



MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Kyle Collins, Associate Planner
Will Groves, Planning Manager

DATE: March 30, 2022

SUBJECT: Consideration of First Reading of Ordinance 2022-003 and Ordinance 2022-004 – Dave Swisher Plan Amendment and Zone Change

The Board of County Commissioners (Board) will consider a first reading of Ordinance 2022-003 and Ordinance 2022-004 on April 6, 2022 to consider a request for a Plan Amendment and Zone Change (file nos. 247-21-000616-PA, 617-ZC) for two (2) 40-acre properties located on Abbey Road, approximately 1.3 miles east of the City of Bend.

I. BACKGROUND

The Applicant, Dave Swisher, is requesting a Comprehensive Plan Amendment to redesignate 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 (MUA-10). The Applicant's reasoning for the request is that the properties were mistakenly identified as farmland, do not contain high-value soils or other characteristics of high value farmland, and therefore should be redesignated and rezoned for residential use. The Applicant has provided a supplementary soil study that identifies non-high value soils on a majority (~96%) of the subject properties. Additionally, the Applicant has provided findings within the burden of proof that demonstrate compliance with state and local requirements and policies.

A public hearing before a Hearings Officer was conducted on September 21, 2021, with the Hearings Officer's recommendation of approval issued on November 24, 2021. The Board held a public hearing on February 2, 2022 and initiated a 21-day open record period, which concluded February 23, 2022 at 4:00pm. On March 16, 2022, the Board deliberated to approve the requests.

II. NEXT STEPS / SECOND READING

The Board is scheduled to conduct the second reading of Ordinance 2022-003 and Ordinance 2022-004 on April 20, 2022, fourteen (14) days following the first reading.

ATTACHMENTS:

1. Area Map
2. Draft Ordinance 2022-003 and Exhibits
 - Exhibit A: Legal Description
 - Exhibit B: Proposed Plan Amendment Map
 - Exhibit C: Comprehensive Plan Section 23.01.010, Introduction
 - Exhibit D: Comprehensive Plan Section 5.12, Legislative History
 - Exhibit E: Hearings Officer Recommendation/Decision
3. Draft Ordinance 2022-004 and Exhibits
 - Exhibit A: Legal Description
 - Exhibit B: Proposed Zone Change Map
 - Exhibit C: Hearings Officer Recommendation/Decision