



## MEMORANDUM

**TO:** Board of County Commissioners

**FROM:** Audrey Stuart, Associate Planner

**DATE:** October 8, 2025

**SUBJECT:** October 15<sup>th</sup> Deliberations for BCL LLC Plan Amendment and Zone Change

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The Board of County Commissioners ("Board") held a public hearing on August 20, 2025, to consider a request for a Comprehensive Plan Amendment and Zone Change (file nos. 247-24-000097-PA, 98-ZC) for a property located east of Bend that is approximately 240 acres in size. The Board is scheduled to deliberate on October 15, 2025, in consideration of this request.

### I. BACKGROUND

The applicant, BCL LLC, is 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 – Tumalo-Redmond-Bend subzone (EFU-TRB) to Multiple Use Agricultural – 10 Acre Minimum (MUA-10). The subject property consists of four tax lots, which are located to the north and south of Highway 20, approximately 0.26 miles east of the Bend Urban Growth Boundary. The subject property primarily consists of undeveloped land, however, one of the tax lots is developed with a dwelling and one tax lot is developed with a solar voltaic array (solar farm). Prior to the initial hearing, the applicant submitted a Modification of Application (land use file no. 247-25-000021-MA) to reduce the size of the area to be rezoned from 259 to 240.17 acres.

The applicant argues that the subject property does not meet the definition of "agricultural land" due to its poor soil quality, and there is no history of farm use on the subject property. For these reasons, the applicant states a mistake was made when the property was originally zoned and MUA-10 zoning is more appropriate.

The soils map available from Natural Resources Conservation Service (NRCS) indicates the soil on the subject property is a complex that includes various classes of soils, as rated by the Land Capability Classification. The applicant provided a memorandum from a certified soil scientist, who concluded that the subject property predominantly consists of Class 7 and Class 8 soils, which are

not suitable for farm use. Additionally, the applicant has provided a traffic study, and findings within the burden of proof that demonstrate compliance with state and local requirements and policies.

A public hearing was held before a Hearings Officer on May 9, 2025, and the written record was left open following the close of that hearing. On July 9, 2025, the Hearings Officer issued a recommendation for approval of the proposed Plan Amendment and Zone Change evaluating compliance with all applicable review criteria.

## **II. PUBLIC COMMENTS**

Following the issuance of the Hearings Officer Recommendation, four members of the public and Central Oregon LandWatch (COLW) submitted comments in opposition to the proposal. Comments included concerns regarding loss of farmland, impacts to surrounding properties, increased traffic, and compliance with Oregon's Statewide Planning Goals.

Following the Board hearing on August 20, 2025, the written record was left open until September 10, 2025. The applicant and COLW both submitted additional comments during this open record period. In addition, the Deschutes County Road Department submitted a comment in response to a question raised by a Commissioner during the hearing.

## **III. 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 subject application.

### **Board Decision Matrix**

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.

## **IV. 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 October 15, 2025, 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 October 15, 2025, 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.

## **V. 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. 247-24-000097-PA, 247-24-000098-ZC, and 247-25-000021-MA.

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.

Enclosures: Area Map  
Board Decision Matrix  
Hearings Officer Recommendation