

February 15, 2022

Tia M. Lewis

T: 541-749-4048

C: 541-788-7363

tlewis@schwabe.com

VIA HAND DELIVERY

Board of County Commissioners
c/o Tarik Rawlings, Associate Planner
Deschutes County Community Development
117 NW Lafayette Avenue
Bend, OR 97701

RE: Central Oregon Irrigation District - Plan Amendment/Zone Change
Applicant's Final Argument
Our File No.: 136697-258120

Dear Board:

Pursuant to the post hearing briefing schedule you set at your public hearing in this matter on January 26, 2022, the Applicant submits the following final argument in support of its request for a Plan Amendment and Zone Change for a 36.65 acre property located adjacent to the east of the City of Bend.

The undisputed evidence in the record establishes that the subject property does not meet the definition of Agricultural Land and therefore is improperly zoned as Exclusive Farm Use. The Applicant submitted substantial unrefuted evidence to establish compliance with the approval criteria to change the zoning from the improper designation of EFU to a more appropriate rural zone, Multiple Use Agricultural. The Applicant prepared the required studies, including an on-site Order 1 soil survey approved by DLCD and transportation analysis reviewed and approved by the County transportation department, to demonstrate the zone change is both warranted and appropriate.

Neighbors opposing the zone change have raised issues associated with loss of open space, loss of wildlife habitat, increased development pressures and increased impacts to infrastructure, including sewer, water and transportation facilities. The evidence in the record shows, and the opponent's testimony confirms, the impacts they are experiencing from development surrounding their homes is from existing and approved development in the area. The Applicant's evidence addresses all of the issues raised by opponents as they relate to approval criteria for the zone change and establishes the proposal meets all applicable approval criteria.

The requested zone change is consistent with the County Comprehensive Plan, the County Zoning Code, the applicable statewide statutes and, most significantly, the Statewide Planning Goals. Specifically this proposal directly implicates the County's role to coordinate with and

Board of County Commissioners
February 15, 2022
Page 2

assist with growth management responsibilities on the urban/rural fringe as the City of Bend continues to grow and require UGB expansion and long range urban area planning. The failure to remove improper resource designations from properties along the urban/rural fringe boundary creates an unnecessary impediment to long range growth planning for the City.

For the reasons set forth in the Applicant's application materials, the Staff Report recommending approval, the Hearings Officer Decision recommending approval and the final arguments set forth herein, the Applicant requests the Board approve the application to change the plan designation and the zoning on the subject property from EFU to MUA.

Sincerely,



Tia M. Lewis

TML:cho

PDX\136697\258120\TML\32934740.1