



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 26, 2008



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Bend Plan Amendment
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: March 12, 2008

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Brian Harrington, City of Bend

<paa>

FORM 2

DEPT OF

FEB 21 2008

LAND CONSERVATION
AND DEVELOPMENT

D L C D NOTICE OF ADOPTION

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: City of Bend Local File No.: 07-298
(If no number, use none)

Date of Adoption: February 6, 2008 Date Mailed: February 20, 2008
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: May 11, 2007

☐ Comprehensive Plan Text Amendment ☒ Comprehensive Plan Map Amendment
☐ Land Use Regulation Amendment ☐ Zoning Map Amendment
☐ New Land Use Regulation ☐ Other: _____

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

The initial Plan Amendment (adopted on October 3, 2007) expanded approximately 19.86 acres that is currently zoned Urban Area Reserve into the Urban Growth Boundary to be used for a new elementary school. The purpose of the Amendment is to add an additional 10 feet of street right of way into the Urban Growth Boundary along the north side of the primary access road to the school.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Same – Amended to include 10 additional feet of road right of way.

Plan Map Changed from : Outside UGB to within City of Bend UGB

Zone Map Changed from: _____ to _____

Location: 17-11-00 portion of TL 6201 Acres Involved: 19.86

Specify Density: Previous: Same New: _____

Applicable Statewide Planning Goals: 1, 11, 12, 14

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 001-08 (NOA)

Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: X No: _____ If no, do

FORM 2

DLCD NOTICE OF ADOPTION

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(See reverse side for submittal requirements)

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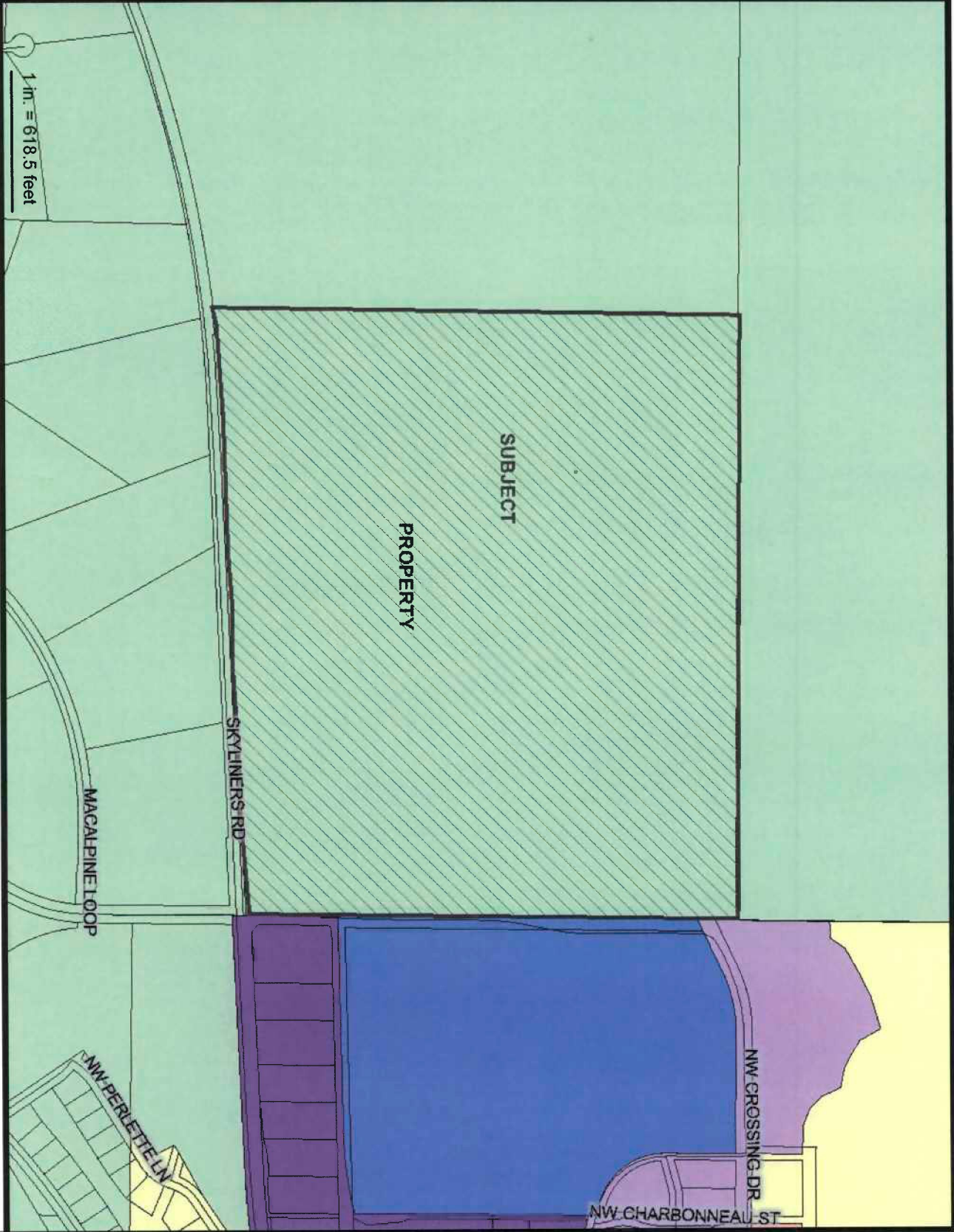
DLCD File No.: _____

Did the Department of Land Conservation and Development **receive** a notice of Proposed

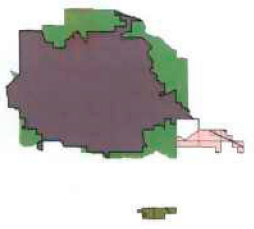
Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: X No: _____

DLCD# 001-08 (NOA)

- canals
- Streams
- Streets
- Taxlots
- Current Zoning
- CB
- CC
- CG
- CH
- CL
- CN
- IG
- IL
- IP
- ME
- MR
- PF
- PO
- PORMARS
- RH
- RL
- RM
- RS
- SM
- SR2-12
- UAR10
- Deschutes River
- bend city limits
- Urban Area Reserve (UAR)



Outside UGB to within City of Bend UGB



the Statewide Planning Goals apply.

Yes: ____ No: ____

If no, did The Emergency Circumstances Require immediate adoption. Yes: ☒ No: ____

Affected State or Federal Agencies, Local Governments or Special Districts: Deschutes County

Local Contact: Brian Harrington Area Code + Phone Number: 503-693-2118

Address: 710 NW Wall Street City: Bend

Zip Code+4: 97701 Email Address: bharrington@ci.bend.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. NS-2089

AN ORDINANCE AMENDING ORDINANCE NO NS-2074 TO INCLUDE 10 ADDITIONAL FEET OF RIGHT OF WAY INSIDE OF THE URBAN GROWTH BOUNDARY, DECLARING AN EMERGENCY AND PRESCRIBING AN EFFECTIVE DATE OF FEBRUARY 6, 2008

WHEREAS, The City Council adopted Ordinance NS -2074 on October 3, 2008 expanding the UGB to build an elementary school north of Skyliners Road; and

WHEREAS, subsequent to the City's adoption of Ordinance 2074, a partition plat was recorded which dedicated 10 additional feet of right of way along the north side of Skyliners Road between the existing city limits and the school site; and

WHEREAS, the annexation is necessary to construct a multi-use path on the north side of Skyliners Road within the additional 10 feet of right of way; and

WHEREAS, on December 31, 2007, Deschutes County adopted an ordinance amending the UGB that included the 10 additional feet of right-of-way; and

WHEREAS, the County and City ordinances must be consistent with each other;

WHEREAS, this is a minor change to Ordinance NS-2074 which affects only public right of way; now therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That Ordinance NS - 2074 be amended to add an additional 10 feet of right-of-way on the north side of Skyliners Road to the City of Bend UGB.

SECTION 2. The UGB as adopted in NS-2074 and the additional right of way are described in Exhibit A and depicted in Exhibit B.

SECTION 2. This ordinance being necessary for the preservation of public safety, health and welfare, an emergency is declared to exist and this ordinance takes effect on February 6, 2008.

Read for the first time the 16th day of January, 2007.

Read for the second time the 6th day of February, 2008.

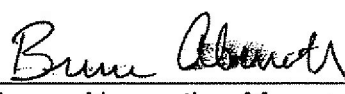
Placed into effect upon the 6th day of February, 2008.

YES: 7

NO: 0

ABSTAIN: 0

Authenticated by the Mayor the 6th day of February, 2008.


Bruce Abernethy, Mayor

Attest:


Patricia Stell, City Recorder

Exhibit A

Legal Description
for
Bend LaPine School District
Re: Urban Growth Boundary Annexation

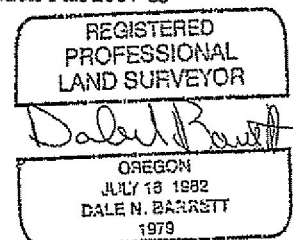
December 28, 2007

Situate in the southeast quarter of Section 35, Township 17 South, Range 11 East, W.M., Deschutes County, Oregon and being described as follows:

Beginning at the intersection of the south right-of-way line of Skyliner Road and the east line of said Section 35, said point being North 0°14'01" East, a distance of 425.06 feet from the southeast corner of said Section 35, a found 3" brass cap, 0.5' below the top of asphalt in a monument box, marked David Evans & Associates 1990 PLS 1068, reset 2003, PLS 1052; thence on the said south right-of-way line the following courses: South 86°58'40" West, a distance of 340.04 feet; thence North 0°15'57" East, a distance of 10.02 feet; thence South 86°58'40" West, a distance of 1,231.68 feet; thence leaving said south right-of-way line North 03°01'20" West a distance of 71.69 feet to the beginning of a tangent 368.03 foot radius curve right; thence on said curve through a central angle of 3°01'52" (long chord bears North 01°30'24" West, 19.47 feet) an arc distance of 19.47 feet to the end thereof; thence, North 0°00'32" East, a distance of 440.93 feet to the beginning of a tangent 545.00 foot radius curve right; thence on said curve through a central angle of 38°27'59" (long chord bears North 19°14'31" East, a distance of 359.06 feet) an arc distance of 365.89 feet to the end thereof; thence North 38°28'31" East a distance of 236.17 feet to the beginning of a non-tangent 860.00 foot radius left (the radius bears North 40°27'55" East); thence on said curve through a central angle of 40°28'27" (long chord bears South 69°45'31" East, a distance of 594.84 feet) an arc distance of 607.38 feet to the end thereof; thence South 89°59'28" East, a distance of 156.68 feet; thence South 0°00'32" West, a distance of 337.80 feet; thence North 89°59'28" West, a distance of 60.00 feet; thence South 0°00'32" West, a distance of 195.13 feet to the beginning of a tangent 11.00 foot radius curve right; thence on said curve through a central angle of 35°46'25" (long chord bears South 17°53'44" West, 6.76 feet) an arc distance of 6.87 feet to the end thereof and the beginning of a tangent 59.53 foot radius curve left; thence on said curve through a central angle of 80°19'06" (long chord bears South 4°36'16" East, 76.79 feet) an arc distance of 83.45 feet to the end thereof; thence South 0°00'32" West, a distance of 125.51 feet to a point on the north right-of-way line of Skyliner Road; thence North 86°58'40" East on said north right-of-way line, a distance of 650.86 feet to a point on the east line of said Section 35; thence South 0°14'01" West on said east section line, a distance of 70.11 feet to the point of beginning containing 19.86 acres, more or less.

Together with that 10 foot road dedication of Skyliners Road as dedicated on Partition Plat 2007-83 recorded as instrument 2007-65925 Deschutes County Records.

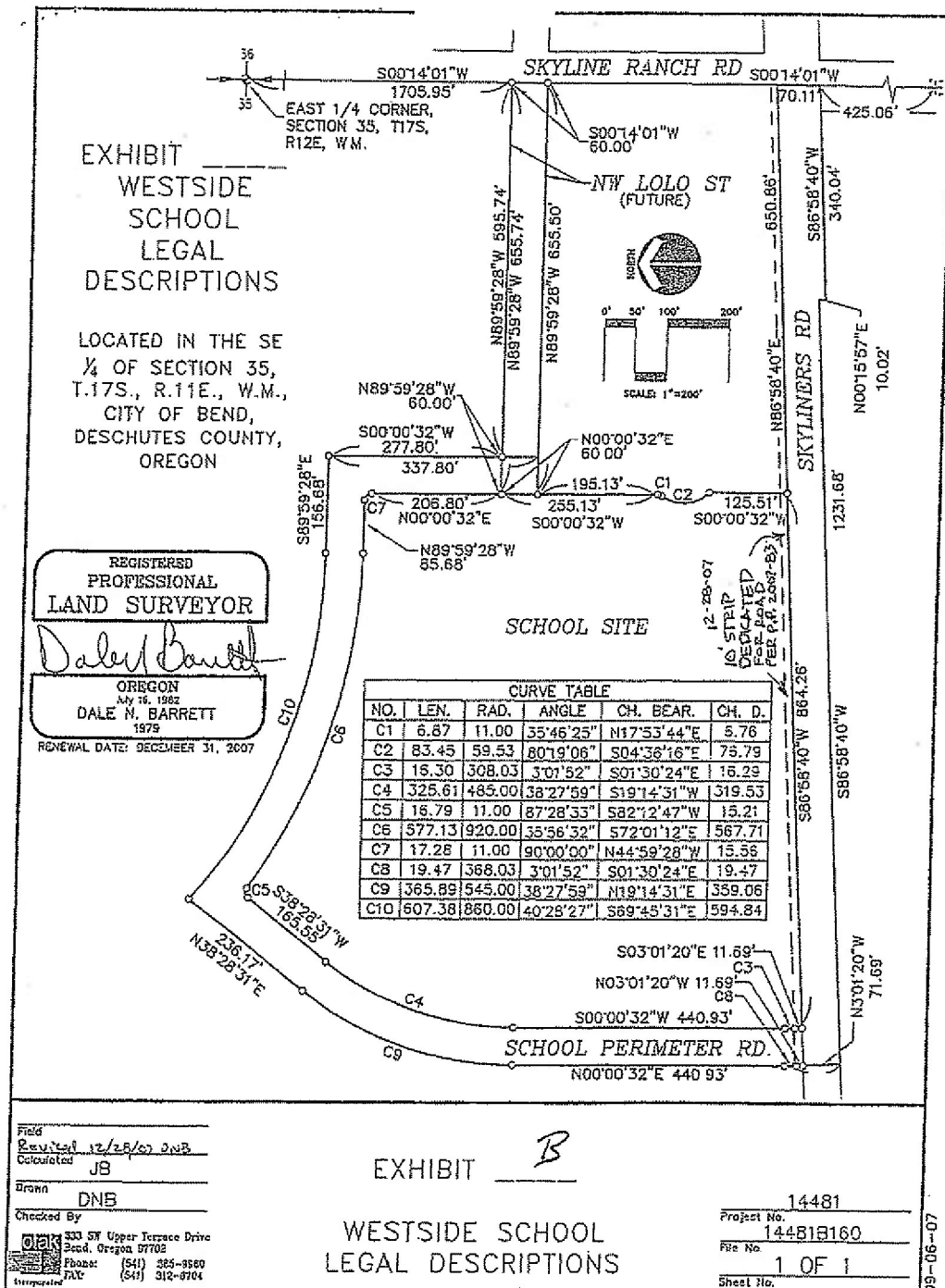
The basis of bearing of this description is the Central Oregon Coordinate System



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RENEWAL DATE: DEC. 31, 09

Exhibit B



ORDINANCE NO. NS-2090

AN ORDINANCE ANNEXING 19.86 ACRES OF LAND AND 10 ADDITIONAL FEET OF RIGHT OF WAY LOCATED NORTH OF SKYLINERS ROAD, EAST OF SKYLINE RANCH ROAD INTO THE CITY FOR THE PURPOSE OF BUILDING AN ELEMENTARY SCHOOL, DECLARING AN EMERGENCY AND PRESCRIBING AN EFFECTIVE DATE OF February 6, 2008

WHEREAS, ORS 222.125 provides for annexation of real property to cities when 100 percent of the property owners and a majority of electors registered in the territory proposed to be annexed consent to said annexation; and

WHEREAS, the City Council finds that 100 percent of property owners within the area to be annexed have filed a statement of consent to this annexation; and

WHEREAS, the City Council has determined that there are no registered electors within the territory; and

WHEREAS, the Council has elected to dispense with submitting the question of the proposed annexation of the below described territory to the electors of the City; and

WHEREAS, the Council held a public hearing on September 19, 2007 to enable the public to appear and be heard on the question of annexation;

WHEREAS, notice of the above hearing was published on September 9, 2007, in the Bulletin, a newspaper of general circulation in the City of Bend and notices of the hearing were sent to owners of property within 100 feet of the subject territory; and

WHEREAS, ten feet of additional right of way was added to Skyliners Road after the first reading; and

WHEREAS, it is in the public benefit to include the additional 10 feet of right of way in the annexation area to construct a multi-use path; and

WHEREAS, the below described territory is contiguous to the City limits of the City of Bend; and

WHEREAS, the subject property was brought into the City's Urban Growth Boundary pursuant to ordinances adopted by the City Council and by the Deschutes County Board of Commissioners; now therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the territory containing 19.86 acres of land and 10 additional feet of right of way, which is described in Exhibit A and depicted in Exhibit B, is hereby declared to be annexed to the City of Bend:

SECTION 2. This ordinance being necessary for the preservation of public safety, health and welfare, an emergency is declared to exist and this ordinance takes effect on February 6, 2008.

Read for the first time the 16th day of January, 2008.

Read for the second time the 6th day of February, 2008.

Placed into effect upon the 6th day of February, 2008.

YES: 7

NO: 0

ABSTAIN: 0

Authenticated by the Mayor the 6th day of February, 2008.

Bruce Abernethy
Bruce Abernethy, Mayor

Attest:

Patricia S. Stell
Patricia Stell, City Recorder

Exhibit A

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Re: Urban Growth Boundary Annexation

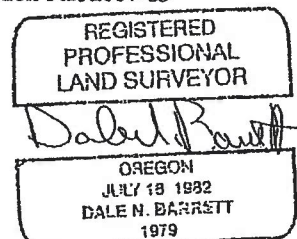
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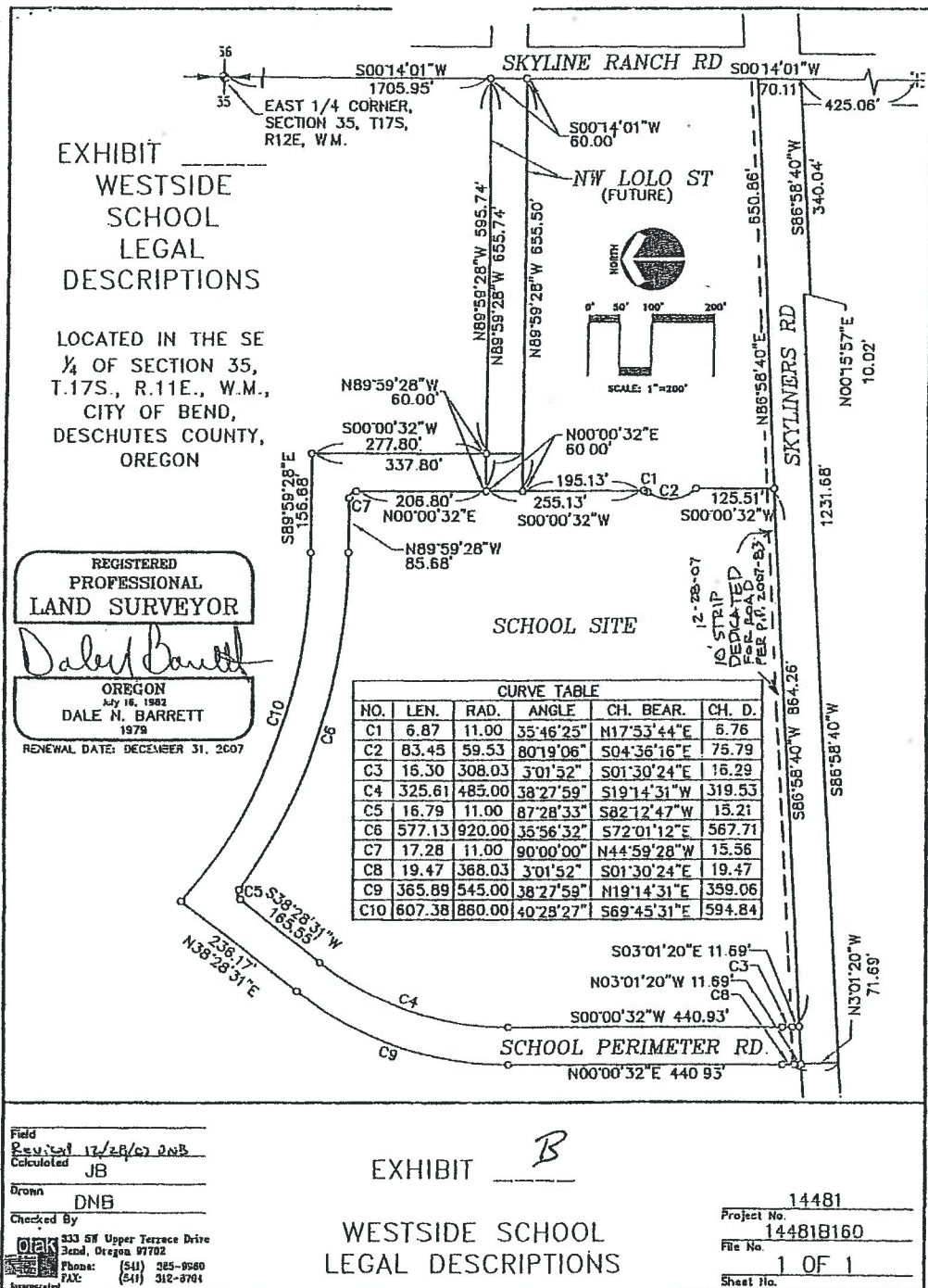
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RENEWAL DATE: DEC. 31, 09

Exhibit B





DEPT O

FEB 21 2008

LAND CONSERVATION
AND DEVELOPMENT

CITY OF BEND
COMMUNITY DEVELOPMENT DEPARTMENT
710 NW WALL STREET
BEND, OR 97701

TO:

DLCD
Attn: Plan Amendment Specialist
Department of Land Conservation & Dev
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540