



MEMORANDUM

TO: Deschutes County Board of Commissioners

FROM: Haleigh King, AICP, Associate Planner

DATE: June 29, 2022

SUBJECT: Eden Properties Comprehensive Plan Amendment and Zone Change – Work Session

The Board of County Commissioners (“Board”) will conduct a work session on June 29, 2022, in preparation for a public hearing on a date to be determined, to consider a request for a Comprehensive Plan Amendment and Zone Change (file nos. 247-21-0001043-PA, 1044-ZC) for approximately 710-acres to the west of Terrebonne and north of Highway 126. The subject property consists of nine tax lots totaling approximately 710 acres. Staff requests Board feedback regarding potential public hearing dates and whether they would like to hear the item at a special evening meeting. Furthermore, staff would like direction on whether the Board would like to set oral testimony time limits for the applicant and/or members of the public providing testimony.

Staff has included a few public hearing date options below for the Board’s consideration:

- Monday, July 25
- Tuesday, July 26
- Wednesday, July 27
- Thursday, July 28
- Monday, August 8

I. BACKGROUND

The applicant, 710 Properties, LLC/Eden Central Properties, 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 (EFU) to Rural Residential – 10 Acre Minimum (RR-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 re-designated and rezoned for rural residential use. The applicant has provided a supplementary soil study that identifies non-high value (Class VII and VIII) soils on a majority (~71%) 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.

II. PUBLIC COMMENTS

Staff received over 100 public comments from neighbors, stakeholders, local interest groups and public agencies prior to the April 19, 2022 Hearing's Officer hearing. A majority of the comments received were in opposition to the project but Staff did receive a number of public comments in support of the application. Comments received in opposition expressed concern related to compatibility with nearby agricultural land and potential loss of agricultural land, availability of groundwater, traffic and emergency access impacts, and impacts to wildlife. Staff received a joint agency comment from the Oregon Department of Land Conservation and Development, Oregon Department of Agriculture, and Oregon Fish and Wildlife related to a number of items but primarily focused on the criteria related to the definition of "agricultural land" and "farm use" and how it relates to the subject application.

Comments received in support reference the property's lack of productive soils, potential expansion of rural housing inventory, and potential for vegetation management and wildfire protection as a basis for support.

III. HEARINGS OFFICER RECOMMENDATION

The Deschutes County Hearings Officer held a public hearing on April 19, 2022. Approximately 14 people, not including the applicant's team, provided testimony during the public testimony portion of the hearing.

On June 2, 2022, the Hearings Officer issued a recommendation of approval for the proposed Plan Amendment and Zone Change.

IV. BOARD CONSIDERATION

As the property includes lands designated for agricultural use, Deschutes County Code 22.28.030(C) requires the application to be heard de novo before the Board, regardless of the determination of the Hearings Officer. The record is available for inspection at the Planning Division and at the following link: <https://www.deschutes.org/cd/page/247-21-001043-pa-and-247-21-001044-zc-eden-central-properties-comprehensive-plan-amendment>.

V. NEXT STEPS

Based on the feedback received from the Board at the Work Session, Staff will prepare for the upcoming public hearing.

ATTACHMENT(S):

1. Area Map