



# 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](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

07/07/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Bend Plan Amendment  
DLCD File Number 001-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, July 20, 2011

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Heidi Kennedy, City of Bend  
Gloria Gardiner, DLCD Urban Planning Specialist  
Karen Swirsky, DLCD Regional Representative

Gary Fish, DLCD Regional Representative

<paa> YA



FORM

2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days** after the **Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

|                     |                                                                                                        |
|---------------------|--------------------------------------------------------------------------------------------------------|
| DATE<br>STAMP       | <input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed |
|                     | <b>DEPT OF</b>                                                                                         |
|                     | <b>JUN 30 2011</b>                                                                                     |
|                     | <b>LAND CONSERVATION<br/>AND DEVELOPMENT</b>                                                           |
| For Office Use Only |                                                                                                        |

Jurisdiction: **City of Bend**Local file number: **PZ-11-87**Date of Adoption: **6/15/2011**Date Mailed: **6/29/2011**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 4/15/2011☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☒ Other: **UGB Amendment**

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

The applicant requests an amendment to the Bend Urban Area General Plan in order to expand the Urban Growth Boundary to include a 26 acre site for the purpose of constructing the US Forest Service administrative campus.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Outside UGB**to: **Inside UGB**Zone Map Changed from: **Outside UGB**to: **Inside UGB**Location: **63095 Deschutes Market Road; Tax Map 17-12-23-1800**Acres Involved: **26**Specify Density: Previous: **NA**New: **NA**

Applicable statewide planning goals:

|                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                                     |                          |                                     |                          |                          |                          |                          |                          |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                 | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                           | <b>12</b>                           | <b>13</b>                | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☐ Yes ☒ No

If no, do the statewide planning goals apply?

☒ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☒ Yes ☐ No

DLCD File No. 001-11 (18792) [16695]

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Bend Metro Parks and Recreation, Central Oregon Irrigation District, Deschutes County Watermaster, Swalley Irrigation, Bureau of Reclamation, Oregon Department of Transportation and Avion Water.

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Local Contact: **Heidi Kennedy, Senior Planner**

Phone: **(541) 617-4524** Extension:

Address: **710 NW Wall Street**

Fax Number: **541-388-5519**

City: **Bend**

Zip: **97701-**

E-mail Address: **hkennedy@ci.bend.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

## ORDINANCE NO. NS-2165

AN ORDINANCE AMENDING THE BEND AREA GENERAL PLAN MAP BY EXPANDING THE URBAN GROWTH BOUNDARY TO INCLUDE APPROXIMATELY 26 ACRES OF LAND AND ADJACENT RIGHT OF WAY LOCATED WEST OF DESCHUTES MARKET ROAD, NORTH OF THE NORTH UNIT IRRIGATION CANAL.

### Findings:

- A. The US Forest Service initiated the application on March, 31 2011. Timely and sufficient notice pursuant to Section 4.1.515 of the Bend Development Code was provided.
- B. The City of Bend Hearings Officer held a public hearing on May, 5, 2011. On May 18, 2011, the Hearings Officer issued a recommendation that the City Council approve the UGB amendment.
- C. The Hearings Officer's recommendation found that the UGB amendment meets the criteria for approval for a General Plan amendment found in Bend Development Code section 4.6.300.
- D. The City Council held a public hearing to consider the Hearings Officer's findings and record, and found that the proposal is consistent with the criteria of approval.
- E. These general findings are further supported by specific findings of fact contained in the Hearings Officer's recommendation (Exhibit C of this ordinance) which are incorporated into these findings.

BASED ON THESE FINDINGS, CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend Urban General Plan Map is amended to include the property shown in "Exhibit A" and described in "Exhibit B" in the Urban Growth Boundary.

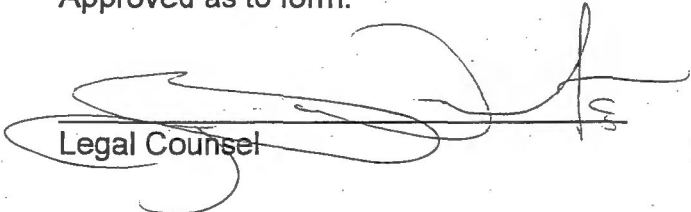
Read for the first time the 1st day of June, 2011.

Read for the second time the 15th day of June, 2011.

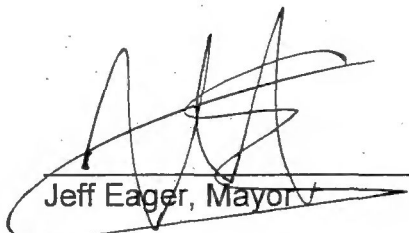
YES: 7 NO: 0 ABSTAIN: 0

Authenticated by the Mayor the 15th day of June, 2011.

Approved as to form:



Legal Counsel

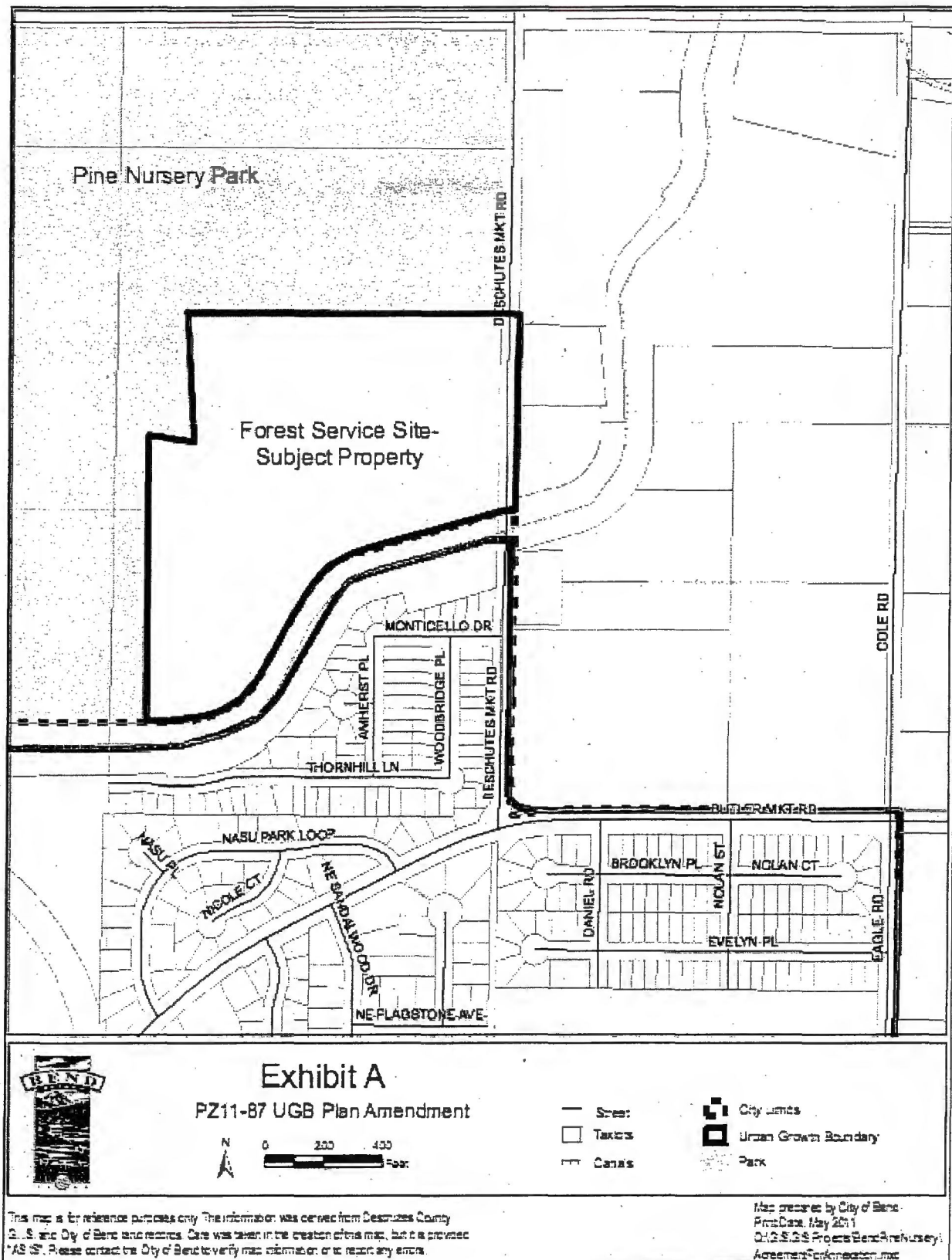


Jeff Eager, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder



## Exhibit B

### Description of Subject Property

#### Parcel 1-Deschutes Market Road

A strip of land, 60.00 feet wide, in the west one-half of Section 23, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, said strip being more particularly described as follows:

- That portion of Deschutes Market Road as shown in CS15641, Deschutes County Survey Records, lying between the northerly line of Butler Market Road and the easterly extension of the most northerly south line of Parcel 1 of Partition Plat No. 2007-74, recorded as Document No. 2007-61328, Deschutes County Official Records.

Contains 2.31 acres, more or less.

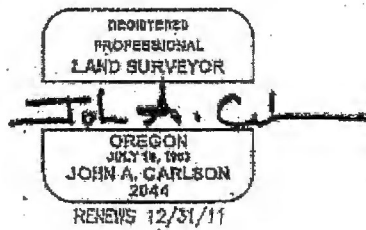
#### Parcel 2-U.S. Forest Service Property

A tract of land in the west one-half of the northwest one-quarter of Section 23, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, said tract being more particularly described as follows:

Beginning at the intersection of the westerly line of Deschutes Market Road as shown in CS15641, Deschutes County Survey Records, with the most northerly south line of Parcel 1 of Partition Plat No. 2007-74, recorded as Document No. 2007-61328, Deschutes County Official Records; thence tracing the boundary of said Parcel 1 along the following courses: S.89°59'26"W., a distance of 1072.10 feet; thence S.03°32'10"E., a distance of 433.81 feet; thence N.61°03'45"W., a distance of 153.10 feet; thence S.00°13'18"E., a distance of 955.81 feet to the northerly right of way of the North Unit Main Canal; thence leaving the boundary of said Parcel 1 and tracing the northerly right of way of said North Unit Main Canal along the following courses: N.88°32'17"E., a distance of 70.98 feet; thence N.01°13'51"W., a distance of 5.00 feet; thence N.88°40'02"E., a distance of 60.21 feet to the point of curve left of a 297.00 foot radius curve; thence along the arc of said curve left through a central angle of 35°52'08", a distance of 185.63 feet (chord bears N.70°44'20"E., a distance of 182.91 feet); thence S.37°11'45"E., a distance of 5.00 feet to the point of curve left of a 302.00 foot radius non-tangent curve; thence along the arc of said curve left through a central angle of 22°51'05", a distance of 120.45 feet (chord bears N.41°22'42"E., a distance of 119.85 feet); thence N.29°57'09"E., a distance of 337.60 feet to the point of curve right of a 271.00 foot radius curve; thence along the arc of said curve right through a central angle of 43°55'06", a distance of 207.73 feet (chord bears N.52°04'46"E., a distance of 202.68 feet); thence N.74°02'18"E., a distance of 495.04 feet to the westerly line of said Deschutes Market Road as shown in CS15641, Deschutes County Survey Records;

thence leaving said northerly right of way, N.00°13'54"E. along said westerly line, a distance of 657.53 feet to the Point of Beginning.

Contains 25.67 acres, more or less.



## ORDINANCE NO. NS-2166

AN ORDINANCE ANNEXING APPROXIMATELY 26 ACRES OF LAND AND ADJACENT DESCHUTES MARKET ROAD RIGHT OF WAY AT THE SOUTHEAST CORNER OF THE BEND PINE NURSERY SITE INTO THE CITY FOR THE PURPOSE OF URBANIZING THE US FOREST SERVICE'S ADMINISTRATIVE BUILDING

### Findings:

- A. 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.
- B. The US Forest Service owns 100% of the territory and have consented to this annexation.
- C. There are no registered electors within the territory.
- D. The Council has elected to dispense with submitting the question of the proposed annexation of the territory to the electors of the City.
- E. The Council held a public hearing on June 1, 2011 to allow the public to be heard on the question of annexation.
- F. Notice of the hearing was sent to owners of property within 250 feet of the subject property
- G. The City of Bend Annexation Policy recognizes that annexation of areas must be contiguous to the City and must contribute to the logical growth pattern of the City.
- H. The property is contiguous to the City limits of the City of Bend.
- I. The City of Bend Annexation Policy states that the City is able to provide adjacent areas with water supply facilities, with zoning, police, and fire protection, and with all the other municipal services, where such areas can be reasonably and economically provided with City services.
- J. The subject territory is adjacent to the city limits and the annexation agreement guarantees it will be provided with a full range of municipal services.
- K. Prior to the annexation's effective date the subject property will be brought into the City's Urban Growth Boundary pursuant to ordinances adopted by both the City Council and by the Deschutes County Board of Commissioners.

Based on these findings, the City of Bend ordains as follows:

SECTION 1. That the territory containing approximately 26 acres including the Deschutes Market Road right of way fronting the site, which is depicted in Exhibit A and described in Exhibit B, is hereby annexed to the City of Bend.

SECTION 2. This ordinance will become effective upon Certification of Occupancy of the Administrative Building by Deschutes County.

Read for the first time the 1<sup>st</sup> day of June, 2011.

Read for the second time the 15<sup>th</sup> day of June, 2011.

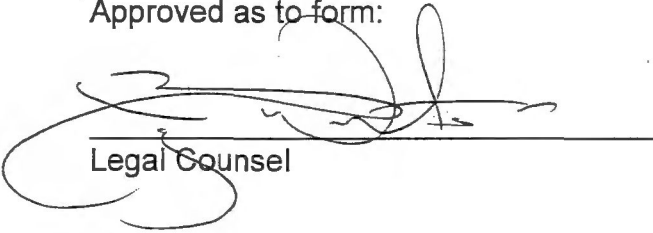
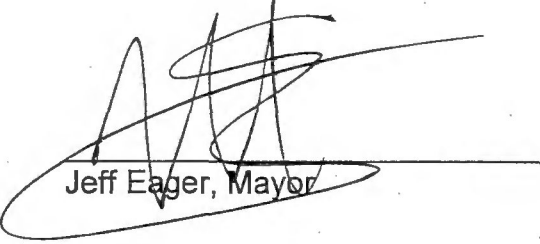
YES: 7

NO: 0

ABSTAIN: 0

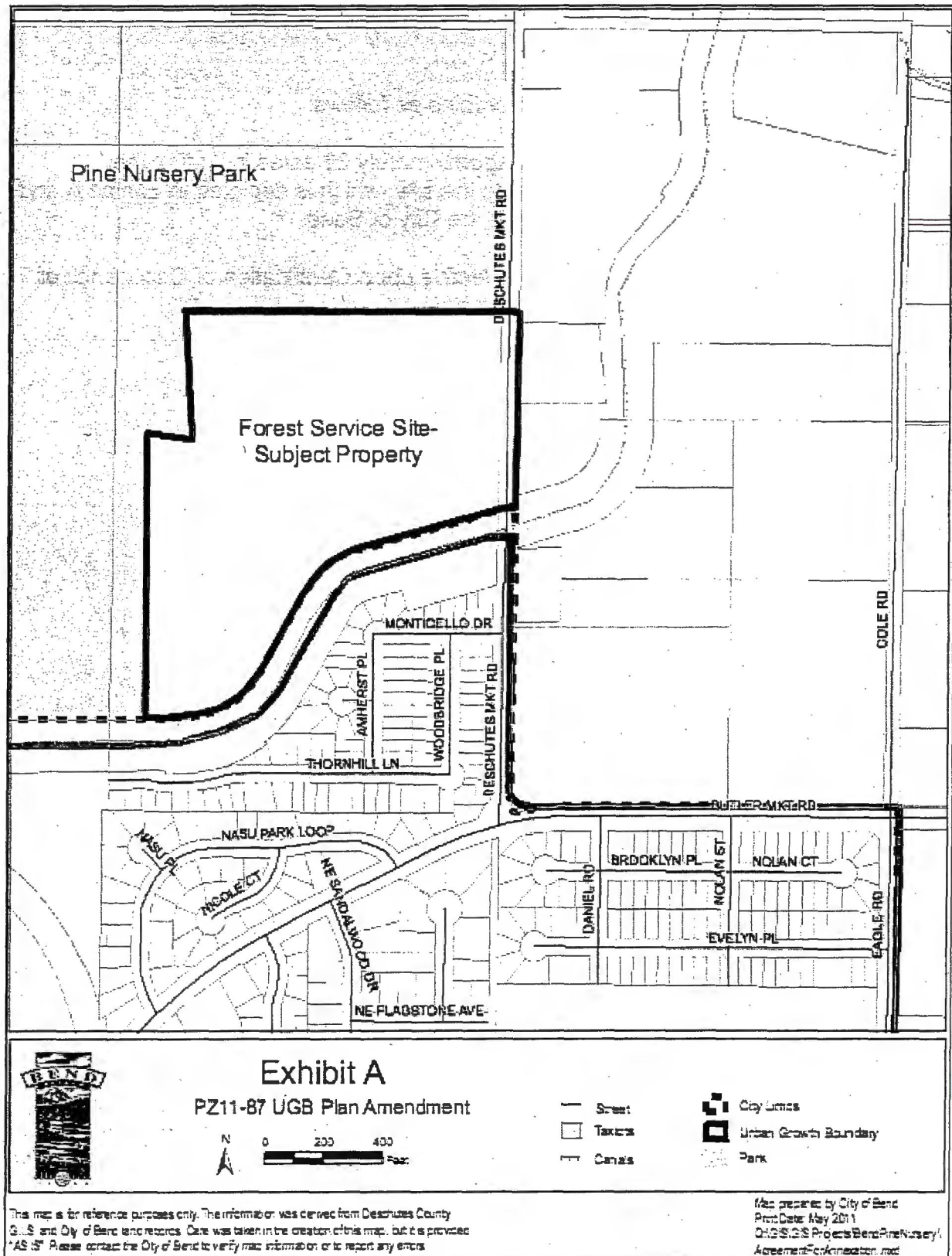
Authenticated by the Mayor the 15th day of June, 2011

Approved as to form:

  
\_\_\_\_\_  
Legal Counsel  
\_\_\_\_\_  
Jeff Eager, Mayor

Attest:

  
\_\_\_\_\_  
Patricia Stell, City Recorder



## Exhibit B

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Contains 2.31 acres, more or less.

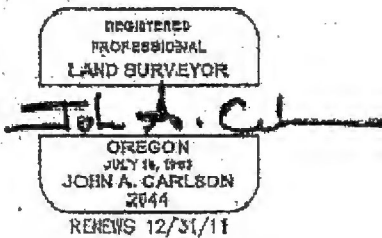
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**CITY OF BEND**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
710 NW WALL STREET  
BEND, OR 97701

TO:

DLCD  
PLAN AMENDMENT SPECIALIST  
635 CAPITOL ST NE, STE 150  
SALEM OR 97301

**DEPT OF**

**JUN 30 2011**

**LAND CONSERVATION  
AND DEVELOPMENT**