



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

Director's Office

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www.oregon.gov/LCD



January 8, 2010

BY FIRST CLASS MAIL

Kathie Eckman, Mayor
City of Bend
710 NW Wall Street
P.O. Box 431
Bend, Oregon 97709

Dennis Luke, Chair
Deschutes County Board of Commissioners
1300 NW Wall Street
Bend, Oregon 97701

**RE: DIRECTOR'S DECISION ON BEND'S URBAN GROWTH BOUNDARY
AMENDMENT (ORDER 001775)**

Dear Mayor Eckman and Chair Luke:

On April 16, 2009, the City of Bend submitted its amendment to the Bend urban growth boundary (UGB) for review to the Department of Land Conservation and Development (DLCD) pursuant to OAR 660-025-0175(1). The April 16, 2009 submittal consisted of four ordinances, two adopted by Bend (NS-2112 and NS-2113) and two by Deschutes County (2009-001 and 2009-002). The four ordinances amend the comprehensive plans and land use regulations for each jurisdiction in connection with the expansion of the Bend UGB. On June 12, 2009 the city provided notice and submittal of an ordinance adopting certain public facility plans related to the UGB expansion, including the notice of adoption for Ordinance NS-2111. The Director of DLCD has consolidated these two submittals for review. DLCD has received objections to the submittals from 30 parties during the objection periods.

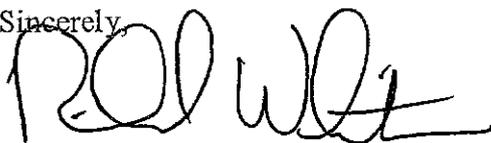
The director has reviewed the submittals and objections and, pursuant to OAR 660-025-0140(6), prepared the attached report. For the reasons stated in the report, the director remands the submittals to the city and county for further work so that they comply with state law. The reasons for the remand are summarized in the executive summary for the attached report, and are set forth in more detail in the analysis sections of the report. That report is incorporated by this reference into this order. This letter, along with the

attached report, constitutes the director's final order on the submittals, pursuant to OAR 660-025-0150(1)(b).

The City of Bend, Deschutes County, and parties to this proceeding may appeal the director's decision to the Land Conservation and Development Commission (LCDC). An appeal of the director's decision must be filed in writing with LCDC by no later than January 29, 2010. Appeals to LCDC are governed by OAR 660-025-0150, OAR 660-025-0160 and OAR 660-025-085.¹

The city and Deschutes County have made a substantial effort to plan for the future of the area in their decisions on the Bend UGB. This decision is designed to give the community specific guidance on what is needed to move a UGB expansion forward. I am committed to continuing our assistance to Bend and the county to reach a successful conclusion of this effort.

Sincerely,



Richard Whitman
Director

Attachment: Director's Report

cc: Objectors
Senator Chris Telfer
Representative Judy Stiegler

¹ OAR 660-025-015 provides that:

[4](b) The local government, a person who filed a valid objection, or other person who participated orally or in writing at the local level during the local process on the work task may appeal a director's remand or partial remand of a work task to the commission.

(c) Appeals of the director's decision must be filed with the department's Salem office within 21 days of the date the director's action was mailed;

* * *

(5) If no appeal to the commission is filed within the time provided by section (4) of this rule, the work tasks approved by the director are considered acknowledged. If the director's decision is to remand a work task and no appeal to the commission is filed within the time provided in section (4) of this rule, the decision is final.

Certificate of Service and Mailing

I hereby certify that on January 8, 2010 I served the foregoing Director's Decision on Bend's Urban Growth Boundary Amendment (Order 001775) and the Director's Report incorporated by reference into that order, by placing one true copy thereof in a sealed envelope with first class postage prepaid and depositing said copy in the U.S. mail, addressed to the following persons:

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Certificate of Mailing

January 8, 2010

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January 8, 2010

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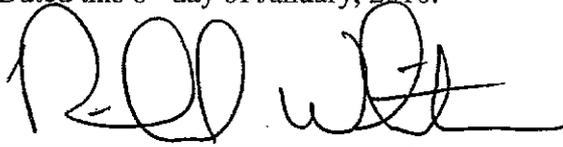
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Certificate of Mailing

January 8, 2010

John C Driscoll
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Dated this 8th day of January, 2010.

A handwritten signature in black ink, appearing to read "Richard Whitman", written over a horizontal line.

Richard Whitman
Director, DLCD