



STAFF MEMORANDUM

Date: December 5, 2023

To: Board of County Commissioners

From: Jacob Ripper, Principal Planner

Re: Public Hearing following a Hearings Officer's Decision on a Plan Amendment and Zone Change at 64430 Hunnell Road (File Nos. 247-23-000210-PA & 247-23-000211-ZC).

The Board of County Commissioners (Board) is conducting a work session on December 13, 2023, in preparation for a public hearing on December 20 to consider a Plan Amendment and Zone Change. The applicant requests approval of a Comprehensive Plan Map Amendment to change the designation of the subject property from Agricultural (AG) to a Rural Residential Exception Area (RREA). The applicant also requests approval of a corresponding Zoning Map Amendment (Zone Change) to change the zoning of the subject property from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10). This will be the second of two required public hearings. The Hearings Officer's Decision recommending approval of the application is attached to this memo as Attachment 2. There was no appeal filed.

I. STANDARDS & APPLICABLE CRITERIA

Deschutes County Code, Title 18, County Zoning Ordinance
Chapter 18.04, Title, Purpose, and Definitions
Chapter 18.16, Exclusive Farm Use Zones
Chapter 18.32, Multiple Use Agricultural Zone
Chapter 18.136, Amendments

Deschutes County Code, Title 22, Procedures Ordinance

Deschutes County Comprehensive Plan
Chapter 2, Resource Management
Chapter 3, Rural Growth Management
Appendix C, Transportation System Plan

Oregon Administrative Rules (OAR), Chapter 660

Division 6, Forest Lands
Division 12, Transportation Planning
Division 15, Statewide Planning Goals and Guidelines
Division 33, Agricultural Land

Oregon Revised Statutes (ORS)
Chapter 215.211, Agricultural Land, Detailed Soils Assessment.

II. BACKGROUND

The applicant requests that Deschutes County change the zoning and the plan designation because the subject property does not qualify as “agricultural land” under Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR) definitions. The applicant proposes that no exception to Statewide Planning Goal 3, Agricultural Land, is required because the subject property is not agricultural land.

A soils assessment conducted by a qualified soils professional approved by the Department of Land Conservation and Development (DLCDD) can be used by property owners to determine the extent of agricultural land as defined in Oregon Administrative Rule (OAR) 660-033 Agricultural Land. Submitted as the applicant’s Exhibit 4, is a soil assessment titled, Site-Specific Soil Survey of Property Located at 64430 Hunnell Road [...], dated December 11, 2020, with field work completed by Soil Scientist Michael Sowers, CCA-WR, CPSS, and the report prepared by Soil Scientist Brian T. Rabe, CPSS, WWS, of Cascade Earth Sciences.

Staff notes the original proposal included a Tentative Plan (TP) application for a four-lot subdivision. Because that subdivision application would be dependent on the successful outcome of the subject plan amendment and zone change, the TP application has been placed “on hold” and decoupled from the current applications. Several documents and materials submitted by the applicant include information directed towards the approval of a subdivision but are not applicable to the plan amendment and zone change.

III. TIMELINE

This proposal is not subject to the statutory 150-day timeline that applies to other land use actions.

IV. HEARINGS OFFICER RECOMMENDATION

The Deschutes County Hearings Officer held a public hearing on November 14, 2023. Only the applicant’s attorney provided testimony.

On November 23, 2023, the Hearings Officer issued a recommendation of approval for the proposed Plan Amendment and Zone Change.

V. 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/247-23-000210-pa-247-23-000211-zc-hunnell-road-plan-amendment-and-zone-change>

VI. CONCLUSION

The Hearings Officer's decision for this application identifies all applicable zoning ordinances and evaluates compliance with the criteria and standards of those ordinances. The Hearings Officer found the proposal meets all the requirements and recommends approval.

Attachments:

1. Area Map
2. Hearings Officer's Recommendation