



**MEMORANDUM**

**TO:** Deschutes County Board of Commissioners

**FROM:** Haleigh King, AICP, Associate Planner

**DATE:** August 10, 2022

**SUBJECT:** Eden Properties Comprehensive Plan Amendment and Zone Change – Public Hearing

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The Board of County Commissioners (“Board”) is conducting a public hearing on August 17, 2022, to consider a request for a Comprehensive Plan Amendment and Zone Change (file nos. 247-21-0001043-PA, 1044-ZC) for nine tax lots totaling approximately 710 acres to the west of Terrebonne and north of Highway 126. This will be the second of two required public hearings.

**I. BACKGROUND**

The applicant, 710 Properties, LLC/Eden Central Properties, LLC, 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 Rural Residential – 10 Acre Minimum (RR-10). The applicant argues 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 rural residential use. The applicant provided a supplementary soil study that identifies non-high value (Class VII and VIII) soils on a majority (~71%) of the subject properties. Additionally, the applicant’s burden of proof includes findings that demonstrate compliance with state and local requirements and policies.

**II. PUBLIC COMMENTS**

As of the date of this memo, Staff received 15 public comments in response to the Notice of Public Hearing for the August 17, 2022, Board hearing. Comments received include 13 in favor of the application and two in opposition. Comments received after the date of this memo will be included in their entirety in the application record.

Staff received over 100 public comments from neighbors, stakeholders, local interest groups and public agencies related to the April 19, 2022, Hearing’s Officer hearing and proceedings. Staff received comments both in favor of the application and those in opposition. Comments received in opposition expressed concern related to compatibility with nearby agricultural land and potential loss of agricultural land, availability of groundwater, traffic and emergency access impacts, and impacts to

wildlife. Staff received a joint agency comment from the Oregon Department of Land Conservation and Development, Oregon Department of Agriculture, and Oregon Fish and Wildlife (“Agencies”) related to a number of items but primarily focused on the criteria related to the definition of “agricultural land” and “farm use” and how it relates to the subject application. As noted in the joint agency letter, the Agencies are not supportive of the Comprehensive Plan amendment and zone change.

Comments received in support referencing the property’s lack of productive soils, potential expansion of rural housing inventory, and potential for vegetation management and wildfire protection as a basis for support.

### **III. HEARINGS OFFICER RECOMMENDATION**

The Deschutes County Hearings Officer held a public hearing on April 19, 2022. Approximately 14 people, not including the applicant’s team, provided testimony during the hearing.

On June 2, 2022, the Hearings Officer issued a recommendation of approval for the proposed Plan Amendment and Zone Change evaluating compliance with all applicable review criteria.

### **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. 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 website: <https://www.deschutes.org/cd/page/247-21-001043-pa-and-247-21-001044-zc-eden-central-properties-comprehensive-plan-amendment>. Moreover, the complete record will be available at the public hearing.

### **V. 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; or
- Close the hearing and schedule deliberations for a date and time to be determined.

### **ATTACHMENT(S):**

1. Area Map
2. Hearings Officer Recommendation