

BOCC Decision Matrix

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Plan Amendment/ Zone Change Land Use File Nos. 247-22-000404-PA, 405-ZC					
Issue Area 1 and Approval Criteria	Hearings Officer's Recommendation	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
Can the Surface Mine Zone be changed prior to site being reclaimed under the amended Reclamation Plan? <u>Applicable Criteria</u> DCC 18.52.200(A)	The DOGAMI reclamation requirement in DCC 18.52.200(A) has been met. The full reclamation of the site is conditioned through the Amended Reclamation Plan and approval. The Plan Amendment and Zone Change can be approved. (Hearings Officer Recommendation pg. 5).	Central Oregon LandWatch asserts that pursuant to DCC 18.52.200(A), A surface mine site needs to be fully reclaimed prior to a zone change.	The applicant has demonstrated compliance with the requirements of DCC 18.52, previous land use approvals, and DOGAMI.	Staff agrees with the Hearings Officer's findings. The reclamation activities are met under DOGAMI requirements and conditions of approval under the Amended Reclamation Plan which can reasonably be met.	Yes: May be approved
					No: May be denied
Issue Area 2 and Approval Criteria	Hearings Officer's Recommendation	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
Is the property "Agricultural Land", being predominately Class I-VI soils? <u>Applicable Criteria</u> OAR 660-033-0020(1)(a)(A)	The Hearings Officer found the subject property is not Goal 3 "Agricultural Land" under the statewide planning goals. (Hearings Officer Recommendation pg. 31).	Central Oregon LandWatch asserts that the applicant's soil study is flawed as the property is in a "partial state of reclamation".	The site-specific soil study for the property was prepared by a certified soil classifier and correctly classified the soils, which are not predominately Class I-VI, and the property is not "Agricultural Land".	Staff agrees with the Hearings Officer's findings based upon the submitted soils study analysis and the classification of unproductive soil types on the property.	No: May be approved
					Yes: May be denied

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Issue Area 3 and Approval Criteria	Hearings Officer's Recommendation	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
Is the subject property suitable for Farm Use? <u>Applicable Criteria</u> Statewide Planning Goal 3. OAR 660-033-0020(1)(a)(B)	The subject property does not qualify as agricultural land. The Hearings Officer agrees with the Applicant's analysis, considerations, and application of relevant laws. (Hearings Officer Recommendation pg. 24-25).	Comments from Central Oregon LandWatch assert that the property can be used for livestock grazing and that the property has a history of farm use.	The Applicant asserts that the subject property does not qualify as agricultural land with respect to ORS 215.203, with emphasis on the definition of "Farm Use" and required element of profitability. The Applicant has addressed the "suitability factors" associated with OAR 660-033-0020(1)(a)(B).	Staff concurs with the Hearings Officer's Recommendation and analysis from the Applicant.	No: May be approved
					Yes: May be denied
Issue Area 4 and Approval Criteria	Hearings Officer's Recommendation	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
Are Tax Lots 200 and 300 a "Farm Unit" and require conformance with OAR 660-033-0020(1)(b)? <u>Applicable Criteria</u> Statewide Planning Goal 3. OAR 660-033-0020(1)(b)	The Hearings Officer agrees with the Applicant's analysis, considerations, and application of relevant laws specific to OAR 660-033-0020(1)(b). (Hearings Officer Recommendation pg. 30-31).	Central Oregon LandWatch asserts that the properties (Tax Lot 200 and 300) were farmed together and can be deemed to be a "farm unit". The standard of profitability is not a consideration. However, if farmed correctly the subject properties could generate a profit.	The subject property is not, and has not been, a part of a "farm unit".	Staff agrees with the Hearings Officer's finding on this issue area.	No: May be approved
					Yes: May be denied

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Issue Area 5 and Approval Criteria	Hearings Officer's Recommendation	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
<p>Is the subject property's EFU zoning necessary to permit farm practices on Tax Lot 300</p> <p><u>Applicable Criteria</u> OAR 660-033-0020(1)(a)(C)</p>	<p>The Hearings Officer agrees with the Applicant's analysis, considerations, and application of relevant laws specific to OAR 660-033-0020(1)(a)(C)</p> <p>(Hearings Officer Recommendation pg. 30).</p>	<p>Central Oregon LandWatch asserts that agricultural production on Tax Lot 300 will end if the rezoning of the subject property is approved. The current EFU zoning is therefore "necessary."</p>	<p>According to the application materials, there is no farm use on the subject property and has been in mining use, or post mining use (reclamation), since the early 1990's.</p>	<p>Staff agrees with the Hearings Officer's finding on this issue area. As stated in the Staff Report, staff also concurs with the Applicant's analysis and finds no feasible way that the subject property is <i>necessary</i> for the purposes of permitting farm practices on any nearby parcels.</p>	No: May be approved
					Yes: May be denied
Issue Area 6 and Approval Criteria	Hearings Officer's Recommendation	Opponent's Position	Applicant's Position	Staff Comment	Board Determination
<p>Can the subject property be rezoned to Rural Residential?</p> <p><u>Applicable Criteria</u> All applicable criteria are outlined in the Staff Report and Hearings Officer's Recommendation.</p>	<p>The Hearings Officer recommends approval of the applications.</p>	<p>Central Oregon LandWatch asserts that a park can be proposed on properties in the EFU Zone. Other comments argue that the zone change to Rural Residential (RR10) allows too much flexibility and risk of residential development.</p>	<p>The application materials state that the property owner intends to develop the property for a regional public park. The Burden of Proof demonstrates compliance with the applicable criteria.</p>	<p>The applicant has submitted a Burden of Proof demonstrating compliance with the applicable criteria. Staff believes the Hearing's Officer issued a well-reasoned recommendation.</p>	Yes: May be approved
					No: May be denied