



MEMORANDUM

TO: Board of County Commissioners
FROM: Audrey Stuart, Associate Planner
DATE: December 12, 2022
SUBJECT: December 19th Work Session for Marken Plan Amendment and Zone Change

The Board of County Commissioners (“Board”) will conduct a work session on December 14, 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. 247-22-000353-PA, 354-ZC). The subject property is located approximately 0.13 miles east of the City of Bend Urban Growth Boundary, and consists of two tax lots with a combined area of 59 acres. Staff requests Board feedback regarding potential public hearing dates. 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:

- January 11, 2023
- January 18, 2023

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 – Tumalo-Redmond-Bend subzone (EFU-TRB) to Multiple Use Agricultural (MUA10). 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 has provided a supplementary soil study that identifies non-high value (Class VII and VIII) soils on a majority (61.2%) of the subject properties. 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.

II. PUBLIC COMMENTS

Seven written comments were submitted in advance of the September 6, 2022, hearing; of these, five were in opposition to the applications, one was neutral, and one was in support. Two members of the public testified in opposition to the applications at the public hearing. During the subsequent open record period, one written comment was submitted by a surrounding property owner and additional materials were submitted by Central Oregon LandWatch.

Comments in opposition to the applications expressed concerns regarding impacts to wildlife, increased housing density, preservation of agricultural properties, loss of neighborhood character, inconsistencies with local Code and state law, and efforts to put the subject property to farm use. The one neutral written comment inquired about adding additional land to the subject applications. The comment received in support of the applications addressed the minimal impacts to nearby agriculture, and poor soil quality of both the subject property and surrounding area.

III. HEARINGS OFFICER RECOMMENDATION

The Deschutes County Hearings Officer held a public hearing on September 6, 2022. Two people, not including the applicant's team, provided testimony during the public testimony portion of the hearing.

On November 7, 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 following link: <https://www.deschutes.org/cd/page/247-22-000353-pa-and-247-22-000354-zc-marken-comprehensive-plan-amendment-and-zone-change>

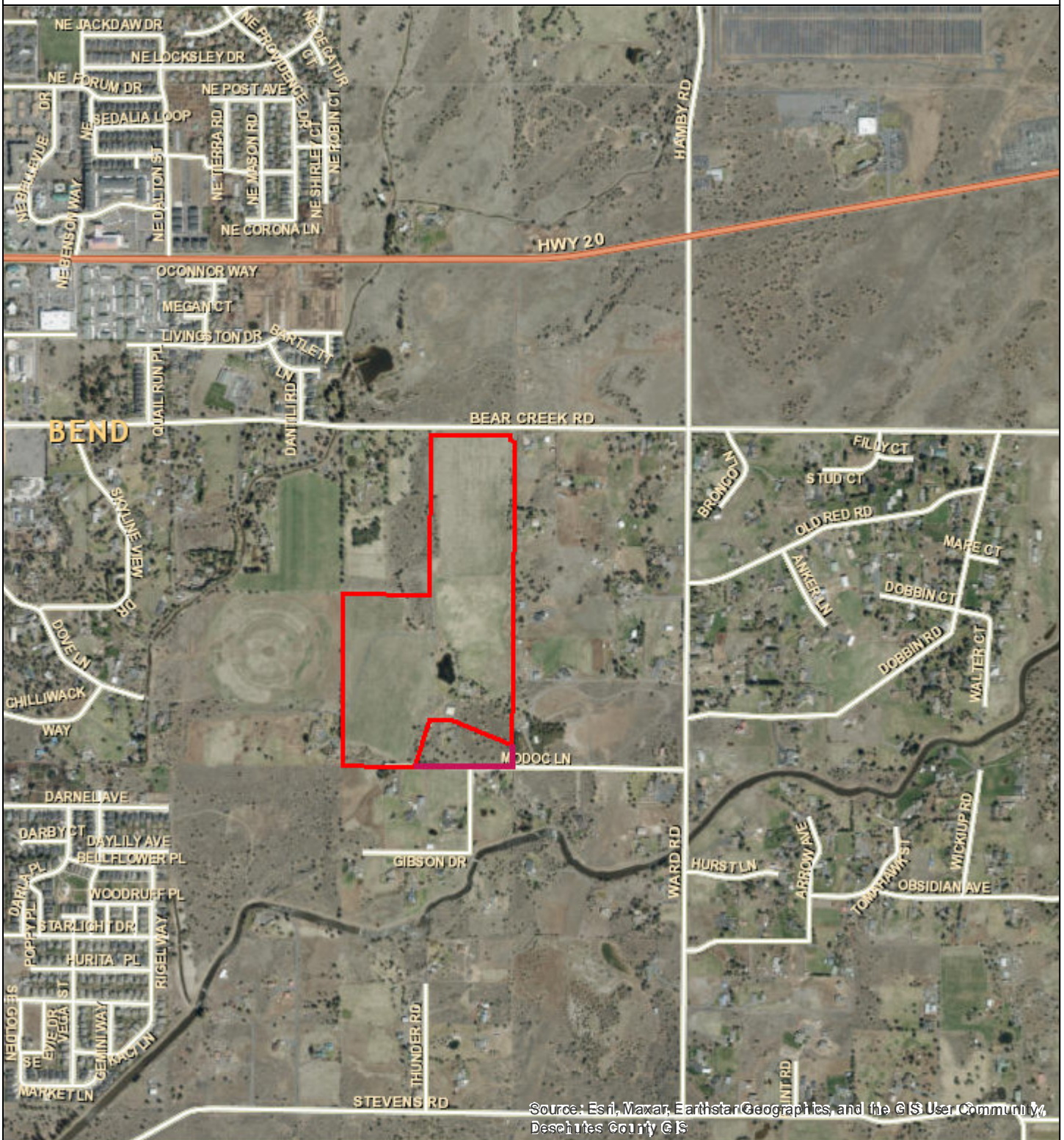
V. NEXT STEPS

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

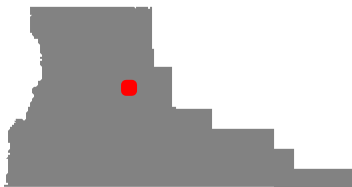
Enclosures: Area Map

247-22-000353-PA, 247-22-000354-ZC

Location Map



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community
Deschutes County GIS



Date: 5/9/2022

