



MEMORANDUM

TO: Deschutes County Board of Commissioners (Board)

FROM: Kyle Collins, Associate Planner

DATE: January 18, 2022

SUBJECT: Dave Swisher Comprehensive Plan Amendment and Zone Change – Work Session

The Board of County Commissioners (Board) is conducting a work session on January 24, 2022 in preparation for a public hearing on February 2, 2022, to consider a request for a Comprehensive Plan Amendment and Zone Change (file nos. 247-21-000616-PA, 617-ZC) for two (2) 40-acre properties located on Abbey Road, approximately 1.3 miles east of the City of Bend.

I. BACKGROUND

The applicant, Dave Swisher, 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 (EFU) to Multiple Use Agricultural (MUA-10). The applicant's reasoning for the request is that the properties were mistakenly identified as farmland, do not contain high-value soils or other characteristics of high value farmland, and therefore should be re-designated and rezoned for residential use. The applicant has provided a supplementary soil study that identifies non-high value soils on a majority (~96%) of the subject properties. Additionally, the applicant has provided findings within the burden of proof that demonstrate compliance with state and local requirements and policies.

II. PUBLIC COMMENTS

Staff received two (2) public comments from neighboring property owners and residents located within the surrounding area of the subject properties. These comments expressed concern and opposition related to growth management impacts, wildlife concerns, open space values, traffic impacts along Abbey Road and Butler Market Road, property value impacts, and impacts to irrigation water sources and availability. Additionally, staff received two (2) public comments from Central Oregon LandWatch (COLW) and 1000 Friends of Oregon. These comments expressed concern and opposition regarding growth management impacts, loss of productive farmland and wildlife habitat, and the viability/accuracy of the supplementary soils report.

III. HEARINGS OFFICER RECOMMENDATION

The Deschutes County Hearings Officer held a public hearing on September 21, 2021. Two (2) individuals (Sue Conrad, a neighboring property owner, and Carol Macbeth, a representative of COLW) stated their opposition to the subject application and concerns regarding growth management, the perceived loss of productive farmland, the viability/accuracy of the supplementary soils report, wildlife habitat impacts, and traffic impacts along neighboring rights of way.

On November 24, 2021, 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 Planning Division and at the following link: <https://www.deschutes.org/cd/page/247-21-000616-pa617-zc-applicant-initiated-plan-amendment-and-zone-change>. Moreover, the complete record will be available at the public hearing.

V. NEXT STEPS

The Board will hold a public hearing on February 2, 2022. Additionally, staff notes that the Board is currently reviewing another Plan Amendment and Zone Change application (file nos. 247-21-000400-PA, 401-ZC). The Board's final decision on this matter may have some effect on the Ordinance exhibits attached to this memo. Staff will make any necessary corrections to these materials prior to the upcoming public hearing.

ATTACHMENTS:

1. Area Map
2. Draft Ordinance 2022-003 and Exhibits
 - Exhibit A: Proposed Comprehensive Plan Map
 - Exhibit B: Comprehensive Plan Section 23.01.010, Introduction
 - Exhibit C: Comprehensive Plan Section 5.12, Legislative History
 - Exhibit D: Hearings Officer Decision 247-21-000616-PA, 617-ZC
 - Exhibit E: Legal Description
3. Draft Ordinance 2022-004 and Exhibits
 - Exhibit A: Proposed Zoning Map
 - Exhibit B: Legal Description