



# Oregon

Theodore R. Kubangoski, 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

03/03/2009

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Deschutes County Plan Amendment  
DLCD File Number 010-08

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. This amendment was submitted without a signed ordinance.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, March 18, 2009

This amendment was submitted to DLCD for review prior to adoption. 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.

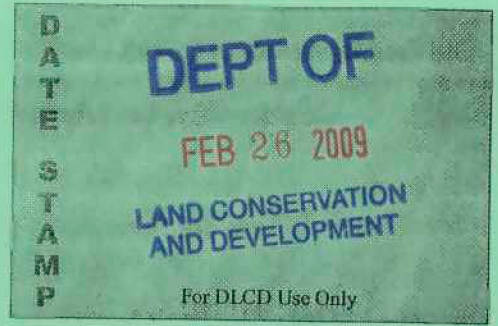
**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Will Groves, Deschutes County  
Doug White, DLCD Community Services Specialist  
Mark Radabaugh, DLCD Regional Representative

<paa> YA

**2** 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



Jurisdiction: DESCHUTES COUNTY Local file number: PA-08-2

Date of Adoption: 2/23/9 Date Mailed: 2-25-09

Date original Notice of Proposed Amendment was mailed to DLCD: \_\_\_\_\_

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

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

ZONE CHANGE AND PLAN AMENDMENT FOR 4 ACRE UGB EXPANSION FOR CITY OF SESTER'S FIRE TRAINING FACILITY

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

Plan Map Changed from: FOREST to: URBAN AREA RESERVE

Zone Map Changed from: F1 to: UAR-10

Location: 15-10-9 1462 Acres Involved: 4

Specify Density: Previous: 1/80 New: 1/10

Applicable Statewide Planning Goals: \_\_\_\_\_

Was and Exception Adopted?  YES  NO

DLCD File No.: 010-08(16991)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (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

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

Local Contact: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Extension: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Zip Code + 4: \_\_\_\_\_ - \_\_\_\_\_ Email Address: \_\_\_\_\_

## 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 [maru.ulloa@state.or.us](mailto:maru.ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

REVIEWED

LEGAL COUNSEL

For Recording Stamp Only

**DECISION OF DESCHUTES COUNTY BOARD OF COUNTY COMMISSIONERS**

**FILE NUMBERS:** PA-08-2/ZC-08-2

**APPLICANT/  
PROPERTY OWNER:** City of Sisters  
520 East Cascade Street  
Sisters, Oregon 97759

**REQUEST:** The applicant requests approval to change the plan designation of the subject property from Forest to Urban Reserve, to amend the Sisters UGB to include the property, and to change the zoning of the property from F-1 to UAR-10. The purpose of this request is to facilitate the establishment of a four-acre fire training facility for the Sisters/Camp Sherman Fire District.

**STAFF REVIEWER:** Will Groves, Senior Planner

**HEARING DATE:** January 26, 2008

**I. APPLICABLE STANDARDS AND CRITERIA:**

**A. Title 18 of the Deschutes County Code, the Deschutes County Zoning Ordinance**

1. Chapter 18.04, Title, Purpose and Definitions  
\* Section 18.04.030, Definitions
2. Chapter 18.08, Basic Provisions  
\* Section 18.08.010, Compliance
3. Chapter 18.12, Establishment of Zones  
\* Section 18.12.020, Location of Zones  
\* Section 18.12.040, Zone Boundaries
4. Chapter 18.36, Forest Use – F-1 Zone  
\* Section 18.36.020, Uses Permitted Outright  
\* Section 18.36.030, Conditional Uses Permitted
5. Chapter 18.136, Amendments  
\* Section 18.136.030, Resolution of Intent to Rezone

**B. Title 21 of the Deschutes County Code, the City of Sisters Urban Area Zoning Ordinance**

1. Chapter 21.72, Amendments  
\* Section 21.72.010, Amendments

\* Section 21.72.020, Standards for Zone Change

- C. Title 22 of the Deschutes County Code, the Development Procedures Ordinance
  - 1. Chapter 22.28, Land Use Action Decisions
    - \* Section 22.28.030, Decision on Plan Amendments and Zone Changes
- D. PL-16, the City of Sisters Urban Area Comprehensive Plan
- E. Oregon Revised Statutes (ORS) 197.298, Priority of Land To Be Included Within Urban Growth Boundary
- F. Oregon Administrative Rules, Chapter 660
  - 1. Division 12, Transportation Planning Rule
    - \* OAR 660-12-060, Plan and Land Use Regulation Amendments
  - 2. Division 15, Statewide Planning Goals and Guidelines
  - 3. Division 24, Urban Growth Boundaries

II. **FINDINGS OF FACT:**

The Board of County Commissioners ("Board") adopts and incorporates herein by reference the findings of fact proposed by the Hearings Officer in the December 4, 2008, decision, as revised and supplemented herein.

- A. **Procedural History:** On December 4, 2008, the Hearings Officer issued a decision approving the subject application. Section 22.28.030(C) requires: "[Z]one changes . . . concerning lands designated for forest . . . use shall be heard de novo before the Board of County Commissioners without the necessity of filing an appeal, regardless of the determination of the Hearings Officer[.]" Pursuant to that section, the Board held a de novo public hearing on the subject application on January 26, 2009.

The entire record of the proceeding to date was placed before the Board at the public hearing, and the Board closed the record at the conclusion of the hearing. At the hearing, the Board deliberated and voted to approve the subject application and to adopt the Hearings Officer's findings and conclusions, as revised and supplemented herein.

- B. **Public Notice and Comments:** The Planning Division mailed individual written notice of the public hearing before the Board to the owners of record of all property located within 750 feet of the subject property. In addition, notice of the public hearing was published in the "Bend Bulletin" newspaper. No public response was received. Eric Porter, City of Sisters Community Development Director and the Sisters-Camp Sherman Fire Chief spoke in favor of the application at the January 26, 2009 Board hearing.

III. **CONCLUSIONS OF LAW:**

- A. **Adoption of Hearings Officer's Conclusions of Law**

**FINDINGS:** The Board adopts and incorporates herein by reference the conclusions of law adopted by the Hearings Officer in the December 4, 2008, decision, as revised and supplemented herein.

**1. Chapter 21.40, Amendments**

**FINDINGS:** The Hearings Officer made findings regarding the county code provisions for zone changes in the Sisters Urban Area. Although the Hearings Officer cite to Deschutes County Code Chapter 21.72, she intended to cite to Chapter 21.40 and, thus, amends all references to DCC 21.72 to 21.40.

**2. Hearings Officer's Condition of Approval No. 2.**

**FINDINGS:** The Hearings Officer approved the application subject to the city submitting to the Planning Division a metes and bounds description of the subject site. Prior to the hearing before the Board, the city submitted the required legal description. Therefore, that condition is fulfilled.

**IV. DECISION:**

The Board adopts as its own the conclusionary findings the Hearings Officer's conclusionary findings dated December 4, 2008 for PA-08-2 and ZC-08-2, incorporated by reference herein, as modified herein, and approves the plan amendment and zone change subject to the following conditions:

1. The adoption by the Deschutes County Board of County Commissioners of a resolution of intent to rezone the subject site from F-1 to UAR-10. The resolution would make rezoning the subject site contingent on the city submitting to the county documentation of annexation of the subject site, and the city's execution of an intergovernmental agreement with the county whereby the city agrees to rezone the site to PF following annexation and to limit uses permitted on the site to the fire training facility.
2. That the annexation parcel be as described in Exhibit A and as depicted on the map set forth in Exhibit B.

Dated this \_\_\_\_\_ of \_\_\_\_\_, 2009

BOARD OF COUNTY COMMISSIONERS  
OF DESCHUTES COUNTY, OREGON

\_\_\_\_\_  
TAMMY BANEY, Chair

\_\_\_\_\_  
DENNIS R. LUKE, Vice Chair

ATTEST:

\_\_\_\_\_  
Recording Secretary

\_\_\_\_\_  
ALAN UNGER, Commissioner



## Community Development Department

117 NW Lafayette Avenue • Bend, Oregon 97701-1925



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0004261732 FEB 25 2009  
MAILED FROM ZIP CODE 97701



Plan Amendment Specialist  
Dept. of Land Conserv. & Development  
635 Capitol St., N.E., Suite 150  
Salem, OR 97301-2540



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