



MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Tarik Rawlings, Associate Planner
Will Groves, Planning Manager

DATE: February 18, 2022

SUBJECT: Deliberations - Central Oregon Irrigation District (COID) Plan Amendment and Zone Change

The Board of County Commissioners (Board) held a public hearing on January 26, 2022 to consider a request for a Plan Amendment and Zone Change (file nos. 247-21-000400-PA, 401-ZC) for a 36.65-acre property to the east of the City of Bend. The Board is scheduled to deliberate on March 2, 2022 in consideration of the request.

I. BACKGROUND

The applicant, COID, is requesting a Comprehensive Plan Amendment to redesignate the subject property from Agriculture to Rural Residential Exception Area and a Zoning Map Amendment to rezone the property from Exclusive Farm Use (EFU) to Multiple Use Agricultural (MUA-10). The applicant's reasoning for the request is that the property was mistakenly identified as farmland, does not contain high-value soils or other characteristics of high value farmland, and therefore should be redesignated and rezoned for residential use. The applicant has provided a soil study that identifies non-high value soils on a majority (~64%) of the subject property. Additionally, the applicant has provided findings within the burden of proof that demonstrate compliance with state and local requirements and policies. A public hearing before a Hearings Officer was conducted on August 31, 2021 with the Hearings Officer's recommendation of approval issued on October 13, 2021. The Board held a public hearing on January 26, 2022 and initiated a 21-day open record period, which concluded February 16, 2022 at 4:00pm.

II. OPEN RECORD PERIOD

During the initial 7-day segment of the 21-day open record period, staff received four (4) public comments as new evidence and testimony. During the second 7-day segment of the open record period, no rebuttals of the new evidence and testimony were received. The applicant's final legal argument was received on February 15, 2022 at the conclusion of the open record period.

The new evidence and testimony received during the open record largely reiterated concerns that were raised during public testimony of the Board's public hearing on January 26, 2022. These concerns include, wildlife impacts, recreational access to the subject property for neighboring residents, growth management, future potential development of the subject property, traffic safety, and property values.

III. BOARD DELIBERATIONS

On March 2, 2022, the Board will deliberate on the proposed Plan Amendment and Zone Change requests. If the Board finds that additional deliberations are necessary, the Board may schedule a future date for continued deliberations. If the Board finds no additional deliberations are necessary, the Board may then vote on whether to uphold or overturn the Hearings Officer's recommendation of approval.

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 Planning Division and at the following link: [247-21-000400-PA, 401-ZC Central Oregon Irrigation District \(COID\) Plan Amendment and Zone Change | Deschutes County Oregon](#).

Board Decision Matrix

A more thorough review and discussion of the subject proposal's compliance with the applicable approval criteria and issues is provided in the associated Board Decision Matrix, prepared in conjunction with this deliberation memorandum.

IV. NEXT STEPS

If the Board determines that additional deliberations are necessary, staff will work with the Board to schedule a future meeting for continued deliberations. If the Board concludes their deliberations during the March 2, 2022 meeting, the Board may then vote on whether to uphold or overturn the Hearings Officer's recommendation of approval. If the Board renders a vote during the March 2, 2022 meeting, staff will coordinate with the Board to return for a future meeting during which a draft ordinance and relevant exhibits will be presented and a first reading of the ordinance initiated.

ATTACHMENTS:

1. Area Map
2. New Evidence and Testimony (Public Comments)
3. Applicant's Final Legal Argument
4. Board Decision Matrix