

ORDINANCE NO. NS 2304

ORDINANCE ANNEXING APPROXIMATELY 17.83 ACRES OF LAND AT THE SOUTHEAST CORNER OF THE OB RILEY ROAD AND COOLEY ROAD INTERSECTION INCLUDING THE RIGHT-OF-WAY FOR COOLEY ROAD ADJACENT TO THE SITE AND OB RILEY ROAD RIGHT-OF-WAY ADJACENT TO THE SITE AND EXTENDING TO THE EXISTING CITY LIMITS INTO THE CITY FOR THE PURPOSE OF BUILDING AN ELEMENTARY SCHOOL, DECLARING AN EMERGENCY AND PRESCRIBING AN EFFECTIVE DATE OF MARCH 21, 2018.

Findings

- A. Bend Development Code Section 4.9.400A.1 provides for annexation of real property to cities when 100 percent of the property owners and a majority of electors, if any, registered in the territory proposed to be annexed consent to the annexation.
- B. The City has received an application for annexation of the territory shown on Exhibit B and described on Exhibit A (the "Area").
- B. One hundred percent of property owners within the Area have filed a statement of consent to this annexation.
- C. There are no registered electors within the Area.
- E. Notice of the hearing was published in the Bend Bulletin on Sunday, February 18, 2018 and Sunday February 25, 2018. In addition, the notice was posted in four public places in the City for a like period and a land use action sign was posted on the property on February 19, 2018. Notice was also sent on February 16, 2018, to the Boyd Acres Neighborhood Association representative, and to surrounding owners of record of property within 250 feet of the subject property, as shown on the most recent property tax assessment rolls.
- D. Council held a public hearing on March 7, 2018 to enable the public to appear and be heard on the question of annexation.
- F. The Area is contiguous to the City limits of the City of Bend because OB Riley Road right of way is part of the annexation area.
- H. The applicant has entered into an Annexation Agreement, attached as Exhibit 3, with the City which includes dedication of right of way for City OB Riley Road, Cooley Road and a local street and construction of water and transportation improvements.

Based on these findings,

THE CITY OF BEND ORDAINS AS FOLLOWS:

SECTION 1. The territory containing approximately 17.83 acres of land, depicted in Exhibit B and described in Exhibit A, is annexed to the City of Bend, subject to the provisions of the Annexation Agreement (Exhibit 3).

SECTION 2. In addition to the findings set forth above, the City Council adopts the findings in Exhibit 4.


SECTION 2. This ordinance is necessary for the preservation of public safety, health and welfare, and an emergency is declared to exist. This ordinance takes effect on March 21, 2018.

First reading: March 7, 2018.

Second reading and adoption by roll call vote: March 21, 2018.

YES: Casey Roats, Mayor
Sally Russell
Bruce Abernethy
Bill Moseley
Nathan Boddie
Justin Livingston
Barb Campbell

NO: none



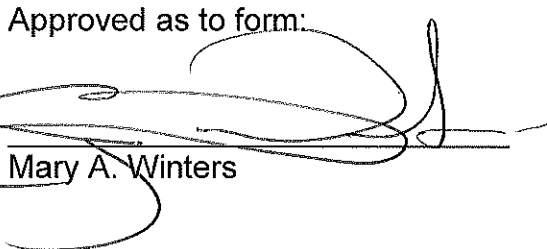
Casey Roats, Mayor

Attest:



Robyn Christie, City Recorder

Approved as to form:



Mary A. Winters

EXHIBIT A



New Elementary School Legal Description for Annexation

A parcel of land situated in the Southwest One-quarter of Section 8, the Northwest One-quarter of Section 17, and the Northeast One-quarter of Section 17, all being within Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the North One-quarter corner of said Section 17, said corner being monumented by a 3" brass cap; thence along the north-south center line of said Section 17, S 00° 05' 26" W, 482.99 feet to the southwest corner of the property of Harold G. Johnson, et ux, as described in deed recorded in Book 170, Page 214, Deed Records of Deschutes County, Oregon; thence continuing S 00° 05' 26" W, 0.50 feet to a point of curvature; thence along the arc of a 170.00 foot radius curve to the left, through a central angle of 22° 19' 54", an arc distance of 66.26 feet (the chord of which bears S 11° 04' 31" E, 65.84 feet) to a point of reverse curvature; thence along the arc of a 230.00 foot curve to the right, through a central angle of 22° 19' 54", an arc distance of 89.64 feet (the chord of which bears S 11° 04' 31" E, 89.08 feet) to a point of tangency; thence along a line parallel to and 30.00 feet easterly of said north-south center line of Section 17, S 00° 05' 26" W, 335.04 feet to a point of curvature; thence leaving said parallel line, along the arc of a 230.00 foot radius curve to the right, through a central angle of 29° 35' 31", an arc distance of 118.79 feet (the chord of which bears S 14° 53' 12" W, 117.47 feet) to a point on said north-south center line of Section 17; thence continuing along the arc of 230.00 foot radius curve to the right, through a central angle of 29° 22' 24", an arc distance of 117.91 feet (the chord of which bears S 44° 22' 09" W, 116.63 feet) to a point of non-tangent curvature; thence along an arc, being 10.00 feet easterly of and parallel to the easterly right of way of the Old Dalles-California Highway (O.B. Riley Road), said arc being a 1,040.00 foot radius curve to the right, through a central angle of 05° 43' 26", an arc distance of 103.90 feet (the chord of which bears S 24° 35' 34" E, 103.85 feet) to a point of non-tangency, said point being on the north line of Parcel II of that property described in Statutory Warranty Deed, recorded September 7, 2011 as Instrument Number 2011-31397 of the Deschutes County Official Records; thence along said north line, S 80° 10' 57" W, 10.22 feet to a point on said easterly right of way of O.B. Riley Road and a point of non-tangent curvature; thence along said easterly right of way for the following seven courses, said right of way being 30.00 feet east of the center line of O.B. Riley Road, along the arc of a 1,030.00 foot radius curve to the right, through a central angle of 08° 36' 19", an arc distance of 154.70 feet (the chord of which bears S 17° 32' 44" E, 154.55 feet) to a point of tangency; thence S 13° 14' 34" E, 98.55 feet to a point of curvature; thence along the arc of a 970.00 foot radius curve to the left, through a central angle of 13° 55' 59", an arc distance of 235.88 feet (the chord of which bears S 20° 12' 35" E, 235.30 feet) to a point of tangency; thence S 27° 10' 34" E, 551.23 feet to a point of curvature; thence along the arc of a 970.00 foot radius curve to the left, through a central angle of 04° 48' 37", an arc distance 81.43 feet (the chord of which bears S 29° 34' 53" E, 81.41 feet) to a point of tangency; thence S 31° 59' 11" E, 278.49 feet to a point of curvature; thence along the arc of a 455.00 foot radius curve to the right, through a central angle of 15° 15' 46", an arc distance of 121.21 feet (the chord of which bears S 24° 21' 18" E, 120.85 feet) to the intersection of said easterly right of way and the south line of the Northeast One-quarter of said Section 17, and a point of non-tangency; thence along said south line, N 89° 54' 11" W, 63.12 feet to the intersection of said south line and the westerly right of way of said O.B. Riley Road, said westerly right of way being 30.00 feet west of the center line of O.B. Riley Road, said point

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being a point of non-tangent curvature; thence along said westerly right of way for the following twelve courses, along the arc of a 395.00 foot radius curve to the left, through a central angle of 12° 36' 44", an arc distance of 86.95 feet (the chord of which bears N 25° 40' 49" W, 86.77 feet) to a point of tangency; thence N 31° 59' 11" W, 278.49 feet to a point of curvature; thence along the arc of a 1,030.00 foot radius curve to the right, through a central angle of 04° 48' 37", an arc distance of 86.47 feet (the chord of which bears N 29° 34' 53" W, 86.45 feet) to a point of tangency; thence N 27° 10' 34" W, 551.23 feet to a point of curvature; thence along the arc of a 1,030.00 foot radius curve to the right, through a central angle of 13° 55' 59", an arc distance of 250.47 feet (the chord of which bears N 20° 12' 35" W, 249.86 feet) to a point of tangency; thence N 13° 14' 34" W, 98.55 feet to a point of curvature; thence along the arc of a 970.00 foot radius curve to the left, through a central angle of 29° 53' 24", an arc distance of 506.03 feet (the chord of which bears N 28° 11' 16" W, 500.31 feet) to a point of tangency; thence N 43° 07' 59" W, 275.51 feet to a point of curvature; thence along the arc of a 530.00 foot radius curve to the right, through a central angle of 25° 25' 59", an arc distance of 235.26 feet (the chord of which bears N 30° 25' 00" W, 233.33 feet) to a point of tangency; thence N 17° 41' 59" W, 343.13 feet to a point of curvature; thence along the arc of a 970.00 foot radius curve to the left, through a central angle of 16° 52' 12", an arc distance of 285.61 feet (the chord of which bears N 26° 08' 05" W, 284.58 feet) to the intersection of said westerly right of way with the line common to the Northwest One-quarter of said Section 17 and the Southwest One-quarter of said Section 8; thence continuing along the arc of a 970.00 foot radius curve to the left, through a central angle of 02° 10' 58", an arc distance of 36.95 feet (the chord of which bears N 35° 39' 41" W, 36.95 feet) to a point of non-tangency; thence leaving said westerly right of way, S 89° 56' 23" E, 85.85 feet to the intersection of the easterly right of way of said O.B. Riley Road and the northerly right of way of Cooley Road, as described in Bargain and Sale Deed recorded December 30, 2009 as Instrument Number 2009-54972, Deschutes County Official Records; thence along said northerly right of way, S 89° 56' 23" E, 770.14 feet; thence leaving said northerly right of way, S 00° 00' 51" W, 30.00 feet to the North One-quarter corner of said Section 17 and the Point of Beginning.

Said parcel contains 17.83 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven R. Hannas

OREGON
JULY 11, 2000
STEVEN R. HANNAS
47021

RENEWAL DATE: 6-30-11

EXHIBIT B

Annexation Area

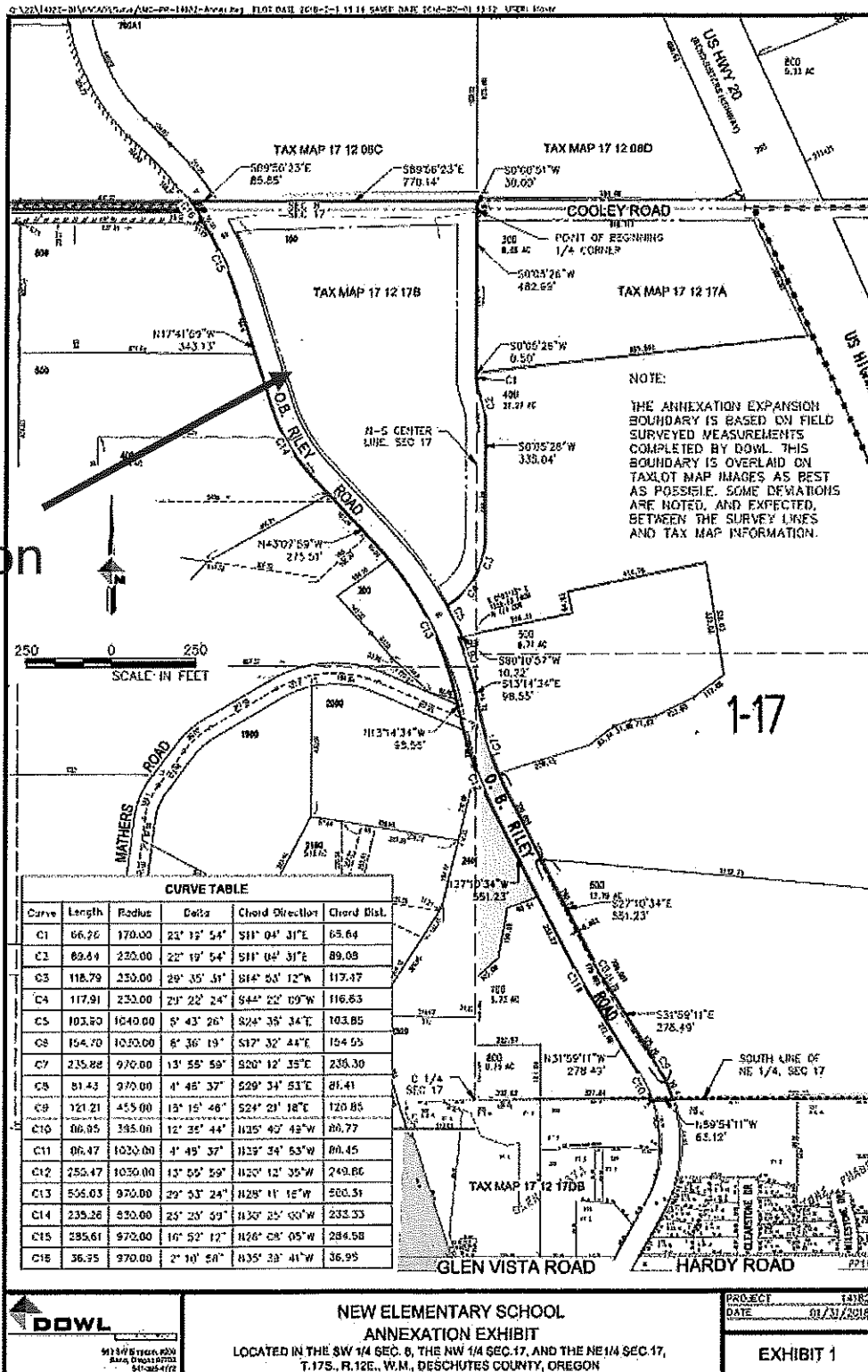
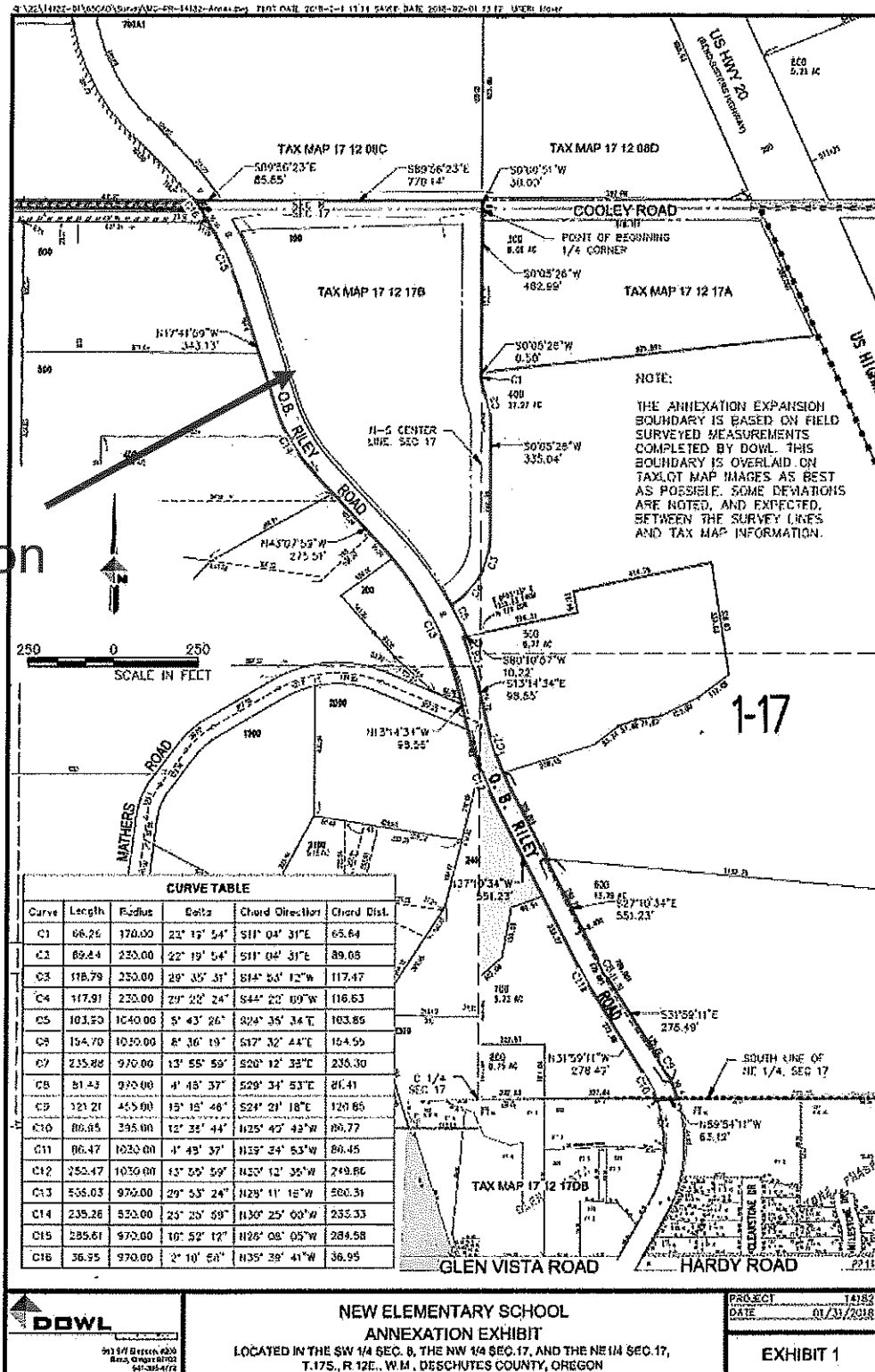


EXHIBIT B

Annexation Area



After recording, return to:

Colin Stephens
City of Bend
Community Development Department
710 NW Wall St. 97701

Sharon R. Smith
Bend LaPine School District
520 NW Wall Street
Bend, OR 97703

**OB RILEY ROAD/COOLEY ROAD ELEMENTARY SCHOOL
ANNEXATION AGREEMENT**

This Annexation Agreement ("Agreement") is made this ____ day of _____, 2018, between the City of Bend ("City"), the Vicki Brownrigg Revocable Trust ("Owner"), the owner of record of the property described in Exhibit A ("Property"), and the Bend-La Pine School District ("District"). The Owner intends to convey the Property to the District prior to development of the Property. The District is a public agency pursuing the public purpose of acquiring the Property to construct a public elementary school.

The purposes of this Agreement are:

- (1) to memorialize the agreement between the parties to annex the Property into the City;
- (2) to assign responsibilities among the parties for performance of certain requirements to develop the Property;
- (3) to memorialize the agreement among the parties on the allocation of financial responsibility for the public facilities and services that are necessary to serve the Property; and
- (4) to guarantee the City's requirements for the provision of urban services to the Property.

RECITALS

A. The District wishes to develop the Property described in Exhibit A and shown on the map attached as Exhibit B. The Property is contiguous to the city limits by virtue of OB Riley Road, a public right-of-way, and is thus eligible for annexation subject to Bend Development Code (BDC) Chapter 4.9

B. On February 3, 2018 Owner and District submitted a request to annex the Property to the City (City File No. PZ18-XXXX).

C. The Property is currently designated as Residential Standard (RS) and Mixed Employment (ME) on the Bend Comprehensive Plan Map and is zoned Urbanizable Area (UA).

D. Annexation of the Property requires a showing under BDC 4.9.600 that the annexation is consistent with the Comprehensive Plan policies and designations; that the property complies or is exempt from having an approved master or area plan; that the area is capable of being served by public facilities and services; that impacts to public facilities and services are adequately mitigated; and that the owner has agreed to transfer irrigation district water rights, if any, from the property or that the City Council agrees to allow irrigation water to continue to be used after annexation.

E. In order meet the preceding criteria and to satisfy the City's conditions for an affirmative decision to annex the Property, and in exchange for the obligations of the City set forth below is Section 2, the District agrees to comply with all requirements imposed on the District in this Agreement and all other City codes and standards applicable to the development of the Property pursuant to Paragraph 3 of this Agreement. This agreement is consistent with and intended to implement Policies 11-41 through 11-50, Policies 11-116 through 11-121, and other applicable policies of the Comprehensive Plan.

Based upon the foregoing Recitals, which are specifically made a part of this Agreement, the parties agree as follows:

AGREEMENT

1. Obligations of the District. Consistent with the above recitals and subject to issuance of a building permit to construct an elementary school on the Property, the District agrees to perform the obligations set forth in this section and comply with all City codes, standards and regulations. All exhibits attached are conceptual and nothing in this Agreement prohibits refinements to meet City of Bend standards as part of the required Site Plan Review, Conditional Use Permit, Building Permit and Public Infrastructure applications.

1.1 Site Plan Review

1.1.1 Apply for Site Plan Review approval for an elementary school on the Property within six (6) months of the effective date of the ordinance annexing the Property.

1.2 Water

1.2.1 Install a 12-inch water transmission main and all required apparatuses, such as valves and hydrants, related to the line from the termination of the existing water main in OB Riley Road to the school site. The water main will be

installed in the OB Riley Road right of way to the south end of the property and then continue through the new public local street on the eastern edge of the Property, terminating at the north side of the Cooley Road improvements so that Cooley Road will not need to be impacted by future development. Generally depicted in Exhibit 1 and 3.

1.3 Sewer

1.3.1 Because the City's existing sanitary sewer infrastructure is not available to effectively serve the elementary school, the District must install an on-site septic system. The on-site system will be subject to permit approval by Deschutes County and must be configured in such a manner that the Property may hook up to the municipal system when it becomes available.

1.3.2 The District will abandon the on-site septic system and hook up to City sewer, at the District's cost, when the City's municipal sewer infrastructure becomes available, as determined by City code or otherwise agreed to by the City Engineer to serve the Property. The sewer system development charges (SDCs) that are in effect at that time must be paid by the District.

1.4 Transportation

1.4.1 Construction

1.4.1 Construct OB Riley Road to urban standards from the Glen Vista – Hardy Road intersection, approximately 500' south of the existing City limits, to the intersection of the proposed Local Road at the southern edge of the property. The improvements are shown in Exhibit 1 and include (from west to east):

Curb, 6' Bike Lane, 12' Travel Lane, 12' Travel Lane, 6' Bike Lane, Curb, 4' Planter Strip (varies upon City approval), 6'-8' Shared Use path. Upon City approval the path may be reduced to six feet due to topography and/or availability of right of way.

1.4.2 Construct OB Riley Road to urban standards from the intersection of the proposed Local Road at the southern edge of the property to Cooley Road. The improvements are shown in Exhibit 2 and include (from west to east):

Curb, 6' Bike Lane, 12' Travel Lane, 12' left turn lane to access new local road adjacent to Property (to be determined by City Engineer), 12' Travel Lane, 6' Bike Lane, Curb, 12' Planter Strip (varies upon City approval), 10' Shared Use path. Upon City approval, the path may be reduced to eight feet due to topography and/or availability of right of way

1.4.3. Construct Cooley Road to urban standards from its intersection with Cooley Road to the eastern property line of the school site. The improvements are shown in Exhibit 4 and include (from north to south):

Curb, 6' Bike Lane, 12' Travel Lane, 12' left turn lane to access new local road adjacent to Property (to be determined by City Engineer), 12' Travel Lane, 6' Bike Lane, Curb, 10' Planter Strip (varies upon City approval), 12' Shared Use path Upon City approval, the path may be reduced to eight feet due to topography and/or availability of right of way.

1.4.5 Construct a public local street to city standards along the Property's eastern boundary from OB Riley Road to Cooley Road as shown on Exhibit 3.

1.4.5 Dedication of right of way

1.4.5.1 Dedicate 10 feet of right of way along the western boundary adjacent to OB Riley Road.

1.4.5.2 Dedicate a varying width of right of way along the northern boundary of the Property adjacent to Cooley Road, extending from the north line of Section 17 to 40 feet south of the proposed Cooley Road improvement center line.

1.4.5.3 Dedicate 60 feet of right of way to accommodate the new public local street along the eastern edge of the Property as shown on Exhibit 3.

1.4.5.4 Agree to dedicate necessary right of way in the future to accommodate future improvements to the OB Riley Road/Cooley Road intersection, currently programmed as a single lane roundabout as shown on Exhibit 5. Although the City does not anticipate future right-of-way needs will extend past the fence line shown on Exhibit 4, the District and the City agree to negotiate collaboratively on the future right-of-way dedication with the goal of meeting each entity's needs.

1.5 Stormwater

1.5.1 District will hold all stormwater on site. Additional stormwater requirements will be evaluated during Site Plan Review.

1.6 Timing

1.6.1 The obligations set forth in Section 1 must be completed by the District prior to issuance of a Certificate of Occupancy for the elementary school.

2. Obligations of the City. Consistent with the above recitals, the City agrees to:

2.1 Process the application for annexing the Property into the City Limits

2.2 Conduct a timely review of and issue a decision on the Site Plan Review and Conditional Use Permit and Building Permit applications to construct an elementary school on the Property.

3. Covenants Running with the Land. It is the intention of the parties that the terms and obligations of this Agreement are necessary for the annexation and development of the Property and as such will run with the Property and will be binding upon the heirs, executors, assigns, administrators, and successors of the parties and are construed to be a benefit and burden upon the Property. Accordingly, upon transfer of the Property from the Owner to the District, the District will be responsible for the obligations contained in, and be subject to all of the terms and limits of, this Agreement. This Agreement must be recorded upon its execution with the Deschutes County Recorder. Execution and recording of this Agreement are preconditions to the annexation of the Property into the City. Accordingly, the City retains all rights to enforce this Agreement. Notwithstanding anything to the contrary, the parties acknowledge that the Owner is not, nor will ever be responsible for any obligations relating to the construction of the elementary school or other obligations of the District in Section 1, is only a party to this Agreement as a result of the Owner's current ownership of the Property, and will have no further obligations under this Agreement after the Property is conveyed to the District.

4. Limitations on Development. No portion of the Property may be developed prior to the City's final approval of a Site Plan Review and Conditional Use Permit to construct a public elementary school on the Property. In the event the District cannot obtain Site Plan Review and Conditional Use Permit approval for an elementary school within two years of the execution of this Agreement, or if the agreement between the District and the Owner to convey the Property is terminated before the conveyance, the parties will cooperate to effectuate a withdrawal the Property from the City limits pursuant to ORS 222.460. The District will bear all costs for the withdrawal. The District and the Owner agree not to object to such withdrawal, and, in the event of withdrawal, this Agreement will terminate. If the agreement between the District and the Owner to convey the property is terminated, the District and the Owner will jointly provide notice of the termination to the City.

5. Mutual Cooperation. City, District and the Owner will endeavor to cooperate with each other in implementing the terms of this Agreement.

6. Modification of Agreement. This Agreement may be modified only in writing upon mutual agreement of all parties. This Agreement may not be modified such that urban facilities and services are not provided in a timely manner to the Property.

7. Land Use Approval. Nothing in this Agreement is to be construed as waiving any requirements of the Bend Code, Bend Development Code or Bend Comprehensive Plan which may be applicable to the use and development of the Property. Nothing in this Agreement is to be construed as the City providing or agreeing to provide approval of any building, land use, or other development application or grading permit application.

8. Exactions. District knows and understands its rights under *Dolan v. City of Tigard* and its progeny and by entering into this Agreement waives any requirement that the City demonstrate that the public improvements and other obligations of the District for the construction and financial responsibility set forth in Section 1 and related to the development of the Property with an elementary school are roughly proportional to the burden and demands placed upon the urban facilities and services by the development of the Property. This waiver notwithstanding, District acknowledges that the requirements and obligations of District, including but not limited to the required public improvements, are roughly proportional to the burden and demands on urban facilities and services that will result from development of the Property.

9. Waiver of Right to Remonstrance. The District, pursuant to paragraph 3 of this Agreement, agrees to sign any and all waivers, petitions, consents and all other documents necessary for the construction of projects located adjacent to the Property under any Improvement Act or proceeding of the State of Oregon, Deschutes County or the City of Bend, and to waive all rights to remonstrate against these improvements. Notwithstanding anything to the contrary, in the event the Agreement is terminated in accordance with Section 4, neither the Owner or District will have any obligations under this Section.

10. Invalidity. If any provision of this Agreement is deemed unenforceable or invalid, such enforceability or invalidity will not affect the enforceability or validity of any other provision of this Agreement.

11. State Law. The validity, meaning, enforceability and effect of this Agreement and the rights and liabilities of the parties shall be determined in accordance with the laws of the State of Oregon.

12. Per-Acre Annexation Fee. The City's 2017-18 Fee Resolution at 2.16.01a establishes a fee of \$1,866 per acre for annexations, or as otherwise authorized by the City Council in an annexation agreement. The per-acre fee for the elementary school site is \$24,258. Because of the immediate direct public benefit to the community from a new school, and the fact that the District is expending public funds in building the new elementary school, the City will not assess the annexation fee in this particular instance.

13. Effective Date. This Agreement takes effect upon signature by all parties.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

DISTRICT

By: Brad Henry
Its: Chief Operations & Financial Officer

CITY OF BEND

By: Eric King
Its: City Manager

OWNER:
Vicki Brownrigg Revocable Trust

By: Vicki Brownrigg
Its: Trustee

[Notary on Next Page]

STATE OF OREGON, County of Deschutes, ss:

The foregoing instrument was executed before me this ____ day of _____, 2018, by Brad Henry, Chief Operations and Financial Officer for the Bend-La Pine School District.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON, County of Deschutes, ss:

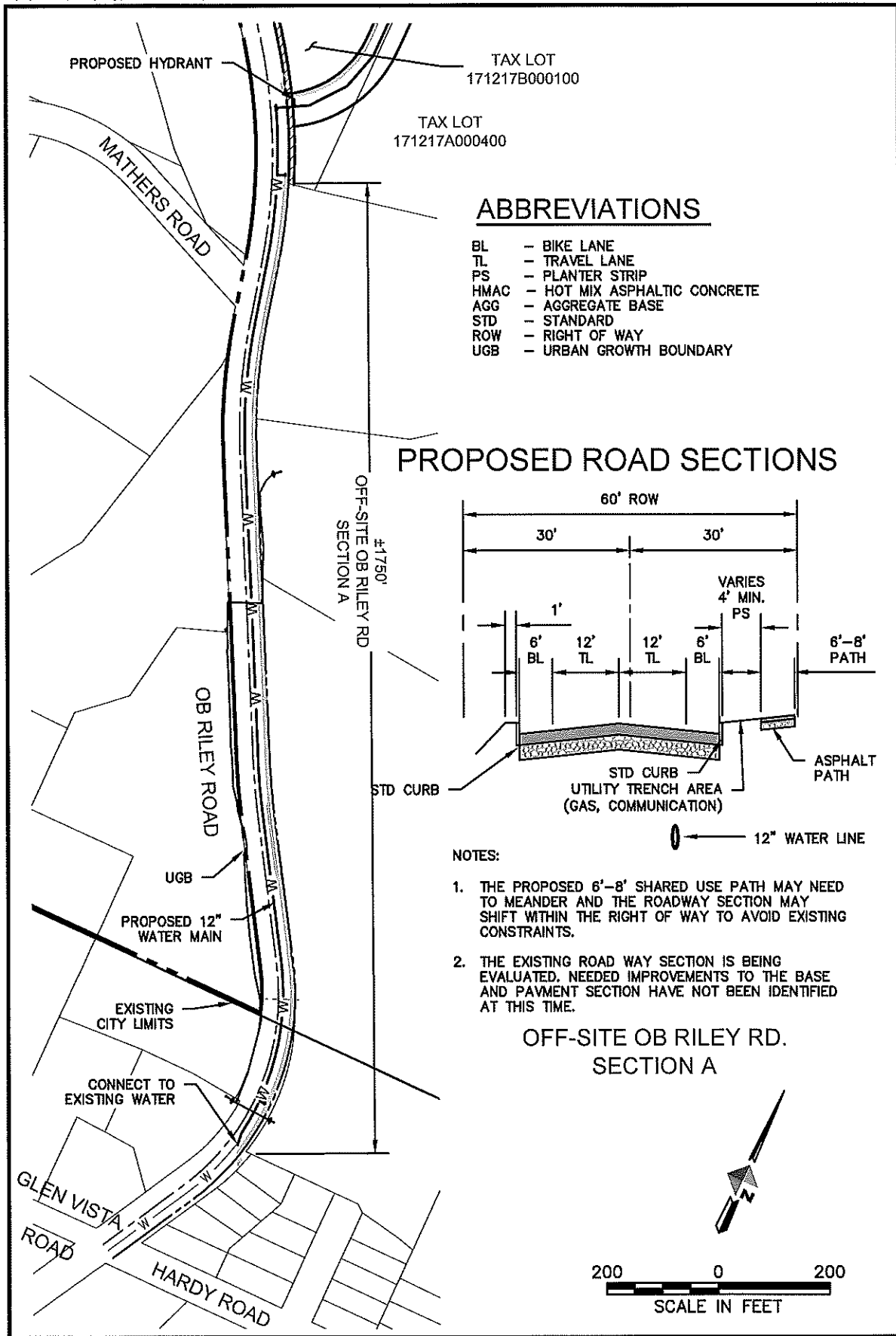
The foregoing instrument was executed before me this ____ day of _____, 2018, by Eric King, City Manager for the City of Bend, Oregon.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON, County of Deschutes, ss:

The foregoing instrument was executed before me this ____ day of _____, 2007, by Vicki Brownrigg, Trustee of Vicki Brownrigg Revocable Trust.

Notary Public for Oregon
My Commission Expires: _____



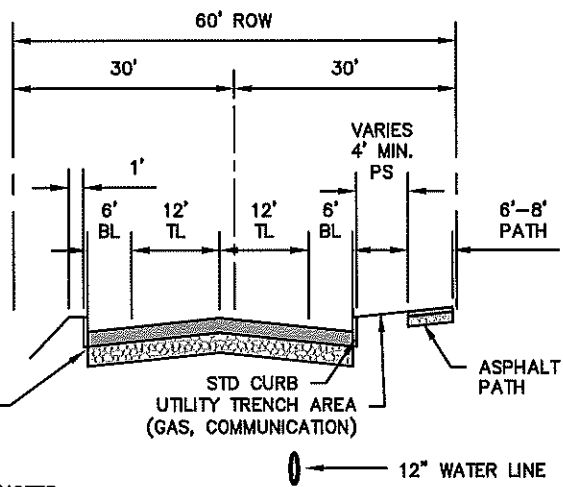
TAX LOT
171217B000100

TAX LOT
171217A000400

ABBREVIATIONS

- BL - BIKE LANE
- TL - TRAVEL LANE
- PS - PLANTER STRIP
- HMAC - HOT MIX ASPHALTIC CONCRETE
- AGG - AGGREGATE BASE
- STD - STANDARD
- ROW - RIGHT OF WAY
- UGB - URBAN GROWTH BOUNDARY

PROPOSED ROAD SECTIONS




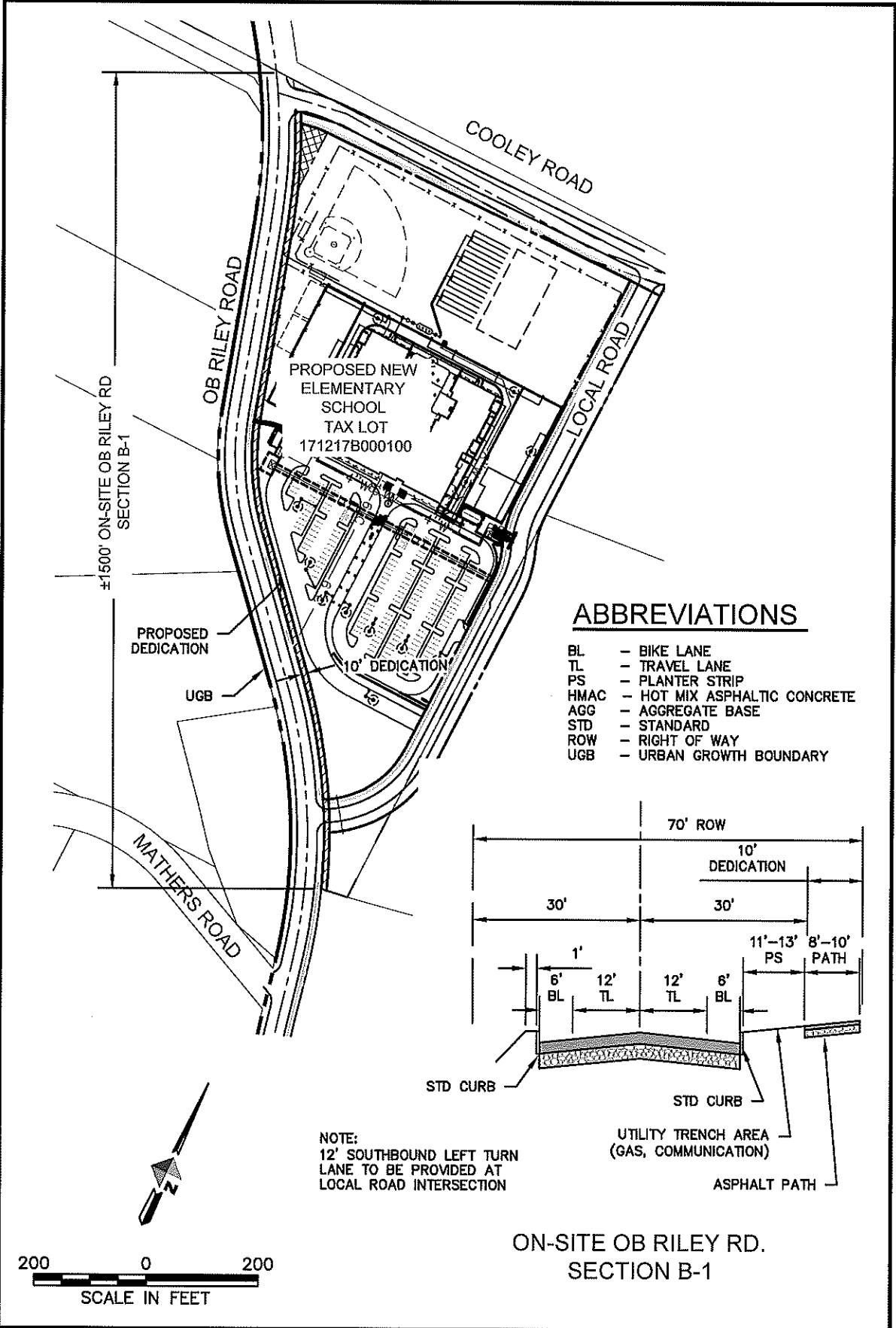
NOTES:

1. THE PROPOSED 6'-8' SHARED USE PATH MAY NEED TO MEANDER AND THE ROADWAY SECTION MAY SHIFT WITHIN THE RIGHT OF WAY TO AVOID EXISTING CONSTRAINTS.
2. THE EXISTING ROAD WAY SECTION IS BEING EVALUATED. NEEDED IMPROVEMENTS TO THE BASE AND PAVEMENT SECTION HAVE NOT BEEN IDENTIFIED AT THIS TIME.

**OFF-SITE OB RILEY RD.
SECTION A**



 www.dowl.com 963 SW Simpson, #200 Bend, Oregon 97702 541-385-4772	NEW BEND ELEMENTARY SCHOOL OB RILEY ROAD OFF SITE SECTION	PROJECT	14155.01
		DATE	03/12/2018
		ANNEXATION AGREEMENT EX 1	



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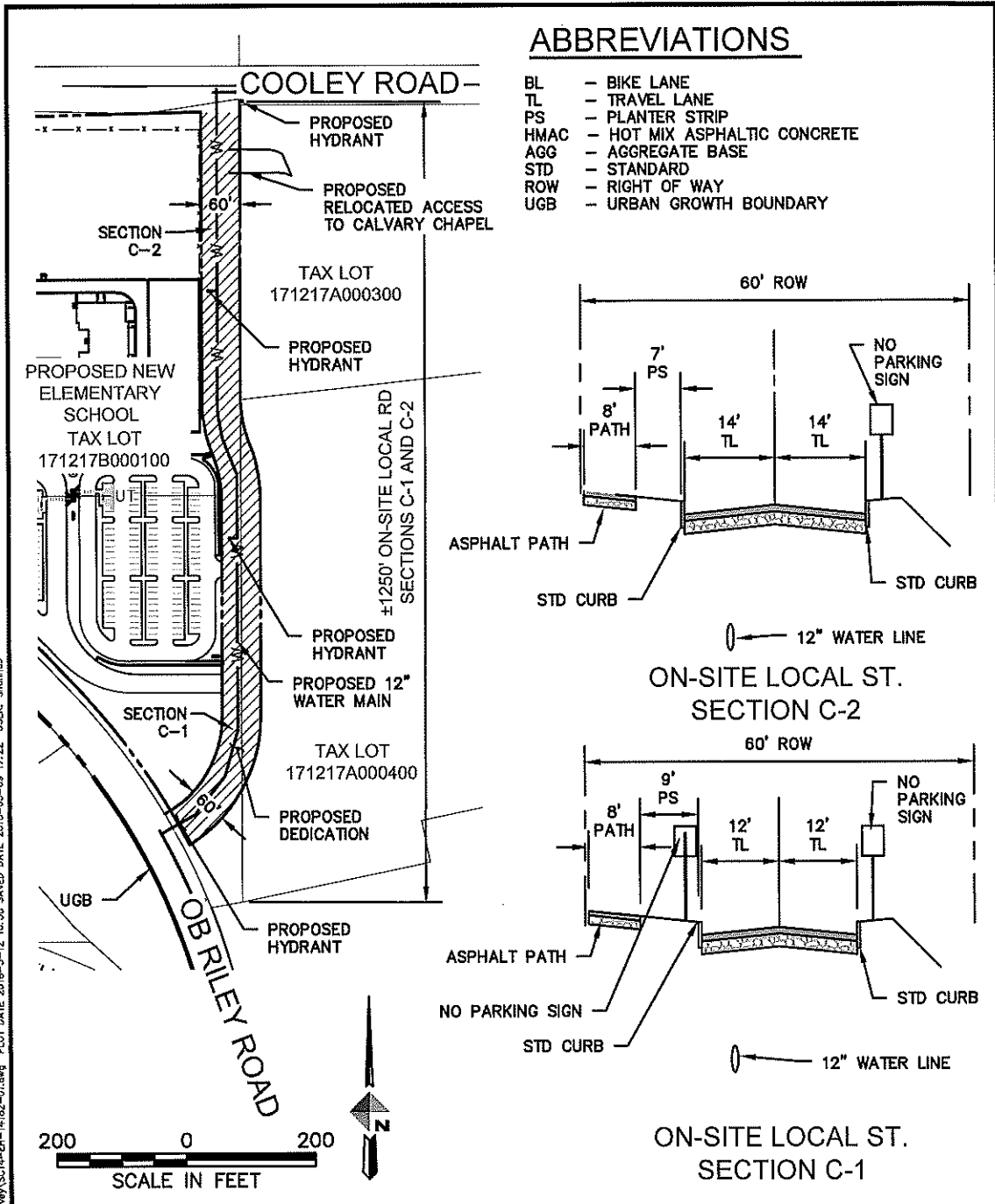
NOTE:
12' SOUTHBOUND LEFT TURN
LANE TO BE PROVIDED AT
LOCAL ROAD INTERSECTION

**ON-SITE OB RILEY RD.
SECTION B-1**

DOWL
WWW.DOWL.COM
963 SW Simpson, #200
Bend, Oregon 97702
541-385-4772

**NEW BEND ELEMENTARY SCHOOL
OB RILEY ROAD ON SITE
SECTIONS**

PROJECT	14155.01
DATE	03/12/2018
ANNEXATION AGREEMENT EX 2	



ABBREVIATIONS

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DOWL
www.dowl.com
 963 SW Simpson, #200
 Bend, Oregon 97702
 541-385-4772

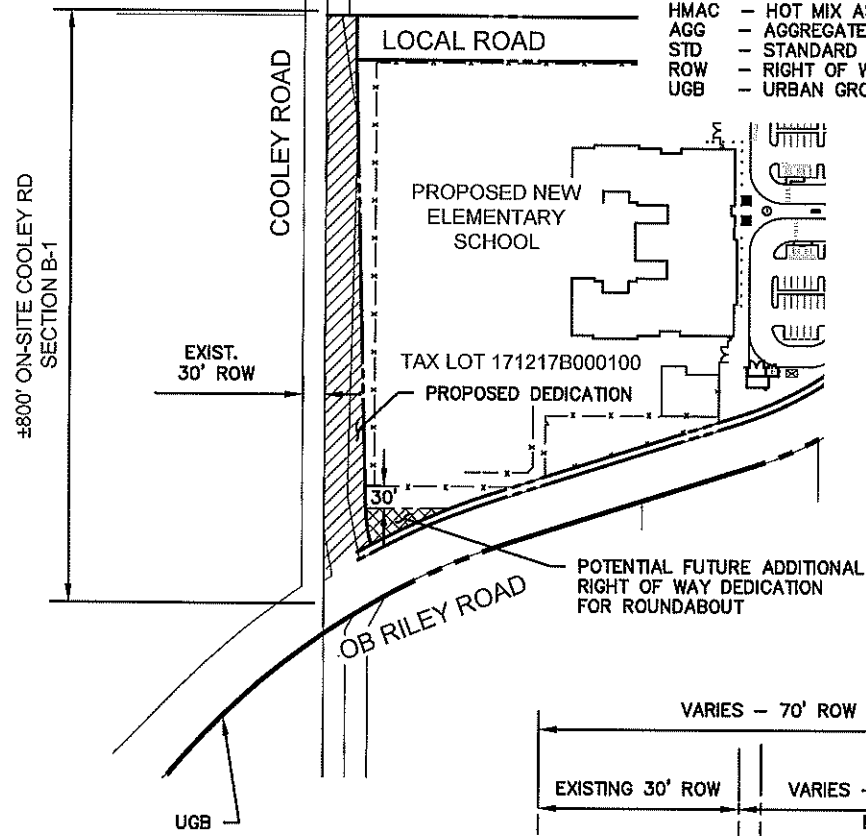
**NEW BEND ELEMENTARY SCHOOL
 LOCAL ROAD
 SECTIONS**

PROJECT	14155.01
DATE	03/12/2018
ANNEXATION AGREEMENT EX 3	

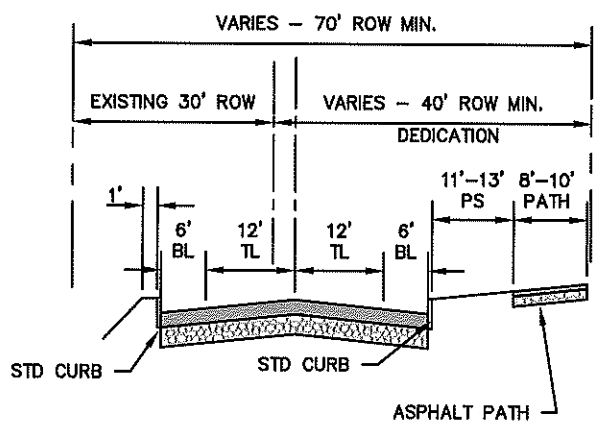
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- UGB - URBAN GROWTH BOUNDARY



NOTE:
PAVEMENT WIDTH TO BE INCREASED TO ACCOMMODATE FOR A FUTURE 12' WESTBOUND LEFT TURN LANE AT THE LOCAL ROAD INTERSECTION

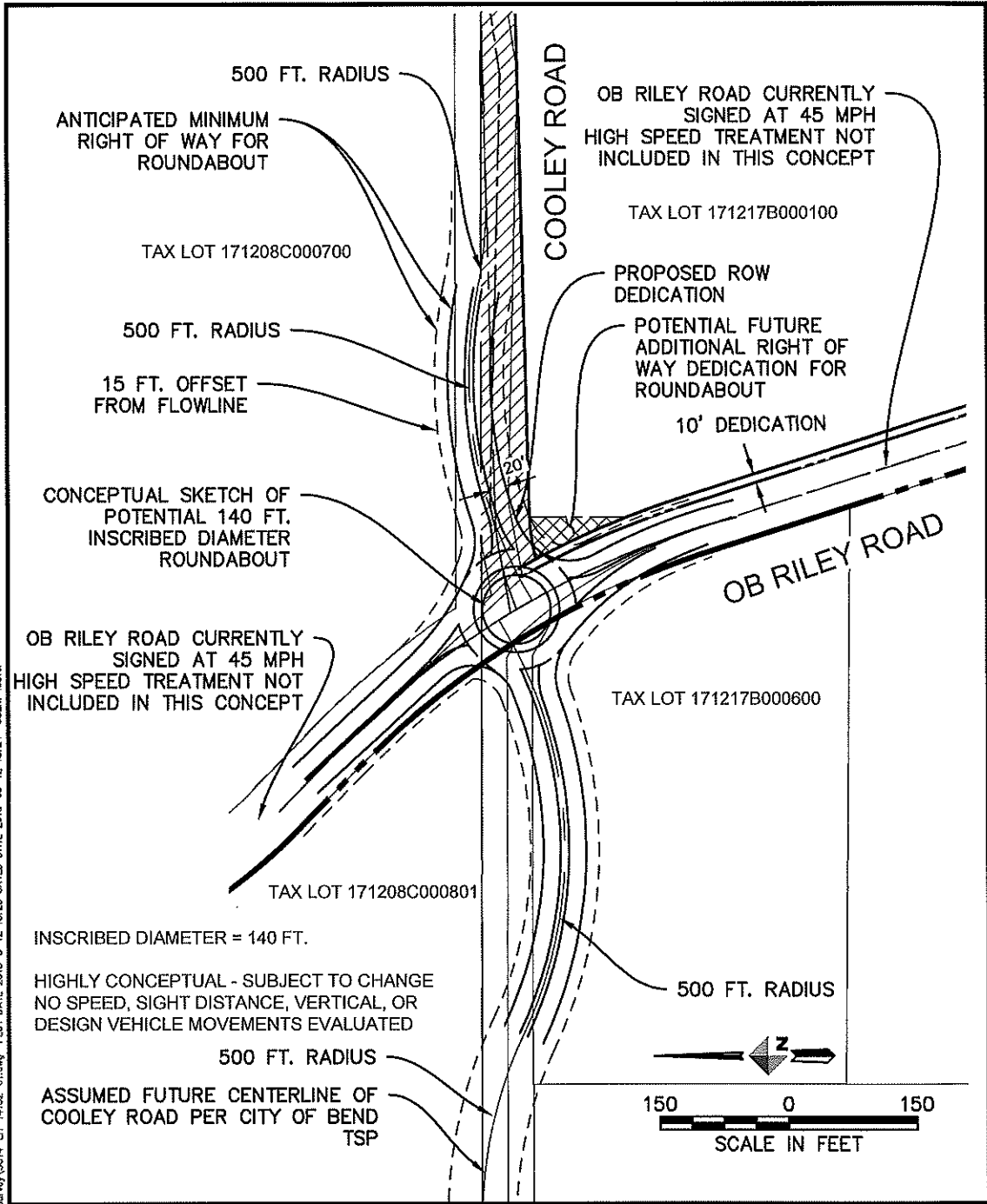


ON SITE COOLEY RD.
SECTION B-1

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www.dowl.com
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Bend, Oregon 97702
541-386-4772

NEW BEND ELEMENTARY SCHOOL
COOLEY ROAD ON SITE
SECTION

PROJECT	14155.01
DATE	03/12/2018
ANNEXATION AGREEMENT EX 4	



G:\22\14182-01\550A0_Survey\SC14-Ed-14182-01.dwg PLOT DATE 2018-03-12 15:25 SAVED DATE 2018-03-12 15:24 USER: klover

OB RILEY ROAD CURRENTLY SIGNED AT 45 MPH HIGH SPEED TREATMENT NOT INCLUDED IN THIS CONCEPT

OB RILEY ROAD CURRENTLY SIGNED AT 45 MPH HIGH SPEED TREATMENT NOT INCLUDED IN THIS CONCEPT

INScribed DIAMETER = 140 FT.
 HIGHLY CONCEPTUAL - SUBJECT TO CHANGE NO SPEED, SIGHT DISTANCE, VERTICAL, OR DESIGN VEHICLE MOVEMENTS EVALUATED

ASSUMED FUTURE CENTERLINE OF COOLEY ROAD PER CITY OF BEND TSP

DOWL
www.dowl.com
 963 SW Simpson, #200
 Bend, Oregon 97702
 541-385-4772

**NEW BEND ELEMENTARY SCHOOL
 CONCEPTUAL ROUNDABOUT
 DETAIL**

PROJECT	14155.01
DATE	03/12/2018
ANNEXATION AGREEMENT EX 5	

**EXHIBIT 4 FINDINGS OF FACT
BEND LA PINE SCHOOLS ANNEXATION AMENDMENT PZ-18-0103**

PROJECT NUMBER: PZ-18-0103

REPORT DATE: February 28, 2018

HEARING DATE: March 7, 2018 at 7:000 PM
City of Bend Council Chambers
710 NW Wall St., Bend, Oregon

**APPLICANT/
OWNER:** Bend-La Pine Schools ("District")
c/o Sharon R. Smith
520 NW Wall Street
Bend, OR 97703

Vicki Brownrigg Revocable Trust ("Brownrigg")

SUBJECT PROPERTY: The subject property is located at Deschutes County Assessor's Tax Map: 171217B000100. In addition, the proposed annexation area includes a portion of land located on Deschutes County Assessor's Tax Map: 171217A000400 and portions of OB Riley and Cooley Roads.

REQUEST: Type III annexation application for approximately 17.83 acres of land located at the southeast corner of the OB Riley Road and Cooley Road intersection for a new 600-student Bend La-Pine Elementary School. The annexation will include a portion of OB Riley and Cooley Roads.

STAFF REVIEWER: Heidi Kennedy, AICP, Senior Planner
541-617-4524, hkennedy@bendoregon.gov

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

City of Bend Development Code

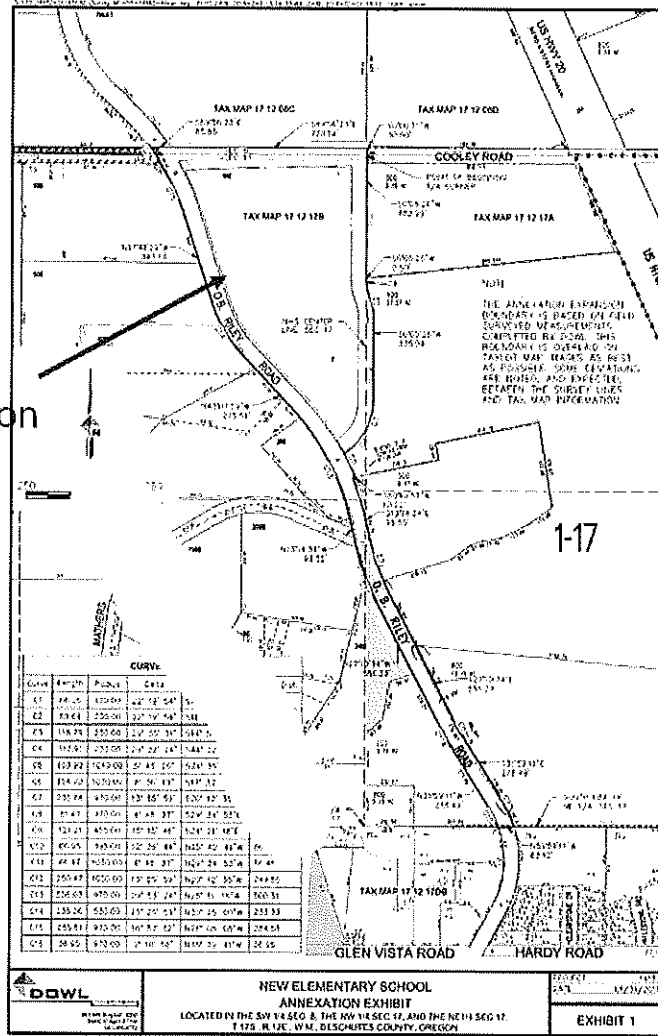
Chapter 4.9, Annexations

City of Bend Comprehensive Plan

FINDINGS OF FACT:

1. LOCATION: The subject property is located at Deschutes County Assessor's Tax Map: 171217B000100. In addition, the proposed annexation area includes a portion of land located on Deschutes County Assessor's Tax Map: 171217A000400 and portions of OB Riley and Cooley Roads.

Annexation Area



- 2. PUBLIC NOTICE AND COMMENTS:** On February 16, 2018, the City of Bend Planning Division sent a public hearing notice to the Boyd Acres Neighborhood Association representative, and to surrounding owners of record of property within 250 feet of the subject property, as shown on the most recent property tax assessment rolls. As of the date of this staff report, no public comments were received by the Planning Division. Notice was also posted in the Bend Bulletin for two consecutive weeks prior to the day of the hearing, and notices of the hearing were posted in four public places in the City for a like period.
- 3. APPLICATION ACCEPTANCE DATE:** This Type III Annexation application was submitted and deemed complete on February 14, 2018
- 4. BACKGROUND:** In 2016, the District conducted a siting study to evaluate locations for future school sites to meet anticipated needs (the "2016 Sites and Facilities Plan"). The Sites and Facilities Plan identified the need for a 12-15 acre elementary school site in west Bend or northeast Bend, preferably in an area able to serve both areas. There are no elementary schools west of highway 97 and north of Newport

Avenue. Based on the 2016 Site and Facilities Plan, the District proposed a bond that included a new elementary school, which passed with nearly 60% approval. Based on enrollment and land availability, the District selected the subject property as the best location for this, much needed, elementary school. The District plans to open this school in the fall of 2019. For that reason, the District requests adoption of the annexation by emergency so that the District can immediately proceed with construction of this needed public facility. City staff has been working with District staff to expedite the process. It takes approximately 12-14 months to build and 2 months to commission a new elementary school. In order to be open by fall of 2019, the District should begin construction in April. Accordingly, a 30-day delay in the annexation could cause a delay in the school opening. The District is concurrently seeking land use approval for the proposed elementary and requests that this annexation petition be processed concurrently to avoid delay.

5. **LOT OF RECORD:** The subject property is a legal lot of record pursuant to Deschutes County LR-13-20.
6. **ZONING:** The subject property is zoned Urbanizable Area (UA) and designated under the Comprehensive Plan as Mixed Employment (ME) and Standard Density Residential (RS). The Bend Comprehensive Plan map provides for the future City zoning classifications of all property within the UA district. On the date the annexation becomes effective, the UA zoning will cease to apply and the zoning map will be automatically updated with the zoning district that implements the underlying Comprehensive Plan map designation (i.e. ME and RS). To facilitate the property purchase, the District submitted a lot line adjustment between tax lot 400 and 100¹ to transfer an approximately .34 acres to tax lot 100 for the local road dedication and an approximately .19 acres from tax lot 100 to tax lot 400, which would otherwise be bisected from the remainder of the parcel by the local road.

Because the District is exempt from Master Planning or Area Planning pursuant to annexation code 4.9.300(B)(1), the District will be proceeding in advance of any Area Plan and/or Master Plan covering the subject property.

7. **SITE DESCRIPTION:** The territory is 17.83 acres including OB Riley and Cooley Roads rights of way. The topography is relatively flat and covered with juniper trees, pines, and native ground cover. There are a few rock outcroppings, but no mapped Areas of Significant Interest (ASI). The subject property will be accessible via a planned local street that will border the eastern border of the property. An aerial photo of existing site conditions is shown below.

¹ Tax lot 400 is designated partly industrial and partly residential. However, this sliver will be dedicated for a local road so the designation will become irrelevant.



8. **SURROUNDING USES:** The property is located within an area of mixed rural residential uses. There are existing rural residences to the west across OB Riley Road, which is outside the expanded UGB. Properties to the south and north exhibit a pattern of scattered rural residences. Directly to the east of the site is the Calvary Church of Bend. Cooley Road abuts the property to the north and OB Riley abuts the property to the west.

9. **PUBLIC FACILITIES AND SERVICES:**

- **Electricity** – CEC
- **Road access** – The property will be accessed via OB Riley and Cooley Roads and a planned local road.
- **Telecommunications** – FatBeam
- **Domestic/Waste water** – City of Bend
- **Fire protection** - City of Bend
- **Police protection** – City of Bend
- **Sewer** – Temporary septic system

10. **PROPOSAL:** Applicant requests annexation of a parcel of land and adjacent rights of way for a 600-student elementary school, which will be zoned RS and ME following annexation.

CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE

4.9.300 Review Process

...

B. Area and Master Planning. Unless exempted in BDC 4.9.300(B)(1), Expansion Areas as shown in Figure 4.9.300 will require Area and/or Master Plan approval

prior to or concurrently with annexation. The exemptions to master planning in BDC chapter 4.5, Master Planning and Development Alternatives are not applicable to properties in the Urbanizable Area (UA) District. Development in Expansion Areas must comply with the applicable Bend Comprehensive Plan Specific Expansion Area Policies in Table 4.9.300

...

1. Exemptions from Area and Master Planning.

a. Land not subject to an Area Plan or Master Plan as shown in Figure 4.9.300, Expansion Areas.

b. Public elementary schools on lots or parcels smaller than 20 acres. Notwithstanding, BDC 3.4.400(A), an interim septic system may be installed if approved by the Department of Environmental Quality and the School District agrees to connect to the sewer system when it becomes available. Applicant must submit the following in addition to the requirements of BDC Chapter 4.7, Transportation Analysis:

i. An analysis of walking, biking and transit facilities to destinations within the UGB for a distance of one mile from the boundary of the school site along and across arterial and collector roadways to accommodate safe, accessible and convenient access to and from the school. Based on the analysis, the City may require, through an annexation agreement or other binding mechanism, improvements to ensure safe and accessible paths of travel to and from the school, which may include walking, biking, provision of transit stops and/ accessibility improvements, including compliant curb ramps along the access routes.

c. City initiated annexations of property intended for uses such as publicly owned rights-of-way or City initiated annexation of additional lands brought into the Urban Growth Boundary for affordable or market rate housing, in programs such as authorized under Oregon House Bill 4079, or other specified uses as authorized by Oregon statute.

d. For areas subject to these exemptions, applicants may submit annexation and development applications for processing concurrently under the anticipated zoning district. Any development approvals will be final decisions for processing purposes but will not be effective until completion of annexation.

FINDING: Pursuant to subsection (1)(b), the proposed elementary school is exempt from Area/Master Planning because the subject parcel is smaller than 20 acres and intended for a public elementary school. The property for the school itself is 10.4 acres after road dedications. Due to the unavailability of sewer, septic is proposed. City staff and DEQ have already approved the use of a septic system on the subject property. The District agrees via a binding Annexation Agreement to connect to the sewer system when it becomes available.

The District has prepared an analysis of walking, biking and transit facilities to destinations within the UGB for a distance of one mile from the boundary of the subject property to accommodate safe access to the school. Moreover, the executed Annexation Agreement provides for improvements to ensure safe and accessible paths of travel.

4.9.500 Submittal Requirements

A. The application must include:

- 1. A completed and signed annexation application packet on forms provided by the City.**
- 2. A petition including the statement of consent, on City forms, completed by property owners and/or electors residing in the territory that meets the requirements of BDC 4.9.400, Initiation Procedures.**
- 3. Legal description of the territory including abutting right-of-way to be annexed and a boundary survey certified by a registered engineer or surveyor.**
- 4. A map showing the territory including abutting right-of-way to be annexed and properties within 300 feet of the territory.**
- 5. A narrative which addresses the approval criteria in BDC 4.9.600 and the requirements of BDC 4.9.300(B).**

FINDING: Applicant has provided the required forms, exhibits and information.

6. A letter or other written documentation from the Bend Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed annexation, and provided the District an opportunity to review the annexation area for options to enhance existing parks and trails, and develop new parks and trails.

7. A completed and signed Bend Park and Recreation District Annexation Agreement, unless the property(s) to be annexed is already located within the Bend Park and Recreation District.

FINDING: The applicant has provided the required letter from Bend Park and Recreation District. The subject property is already located within the Bend Park and Recreation District.

8. A letter or other written documentation from the Bend-La Pine School District which indicates that the applicant has met with the District to discuss the proposed annexation and provided the District an opportunity to review and comment on the proposed annexation.

FINDING: Because Applicant is the Bend-La Pine School District, and the subject property will be used for a school, staff finds that the applicant has met this submission requirement.

9. Territories with irrigation district water rights or other irrigation district facilities must include the following:

- a. A map of all appurtenant water rights.**

Bend La Pine School District Annexation

PZ-18-0103

Page 6 of 15

b. A surveyed map of any district facility (canal, head gate, crossing) that clearly identifies easements, right-of-ways, access roads, etc. for any conveyance facilities that may remain that are either irrigation district owned or privately owned on the property upon annexation.

c. A signed statement by the applicant, including any letters or other written documentation provided by the irrigation district, confirming that the applicant has met with the irrigation district to discuss the proposed annexation and the extent to which any issues identified in 4.9.600(A)(6) have been resolved or if they have not yet been resolved, setting forth a plan with a timeline to resolve any issues.

FINDING: The applicant has submitted the required documentation from Swalley Irrigation District.

10. If the City has not yet amended its public facilities and transportation plans for the affected expansion area, inclusion of an applicant initiated amendment to the relevant plan(s) or other evidence that the necessary infrastructure planning under statewide planning Goals 11 and 12 will take place prior to or concurrently with annexation.

FINDING: Applicant has completed a traffic analysis and met with the City to discuss public facility capacity as part of its land use application. The result of this analysis and discussions is the identification of improvements necessary to serve the proposed elementary school, which include extension of a water line, road dedications, road upgrades, and the temporary approval of a septic system. The proposed improvements, which are incorporated into the Annexation Agreement, ensure the proposed elementary school will be adequately served with public facilities and there is sufficient mitigation of transportation impacts such that proposal complies with statewide planning Goals 11 and 12.

4.9.600 Approval Criteria

The City Council may approve, or approve with conditions, the proposed annexation application if all of the following criteria are met:

1. The annexation proposal is consistent with the Bend Comprehensive Plan policies and Plan designations applicable to the territory as determined by the Planning Director or designee.

FINDING: BDC Chapter 4.9 implements the Bend Comprehensive Plan and thus consistency with BDC Chapter 4.9 ensures consistency with the Comprehensive Plan. However, staff identifies the following Comprehensive Plan policies as potentially applicable.

COMPREHENSIVE PLAN POLICIES

3-12 The City will plan for safe streets, pedestrian, and bike facilities adjacent to the school sites as new schools are erected.

FINDING: The District is proposing a variety of improvements to streets and pedestrian amenities that will provide much improved connectivity in the OB Riley expansion area. Cooley Road and OB Riley Road will have designated bike lanes and a separated multi-modal path all the way to the existing City Limits. The network will then connect to NE Hardy Road, which is classified as a local street and provides access to residential neighborhoods as it extends east to Britta Road. Complete sidewalks and accessible ramps are proposed along all of the subject property's frontages, which will establish connection to adjacent properties as they develop.

3-13 The City will coordinate with the Bend La-Pine School District to increase pedestrian and bicycle accessibility to schools.

FINDING: The District has prepared an analysis of walking, biking and transit facilities to destinations within the UGB for a distance of one mile from the boundary of the subject property to accommodate safe access to the school. In addition, the executed Annexation Agreement provides for roadway improvements to ensure safe and accessible paths of travel which will in turn support and increase pedestrian and bicycle accessibility to the new school.

3-14 When legally allowed, the City may require major new developments to reserve land for school purposes in conjunction with the Bend-La Pine School District's adopted plan for the type and location of future facilities.

FINDING: The subject property is a District selected site. The City of Bend did not require the subject property to be reserved for school purposes.

5-42 Schools and parks may be distributed throughout the residential sections of the community, and all types of dwelling units should have safe and convenient access to schools and parks.

11-17 Schools and parks may be distributed throughout the residential sections of the community, and all types of dwelling units should have safe and convenient access to schools and parks. The School District and Park District facilities plans will determine the location and size of needed schools and parks.

FINDING: The School District 2016 Sites and Facilities Plan identified the need for a 12-15 acre elementary school site in west Bend or northeast Bend, preferably in an area able to serve both areas. Based on enrollment and land availability, the District selected the subject property as the best location for this elementary school. Siting the school in this location will improve the distribution of schools as there are no elementary schools west of Highway 97 and north of Newport Avenue. The proposed location is adjacent to areas planned for residential development and proximate to areas of existing residential development, which will support use of alternative modes of transportation. The proposed elementary school includes dedications, improvements and a variety of pedestrian amenities that will facilitate safe and convenient access to the school.

11-22 The city will establish development codes to provide a variety of

approaches to area planning in order to further the development of complete communities, unique developments which implement comprehensive plan policies, and provide for adequate public infrastructure.

FINDING: BDC Chapter 4.9, which allows for elementary schools to proceed ahead of area planning, is consistent with the policy of providing a variety of approaches. Compliance with BDC Chapter 4.9 ensures there is adequate public infrastructure to support the proposed annexation.

11-23 The City may require Area Plans prior to development in UGB expansion areas.

FINDING: The Comprehensive Plan Policies give the City flexibility to allow the development in UGB expansion areas without requiring an Area Plan. BDC Chapter 4.9 has identified very limited exception to Area or Master Planning. This exception will allow timely construction of a critically needed elementary school in this location.

11-28 Some UGB expansion areas have identified preliminary needs for schools and parks. The need and location for schools and parks is determined by the facility planning of the School District and Park District. The School Attendance Areas and Park Service Areas may change and the Area Plans for the UGB expansion areas should take into account any updated school and park needs when the plan is prepared.

FINDING: The OB Riley Expansion Area did not specifically include a school. Now that the 2016 Sites and Facilities Plan identified this site for a school, future area planning will be required to take the proposed elementary school into account.

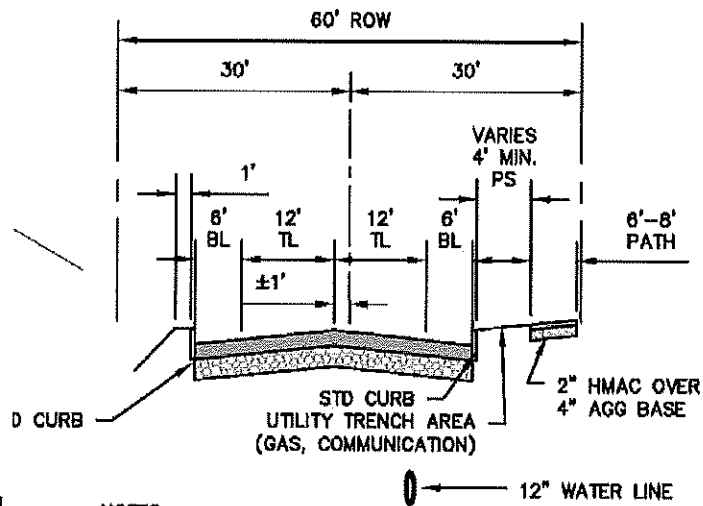
11-43 Requests for annexation must demonstrate how the annexed land is capable of being served by urban services for sanitary sewer collection, domestic water, transportation, schools and parks, consistent with applicable district facility plans and the City's adopted public facility plans.

FINDING: The annexed land is capable of being served by urban services. The applicant has worked with City staff to determine required infrastructure. The following infrastructure/services will be constructed:

WATER: Applicant will install a 12" water transmission pipe in OB Riley road from Hardy Rd to the (to be constructed) on-site local road, and in the local road to the NW corner of the site. This pipe will not only serve the school, but adjacent properties when they develop.

ROADS: Applicant will dedicate 10' of right of way (along frontages) and build Cooley Rd. and OB Riley Road to the city standard of 36' pavement with bike lanes and a separated pedestrian path. OB Riley road will be extended to and through the site from Hardy Road. A local road will be constructed along the east side of the site to provide

PROPOSED ROAD SECTIONS



local access to the school.

SEWER: Sewer is not readily available to the Property. The District will construct a septic system to DEQ requirements, which has already been approved by DEQ and the City. When City sewer is built and available to the site, the District will decommission the septic system and will connect to the City sewer system.

11-46 Land to be annexed must be contiguous to the existing City limits unless the property owners requesting annexation show and the City Council finds that a “cherry-stem” annexation will both satisfy a public need and provide a public benefit.

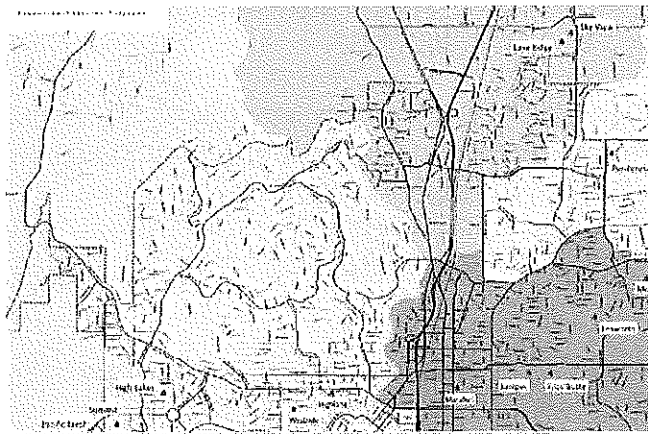
FINDING: The land will be contiguous to the existing City via a cherry-stem annexation. Specifically, the annexed area includes the OB Riley right-of-way between the subject property and the existing City limits. A cherry-stem is appropriate because the proposed annexation will satisfy the public need for an elementary school in this area. Existing District facilities are over-capacity, additional student population growth is predicted, there is no elementary school in this portion of the City, and the voters approved a bond for construction of an elementary school by almost 60%. These facts demonstrate there is a public need and benefit to the proposed annexation. The proposed annexation will meet the additional public need and provide the additional public benefit of improving public infrastructure in the vicinity of the proposed school site (i.e. Cooley Rd. and OB Riley road improvements, extension of a 12” water line and utilities).

11-48 Existing rural infrastructure systems and urban systems (water, sewer, transportation, stormwater) serving annexed areas may be required to be modernized and constructed to the City’s standards and specifications, as determined by the City.

FINDING: Applicant will be required to construct the annexed roads and systems to City standards.

11-117 The OB Riley area, shown on Figure 11-4, is intended to provide for a mix of employment uses to take advantage of good transportation access, while also including residential uses to ensure a complete community and provide a transition to existing urban residential areas to the south. The OB Riley area will also provide an attractive northern gateway into Bend.

FINDING: Schools are a critical component to a complete community and this school will provide a needed school in an area without schools. As shown below, there are no schools in this northwest area of the community. In addition, the District will be making substantial road and water infrastructure improvements, which will enhance transportation access and facilitate the development of adjacent lands into a complete community. A school, with landscaping, open space and public playfields will provide an attractive centerpiece to both this expansion area and as a gateway to Bend.



11-120 The street, path and bikeway network shall provide connectivity throughout this area and connect to existing abutting local roads.

FINDING: The applicant is proposing a variety of improvements to streets and pedestrian amenities that will provide much improved connectivity in the OB Riley expansion area. Cooley Road and OB Riley road will have designated bike lanes and a separated multi-modal path all the way to the existing City limits. The network will then connect to NE Hardy Road, which is classified as a local street and provides access to residential neighborhoods as it extends east to Britta Road. Complete sidewalks and accessible ramps are proposed along all of the subject property's frontages, which will establish connection to adjacent properties as they develop. In addition, the applicant has provided a high-level road framework plan showing how the future road connections will work with the proposed local road.

2. The annexation proposal is consistent with an approved Area Plan and/or Master Plan, unless exempted in BDC 4.9.300(B)(1).

FINDING: The elementary school is exempt from Area and/or Master Planning pursuant to BDC 4.9.300(B)(1).

3. The proposal demonstrates how the annexed territory is capable of being served by public facilities and services with adequate capacity as determined by the City including sanitary sewer collection, domestic water, transportation, schools, and parks, consistent with the City's adopted public facility plans, transportation system plan, and applicable district plans, either as provided in an applicable Area or Master Plan or by demonstrating how such public facilities and services will be provided in an orderly, efficient and timely manner.

FINDING: The applicant has worked with City staff to determine required infrastructure. The following infrastructure/services shall be constructed as part of the elementary school:

WATER: Applicant will install a 12" water transmission pipe in OB Riley road from Hardy Rd to the (to be constructed) on-site local road, and in the proposed local road to the northwest corner of the subject property.

ROADS: Applicant will dedicate 10' of right of way (along frontages) and construct Cooley Rd. and OB Riley Road to the City standard of 36' pavement with bike lanes and a separated pedestrian path. OB Riley Road will be extended beyond the property frontage to Hardy Road, in order to complete the road network along the cherry-stem. A local road will be constructed along the east side of the property to provide local access to the school.

SEWER: Sewer is not readily available to the subject property. City staff and DEQ have determined that a septic system is allowable as an interim improvement. The District will construct a septic system to DEQ requirements. When City sewer is built and available to the site, the District will decommission the septic system and the onsite system will be connected to the City sewer system.

OTHER UTILITIES:

- Electricity – CEC
- Telecommunications – FatBeam
- Fire protection - City of Bend
- Police protection – City of Bend

4. The proposal demonstrates how public facility and service impacts, including as applicable: on and off-site improvements, construction and modernization of existing infrastructure (water, sewer, storm water, transportation) to City standards and specifications, and impacts to existing infrastructure inside the City's current city limits, will be adequately mitigated through an annexation agreement or other funding mechanism approved by the City Council prior to annexation. The City will use the standards and criteria of BDC Chapter 4.7, Transportation Analysis for analysis and mitigation of transportation impacts.

FINDING: The applicant's traffic engineer worked with the City Engineer to determine the appropriate scope for the Transportation Analysis submitted as part of the land use Bend La Pine School District Annexation

PZ-18-0103

Page 12 of 15

application. The City Engineer, through a Transportation Analysis Memo, determined that the submitted analysis complies with the standards of BDC Chapter 4.7. The Transportation Analysis identified required improvements to the transportation system to mitigate traffic impacts, which are memorialized in the executed Annexation Agreement. The applicant will be constructing and modernizing water and transportation systems to City Standards as described above.

5. Owner(s) have committed to transfer all irrigation district water rights from the property, unless exempted in BDC 4.9.600(A)(5)(a)(i). The timing of the transfer of irrigation district water rights may be worked out between the owner(s) and the irrigation district, but in any event, the transfer must occur prior to the platting of a land division or prior to certification of final occupancy for developments subject to Site Plan Review, whichever occurs first. For phased subdivisions or developments, however, the transfer may occur by individual phase prior to the platting of each phase or prior to certification of final occupancy of the development on each phase.

a. Exemption.

i. In limited instances where the City Council finds that continued use of irrigation district water rights will not conflict with the Bend Comprehensive Plan Specific Expansion Area Policies for the land to be annexed and the transition to urban land uses, an Owner may continue to use the irrigation district water rights until certain events occur or certain conditions are met as set forth in a written agreement. Council may consider additional factors such as efficiency of use, size of the lot or parcel, environmental demands and sustainability, protection of public health, and cost to the city.

FINDING: The Property does not have any irrigation rights.

6. Sufficient evidence acceptable to the City has been provided demonstrating that the irrigation district had an opportunity to review the layout and design for any impacts on irrigation district conveyance facilities and to recommend reasonable protections for such facilities consistent with the irrigation district's adopted rules and regulations, System Improvement Plans and/or development policies.

FINDING: The applicant has submitted a letter from Swalley Irrigation District. The applicant and Swalley are working on a developing appropriate Easement Encroachment Agreements and/or Piping Agreements.

7. The proposal demonstrates that approval of the annexation and zoning districts that implement the underlying Bend Comprehensive Plan map designations is consistent with the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.

FINDING: The submitted Transportation Analysis addressed compliance with the Transportation Planning Rule.

8. The proposal demonstrates how rights-of-way will be improved to urban standards as determined by the City, including rights-of-way in cherry stem annexations.

FINDING: As described above, OB Riley Road will be improved to City standards from the subject property to Hardy Road, which is the current city limits.

4.9.700 Zoning of Annexed Areas.

The Bend Comprehensive Plan map provides for the future City zoning classifications of all property within the City's Urbanizable Area (UA) District. On the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated with the zoning district that implements the underlying Comprehensive Plan map designation.

FINDING: Pursuant to BDC 4.9.700, the RS and ME zoning established by the Comprehensive Plan will replace the UA zoning designation upon the effective date of the annexation.

4.9.800 Effective Date and Notice of Approved Annexation.

A. The effective date of an approved annexation must be set in accordance with ORS 222.040 or 222.180.

B. Notice of Approved Annexation.

- 1. Not later than 10 working days after the passage of an ordinance approving an annexation, the Planning Director will:**
 - a. Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives and telecommunications carriers (as defined in ORS 133.721) operating within the City.**
 - b. Mail a notice of the annexation to the Secretary of State, Department of Revenue, Deschutes County Clerk, Deschutes County Assessor, affected districts, and owners and electors in the annexed territory. The notice must include:**
 - i. A copy of the ordinance approving the annexation;**
 - ii. A legal description and map of the annexed territory;**
 - iii. The findings; and**
 - iv. Each site address to be annexed as recorded on Deschutes County assessment and taxation rolls.**
 - c. The notice to the Secretary of State will also include a copy of the statement of consent as required in BDC 4.9.400, Initiation Procedures.**

...

FINDING: ORS 222.180 provides that the effective date of the annexation is the date that the appropriate filing is made with the Secretary of State. The District requests that the Council adopt the ordinance approving the annexation by emergency and direct staff to take all actions necessary to expeditiously file applicable documentation with the Secretary of State.

4.9.900 Extraterritorial Extension and/or Connection of Water and Sewer Service. The City Council may approve an extraterritorial extension and/or connection of water and sewer services consistent with the requirements of Goal 11 Public Facilities and OAR 660-011-0060 and 660-011-0065 and may require an annexation contract. The review is a Type III process in accordance with BDC Chapter 4.1, Development Review and Procedures with the City Council as the sole review authority.

FINDING: Following adoption of the annexation ordinance and perfection of the annexation with the Secretary of State, the subject property will be located within the City limits and no extraterritorial service will be needed.

V. CONCLUSION

Staff finds that the proposed annexation satisfies all the applicable criteria for the requested annexation.

RECOMMENDATION: Staff recommends that the City Council approve the applicant's request for Annexation.

Written by:



Heidi Kennedy AICP, Senior Planner

