevens Road Tract to be brought within the Bend Urban Growth Boundary (UGB) through a special process. The bill is specific to the subject property and would not allow any other properties to be brought within the Bend UGB through this same pathway. As part of this bill, a certain number of the housing units must be set aside as affordable housing, with priority given to school district employees.

The Bend City Council voted to approve a Concept Plan, which provides a high-level overview of where different housing types, commercial areas, parks and roads would be located within the property. This future development would not occur until the property is annexed into the Bend city limits. The subject property is currently owned by the State of Oregon, and future development is also contingent on the land being transferred to the City of Bend.

II. PROPOSAL

The Applicant requests a change in the Comprehensive Plan designation, from Rural Residential Exception Area to Urban Growth Boundary. The Applicant also requests a concurrent change in the

zoning designation, from MUA10 to Urbanizable Area. No development or new uses are being reviewed as part of this application.

A staff report was mailed on October 4, 2023, and staff found the proposal complied with all applicable provisions of Deschutes County Code, Deschutes County Comprehensive Plan policies, and Statewide Planning Goals. A public hearing was held before a Hearings Officer on October 11, 2023, and a Hearing's Officer decision approving the application was mailed on October 24, 2023. As described below, the Board may decide to either adopt the Hearing's Officer decision or initiate review of the decision.

III. PUBLIC COMMENTS

Two members of the public submitted written comments regarding this application. One comment was in support and one was neutral. No members of the public attended the Hearings Officer hearing on October 11, 2023. Comments received from other agencies did not indicate any concerns with the proposal.

IV. BOARD OPTIONS

Pursuant to DCC 22.28.030(B), the Board shall adopt the Hearing's Officer decision unless an appeal is filed or the Board initiates review of the application. Under DCC Title 22, the Board is only required to hold their own hearing when a Plan Amendment and Zone Change application involves an exception to a Statewide Planning Goal or involves land that is designated for forest or agricultural use. In this instance, neither of those conditions apply and the Board is therefore not required hear this application.

Reasons not to hear

Members of the public were notified of the subject application through a mailed Notice of Application, posted land use sign, mailed Notice of Public Hearing, project webpage, and posting in the Bend Bulletin. Ample time was provided to submit public comments, and no comments were received in opposition. Staff and the Applicant generally concur with the Hearings Officer decision and there do not appear to be any interpretive issues that would benefit from further review. The Hearings Officer decision provided a thorough analysis and could be supported, as the record exists today, on appeal to the Land Use Board of Appeals.

Reasons to hear

The Board may want to take testimony and make interpretations relating to the Hearings Officer's decision. The Board may also want to reinforce or refute some or all of the decision findings/interpretations prior to Land Use Board of Appeals review.

If the Board decides the Hearings Officer's Decision shall be the final decision of the county, then the Board shall not initiate review. Staff will then return to the Board for a first and second reading

of Ordinance 2023-025, a draft Ordinance approving the subject Comprehensive Plan Amendment and Zone Change.

V. STAFF RECOMMENDATION

The Hearing's Officer decision was well-reasoned and aligned with staff's analysis of the application materials. Staff does not have any concerns with the Hearing's Officer decision and therefore recommends the Board decline to initiate review. The Applicant also generally supports the Hearings Officer's decision, and initiating a Board hearing would add additional time and cost to the project.

VI. 150-DAY LAND USE CLOCK

Pursuant to DCC 22.20.040(D)(1), the subject application is exempt from the 150-day land use clock.

VII. RECORD

The record for File Nos. 247-23-000415-PA, 247-23-000416-ZC are as presented at the following Deschutes County Community Development Department website:

<https://www.deschutes.org/cd/page/247-23-000415-pa-247-23-000416-zc-stevens-road-comprehensive-plan-amendment-and-zone-change>

Attachments:

1. Hearing's Officer Decision for file nos. 247-23-00415-PA, 247-23-000416-ZC