



MEMORANDUM

TO: Board of County Commissioners

FROM: Nathaniel Miller, AICP, Associate Planner

DATE: April 3, 2023

SUBJECT: Work Session for a Public Hearing - Plan Amendment and Zone Change (File nos. 247-22-000313-ZC, 314-PA).

The Board of County Commissioners (“Board”) will conduct a work session on April 3, 2023, in preparation for the Public Hearing on April 5, 2023, to consider a request for a Comprehensive Plan Amendment and Zone Change (File nos. 247-22-000313-ZC, 314-PA). The subject properties are located east of, and adjacent to, the City of Bend Urban Growth Boundary. Tax Lot 1200 and Tax Lot 1201 contain a combined area of approximately 93 acres. The properties are addressed as 62385 Hamby Road and 21480 Highway 20. A location map is included as **Attachment A**. Staff requests Board feedback regarding issue areas to be addressed in the hearing from the applicant or planning staff. 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.

I. BACKGROUND

The applicant and property owners, Te Amo Despacio LLC and CTH Investments LLC, requests approval of a Comprehensive Plan Map Amendment to change the designation of the subject property from Agricultural (AG) to Rural Residential Exception Area (RREA). The Applicant also requests approval of a corresponding Zoning Map Amendment to change the zoning of the subject property from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA10). The applicant asks 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. Further, the Applicant argues that no exception to Statewide Planning Goal 3, Agricultural Land, is required because the subject property is not agricultural land.

The applicant submitted a soil study, which was prepared by a certified soils scientist and soil classifier. The purpose of this soil study was to inventory and assess the soils on the subject property and to provide more detailed data on soil classifications and ratings than is contained in the NRCS soils maps. The soil study determined the subject property contains approximately 71 percent Land

Capability Class 7 and 8 nonirrigated soils, which was primarily observed as shallow Gosney soils, shallow Bakeoven soils, and rock outcroppings. According to the soil study, the subject property is comprised of soils that do not qualify as Agricultural Land¹.

II. PUBLIC COMMENTS

Three written comments were submitted in advance of the Hearing Officer hearing on November 15, 2022. One comment questioned the approvability of the application, one was in opposition, and the other was in support of the proposal. No members of the public testified in opposition to, or in support of, the applications during the hearing.

The comment questioning the approvability of the application stated concerns of the Burden of Proof successfully meeting the applicable criteria. The comment did not include specific code references and no further comment was received.

III. HEARINGS OFFICER RECOMMENDATION

The Deschutes County Hearings Officer held a public hearing on November 15, 2022. The applicant's legal representation provided testimony in the hearing.

On December 15, 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/247-22-000313-zc-247-22-000314-pa-te-amo-despacio-llc-cth-investments-llc-properties>

V. NEXT STEPS

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

- Attachment A:** Location Map
- Attachment B:** Surrounding Area Zoning Map
- Attachment C:** City of Bend Limits Map
- Attachment D:** Hearings Officer Recommendation

¹ The phrase 'agricultural soils' is defined in OAR 660-033-0020.