



**STAFF MEMORANDUM**

**TO:** Board of County Commissioners ("BOCC")

**FROM:** Anthony Raguine, Principal Planner

**DATE:** July 24, 2024

**RE:** Public Hearing for a Comprehensive Plan Amendment and Zone Change Request (ref. File Nos. 247-23-000436-ZC, 247-23-000443-PA, 247-24-000651-MA)

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On July 24, 2024, the BOCC will conduct a public hearing to consider a Plan Amendment and Zone Change.

**I. PROPOSAL**

The applicant requests approval of a Comprehensive Plan Amendment to change the designation of the subject property from Agricultural (AG) to Multiple Use Agricultural (MUA10) and a corresponding Zone Change to rezone the subject properties from Exclusive Farm Use (EFU) to Rural Residential Exception Area (RREA). No exceptions to the Statewide Planning Goals are requested. The subject property is +/-65.1 acres in size and irregularly shaped (see attached location map).

**II. BACKGROUND**

The applicant requests 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. In this case, an Agricultural Soils Capability Assessment (Order 1 Soil Survey) was conducted by Brian T. Rabe, CPSS, WWS, for most of the subject property. The Soil Survey found that approximately 65.8 percent of the subject property does not meet the definition of agricultural soils. For this reason, the applicant proposes that no exception to Statewide Planning Goal 3, Agricultural Land, is necessary.

The BOCC public hearing will be the second of two (2) required hearings for this proposal. The first hearing was held on February 27, 2023, before a Deschutes County Hearings Officer and the Hearings Officer found the applicant demonstrated compliance with all applicable standards. For this reason, the Hearings Officer recommended the BOCC approve the applicant's request.

Staff notes the original proposal included a Conditional Use Permit (CUP) and Tentative Plan (TP) application for a 14-lot subdivision. Because that subdivision application would be dependent on

the successful outcome of the subject plan amendment and zone change, the CUP/TP applications have been placed “on hold” and decoupled from the current applications. Several documents and materials submitted by the applicant include information directed towards the approval of a subdivision but are not applicable to the plan amendment and zone change. Similarly, a number of comments from the public were submitted to the record and most of these comments were directed to the CUP/TP application.

Staff also notes the original plan amendment and zone change applications included two (2) properties. The applicant filed for a modification and property line adjustment to remove the Flood Plain portion from the property. For this reason, the current plan amendment and zone change application consists of one (1) property that is entirely zoned EFU.

### **III. TIMELINE**

This proposal is not subject to the statutory 150-day review timeline.

### **IV. BOARD CONSIDERATION**

As the subject properties include lands designated for agricultural use, Deschutes County Code 22.28.030(C) requires the applications to be heard *de novo* before the BOCC, regardless of the Hearings Officer’s recommendation.

At the hearing, the BOCC will be asked to consider the materials in the record, evidence and testimony presented by the applicant, and evidence and testimony from other interested parties.

### **V. RECORD**

The record is presented at the following Deschutes County Community Development Department website:

<https://www.deschutes.org/cd/page/247-22-000436-zc-247-22-000443-pa-destiny-court-properties-llc-comprehensive-plan-amendment>

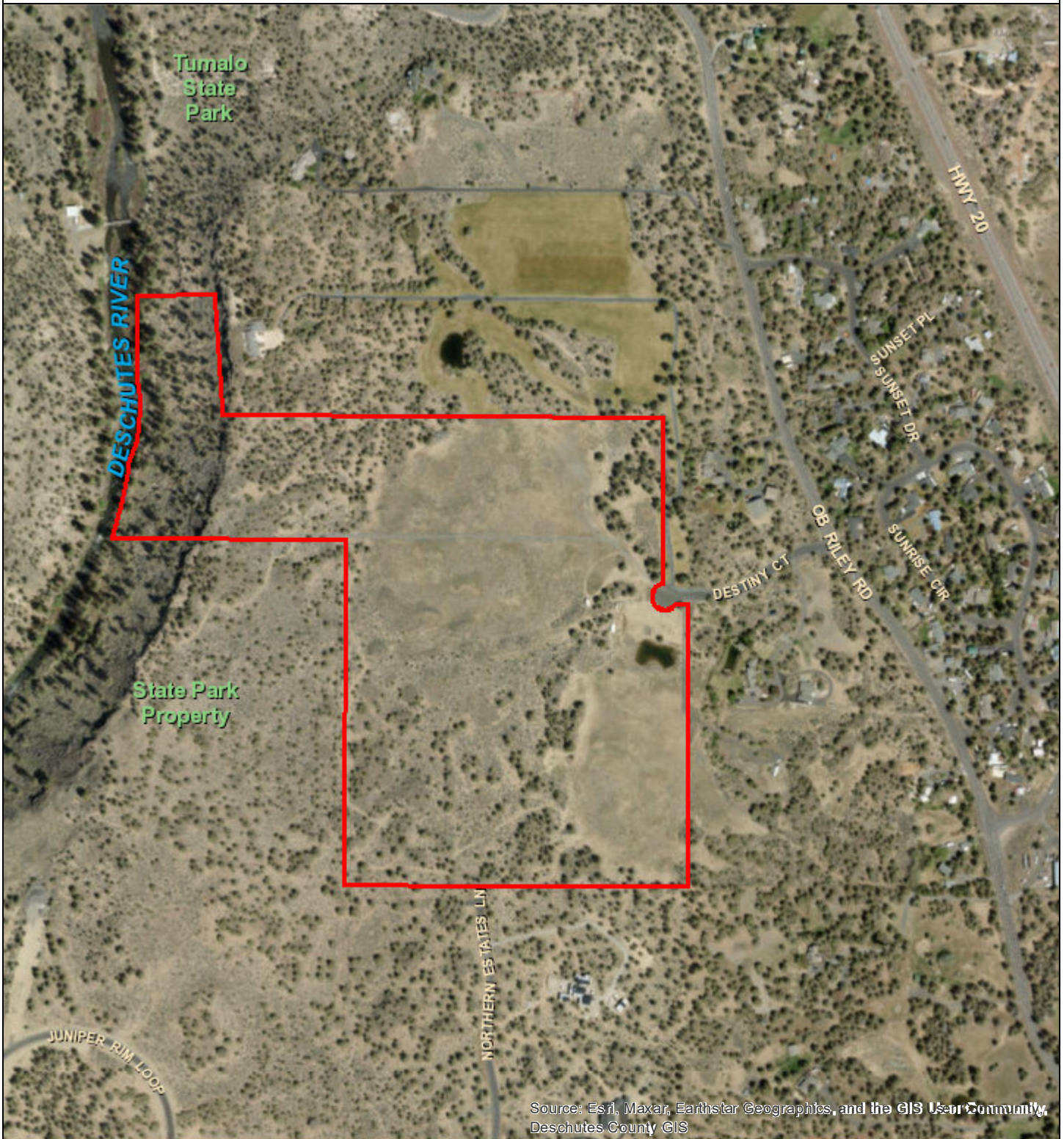
Scan the QR code below using a smartphone camera app and a direct link to the website listed above will load.



Attachment: Location Map

# Land Use File Nos. 247-23-000436-ZC & 443-PA, 24-000651-MA

19975 Destiny Court



Date: 6/7/2024

