



MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Audrey Stuart, Associate Planner

DATE: April 4, 2023

SUBJECT: Consideration of First Reading of Ordinance 2023-007- Marken Plan Amendment and Zone Change

The Board of County Commissioners (Board) will consider a first reading of Ordinance 2023-007 on April 12, 2023 to consider a request for a Plan Amendment and Zone Change (file nos. 247-22-000353-PA, 354-ZC) for two tax lots totaling approximately 59 acres, to the east of Bend and south of Highway 20.

I. BACKGROUND

The applicant and property owner, Harold Marken, is requesting a Comprehensive Plan Amendment to re-designate the subject property from Agriculture to Rural Residential Exception Area and a Zoning Map Amendment to rezone the property from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10). The applicant argues that the subject property does not meet the definition of “agricultural land” due to its poor soil quality, and previous attempts to engage in farm use on the property were unsuccessful. For these reasons, the applicant states a mistake was made when the property was originally zoned and MUA-10 zoning is more appropriate. The applicant provided a supplementary soil study that identifies non-high value (Class VII and VIII) soils on a majority (61.2%) of the subject properties.

A public hearing before a Hearings Officer was conducted on September 6, 2022 with the Hearings Officer’s recommendation of approval issued on November 7, 2022. The Board held a public hearing on January 18, 2023 and initiated a 21-day open record period, which concluded February 8, 2023. On March 1, 2023, the Board deliberated to approve the requests, with a unanimous vote in favor of the subject applications.

II. NEXT STEPS / SECOND READING

The Board is scheduled to conduct the second reading of Ordinance 2023-007 on April 26, 2023, fourteen (14) days following the first reading.

ATTACHMENTS:

1. Draft Ordinance 2023-007 and Exhibits

Exhibit A: Legal Descriptions

Exhibit B: Proposed Plan Amendment Map

Exhibit C: Proposed Zone Change Map

Exhibit D: Comprehensive Plan Section 23.01.010, Introduction

Exhibit E: Comprehensive Plan Section 5.12, Legislative History

Exhibit F: Board of County Commissioners Draft Decision

Exhibit G: Hearings Officer Recommendation