



January 28, 2010

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DEPARTMENT OF LAND CONSERVATION
AND DEVELOPMENT
ATTN: RICHARD WHITMAN, DIRECTOR
635 CAPITOL ST., NE, SUITE 150
SALEM, OR 97301-2540

Re: DLCD Order No.: 001775
Report on Bend and Deschutes County's Amendment to Bend Urban
Growth Boundary Dated January 8, 2010

Dear Mr. Whitman:

This office represents the Bend Metropolitan Parks and Recreation District (the "District"). The District is hereby appealing to the Land Conservation and Development Commission the Director's Decision on Bend's Urban Growth Boundary Amendment (Order No. 001775). This appeal is made pursuant to OAR 660-025-0150.

The District did file an objection, by letter dated May 5, 2009, a copy of which is enclosed herewith and by this reference incorporated herein. The District furthermore participated in several of the public meetings held before both the City of Bend Planning Commission and the City of Bend Commission.

The District is generally satisfied with the UGB expansion, as adopted. However, the District does not agree that the need for land for public parks, including trails, can be reasonably accommodated within the existing UGB. The District further disagrees that the need for additional public parks is already met in whole or in part by facilities planned or existing outside of the UGB. *See* Page 54 of the Director's Report.

The District believes that the UGB expansion, as adopted by the City and County, will provide additional land necessary for public parks and related facilities.

Very truly yours,

A handwritten signature in black ink that reads "Robert S. Lovlien".

ROBERT S. LOVLIE

RSL/alk
Encl.

cc: Bend Metro. Parks & Rec. District
13-1189 102.doc

DEPT OF

JAN 29 2010

LAND CONSERVATION
AND DEVELOPMENT

591 S.W. Mill View Way
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May 5, 2009

Via: UPS Tracking #1Z 322 9x3 22 1001 410 7

Attn: Larry French
Periodic Review Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR 97301

Re: City of Bend, UGB Amendment

Dear Mr. French

Our office represents Bend Metro Park & Recreation District (the "District"). Overall the District is generally satisfied with the UGB expansion as adopted. However, the District is submitting this objection primarily in order to remain a party in the DLCD proceedings.

Participation

The District participated in the UGB process through the submission of letters into the record, participation in meetings with the City of Bend staff, and testimony at hearings. Attached are copies of the letters submitted.

Objection

The City of Bend failed to provide an adequate Goal 5 analysis as part of the proposed UGB expansion, pursuant to OAR 660-023-0260. A letter from DLCD to the City of Bend states

"The requirements of Goal 5 apply at periodic review and when a post-acknowledgment plan amendment changes an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area." Page 10 letter from DLCD to City of Bend Oct. 24, 2008.

The City's response letter dated November 10, 2008 inappropriately defers Goal 5 analysis to after the adoption of the UGB.

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May 5, 2009
Larry French
Department of Land Conservation and Development
Page 2 of 2

Proposed Change

The District recommends that the City prepare a Goal 5 analysis of the topographical and natural features that are considered special interest areas.

The District requests that it receive copies of any decision that DLCD makes regarding the proposed City of Bend UGB.

Sincerely,

Neil R. Bryant
bryant@bljlawyers.com

Enclosure

c: Bruce Ronning; Damien Syrnyk
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