



## MEMORANDUM

**TO:** Deschutes County Board of Commissioners (Board)

**FROM:** Tarik Rawlings, Associate Planner

**DATE:** January 19, 2022

**SUBJECT:** Public Hearing - Central Oregon Irrigation District (COID) Plan Amendment and Zone Change

---

The Board of County Commissioners (Board) is conducting 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. This will be the second of two required public hearings.

### 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.

### II. PUBLIC COMMENT AND HEARINGS OFFICER RECOMMENDATION

Staff received twelve (12) public comment letters from neighboring property owners and residents located within the surrounding area of the subject property in connection with the initial Hearings Officer public hearing. A thirteenth (13<sup>th</sup>) written public comment was received on January 18, 2022 and is provided to the Board in the agenda packet for the subject public hearing. These comments expressed concern and opposition related to growth impacts, wildlife concerns, open space values, recreational access, ability to farm, traffic impacts along 27<sup>th</sup> Street, driveway access to the subject property, property addressing, property value impacts, impacts to irrigation water sources and availability, and the potential of marijuana production on the property.

The initial public hearing was held on August 31, 2021. On October 13, 2021, the Deschutes County Hearings Officer issued a decision evaluating compliance with all applicable review criteria and recommending approval of the proposed Plan Amendment and Zone Change.

### **III. 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 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](#). Moreover, the complete record will be available at the public hearing.

### **IV. 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.

### **ATTACHMENTS:**

1. Area Map
2. Public Comment(s)
3. Draft Ordinance 2022-001 and Exhibits
  - Exhibit A: Legal Description
  - Exhibit B: Proposed Plan Amendment Map
  - Exhibit C: Comprehensive Plan Section 23.01.010, Introduction
  - Exhibit D: Comprehensive Plan Section 5.12, Legislative History
  - Exhibit E: Hearings Officer Recommendation/Decision
4. Draft Ordinance 2022-002 and Exhibits
  - Exhibit A: Legal Description
  - Exhibit B: Proposed Zone Change Map
  - Exhibit C: Hearings Officer Recommendation/Decision