AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of September 14, 2016

[CONSENT]

Please see directions for completing this document on the next page.

DATE: August 19, 2016

FROM: Dave Doyle Legal Phone # 541-388-6625

TITLE OF AGENDA ITEM:
Public Hearing and Consideration of Signature of Order 2016-037, Approving the Annexation into Bend Park & Recreation District.

PUBLIC HEARING ON THIS DATE? Yes.

BACKGROUND AND POLICY IMPLICATIONS:
On August 10, 2016, the Board signed Order No. 2016-034 scheduling the Public Hearing on September 14, 2016, on The Tree Farm’s petition to annex property located at 19100 Skyliners Road, Bend, Oregon, into the Bend Park & Recreation District. The Board must approve the annexation if the Board finds the property can be served by the District and the annexation complies with the County’s comprehensive plan and land use regulations. Attached is a memo from Peter Gutowsky, Deschutes County Planning Manager, stating his opinion that the annexation is consistent with the County’s Zoning Ordinance and Comprehensive Plan.

The petition for the annexation was signed by 100% of the landowners so no election regarding the annexation request is required.

FISCAL IMPLICATIONS:
The County provides all the staff costs for all special district formations and boundaries changes. For district formations and other boundary changes that are approved, the County bills the district for the publication costs. For those that are not approved, the County bills the chief petitioners.

RECOMMENDATION & ACTION REQUESTED:
Motion: Approval of Order No. 2016-037 as described above.

ATTENDANCE: Dave Doyle, Legal Counsel

DISTRIBUTION OF DOCUMENTS:
Legal Department. Because these are time-sensitive, please provide the documents to the Legal Department as soon as they are signed.
BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

Order Approving The Tree Farm LLC
Annexation into the Bend Park & Recreation District

WHEREAS, a petition by The Tree Farm LLC requesting annexation of territory into the
Bend Park & Recreation District ("District") was duly filed with the Deschutes County Board of
County Commissioners ("Board") on or about June 1, 2016; and

WHEREAS, the Deschutes County Clerk's Office verified that the annexation petition
was signed by the real property owner within the area to be annexed; and

WHEREAS, the Board held a public hearing on September 14, 2016, to hear the petition
and any objections thereto, and to determine whether, in accordance with the Comprehensive
Plan, applicable Land Conservation and Development Goals and the criteria prescribed by
ORS 199.462 and 197.175, the affected area would benefit by annexations of said territory
into the District; now, therefore

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY,
OREGON, HEREBY ORDAINS as follows:

Section 1. That The Tree Farm LLC petition for annexation into the District attached to
and referenced in Order No. 2016-034 is hereby incorporated by reference and is approved.

Section 2. That the boundaries of the territory annexed to the said district are as set forth
in Exhibit "A" and depicted on the map marked Exhibit "B" of the Annexation and as set
forth, shall be known as the "Tree Farm Annexation."

Section 3. That the applicable land use criteria pertinent to the proposed Annexation, the
facts found by the Board and the reasons why the Board believes those facts to bring the
proposal within the requirements of the applicable land use criteria are described in Exhibit
"C," attached to the petition hereto and by this reference incorporated herein.

Section 4. That the territory included in the Tree Farm Annexation is declared to be
annexed into the District as of the date of this Order.

Section 5. That after signature, the Legal Counsel shall forward a copy of this Order to
the Oregon Department of Revenue, Oregon Secretary of State Archives Division, Deschutes
County Assessor's Office and County Clerk's Office, and the District.
Section 6. The purpose of this District is to provide park and recreation services within the District.

Dated this ___ day of September, 2016

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ALAN UNGER, CHAIR

TAMMY BANEY, VICE CHAIR

ATTEST:

Recording Secretary

ANTHONY DEBONE, COMMISSIONER
EXHIBIT ‘A’
LEGAL DESCRIPTION

A TRACT OF LAND INCLUDING PORTIONS OF SECTIONS 27 AND 34, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, DESCRIBED AS FOLLOWS:

SECTION 27, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN:
THAT PORTION OF THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHEAST QUARTER (SE1/4), OF SAID SECTION 27, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY BOUNDARY LINE FOR THAT TRACT OF LAND KNOWN AS "SHEVLIN PARK", AS DESCRIBED IN THAT DEED TO THE CITY OF BEND, FILED JANUARY 14, 1921 IN BOOK 30, PAGE 331, RECORDS OF DESCHUTES COUNTY, OREGON;

SECTION 34, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN:
THAT PORTION OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 34, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY BOUNDARY LINE FOR THAT TRACT OF LAND KNOWN AS "SHEVLIN PARK", AS DESCRIBED IN THAT DEED TO THE CITY OF BEND, FILED JANUARY 14, 1921 IN BOOK 30, PAGE 331, RECORDS OF DESCHUTES COUNTY, OREGON;

THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 34, EXCEPTING THEREFROM, THAT TRACT OF LAND DESCRIBED IN THAT DEED TO THE CITY OF BEND, FILED SEPTEMBER 26, 1991 AS INSTRUMENT NO. 91-28510, RECORDS OF DESCHUTES COUNTY, OREGON;

THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 34, EXCEPTING THEREFROM, THAT TRACT OF LAND KNOWN AS "SHEVLIN PARK", AS DESCRIBED IN THAT DEED TO THE CITY OF BEND, FILED JANUARY 14, 1921 IN BOOK 30, PAGE 331, RECORDS OF DESCHUTES COUNTY, OREGON, ALSO EXCEPTING THEREFROM, THAT TRACT OF LAND DESCRIBED IN THAT DEED TO THE CITY OF BEND, FILED SEPTEMBER 26, 1991 AS INSTRUMENT NO. 91-28510, RECORDS OF DESCHUTES COUNTY, OREGON;

THAT PORTION OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 34, LYING SOUTHEASTERLY OF THE SOUTHEASTERLY BOUNDARY LINE FOR THAT TRACT OF LAND KNOWN AS "SHEVLIN PARK", AS DESCRIBED IN THAT DEED TO THE CITY OF BEND, FILED JANUARY 14, 1921 IN BOOK 30, PAGE 331, RECORDS OF DESCHUTES COUNTY, OREGON;

HEREIN DESCRIBED LANDS CONTAINS 382.6 ACRES, MORE OR LESS.

SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND RIGHTS-OF-WAY OF RECORD AND THOSE COMMON AND APPARENT ON THE LAND.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 20, 2009
SCOTT C. BOLDUC
#79288
EXPIRES: 12/31/2017

May 26, 2016
3052 NW Merchant Way, Suite 107 Bend, OR 97703 • P: (541) 317-8429
MEMORANDUM

DATE: August 12, 2016
TO: Board of County Commissioners
FROM: Peter Gutowsky, Planning Manager
RE: Land Use Compatibility / Bend Parks and Recreation District

The materials contained in Order 2016-034 are consistent with Title 18, Deschutes County Zoning Ordinance, and Title 23, Deschutes County Comprehensive Plan. There are no local land use regulations or policies that specifically address the Bend Parks and Recreation District and annexation.¹

¹ Policy 3.6.1 "encourages the formation of special service districts to serve rural needs rather than have the County serve those needs." Policy 3.8.1 recognizes the importance to "cooperate with public agencies and local park districts to provide park and recreation lands, facilities and opportunities."