

## ORDINANCE NO. NS - 2416

**AN ORDINANCE ANNEXING APPROXIMATELY 50 ACRES OF LAND IN A PORTION OF THE SOUTHEAST "ELBOW" UGB EXPANSION MASTER PLAN AREA, FOR EXPANSION OF THE EASTON MASTER PLANNED DEVELOPMENT AND REQUESTING JURISDICTIONAL TRANSFER OF THE RIGHT OF WAY PER ORS 373.270.**

### Findings:

- A. Bend Development Code Section 4.9.400A.3 provides for annexation of real property to the City when 100 percent of the property owners that represent more than half the assessed value of all real property in the contiguous territory proposed to be annexed consent to the annexation.
- B. The City received an application for annexation of the territory shown on Exhibit B and described in Exhibit C (the "Area").
- C. One hundred percent of property owners within the Area have filed statements of consent to this annexation.
- D. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.9.300.A.3, and BDC 4.1.423-4.1.425. On June 30, 2021, notice was mailed by the Planning Division to surrounding owners of record of property within 500 feet of the subject properties, and to the Old Farm and Southeast Bend Neighborhood Association representatives. Notice was also posted in four public places on July 6, 2021, and posted in The Bulletin on July 11, 2021 and July 18, 2021. On July 2, 2021, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at four locations, no more than 10 feet from adjacent rights of way.
- E. The City Council held a public hearing on July 21, 2021 to receive evidence and comments on the question of annexation.
- F. The Area is contiguous to the City limits of the City of Bend along the west and north boundaries of the properties within the Area.
- G. The applicant and the City have reached agreement on a proposed Annexation Agreement that sets forth the obligations of the applicant for the provision of urban infrastructure needed to serve the newly annexed area and other areas.

### **Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:**

- Section 1. The territory containing approximately 50 acres of land as described in Exhibit A and depicted in Exhibit B, is annexed to the City of Bend upon the Annexation Agreement (Exhibit C) taking effect.

Section 2. The City Manager is authorized to execute the Annexation Agreement (Exhibit C) in the substantially the form presented to Council.

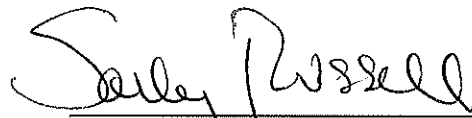
Section 3. In addition to the findings set forth above, the City Council adopts and incorporates the findings in Exhibit D.

Section 4. On the date the annexation becomes effective, the UA District will cease to apply and the zoning map will be automatically updated in accordance with the Modification to the Easton Master Planned Development zoning scheme (PLMOD20210482).

First Reading: July 21, 2021

Second reading and adoption by roll call vote: August 4, 2021

YES: Mayor Sally Russell      NO: none      ABSTAIN: Schenkelberg  
Councilor Barb Campbell  
Councilor Melanie Kebler  
Councilor Anthony Broadman  
Councilor Megan Perkins

  
\_\_\_\_\_  
Sally Russell, Mayor

Attest:

  
\_\_\_\_\_  
Robyn Christie, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Mary A. Winters, City Attorney



AKS ENGINEERING & FORESTRY, LLC  
2777 NW Lolo Drive, Suite 150, Bend, OR 97703  
P: (541) 317-8429 | www.aks-eng.com

AKS Job #7326-01

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

### EXHIBIT A

(Annexation Tax Lot 1400, Tax Map 18 12 15CD)

A tract of land located in the Southwest One-Quarter of Section 15, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

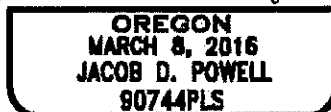
All of the Northwest One-Quarter of the Southeast One-Quarter of the Southwest One-Quarter of Section 15, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon.

The above described tract of land contains 10.00 acres, more or less.

03/04/2021



*Jacob D. Powell*

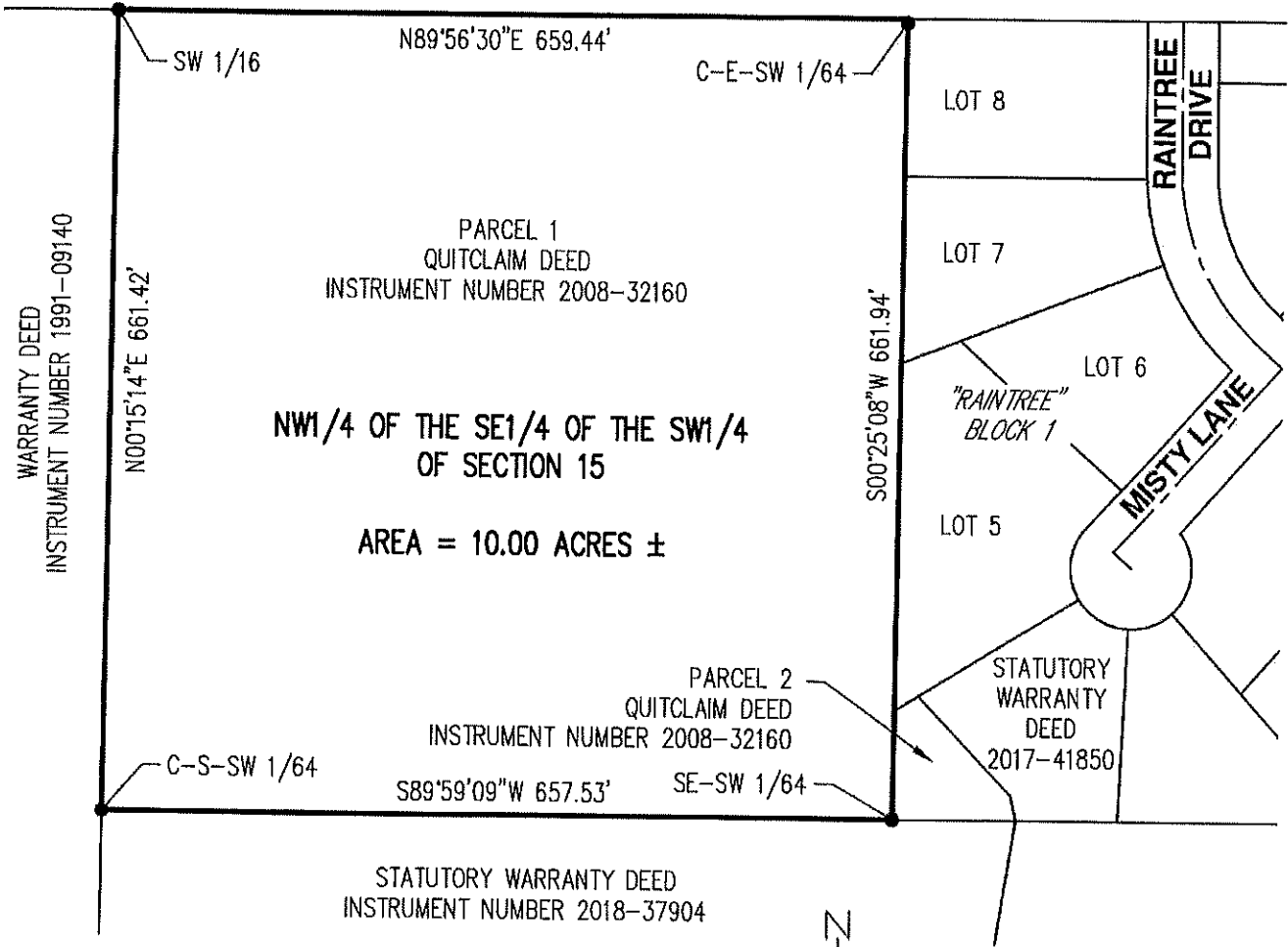


RENEWS: 12/31/2022

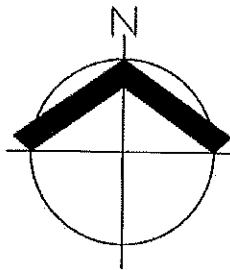
# EXHIBIT B

A TRACT OF LAND LOCATED IN THE NW 1/4 OF THE SE 1/4 OF THE SW 1/4 OF SEC. 15, T18S, R12E, W.M., DESCHUTES COUNTY, OREGON

BARGAIN AND SALE DEED  
INSTRUMENT NUMBER 2020-25816

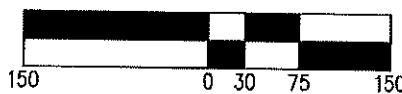


BASIS OF BEARINGS  
BEARINGS FOR THIS MAP ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM (COCS), DESCHUTES 13 TRANSFORMATION, DERIVED FROM THE OREGON REAL-TIME GNSS NETWORK (ORGN).



PREPARED FOR  
CITY OF BEND  
709 NW WALL ST., SUITE 100  
BEND, OR 97703

SCALE: 1" = 150 FEET



03/04/2021  
**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Jacob D. Powell*  
**OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS  
RENEWS: 12/31/2022**

<b>MAP OF ANNEXATION</b>		<b>EXHIBIT B</b>
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429    WWW.AKS-ENG.COM		DRWN: JDP CHKD: JAC AKS JOB: 7326-01





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 2777 NW Lolo Drive, Suite 150, Bend, OR 97703  
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OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT A

(Annexation Tax Lot 1500, Tax Map 18 12 15, and portion of Knott Road)

A tract of land located in the Southwest One-Quarter of Section 15, the Northwest One-Quarter of Section 22, and the Northeast One-Quarter of Section 21, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Beginning at the northeast corner of the Southwest One-Quarter of the Southwest One-Quarter of Section 15, thence along the east line of said section subdivision South  $00^{\circ}15'14''$  West 1323.42 feet to the southeast corner of said section subdivision and also being on the centerline of Knott Road; thence along the east line of the Northwest One-Quarter of the Northwest One-Quarter of Section 22, South  $00^{\circ}21'29''$  West 30.00 feet to the south right-of-way line of said road (30.00 feet from centerline); thence along said south right-of-way line for the following courses, North  $89^{\circ}59'31''$  West 651.16 feet; thence South  $00^{\circ}16'58''$  West 10.00 feet (to a point 40.00 feet from centerline); thence North  $89^{\circ}59'31''$  West 485.32 feet to a point of non-tangent curvature; thence on a 30.00 foot radius curve to the right (radius point bears North  $31^{\circ}06'05''$  West), an arc distance of 14.26 feet, through a central angle of  $27^{\circ}13'54''$ , and a chord of South  $72^{\circ}30'52''$  West 14.12 feet; thence on a 756.00 foot radius curve to the left, an arc distance of 41.99 feet, through a central angle of  $3^{\circ}10'57''$ , and a chord of South  $84^{\circ}32'21''$  West 41.99 feet; thence on a 131.00 foot radius curve to the left, an arc distance of 77.07 feet, through a central angle of  $33^{\circ}42'29''$ , and a chord of South  $66^{\circ}05'37''$  West 75.96 feet; thence along a 36.00 foot radius curve to the left, an arc distance of 18.08 feet, through a central angle of  $28^{\circ}46'08''$ , and a chord of South  $34^{\circ}51'19''$  West 17.89 feet to the east right-of-way line of Tekampe Road (40.00 feet from centerline); thence along said east right-of-way line, South  $00^{\circ}16'58''$  West 56.32 feet; thence perpendicular to said east right-of-way line, North  $89^{\circ}43'02''$  West 70.00 feet to the west right-of-way line of said road (30.00 feet from centerline); thence along said west right-of-way line for the following courses, North  $00^{\circ}16'58''$  East 27.75 feet; thence North  $89^{\circ}39'10''$  West 9.77 feet to a point of non-tangent curvature; thence on a 156.01 foot radius curve to the left (radius point bears South  $74^{\circ}15'45''$  West), an arc distance of 86.80 feet, through a central angle of  $31^{\circ}52'46''$ , and a chord of North  $31^{\circ}40'38''$  West 85.69 feet; thence on a 35.95 foot radius curve to the left, an arc distance of 27.33 feet, through a central angle of  $43^{\circ}33'11''$ , and a chord of North  $69^{\circ}23'36''$  West 26.67 feet to the south right-of-way line of Knott Road; thence along said south right-of-way line (variable width from centerline), South  $88^{\circ}49'48''$  West 75.54 feet; thence on a 30.00 foot radius curve to the right, an arc distance of 15.63 feet, through a central angle of  $29^{\circ}50'46''$ , and a chord of North  $76^{\circ}14'49''$  West 15.45 feet; thence North  $61^{\circ}19'26''$  West 12.59 feet to a point 30.00 feet from centerline; thence leaving said south right-of-way line parallel with and 30.00 feet southerly of, when measured at right angles to said Knott Road centerline, North  $89^{\circ}37'11''$  East 212.02 feet; thence continuing parallel with and 30.00 feet southerly of said centerline, South  $89^{\circ}59'31''$  East 39.75 feet; thence parallel with and 40.00 feet easterly of, when measured at right angles to said centerline of Tekampe Road, North  $00^{\circ}16'58''$  East 29.93 feet; thence parallel with and 40.00 feet easterly of, when measured at right angles to the centerline of SE 15th Street and easterly right-of-way thereof, North  $00^{\circ}03'38''$  West 1321.33 feet to the north line of said Southwest One-quarter

of the Southwest One-quarter of Section 15; thence along said north section subdivision line, North 89°54'42" East 1278.46 feet to the Point of Beginning.

Bearings for this description are based on the Central Oregon Coordinate System (COCS), Deschutes 13 Transformation, Derived from the Oregon Real-Time GNSS Network (ORGN).

The above described tract of land contains 40.05 acres, more or less.

03/04/2021

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Jacob D. Powell*

**OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS**

**RENEWS: 12/31/2022**

# EXHIBIT B

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 15, THE NW 1/4 OF SEC. 22,  
AND THE SE 1/4 OF SEC. 21, T18S, R12E, W.M., DESCHUTES COUNTY, OREGON

BARGAIN AND SALE DEED  
INSTRUMENT NUMBER 2020-25816

POINT OF BEGINNING  
NE COR OF THE SW1/4 OF  
THE SW1/4 OF SECTION 15

WARRANTY DEED  
INSTRUMENT NUMBER 1991-09140

AREA = 40.05 ACRES ±

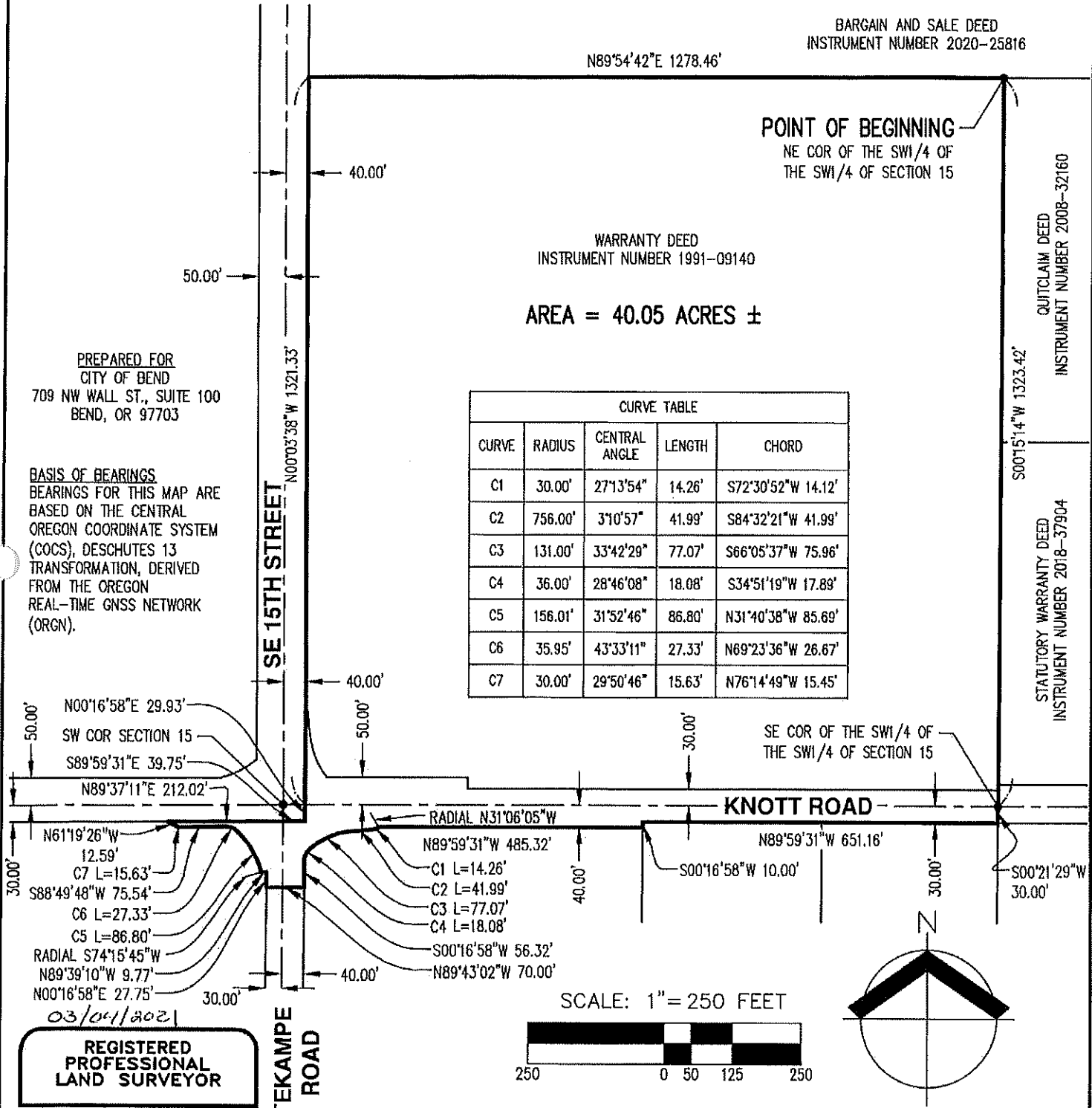
QUITCLAIM DEED  
INSTRUMENT NUMBER 2008-32160

STATUTORY WARRANTY DEED  
INSTRUMENT NUMBER 2018-37904

PREPARED FOR  
CITY OF BEND  
709 NW WALL ST., SUITE 100  
BEND, OR 97703

BASIS OF BEARINGS  
BEARINGS FOR THIS MAP ARE  
BASED ON THE CENTRAL  
OREGON COORDINATE SYSTEM  
(COCS), DESCHUTES 13  
TRANSFORMATION, DERIVED  
FROM THE OREGON  
REAL-TIME GNSS NETWORK  
(ORGN).

CURVE TABLE				
CURVE	RADIUS	CENTRAL ANGLE	LENGTH	CHORD
C1	30.00'	27°13'54"	14.26'	S72°30'52"W 14.12'
C2	756.00'	3°10'57"	41.99'	S84°32'21"W 41.99'
C3	131.00'	33°42'29"	77.07'	S66°05'37"W 75.96'
C4	36.00'	28°46'08"	18.08'	S34°51'19"W 17.89'
C5	156.01'	31°52'46"	86.80'	N31°40'38"W 85.69'
C6	35.95'	43°33'11"	27.33'	N69°23'36"W 26.67'
C7	30.00'	29°50'46"	15.63'	N76°14'49"W 15.45'



**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Jacob D. Powell*  
**OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS  
RENEWS: 12/31/2022**

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**After recording, return to:**

City of Bend  
Attn: Colin Stephens  
Community Development Department  
710 NW Wall St.  
Bend, OR 97703

**EASTON SOUTH ANNEXATION AGREEMENT**

This Annexation Agreement ("Agreement") is made this \_\_\_ day of \_\_\_\_\_, 2021 between the City of Bend ("City") and Pahlisch Homes, Inc ("Pahlisch") and the real property owners set forth on Exhibit A (together, Pahlisch and additional property owners set forth on Exhibit A are collectively referred to as the "Owner"), who are the owner(s) of record of the property described in Exhibit B and depicted on Exhibit C ("Property").

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. Pahlisch intends to develop the Property pursuant to the Bend Comprehensive Plan (the "BCP"), the Bend Development Code (the "BDC") and a City-approved Major Community Master Plan. The Property is within the City's Urban Growth Boundary (UGB) and is contiguous to the City limits at SE 15<sup>th</sup> Street and south of SE Caldera Drive. Therefore the Property is eligible for annexation subject to BDC Chapter 4.9.

B. Pahlisch intends to develop the Property with a mix of single family, duplex/triplex, multi-family housing and commercial development as required by BCP Policies 11-93 to 11-102.

C. The Property consists of approximately 48 acres located in the Elbow Expansion Area that is subject to the requirements and limitations of the BCP Specific Expansion Area Policies 11-93 through 11-102, including the requirement that development is subject to a major community master plan approval under BDC Chapter 4.5.

D. The Property is currently zoned Urbanizable Area ("UA") and is designated Residential Standard ("RS"), Residential Medium Density ("RM") and General Commercial ("GC") on the BCP Map pursuant to Policies 11-93 and 11-102 of the Bend Comprehensive Plan.

E. On October 21, 2020 the City adopted Ordinance No. NS-2391, An Ordinance Amending the Bend Development Code to Adopt the Easton Major Community Master Plan (the "Easton Master Plan").

F. Pahlisch has submitted a request to the City for amend the Easton Master Plan to include the Property within the Easton Master Plan pursuant to City File No. PLMOD20210109 (the "Easton Amendment"). Together, the Easton Master Plan and the Easton Amendment are sometimes referred to herein as the "Easton Project."

G. On May 7, 2021, the Owner submitted a request to the City to annex the Property to the City (City File No. PLANX20210483).

H. Annexation of the Property requires the Owner to prove that all criteria under BDC 4.9.600 are met.

I. In order to meet the BDC 4.9.600 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 in Section 7 of this Agreement, the Owner agrees to comply with all requirements imposed in this Agreement and all other City codes, regulations, and standards applicable to the Property, including the Easton Master Plan. This Agreement is consistent with and intended to implement the BCP Specific Expansion Area Policies 11-93 through 11-102 as these policies specifically relate to the Property and other applicable policies of the BCP.

## AGREEMENT

Based upon the Recitals, which are incorporated as part of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties, the parties agree as follows:

1. **Obligations of the Owner.** Consistent with the above Recitals, Owner agrees to perform the obligations of this Agreement and comply with and meet all City codes, standards, and regulations, including the Easton Master Plan. All exhibits attached are conceptual and nothing in this Agreement prohibits refinements to meet City standards as part of the required development applications.

2. **Master Plan Approval.** Pahlisch will seek approval of a Major Community Master Plan under BDC Chapter 4.5 for the Easton Master Plan concurrent with approval of this Annexation Agreement. This Agreement will become effective upon authorized signatures of all parties, approval of the Easton Master Plan, as modified by the Easton Amendment by the City Council, and expiration of all applicable appeal periods or when the City's approval of the Master Plan is otherwise final.

3. **Water.** In order to serve the Property consistent with BCP Specific Expansion Area Policies 11-93 through 11-102 and other applicable policies of the BCP and the BDC, the Owner shall construct the water system improvements pursuant to the phasing and development schedule set forth in the Easton Amendment (Sheets P12 and P6 of PLMOD20210482). Nothing in this Section 3 precludes the Owner from seeking SDC credits for the water system improvements required under this Section 3, but the parties acknowledge that such improvements are currently not identified on any SDC Project List or Capital Improvement Plan.

4. **Sewer.** In order to serve the Property consistent with BCP Specific Expansion Area Policies 11-93 through 11-102 and other applicable policies of the BCP and the BDC, the Owner shall construct the wastewater collection system improvements pursuant to the phasing and development schedule set forth in the Easton Amendment (Sheets P11 and P6 of PLMOD20210482). Nothing in this Section 4 precludes the Owner from seeking SDC credits for the wastewater collection system improvements required under this Section 4, but the parties acknowledge that such improvements are currently not identified on any SDC Project List or Capital Improvement Plan.

5. **Transportation.** In order to serve the Property consistent with BCP Specific Expansion Area Policies 11-93 through 11-102 and other applicable policies of the BCP and the BDC, together with the Transportation Planning Rule (OAR 660-012-0060) the Owner shall construct the transportation system improvements identified on Exhibits D1 A-G pursuant to the phasing and development schedule set forth in the Easton Amendment (the "Transportation Projects").

5.1 **Transportation System SDC Credits.** Pursuant to Bend Municipal Code (BMC) 12.10.130, transportation improvements identified on Exhibit D-2 will be eligible for TSDC Credits if that improvement is included in the most current approved and adopted TSDC Project List. If, because of a future update to the TSDC methodology, additional improvements as identified on Exhibit D-2 are added to the TSDC Project List before commencement of construction by the Owner for the improvement, the Owner may apply for TSDC credits based on the City's TSDC methodology and code in effect at that time.

5.2 **Transportation Planning Rule Compliance.** The Parties acknowledge that (i) the construction of Transportation Projects will benefit multiple transportation modes and provide improvements to locations other than the affected facilities; and (ii) the system-wide benefits are sufficient to balance the significant effects identified in the Easton Amendment Transportation Impact Analysis (TIA), even though the improvements will not result in consistency for all performance standards. Attached as Exhibit E are written statements of approval from the Oregon Department of Transportation and Deschutes County pursuant to OAR 660-012-0060(2)(e) acknowledging compliance with the Transportation Planning Rule, OAR 660-012-0060.

5.5 **Dedication of Right of Way.** The Owner agrees to dedicate sufficient right of way under Owner's control to the City to accommodate the Transportation

Projects described in Section 5 above, and to meet the minimum right of way widths required by BDC Chapter 3.4 and the Easton Amendment. To the extent there is a conflict between the street standards set forth in BDC Chapter 3.4 and those set forth in the Easton Amendment, the standards in the Easton Amendment shall control.

6. **Stormwater.** The Owner will contain all stormwater consistent with the Easton Amendment and all applicable City requirements. The Owner will complete all on-site stormwater requirements as required by the Easton Master Plan and Easton Amendment and all subsequent development applications (e.g., site plan review, subdivision).

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

7.1 Process the application for annexing the Property into the City Limits.

7.2 Conduct a timely review of and issue a decision on the Easton Amendment applications.

7.4 Owner acknowledges that the City cannot prospectively agree to any specific outcomes.

9. **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. This Agreement must be recorded with the Deschutes County Recorder upon execution. Execution and recording of this Agreement are preconditions to the annexation of the Property into the City. These covenants will expire for each portion of the Property upon recording of a final plat for that portion of the Property under the Easton Amendment. The parties will execute and record any document necessary to release such covenants at the time of recording of the final plat.

10. **Limitations on Development.** Upon annexation the Owner agrees that no portion of the Property may be developed prior to the City's final approval of the Easton Amendment. Development of the Property under the Easton Amendment will be subject to additional land use and permit approval as provided in the BDC.

11. **Mutual Cooperation.** The City and Owner will endeavor to cooperate with each other in implementing the terms of this Agreement.

12. **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.

13. **Land Use Approval.** Except as set forth in Section 14 below, nothing in this Agreement is to be construed as waiving any requirements of the Bend Municipal Code, Bend Development Code or Bend Comprehensive Plan provisions 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.

14. **Exactions.** The Owner knows and understands its rights under *Dolan v. City of Tigard* and its progeny. By entering into this Agreement Owner waives any requirement that the City demonstrate that the public improvements and other obligations imposed on the Owner in this Agreement or the Easton Amendment are roughly proportional to the burden and demands placed upon the urban facilities and services by the development of the Property. The Owner acknowledges that the requirements and obligations of the Owner, 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.

15. **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.

16. **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.

17. **Effective Date.** This Agreement will become effective upon authorized signatures by all parties, approval of the Easton Amendment by the City Council, and expiration of all applicable appeal periods or when the City's approval of the Easton Amendment is otherwise final.

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

**OWNER:**

\_\_\_\_\_  
Daniel Pahlisch, President  
Pahlisch Homes, Inc., an Oregon corporation

State of Oregon            )  
  )  
County of Deschutes        )

This instrument was acknowledged before me on \_\_\_\_\_, 2021, by Daniel Pahlisch, President of Pahlisch Homes, Inc., an Oregon corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public for Oregon

**CITY OF BEND**

\_\_\_\_\_  
Eric King, City Manager

STATE OF OREGON        )  
  )  
County of Deschutes     )

This instrument was acknowledged before me on January \_\_\_\_\_, 2021, by Eric King as City Manager of the City of Bend.

\_\_\_\_\_  
Notary Public for Oregon

**EXHIBIT A**

**List of Additional Property Owners, Signatures and Notary Blocks**

\_\_\_\_\_  
Josele F. Ward, President  
J. L. Ward, Co.

State of Oregon                    )  
  )  
County of Deschutes            )

This instrument was acknowledged before me on \_\_\_\_\_, 2021, by Josele F. Ward, as President of the J.L. Ward Co., an Oregon corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public for Oregon

**EXHIBIT B**  
Legal Description of Property



**EXHIBIT C**  
Map of Property

**EXHIBIT D-1 (A thru G)**  
Transportation System Improvements

**EXHIBIT D-2**  
Transportation Systems Project List/GO Bond Project List

**EXHIBIT E**  
TPR Letters from Deschutes County and ODOT



AKS ENGINEERING & FORESTRY, LLC  
2777 NW Lolo Drive, Suite 150, Bend, OR 97703  
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AKS Job #7326-01

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

### EXHIBIT B

(Annexation Tax Lot 1400, Tax Map 18 12 15CD)

A tract of land located in the Southwest One-Quarter of Section 15, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

All of the Northwest One-Quarter of the Southeast One-Quarter of the Southwest One-Quarter of Section 15, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon.

The above described tract of land contains 10.00 acres, more or less.

07/14/2021

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jacob D Powell*

OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS

RENEWS: 12/31/2022



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(Annexation Tax Lot 1500, Tax Map 18 12 15, and portion of Knott Road)

A tract of land located in the Southwest One-Quarter of Section 15, the Northwest One-Quarter of Section 22, and the Northeast One-Quarter of Section 21, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Beginning at the northeast corner of the Southwest One-Quarter of the Southwest One-Quarter of Section 15, thence along the east line of said section subdivision South  $00^{\circ}15'14''$  West 1323.42 feet to the southeast corner of said section subdivision and also being on the centerline of Knott Road; thence along the east line of the Northwest One-Quarter of the Northwest One-Quarter of Section 22, South  $00^{\circ}21'29''$  West 30.00 feet to the south right-of-way line of said road (30.00 feet from centerline); thence along said south right-of-way line for the following courses, North  $89^{\circ}59'31''$  West 651.16 feet; thence South  $00^{\circ}16'58''$  West 10.00 feet (to a point 40.00 feet from centerline); thence North  $89^{\circ}59'31''$  West 485.32 feet to a point of non-tangent curvature; thence on a 30.00 foot radius curve to the right (radius point bears North  $31^{\circ}06'05''$  West), an arc distance of 14.26 feet, through a central angle of  $27^{\circ}13'54''$ , and a chord of South  $72^{\circ}30'52''$  West 14.12 feet; thence on a 756.00 foot radius curve to the left, an arc distance of 41.99 feet, through a central angle of  $3^{\circ}10'57''$ , and a chord of South  $84^{\circ}32'21''$  West 41.99 feet; thence on a 131.00 foot radius curve to the left, an arc distance of 77.07 feet, through a central angle of  $33^{\circ}42'29''$ , and a chord of South  $66^{\circ}05'37''$  West 75.96 feet; thence along a 36.00 foot radius curve to the left, an arc distance of 18.08 feet, through a central angle of  $28^{\circ}46'08''$ , and a chord of South  $34^{\circ}51'19''$  West 17.89 feet to the east right-of-way line of Tekampe Road (40.00 feet from centerline); thence along said east right-of-way line, South  $00^{\circ}16'58''$  West 56.32 feet; thence perpendicular to said east right-of-way line, North  $89^{\circ}43'02''$  West 70.00 feet to the west right-of-way line of said road (30.00 feet from centerline); thence along said west right-of-way line for the following courses, North  $00^{\circ}16'58''$  East 27.75 feet; thence North  $89^{\circ}39'10''$  West 9.77 feet to a point of non-tangent curvature; thence on a 156.01 foot radius curve to the left (radius point bears South  $74^{\circ}15'45''$  West), an arc distance of 86.80 feet, through a central angle of  $31^{\circ}52'46''$ , and a chord of North  $31^{\circ}40'38''$  West 85.69 feet; thence on a 35.95 foot radius curve to the left, an arc distance of 27.33 feet, through a central angle of  $43^{\circ}33'11''$ , and a chord of North  $69^{\circ}23'36''$  West 26.67 feet to the south right-of-way line of Knott Road; thence along said south right-of-way line (variable width from centerline), South  $88^{\circ}49'48''$  West 75.54 feet; thence on a 30.00 foot radius curve to the right, an arc distance of 15.63 feet, through a central angle of  $29^{\circ}50'46''$ , and a chord of North  $76^{\circ}14'49''$  West 15.45 feet; thence North  $61^{\circ}19'26''$  West 12.59 feet to a point 30.00 feet from centerline; thence leaving said south right-of-way line parallel with and 30.00 feet southerly of, when measured at right angles to said Knott Road centerline, North  $89^{\circ}37'11''$  East 212.02 feet; thence continuing parallel with and 30.00 feet southerly of said centerline, South  $89^{\circ}59'31''$  East 39.75 feet; thence parallel with and 40.00 feet easterly of, when measured at right angles to said centerline of Tekampe Road, North  $00^{\circ}16'58''$  East 29.93 feet; thence parallel with and 40.00 feet easterly of, when measured at right angles to the centerline of SE 15th Street and easterly right-of-way thereof, North  $00^{\circ}03'38''$  West 1321.33 feet to the north line of said Southwest One-quarter

of the Southwest One-quarter of Section 15; thence along said north section subdivision line, North 89°54'42" East 1278.46 feet to the Point of Beginning.

Bearings for this description are based on the Central Oregon Coordinate System (COCS), Deschutes 13 Transformation, Derived from the Oregon Real-Time GNSS Network (ORGN).

The above described tract of land contains 40.05 acres, more or less.

07/14/2021

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

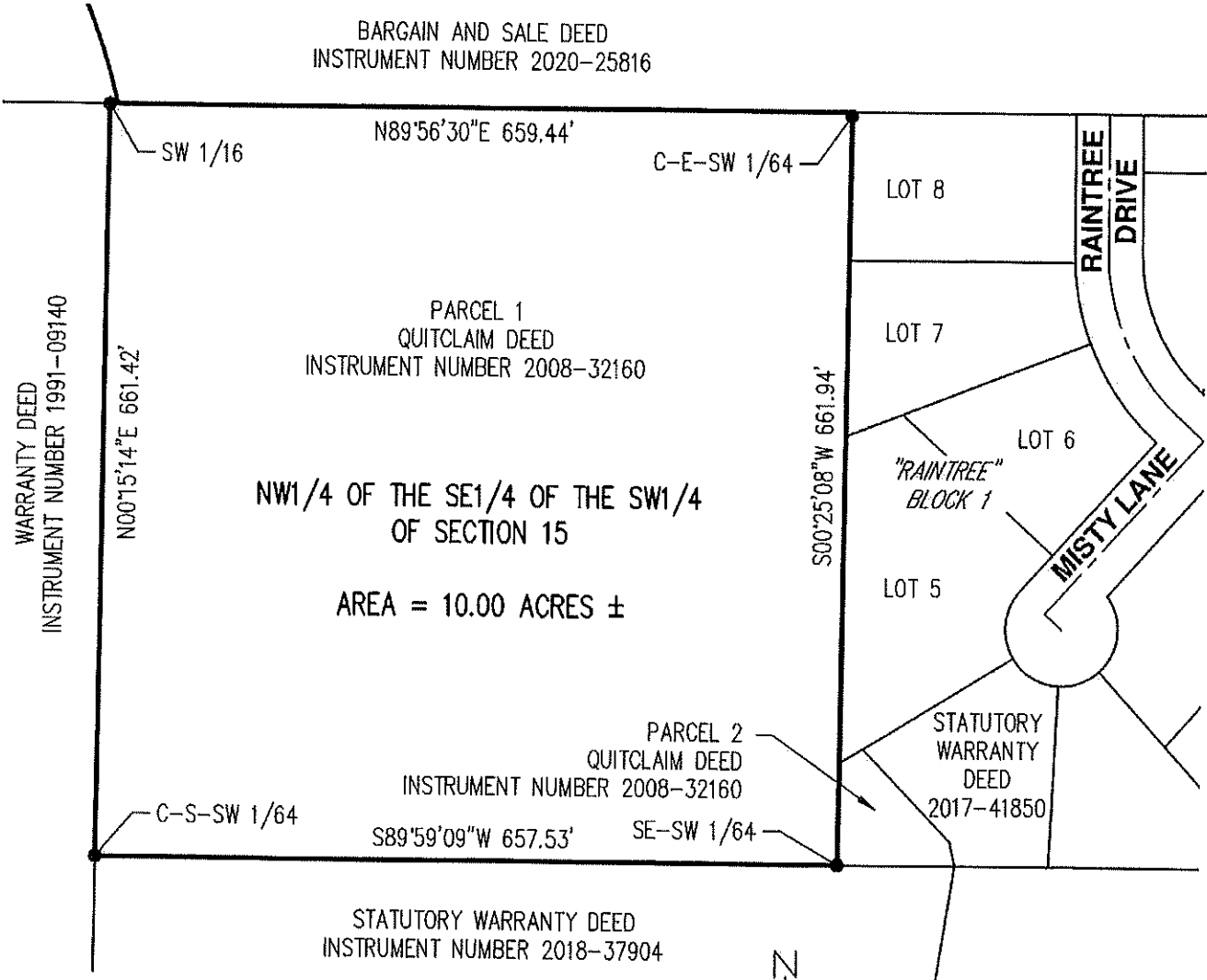
*Jacob D. Powell*

**OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
80744PLS**

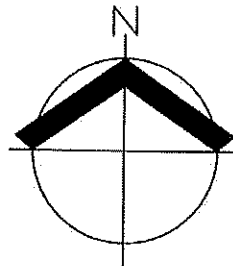
**RENEWS: 12/31/2022**

# EXHIBIT C

A TRACT OF LAND LOCATED IN THE NW 1/4 OF THE SE 1/4 OF THE SW 1/4 OF SEC. 15, T18S, R12E, W.M., DESCHUTES COUNTY, OREGON

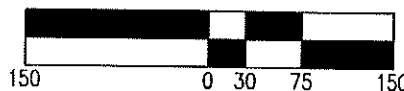


BASIS OF BEARINGS  
BEARINGS FOR THIS MAP ARE BASED ON THE CENTRAL OREGON COORDINATE SYSTEM (COCS), DESCHUTES 13 TRANSFORMATION, DERIVED FROM THE OREGON REAL-TIME GNSS NETWORK (ORGN).



PREPARED FOR  
CITY OF BEND  
709 NW WALL ST., SUITE 100  
BEND, OR 97703

SCALE: 1" = 150 FEET



07/14/2021

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jacob D. Powell*

OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS

RENEWS: 12/31/2022

## MAP OF ANNEXATION

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM

**AKS**

EXHIBIT  
**C**

DRWN: JDP  
CHKD: JAC  
AKS JOB:  
7326-01



# EXHIBIT C

A TRACT OF LAND LOCATED IN THE SW 1/4 OF SEC. 15, THE NW 1/4 OF SEC. 22,  
AND THE SE 1/4 OF SEC. 21, T18S, R12E, W.M., DESCHUTES COUNTY, OREGON

BARGAIN AND SALE DEED  
INSTRUMENT NUMBER 2020-25816

POINT OF BEGINNING  
NE COR OF THE SW1/4 OF  
THE SW1/4 OF SECTION 15

WARRANTY DEED  
INSTRUMENT NUMBER 1991-09140

AREA = 40.05 ACRES ±

QUITCLAIM DEED  
INSTRUMENT NUMBER 2008-32160

S00°15'14"W 1323.42'

STATUTORY WARRANTY DEED  
INSTRUMENT NUMBER 2018-37904

PREPARED FOR  
CITY OF BEND  
709 NW WALL ST., SUITE 100  
BEND, OR 97703

BASIS OF BEARINGS  
BEARINGS FOR THIS MAP ARE  
BASED ON THE CENTRAL  
OREGON COORDINATE SYSTEM  
(COCS), DESCHUTES 13  
TRANSFORMATION, DERIVED  
FROM THE OREGON  
REAL-TIME GNSS NETWORK  
(ORGN).

CURVE TABLE				
CURVE	RADIUS	CENTRAL ANGLE	LENGTH	CHORD
C1	30.00'	27°13'54"	14.26'	S72°30'52"W 14.12'
C2	756.00'	3°10'57"	41.99'	S84°32'21"W 41.99'
C3	131.00'	33°42'29"	77.07'	S66°05'37"W 75.96'
C4	36.00'	28°46'08"	18.08'	S34°51'19"W 17.89'
C5	156.01'	31°52'46"	86.80'	N31°40'38"W 85.69'
C6	35.95'	43°33'11"	27.33'	N69°23'36"W 26.67'
C7	30.00'	29°50'46"	15.63'	N76°14'49"W 15.45'

N00°16'58"E 29.93'  
SW COR SECTION 15  
S89°59'31"E 39.75'  
N89°37'11"E 212.02'  
N61°19'26"W 12.59'  
C7 L=15.63'  
S88°49'48"W 75.54'  
C6 L=27.33'  
C5 L=86.80'  
RADIAL S74°15'45"W  
N89°39'10"W 9.77'  
N00°16'58"E 27.75'

SE 15TH STREET

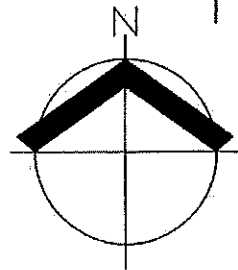
TEKAMPE ROAD

KNOTT ROAD

SE COR OF THE SW1/4 OF  
THE SW1/4 OF SECTION 15

RADIAL N31°06'05"W  
N89°59'31"W 485.32'  
C1 L=14.26'  
C2 L=41.99'  
C3 L=77.07'  
C4 L=18.08'  
S00°16'58"W 56.32'  
N89°43'02"W 70.00'

SCALE: 1" = 250 FEET



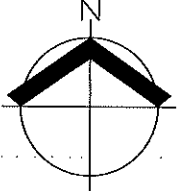
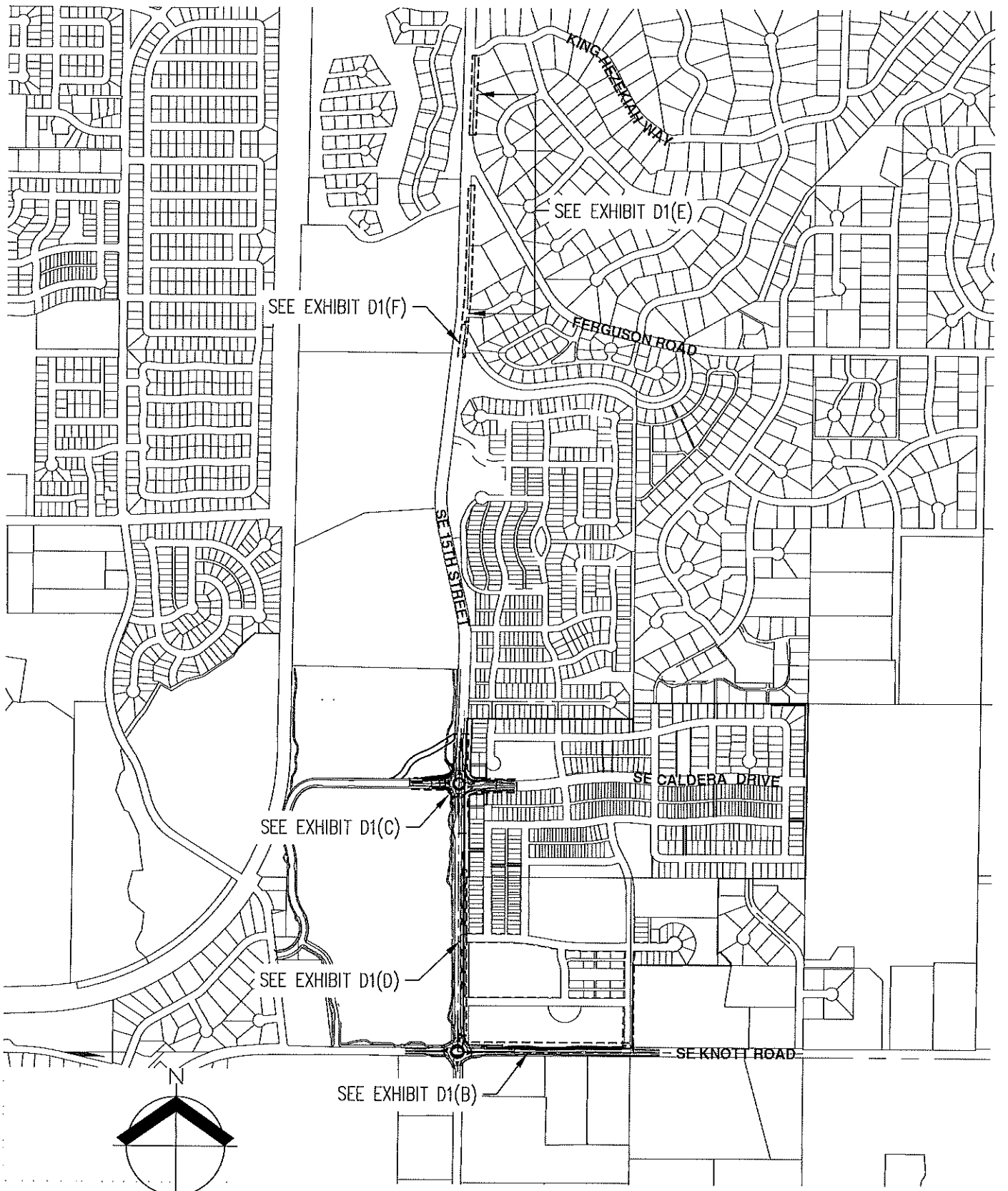
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Jacob D Powell*  
OREGON  
MARCH 8, 2016  
JACOB D. POWELL  
90744PLS  
RENEWS: 12/31/2022

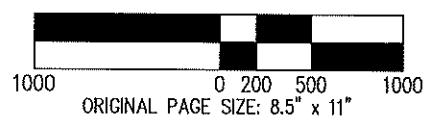
MAP OF ANNEXATION		EXHIBIT <b>C</b>
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM	<b>AKS</b>	DRWN: JDP CHKD: JAC AKS JOB: 7326-01

**EXHIBIT C**  
Map of Property

**EXHIBIT D-1 (A thru G)**  
**Transportation System Improvements**



SCALE: 1" = 1000 FEET



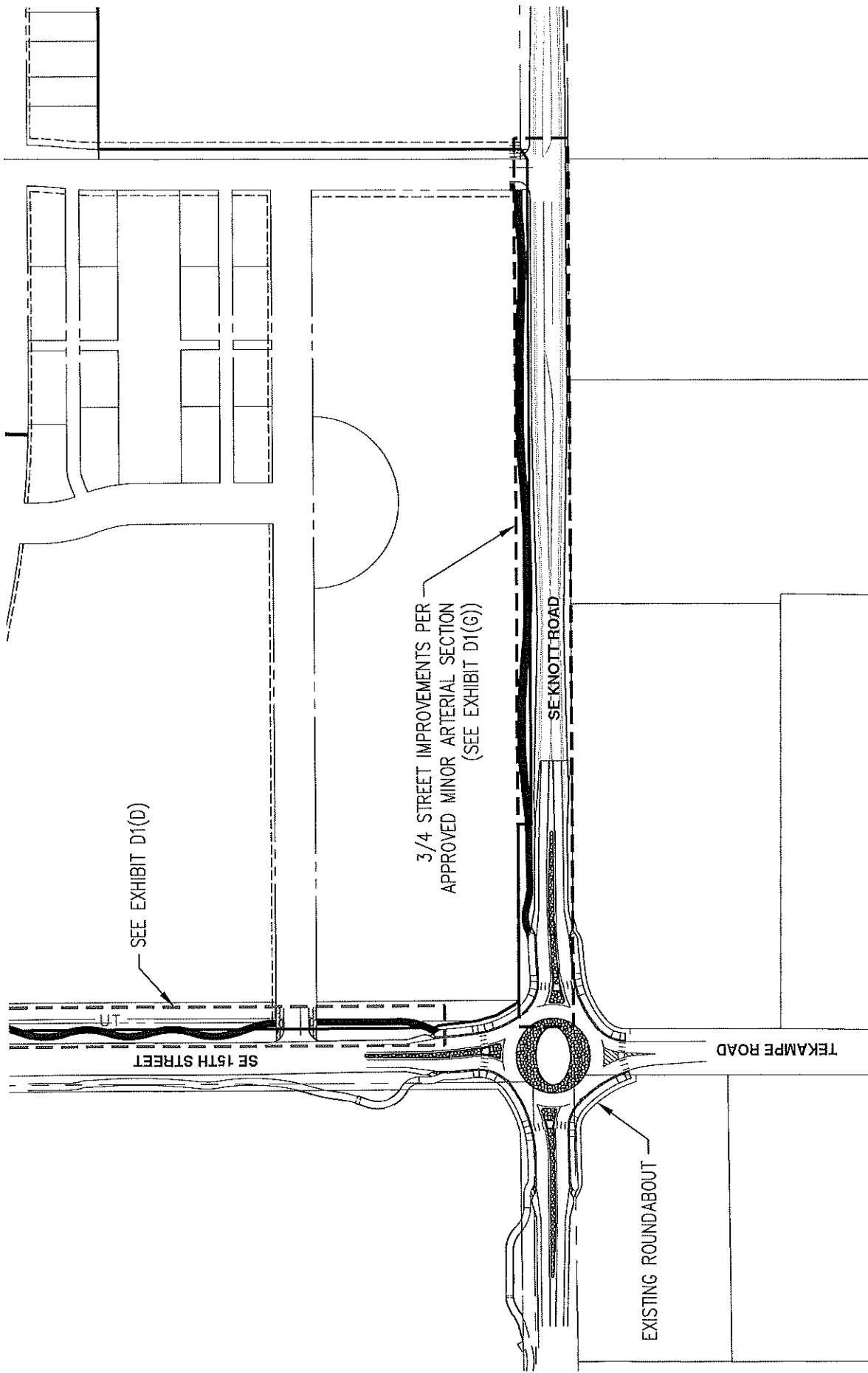
DATE: 7/7/2021

**EASTON MASTER PLAN & ANNEXATION  
OFFSITE IMPROVEMENTS KEY PLAN**

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM

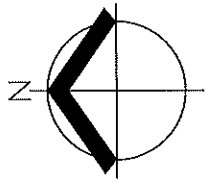


EXHIBIT	D1(A)
DRWN:	MM
CHKD:	
AKS JOB:	7326-01

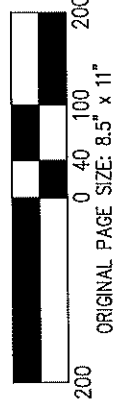


DATE: 7/7/2021

EASTON MASTER PLAN & ANNEXATION		EXHIBIT
SE KNOTT ROAD FRONTAGE IMPROVEMENTS		<b>D1(B)</b>
AKS ENGINEERING & FORESTRY, LLC		DRWN: MM
2777 NW LOLO DR, STE 150		CHKD:
BEND, OR 97703		AKS JOB:
541.317.8429 WWW.AKS-ENG.COM		7326-01



SCALE: 1" = 200 FEET



ORIGINAL PAGE SIZE: 8.5" x 11"

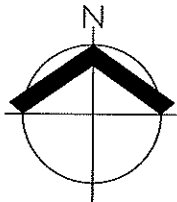
SINGLE-LANE ASPHALT ROUNDABOUT

SE CALDERA DRIVE

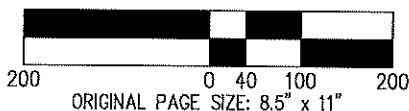
MULTI-USE PATH  
PER PZ-20-0477

SEE EXHIBIT D1(D)

SE 15TH STREET



SCALE: 1" = 200 FEET



DATE: 7/7/2021

**EASTON MASTER PLAN & ANNEXATION  
SE CALDERA ROAD/SE 15TH STREET ROUNDABOUT**

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429    WWW.AKS-ENG.COM



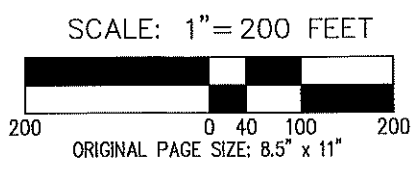
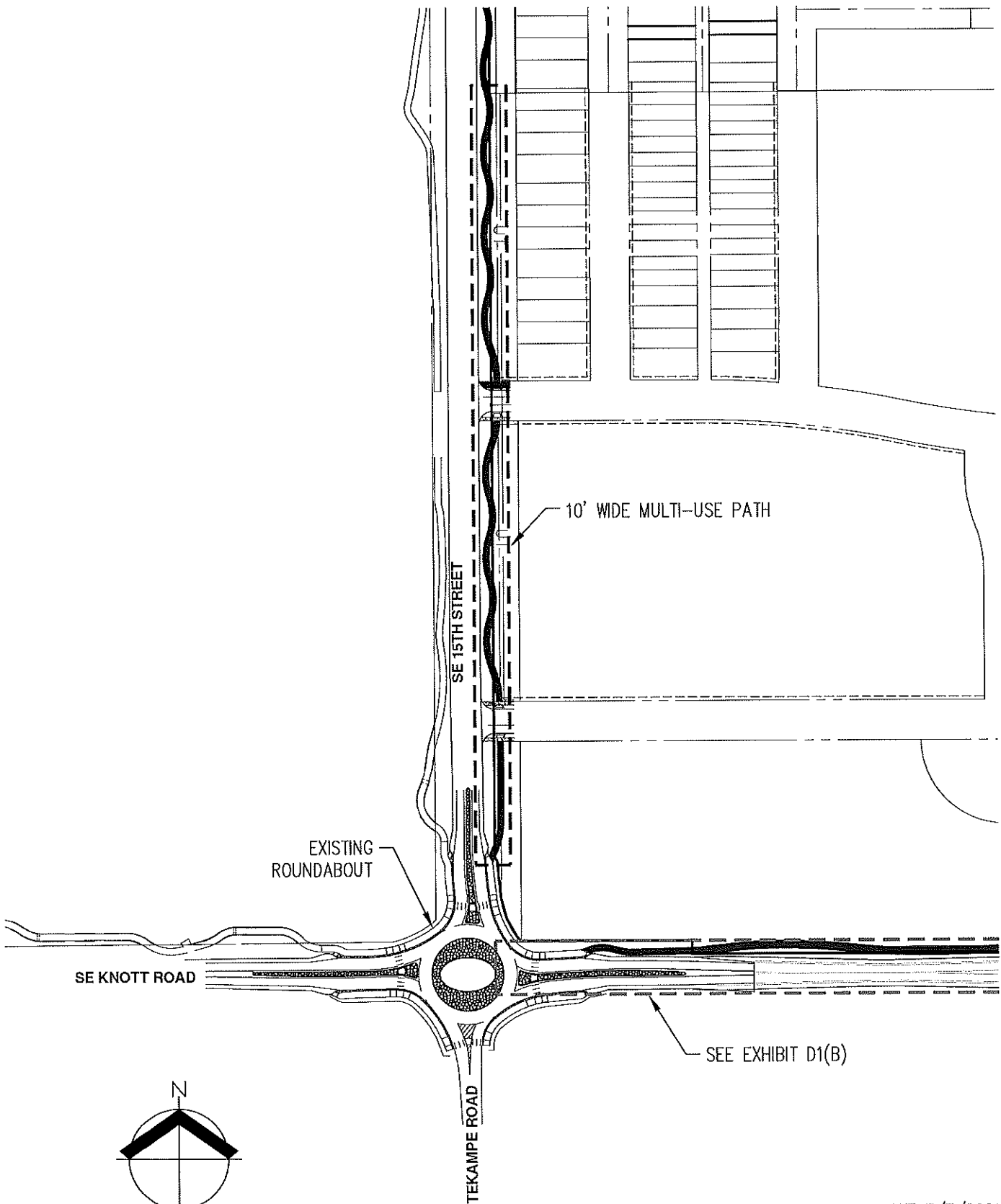
EXHIBIT  
**D1(C)**

DRWN: MM

CHKD:

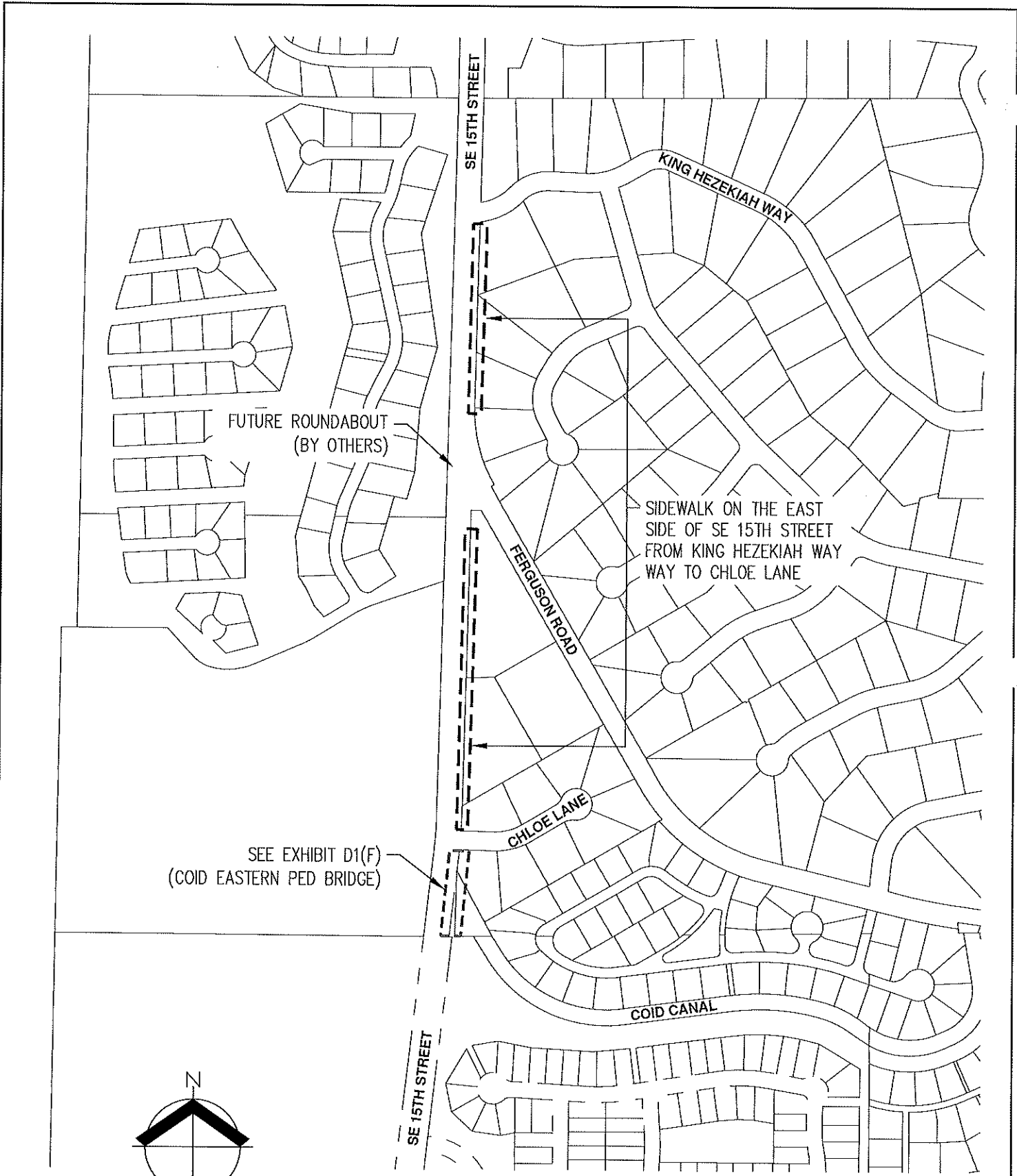
AKS JOB:

7326-01

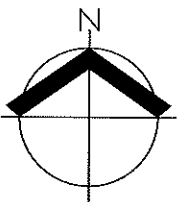


DATE: 7/7/2021

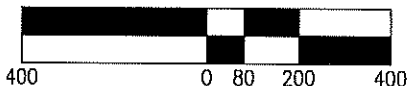
<b>EASTON MASTER PLAN &amp; ANNEXATION</b> <b>MULTI-USE PATH ON EAST SIDE OF SE 15TH STREET</b>		EXHIBIT <b>D1(D)</b>
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429    WWW.AKS-ENG.COM		DRWN: MM CHKD: AKS JOB: 7326-01



DATE: 7/7/2021



SCALE: 1" = 400 FEET



ORIGINAL PAGE SIZE: 8.5" x 11"

**EASTON MASTER PLAN & ANNEXATION  
SE 15TH STREET SIDEWALK**

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM



EXHIBIT  
**D1(E)**

DRWN: MM

CHKD:

AKS JOB:

7326-01



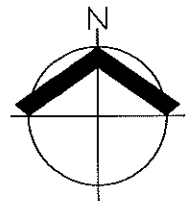
SEE EXHIBIT D1(E)

COID EASTERN  
PEDESTRIAN BRIDGE  
(DESIGN TBD)

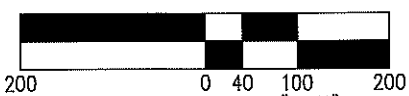
CHLOE LANE

COID CANAL

SE 15TH STREET



SCALE: 1" = 200 FEET



ORIGINAL PAGE SIZE: 8.5" x 11"

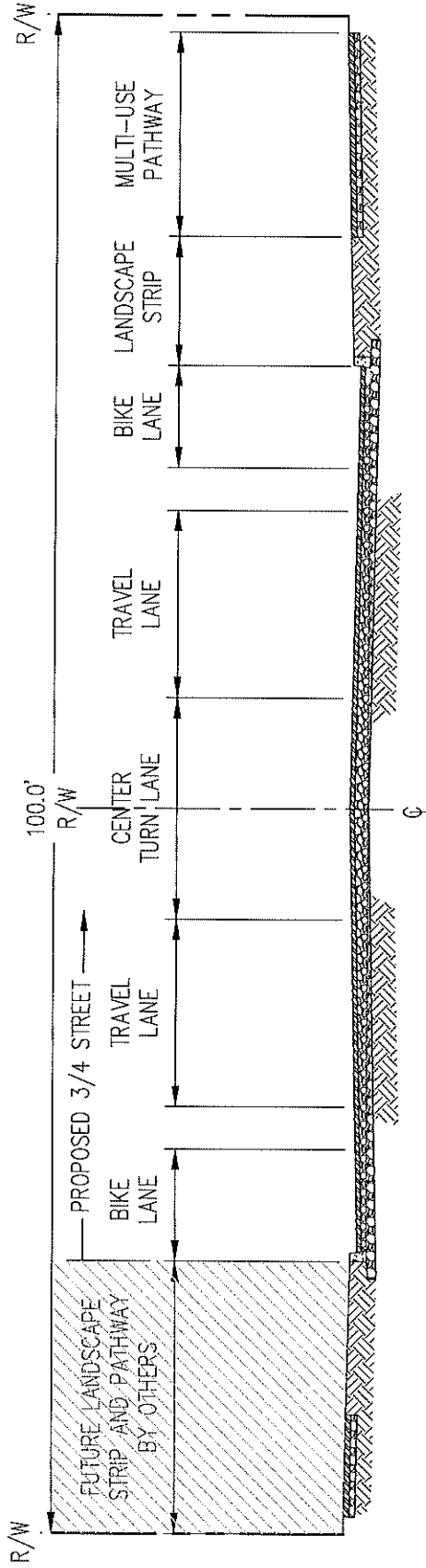
DATE: 7/7/2021

**EASTON MASTER PLAN & ANNEXATION  
COID PED BRIDGE**

AKS ENGINEERING & FORESTRY, LLC  
2777 NW LOLO DR, STE 150  
BEND, OR 97703  
541.317.8429 WWW.AKS-ENG.COM



EXHIBIT  
**D1(F)**  
DRWN: MM  
CHKD:  
AKS JOB:  
7326-01



MINOR ARTERIAL - KNOTT ROAD (WESTERLY VIEW)

DATE: 7/7/2021

EASTON MASTER PLAN & ANNEXATION SE KNOTT ROAD PLANNED SECTION		EXHIBIT <b>D1(G)</b>
AKS ENGINEERING & FORESTRY, LLC 2777 NW LOLO DR, STE 150 BEND, OR 97703 541.317.8429 WWW.AKS-ENG.COM		DRWN: MM CHKD: AKS JOB: 7326-01

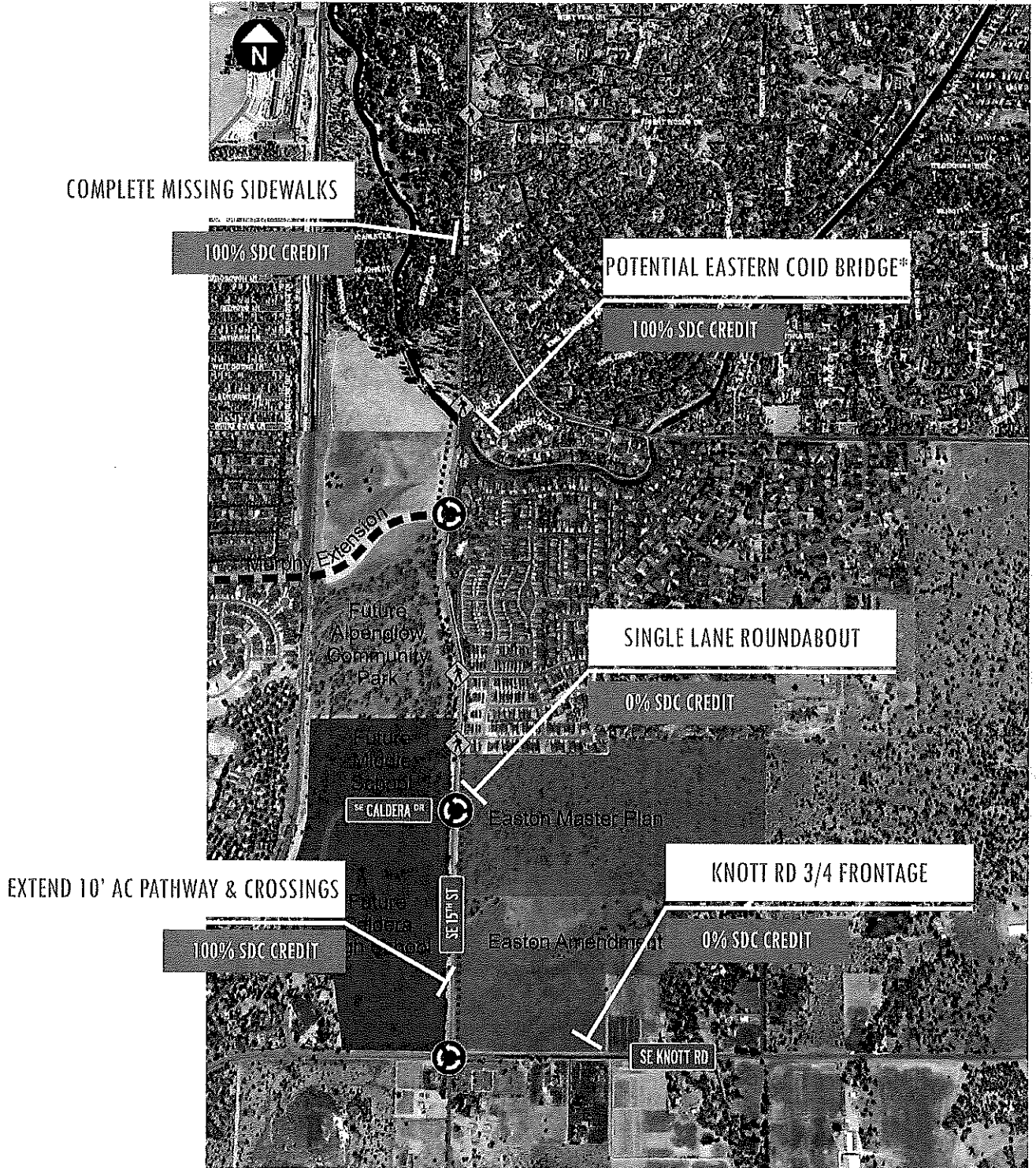


SCALE: 1" = 10 FEET



ORIGINAL PAGE SIZE: 8.5" x 11"

**EXHIBIT D-2**  
Transportation Systems Project List/GO Bond Project List



\*Pending additional feasibility review with COID and City of Bend.  
SDC credits shown per current SDC list and subject to revision.

# Easton Master Plan

Exhibit D-2

**EXHIBIT E**  
TPR Letters from Deschutes County and ODOT

**From:** [Peter Russell](#)  
**To:** [Karen Swenson](#)  
**Cc:** [Cody Smith](#); [Peter Russell](#)  
**Subject:** Des Co comments on Easton Master Plan modification (PLMOD20210482)  
**Date:** Friday, June 11, 2021 1:06:03 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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**CAUTION:** External Email. Use caution when opening attachments, clicking links, or responding to this email.

Karen,

Deschutes County appreciates the opportunity to review the proposed modification of the 75.4-acre Easton Master Plan to expand to the south by 48 acres (Project PLMOD20210482). The comments from the Road Department submitted on March 11, 2021, remain in effect. The County has several issues that can be addressed in this land use. These include right of way annexation and jurisdictional transfer; revised access to Knott Road; and compliance with the Transportation Planning Rule (TPR).

The segment of Knott Road which abuts the subject property (SE Ledger to SE 15<sup>th</sup>), as a condition of approval, must be annexed into the City for the entire width of the right of way. The City must also immediately upon annexation begin the process of jurisdictional transfer from the County to the City. The City will become the road authority for this segment. Additionally, the County requests that the City annex the entirety of the 15<sup>th</sup>/Knott Roundabout, specifically the southbound leg (Tekampe Road) and have that segment of Tekampe jurisdictionally transferred to the City. The annexation and jurisdictional transfer would be consistent with the Joint Management Agreement (JMA) between the City of Bend and Deschutes County.

Raintree Drive's connection to Knott Road remains a concern. This portion of Knott Road is under County jurisdiction, but traffic from the Easton Master Development will utilize this intersection. Staff has reviewed the April 7, 2021, Easton South – Raintree Review memo submitted by Transight Consulting, which on Page 2 notes the intersection has substandard sight distance. While Page 4 suggests adding a "Right Turn Only" rider under the stop sign as a mitigation to the substandard sight distance, the County preference is to instead make this a right-in, right-out (RIRO) only connection to Knott. This will significantly reduce the number of conflict points at this intersection and should be made a condition of approval. Staff would suggest the proposed new connection (SE Ledger Lane) to Knott Road on the eastern edge of the proposed expansion also be made a RIRO as a condition of approval. The roundabout at SE 15/Knott Road can accommodate the southbound to eastbound lefts onto Knott as well as the eastbound to northbound lefts off of Knott.

Staff defers to the City if the revised traffic study complies with the Transportation Planning Rule.

Please enter the County's comments into the public record and provide us a copy of the City's decision on this file. Thanks.



**Peter Russell | Senior Transportation Planner**  
**DESCHUTES COUNTY COMMUNITY DEVELOPMENT**  
117 NW Lafayette Avenue | Bend, Oregon 97703  
PO Box 6005 | Bend, Oregon 97708  
Tel: (541) 383-6718 | [www.deschutes.org/cd](http://www.deschutes.org/cd)



*Disclaimer: Please note that the information in this email is an informal statement made in accordance with DCC 22.20.005 and shall not be deemed to constitute final County action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, on any person.*

**From:** [WILLIAMS Rick \\* Reg4](#)  
**To:** [Karen Swenson](#)  
**Cc:** [joe@transightconsulting.com](mailto:joe@transightconsulting.com); MOREHOUSE Donald  
**Subject:** Easton Master Plan Modification, PLANX20210483-ODOT Comments  
**Date:** Friday, June 11, 2021 1:39:35 PM

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**CAUTION:** External Email. Use caution when opening attachments, clicking links, or responding to this email.

Karen,

ODOT has reviewed the Easton Master Plan Modification, PLANX20210483, and finds that it is in compliance with the Transportation Planning Rule based upon the actions taken with the adoption of the Southeast Area Plan (SEAP) and the proposed mitigation contained in the Easton Master Plan Modification provided by Transight Consulting. ODOT is requesting no further action.

Please note that ODOT is interested in working with the City of Bend to develop a method to track the total number of vehicle trips resulting from approved developments that are within the boundaries of SEAP. Our goal in tracking the total number of trips is so the City and ODOT can compare what was approved in the SEAP to what actually gets developed and the associated resulting trips. We also want to compare the trip outputs from the Bend-Redmond model, used in the development of SEAP, to model runs from a pending update to the Bend-Redmond model and any future updates to the model.

Please direct any questions you may have regarding this correspondence to me.

Best Regards,

Rick Williams  
Principal Planner  
ODOT Region 4  
541-815-6877



EXHIBIT D

FINDINGS FOR  
EASTON ANNEXATION



COMMUNITY  
DEVELOPMENT

**PROJECT NUMBER:** PLMOD20210483

**HEARING DATE:** July 21, 2021

**APPLICANT:** Pahlisch Homes, Inc.  
210 SW Wilson Ave #100  
Bend, OR 97702

**OWNERS:** Pahlisch Homes at Easton Limited Partnership  
210 SW Wilson Ave #100  
Bend, OR 97702

JL Ward Co  
20505 Murphy Road  
Bend, OR 97702

**LOCATIONS:** 60802 SE 15<sup>th</sup> Street, Bend, OR 97702; Tax Lot 1812150001500  
60901 Raintree Drive, Bend, OR 97702; Tax Lot 181215CD01400

**ZONE:** Urbanizable Area (UA) – to be rezoned to be consistent with the  
Comprehensive Plan upon annexation

**COMP PLAN:** Commercial (CG) and Standard Density Residential (RS) – Tax Lot 1500  
Residential Medium Density (RM) – Tax Lot 1400

**REQUEST:** A Type III Quasi-judicial request for Annexation of 50 acres of the  
Southeast "Elbow" UGB Expansion Area to expand the Easton Master  
Planned Development.

**APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:**

Criteria

**Bend Development Code**

Chapter 4.9 Annexations

**Bend Comprehensive Plan**

Chapter 7, Transportation Systems

Chapter 11, Growth Management

**Oregon Administrative Rules**

Chapter 660-012-0000, Transportation Planning

Procedures

**Bend Development Code**

Chapter 4.1 Development Review and Procedures

- 4.1.400 Type II and Type III Applications
- 4.1.800 Quasi-Judicial Hearings

**FINDINGS OF FACT:**

1. **SITE DESCRIPTION AND LOCATIONS:** As currently approved, the Easton Master Plan encompasses 75.4 acres and is bounded by SE 15<sup>th</sup> Street (Minor Arterial) to the west, existing single-family homes to the north, and Bend City limits to the east and south. The properties planned to be added to the Easton Master Plan are located directly south of the current master plan and include three tax lots totaling 48 acres, which will increase the total Easton Master Plan area to 123.4 acres. The additional 2 acres of the annexation, for a total of 50 acres, include abutting rights-of-way.

The proposed annexation area includes property designated Residential Standard Density (RS), Medium Density Residential (RM) and Commercial General (CG) and are part of the Southeast "Elbow" Expansion Area.

Existing vegetation on the property to be added is typical of the east side of Bend and includes coniferous trees—primarily junipers scattered along the northwest corner—of varying heights and maturities.



3. **PROPOSAL:** A Type III Quasi-judicial request for Annexation of 48 acres of the Southeast "Elbow" UGB Expansion Area for the expansion of the Easton Master Planned Development.

- 4. PUBLIC NOTICE AND COMMENTS:** Prior to submittal of this application and related applications, the applicants hosted a virtual public meeting through Zoom on October 21, 2020, in accordance with BDC 4.1.215. Public notice for the City Council hearing was provided in accordance with the requirements of BDC 4.9.300.A.3, and BDC 4.1.423-4.1.425. On June 30, 2021, the Planning Division mailed notice to surrounding owners of record of property within 500 feet of the subject properties, and to the Old Farm and Southeast Bend Neighborhood Association representatives. Notice was also posted in four public places on July 6, 2021, and posted in *The Bulletin* on July 11 and July 18, 2021. On July 2, 2021, *Notice of Proposed Development* signs were posted by the applicant along the property frontages at four locations, visible from adjacent rights of way.
- 5. APPLICATION ACCEPTANCE DATE:** This Type III Quasi-judicial Annexation petition was submitted on May 7, 2021. The application was deemed complete on May 27, 2021.

**APPLICATION OF THE CRITERIA:**

**Bend Development Code**

**Chapter 4.9, Annexations**

**4.9.200 Applicability.**

**Land to be annexed must be contiguous to the existing City limits.**

**FINDING:** The land to be annexed is contiguous to the existing City limits along the western and northern boundary.

**4.9.300 Review Processes.**

**A. Annexation. The following general processes apply to all annexation proposals:**

- 1. Annexations are reviewed using the Type III or Type IV process as determined by the City, based on a consideration of the factors for treating an application as quasi-judicial or legislative. Since annexations are a jurisdictional transfer, the City Council is the sole review authority.**
- 2. City Council approval of annexations will be by ordinance.**
- 3. Notice of the City Council hearing to consider the annexation proposal must follow the notification process required for the Type III or Type IV application, except a notice of the hearing must be published in a newspaper of general circulation in the City once each week for two successive weeks prior to the day of hearing, and notices of the hearing must be posted in four public places in the City for a like period.**

**FINDING:** The proposed annexation is initiated by all of the property owners for specific properties, and is therefore considered a quasi-judicial application. Notice for the City Council Hearing followed the notification process required for Type III applications, as well the requirements for publishing notice in the newspaper and in four public places as required under BDC4.9.300.A.3.

On June 30, 2021, notice was mailed by the Planning Division to surrounding owners of record of property within 500 feet of the subject properties, and to the Old Farm and Southeast Bend

Neighborhood Association representatives. On July 2, 2021, Notice of Proposed Development signs were posted by the applicant along the property frontages at four locations, visible from adjacent rights of way. Notice was also posted in four public places on July 6, 2021, and posted in The Bulletin on July 11 and July 18, 2021.

**B. Area and Master Planning.** Unless exempted in subsection (B)(1) of this section, 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.

**Table 4.9.300 - Specific Expansion Area Policies**

Expansion Area	Bend Comprehensive Plan Specific Expansion Area Policies
The Elbow	11-93 through 11-104

**FINDING:** The subject properties are located in the Southeast “Elbow” expansion area. The planned annexation includes two tax lots, totaling 48 acres, added to the Easton Master Plan, as well as abutting rights-of-way (approximately 2 acres) not already annexed into the City. With the addition of 48 acres of new land, Easton will encompass 123.4 contiguous acres within the Southeast “Elbow” UGB Expansion Area.

The Easton Master Plan was adopted in October 2020 and became effective in November 2020. A concurrent modification to that major community master plan was submitted on May 7, 2021, under PLMOD20210482. On June 28, 2021, the Planning Commission made a recommendation to the City Council for approval of the modification to the Easton MPD. The Easton MPD modification is scheduled to be heard by the City Council concurrently with this annexation request. As addressed in the Planning Commission findings for PLMOD20210482, the Easton MPD modification complies with Bend Comprehensive Plan Policies 11-93 through 11-104.

**4.9.400 Initiation Procedures.**

**A. An annexation proposal for the contiguous territory proposed to be annexed may be initiated by petition in compliance with one of the following initiation procedures:**

- 3. More than half the owners of land in the contiguous territory proposed to be annexed, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.**

**FINDING:** The additional Easton master plan properties are either owned or are under contract by Pahlisch Homes, Inc., who has initiated this application and all property owners consented in writing to annexation in compliance with the procedures in A.3.

**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:** The application materials uploaded to CityView for PLANX20210483 contain all of the above requirements.

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.

**FINDING:** The Applicant has coordinated with the Bend Park and Recreation District (BPRD) on the modification to the Easton Master Plan. The properties added to the Master Plan will create the opportunity for additional future pathway locations and open space. Exhibit F of the application submittal includes a letter from BPRD acknowledging the ongoing coordination and communication for this project. The requirement is met.

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 subject property is located within the boundaries of the Bend Park and Recreation District. Therefore, a BPRD annexation agreement is not required.

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:** Exhibit G of the application submittal is a letter from the Bend-La Pine School District indicating that the approximate 10-acre potential school site can meet their needs for a future elementary school site and the 48 acre master plan modification does not trigger the need for additional school sites. The requirement is met.

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

**FINDING:** Exhibit M includes correspondence from the Arnold Irrigation District confirming ongoing coordination with the Applicant and its consultants on the impacts to existing irrigation.

Only Tax Lot 1400 (10 acres) has existing water rights. The Existing Conditions and Ownership map shows Arnold Irrigation District facilities crossing the subject property. The applicant and its consultants have coordinated with Colin Wills, District Manager for Arnold Irrigation District, and any issues will be resolved prior to platting of the subject property or any construction which may impact irrigation facilities. Future subdivision applications will further detail existing irrigation facilities, water rights, and how future construction and subdivision will impact these existing conditions. The submittal requirement is met.

**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:** The applicant and City staff have worked to identify the infrastructure necessary to serve the variety of planned uses within the Easton Master Plan as they are built out over the next decade and beyond. An Annexation Agreement formalizes the sequencing and financing mechanisms for needed infrastructure. The Easton Master Plan Modification shows that public facilities, including sanitary sewer and potable water, are available to serve the project, which is confirmed by the City Engineering Division's Utility Availability Memo (PRSWA20205999) and the Avion Water District's Will-Serve Letter, and the Traffic Analysis Memo (PRTFR202100087). Ongoing coordination with Bend-La Pine School District and Bend Park and Recreation District (BPRD) is documented in Exhibits F and G. The Easton Master Plan contemplates how the abutting portions of the Southeast Expansion Area can be served by existing or planned utilities, transportation networks, and public services. With the Annexation Agreement, the policy is met.

**4.9.600 Approval Criteria.**

**A. 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:** The planned annexation includes 48 acres of land to be included in the approved Easton Master Plan (PZ-20-0477). The added property will result a complete community encompassing 123.4 acres southwest edge of the Southeast "Elbow" UGB Expansion Area, along with abutting rights-of-way. BCP Policies 11-93 through 11-104 are applicable to the Southeast "Elbow" Expansion Area. Compliance with these plan policies is addressed and will be implemented in conjunction with the modification to the Easton Master Plan (PLMOD20210482). The modified Easton Master Plan will be incorporated into the Bend Development Code (BDC), and future land use applications will be required to demonstrate consistency with the Master Plan for approval. The criterion is met.

- 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 planned annexation includes 48 acres of land located in the Southeast "Elbow" Expansion Area which will be added to the Easton Master Plan (PZ-20-0477) and annexed into the City of Bend. The modified boundary of the Easton Master Plan will be incorporated into the

Bend Development Code (BDC), and future land use applications will be required to demonstrate consistency with the Master Plan for approval. The Easton Master Plan modification (PLMOD20210482) is being reviewed concurrently with this annexation.

- 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 and City staff have worked to identify the infrastructure necessary to serve the variety of planned uses within the Easton Master Plan as they are built out over the next decade and beyond. An Annexation Agreement formalizes the sequencing and financing mechanisms for needed infrastructure. The Easton Master Plan Modification shows that public facilities, including sanitary sewer and potable water, are available to serve the project, which is confirmed by the City Engineering Division's Utility Availability Memo (PRSWA20205999) and the Avion Water District's Will-Serve Letter, and the Traffic Analysis Memo (PRTFR202100087). Ongoing coordination with Bend-La Pine School District and Bend Park and Recreation District (BPRD) is documented in Exhibits F and G. The Easton Master Plan contemplates how the abutting portions of the Southeast Expansion Area can be served by existing or planned utilities, transportation networks, and public services. With the Annexation Agreement, the policy is met.

- 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, stormwater, 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 and City/Agency staff have worked to identify the infrastructure necessary to serve the variety of planned uses within the entire Southeast Expansion Area as they are built out over the next decade. The Easton Master Plan contemplates how the complete community fits with the expansion area and establishes transportation networks and utility systems that can be extended to serve future development within the Southeast Expansion Area. An Annexation Agreement formalizes the sequencing and financing mechanisms for needed infrastructure. An updated Utility Availability Memo – SWA Certificate (PRSWA20205999) provided by the City Engineering Division is included as Exhibit H. A "will serve" letter from Avion Water Company is included in Exhibit J. The Easton Master Plan (Exhibit C) shows how public facilities, including sanitary sewer and potable water, are available and planned throughout the project site.

The Transportation Element (Exhibit I) included with the Easton Master Plan was prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, Transportation Impact Analysis, TPR analysis, and proposed mitigation. Consequently, the Easton Master Plan

shows that public facilities and services will be provided in an orderly efficient and timely manner. The City's Traffic Analysis Memo (PRTFR202100087) is also included in Exhibit I. The criterion is met.

5. **Owner(s) have committed to transfer all irrigation district water rights from the property, unless exempted in subsection (A)(5)(a)(i) of this section.**
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:** Exhibit M includes correspondence from the Arnold Irrigation District confirming ongoing coordination with the Applicant and its consultants on the impacts to existing irrigation. Only Tax Lot 1400 (10 acres) has existing water rights. The Existing Conditions and Ownership map shows Arnold Irrigation District facilities crossing the subject property. The applicant and its consultants have coordinated with Colin Wills, District Manager for Arnold Irrigation District, and any issues will be resolved prior to platting of the subject property or any construction which may impact irrigation facilities. Future subdivision applications will further detail existing irrigation facilities, water rights, and how future construction and subdivision will impact these existing conditions. The submittal requirement is met.

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.**

***4.6.600 Transportation Planning Rule Compliance.***

***When a development application includes a proposed Comprehensive Plan amendment or annexation, the proposal must be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.***

**FINDING:** OAR 660-012 implements Oregon Statewide Planning Goal 12. Goal 12 imposes a requirement on local governments to develop, maintain and update transportation plans consistent with the planning and implementation guidelines of Goal 12. The City's Comprehensive Plan dictates the land use designations acreages and the master plan proposes to meet those requirements. However, compliance with the TPR was not addressed at the time of UGB acknowledgement for the expansion areas, instead being deferred to individual master plan/annexation applications. This section requires a local government to put in place certain measures if an amendment would significantly effect a transportation facility.

The TPR requires a two-step analysis. First, under OAR 660-012-0060(1), the Applicant must determine if the application "significantly affects a transportation facility", as that term is defined in OAR 660-012-0060(1). If not, then the analysis ends, and the TPR is satisfied. The City may rely on transportation improvements found in transportation system plans and planned facilities, as allowed by OAR 660-012-0060(4)(a), (b), and (c), to show that failing intersections are not made worse or intersections not now failing do not fail. If the application "significantly affects a transportation facility," then the Applicant must demonstrate appropriate mitigation under OAR



**660-012-0060 - Plan and Land Use Regulations Amendments**

**(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- (b) Change standards implementing a functional classification system; or**
- (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**

**(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**

**(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**

**(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

**(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule.**

**(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.**

**(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:**

**(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;**

**(B) The providers of facilities being improved at other locations provide written statements of approval; and**

**(C) The local jurisdictions where facilities are being improved provide written statements of approval.**

**(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:**

**(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;**

**(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;**

**(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and**

**(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.**

**FINDING:** The Transportation Element (Exhibit I) was prepared by Transight Consulting, LLC, and includes a Transportation Facilities Report, Transportation Impact Analysis, TPR analysis, and proposed mitigation. The Traffic Analysis Memo (also Exhibit I) summarizes the transportation impacts and recommended mitigation. The Annexation Agreement (PLANX20210483) will formalize the transportation improvements necessary to mitigate impacts to, and expand capacity within, the effected transportation facilities, and identifies the specific timing, responsibilities, and cost allocation. For purposes of TPR compliance, through collaborative efforts between the applicant, ODOT, the City, and Deschutes County, the applicant is relying on OAR 660-012-0060(2)(e). In particular, the City, County, and ODOT have each provided written statements of approval that the system-wide benefits provided through the required mitigation are sufficient to balance the significant effects. The applicable standards are

met.

**(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.**

**(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.**

**(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:**

**(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.**

**(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.**

**(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.**

**(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.**

**FINDING:** This section of the Transportation Planning Rule requires coordination with affected transportation service providers. The applicant has coordinated with Deschutes County and the Oregon Department of Transportation (ODOT) regarding the Master Plan and Annexation application. Deschutes County and ODOT have provided written comments on the application and appropriate mitigation will be captured in the Annexation Agreement, which ensure consistency with the provisions of BDC 4.6.600 and satisfies the requirements of OAR 660-012-0060. There is substantial evidence in the record, including Exhibit I (Transportation Element), that the system-wide benefits provided through the required mitigation are sufficient to balance the significant effects as required under OAR 660-012-0060(2)(e). The applicable standards are met.

**BDC 4.9.600.A. Approval Criteria (Continued)**

- 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:** The Easton Master Plan Modification (PLMOD20210483) includes specific street cross-sections showing how all internal and abutting right-of-way will be improved to urban standards. The street cross-sections and transportation network to serve the annexed property is included in the master plan modification application and will be codified in the BDC. The criterion is met.

**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:** Upon annexation, the current UA zoning will cease to apply, and the zoning map will be automatically updated with the Easton Master Plan zoning scheme as shown on the submitted Preliminary Zoning Map. Consistency with the underlying Comprehensive Plan map is fully described in the findings in the Easton Master Plan Modification (PLMOD20210482). The applicable criteria are met.