



MEMORANDUM

TO: Board of County Commissioners

FROM: Nathaniel Miller, AICP, Associate Planner

DATE: April 2, 2025

SUBJECT: Public Hearing for a Plan Amendment and Zone Change (File nos. 247-24-000404-PA, 405-PA).

The Board of County Commissioners (“Board”) will conduct a Public Hearing on April 2, 2025, to consider a request for a Comprehensive Plan Amendment and Zone Change (File nos. 247-24-000404-PA, 247-24-000405-ZC). The subject property is located southeast of the City of Bend and is approximately 279 acres. The property is addressed at 60725 Arnold Market Road, Bend. A location map is included as **Attachment A**.

I. BACKGROUND

The applicant and property owners, Bend Park & Recreation District (BPRD), requests approval of a Comprehensive Plan Amendment to change the designation of the subject property (+/- 279 Acres) from Agricultural (AG) and Surface Mining (SM) to Rural Residential Exception Area (RREA).

The applicant also requests a corresponding Zone Change to rezone the subject property from Exclusive Farm Use – Tumalo/ Redmond/ Bend subzone (EFU-TRB) & Surface Mining (SM) to Rural Residential (RR10). The property is comprised of approximately 105 acres of SM Zone and 174 acres of EFU Zone. The applicant asks that Deschutes County change the zoning and the plan designations because the subject property does not qualify as “agricultural land” under Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR) definitions, and there are no active mining operations at the former surface mine site. Further, the Applicant argues that no exception to Statewide Planning Goal 3, Agricultural Land, is required because the subject property is not agricultural land.

The Applicant submitted a soil study, which was prepared by a certified soils scientist and soil classifier. The purpose of this soil study was to inventory and assess the soils on the subject property and to provide more detailed data on soil classifications and ratings than is contained in the NRCS soils maps. The soil study determined the subject property contains approximately 66 percent Land

Capability Class 7 and 8 nonirrigated soils. According to the soil study, the subject property is comprised of soils that do not qualify as Agricultural Land¹.

Staff notes the subject property has no history of agricultural use. According to the application material there are 18.13 acres of waters rights but no irrigation infrastructure. The Applicant intends to transfer the water rights to Tax Lot 300. No comment was received from Arnold Irrigation District.

Pertaining to the Surface Mine zoning, the property is the former "Rose Pit" mine site (ref. Site 392). According to the application materials, mining operations were terminated in 2005, and it has been in a reclamation process since. Oregon Department of Geology and Mineral Industries (DOGAMI) files for this site have been closed since 2011. The reclamation activities were recently acknowledged and revised through file No. 247-23-000709-MC.

II. PUBLIC COMMENTS

Five written comments in opposition were submitted in advance of the Hearing Officer hearing on November 12, 2024. The comments in opposition to the proposal highlight concerns of increased traffic and density, and one comment questioned the approvability of the application. Two members of the public provided oral testimony at the hearing, one in favor and one in opposition.

The comment questioning the approvability of the application stated concerns of the Burden of Proof successfully meeting the applicable criteria.

Staff also talked with seven other members of the public who had questions about the application and proposed rezone. After this initial contact, no comments were received.

Two comments in opposition were received after the recommendation of the Hearings Officer was issued.

All comments and materials are included in the electronic record.

III. HEARINGS OFFICER RECOMMENDATION

The Deschutes County Hearings Officer held a public hearing on November 12, 2024. The applicant's legal representation provided testimony in the hearing.

On January 8, 2025, 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.

¹ The phrase 'agricultural soils' is defined in OAR 660-033-0020.

The record is available for inspection at the following link: <https://www.deschutes.org/cd/page/247-24-000404-pa-405-zc-bend-park-and-recreation-district-bprd-comprehensive-plan-amendment>

V. NEXT STEPS

Based on direction received from the Board and testimony at the Public Hearing, Staff will prepare for deliberations.

- Attachment A:** Location Map
- Attachment B:** City of Bend Urban Growth Boundary
- Attachment C:** Surrounding Area Zoning Map
- Attachment D:** Hearing Officer Recommendation