



MEMORANDUM

TO: Board of County Commissioners

FROM: Audrey Stuart, Associate Planner

DATE: August 12, 2025

SUBJECT: August 20th Public Hearing for BCL LLC Plan Amendment and Zone Change

The Board of County Commissioners ("Board") will conduct a public hearing on August 20, 2025, to consider a Comprehensive Plan Amendment and Zone Change (file nos. 247-24-0000097-PA, 98-ZC) affecting a total of 240 acres.

I. BACKGROUND

The applicant, BCL LLC, is requesting a Comprehensive Plan Amendment to re-designate the subject properties from Agriculture to Rural Residential Exception Area and a Zoning Map Amendment to rezone the properties from Exclusive Farm Use – Tumalo-Redmond-Bend subzone (EFU-TRB) to Multiple Use Agricultural – 10 Acre Minimum (MUA-10). The subject property consists of four tax lots, which are located to the north and south of Highway 20, approximately 0.26 miles east of the Bend Urban Growth Boundary. The subject property primarily consists of undeveloped land, however, one of the tax lots is developed with a dwelling and one tax lot is developed with a solar voltaic array (solar farm). Prior to the initial hearing, the applicant submitted a Modification of Application (land use file no. 247-25-000021-MA) to reduce the size of the area to be rezoned from 259 to 240.17 acres.

The applicant argues that the subject property does not meet the definition of "agricultural land" due to its poor soil quality, and there is no history of farm use on the subject property. For these reasons, the applicant states a mistake was made when the property was originally zoned and MUA-10 zoning is more appropriate.

The soils map available from Natural Resources Conservation Service (NRCS) indicates the soil on the subject property is a complex that includes various classes of soils, as rated by the Land Capability Classification. The applicant provided a memorandum from a certified soil scientist, who concluded that the subject property predominantly consists of Class 7 and Class 8 soils, which are not suitable for farm use. 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 members of the public submitted comments in opposition prior to the initial hearing. Comments cited concerns regarding increased traffic, impacts to wildlife, increased residential density, and the existing solar array on the subject property.

The written record was left open following the close of the initial hearing, and the applicant and Central Oregon LandWatch submitted additional written comments.

III. HEARINGS OFFICER RECOMMENDATION

The Deschutes County Hearings Officer held a public hearing on May 9, 2025. The written record was proposed to be left open for seven (7) days for new evidence and testimony, seven (7) days for rebuttal testimony, and seven (7) days for the applicant's final legal argument. However, a submittal from the applicant during the initial seven-day new evidence period was not uploaded in a timely manner. To ensure all parties had a sufficient chance to respond, staff recommended that the Hearings Officer extend the open record period. In response, the Hearings Officer issued an order extending the rebuttal period to a total of 14 days. Therefore, the open record period consisted of seven (7) days for new evidence and testimony, 14 days for rebuttal testimony, and seven (7) days for the applicant's final legal argument.

On July 9, 2025, the Hearings Officer issued a recommendation for approval of the proposed Plan Amendment and Zone Change evaluating compliance with all applicable review criteria.

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. Per DCC Section 22.20.040(D), the review of the proposed quasi-judicial Plan Amendment and Zone Change is not subject to the 150-day review period typically associated with land use decisions. The record is available for inspection at the following link: <https://www.deschutes.org/cd/page/247-24-000097-pa-247-24-000098-zc-bcl-llc-comprehensive-plan-amendment-and-zone-change>.

V. NEXT STEPS

At the conclusion of the public hearing, the Board can choose one of the following options:

- Continue the hearing to a date and time certain;
- Close the oral portion of the hearing and leave the written record open to a date and time certain;
- Close the hearing and commence deliberations; or
- Close the hearing and schedule deliberations for a date and time to be determined.

ATTACHMENT(S):

1. Area Map

2. Hearings Officer Recommendation