



Oregon

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Department of Land Conservation and Development

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November 13, 2006

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Redmond, Oregon 97756-0100



Dennis Luke, Chair
Deschutes County Board of Commissioners
1300 NW Wall Street, Suite 200
Bend, Oregon 97701

**RE: Approval of City of Redmond Urban Growth Boundary Plan Amendments
(Order 001716)**

I am pleased to inform you that the Department of Land Conservation and Development (DLCD) has approved the City of Redmond's urban growth boundary (UGB) plan amendments that were submitted to the department on August 25, 2006. This letter constitutes the department's order pursuant to Oregon Administrative Rule (OAR) 660-025-0150(1)(a) approving the submittal.

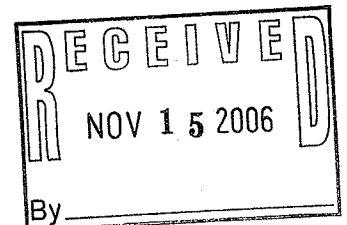
In response to the local government's notice, DLCD received one letter of objection to the submittal from J. Pat Horton, Carolyn Horton, Jayne Heyne and Tyler Fitzsimmons. As directed by OAR 660-025-0140(6), the department has concluded a review of the objection. A report of the department's review is attached.

This approval can be appealed to the Land Conservation and Development Commission. Any party seeking LCDC review must file a written appeal received in DLCD's Salem office by December 4, 2006. Appeals to LCDC are governed by OAR 660-025-0160.

Please contact Mark Radabaugh, the department's Central Oregon regional representative, at (541)318-2899 or at mark.radabaugh@state.or.us if you have any questions or need further assistance.

Yours truly,

Rob Hallyburton
Community Services Division Manager



- c: Jim Hendryx, Redmond Community Development Director
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**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
REPORT ON CITY OF REDMOND
URBAN GROWTH BOUNDARY PLAN AMENDMENTS**

ORDER 001716

November 13, 2006

I. DECISION

The Department of Land Conservation and Development (DLCD) finds actions of the City of Redmond and Deschutes County that address plan amendments related to expansion of the city's urban growth boundary (UGB) are in compliance with the statewide planning goals and related statutes and administrative rules, based on the findings contained in this report. These plan amendments are approved.

II. REVIEW PROCEDURES AND CRITERIA

Land use decisions amending a UGB must be submitted to the department for review with the statewide planning goals and related statutes and rules when not on a periodic review work program whenever a city with a population of 2,500 or more within its UGB amends the UGB to include more than 50 acres. (See Oregon Revised Statute (ORS) 197.626 and Oregon Administrative Rule (OAR) 660-025-0175(1)).

ORS 197.644(2) and (3) and OAR 660-025-0140 through 660-025-0150 authorize the director's review of submitted periodic review tasks. The legal standards that govern the review and decision are OAR Chapter 660; specifically Division 15, the Statewide Planning Goals; and Division 25, Periodic Review. Review of the City of Redmond's UGB plan amendments are focused on Goals 1 and 2 and Goals 9 through 14. If the department receives valid objections to the local government's final decision, the department shall sustain or reject each objection based on the review standards in OAR 660-025-0070.

III. BACKGROUND AND DESCRIPTION OF PERIODIC REVIEW SUBMITTAL

On August 25, 2006, the City of Redmond (city) submitted notice and supporting documents to the department relating to a major amendment to its UGB. This amendment added 2,299 acres to the UGB, and is therefore subject to periodic review procedures upon adoption by the city and Deschutes County.

The city's submittal provides for expansion of the UGB to provide enough planned land supply through year 2025, or for a citywide population of 45,724. The UGB expansion

was adopted by the city on August 8, 2006 and co-adopted by Deschutes County on August 23, 2006. The submittal generally includes the following approved documents:

1. UGB expansion and supporting technical documents
2. The City of Redmond's Framework Plan
3. Amendments to the Redmond Comprehensive Plan
4. Amendments to the Redmond Development Code
5. Amendments to the Deschutes County Comprehensive Plan
6. Amendments to the Deschutes County Code
7. Findings, Ordinances and Resolutions in support of the adopted plan amendments.

The Redmond UGB amendment process included a series of public workshops and related planning events that brought about a wide level of public participation even before public hearings began. Joint city-county planning commission hearings began in June, 2006.

IV. OBJECTIONS AND DLCD RESPONSE

A. Objections Received

The department received one objection from J. Pat Horton, Carolyn Horton, Jayne Heyne and Tyler Fitzsimmons (hereafter called "Horton"). Together, these individuals are owners and contract purchasers of three contiguous parcels involving a total of 120 acres in the northwest area of Redmond UGB expansion. Two of these parcels comprising 80 acres were included in the UGB expansion, and a third parcel of 40 acres was not included. Horton seeks inclusion of the third parcel as part of the UGB expansion.

B. Validity of Objections

Persons who participated at the local level orally or in writing during the local process leading to the final decision may object to the local government's work task submittal. Pursuant to OAR 660-025-0140(2), to be valid, objections must:

- (a) Be in writing and filed with the department's Salem office no later than 21 days from the date the notice was mailed by the local government;
- (b) Clearly identify an alleged deficiency in the work task sufficiently to identify the relevant section of the final decision and the statute, goal, or administrative rule the task submittal is alleged to have violated;
- (c) Suggest specific revisions that would resolve the objection; and
- (d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.

The Horton objection was filed in a timely manner, has suggested a specific revision to the city's action, and demonstrated its participation in the local process and therefore meets the first, third and fourth criteria needed to establish a valid objection.

We turn our attention to whether the Horton objection has met the second criteria by sufficiently identifying an alleged violation of a statute, goal or administrative rule.

The Horton objection is centered specifically on including a 40-acre parcel (referred to as "Parcel 1" in the objection) in the amended UGB at this time. Parcel 1 is located adjacent to the city's amended UGB and is presently in the city's urban reserve, which was acknowledged by the state in 2005 (Order 001682) and is intended to function as the city's targeted urban growth and expansion area over a 50-year planning horizon as it accommodates population growth.

In developing its UGB expansion, the city prepared a 20-year analysis of projected land needs starting in 2005. Under state law, including Statewide Planning Goal 14, a city planning to expand its UGB must provide its analysis for a 20-year period. The analysis must also demonstrate that the projected land needs are being planned in an orderly and efficient manner. To provide more than a 20-year UGB land supply, or to not provide that land in an orderly and efficient manner, would be contrary to the Statewide Planning Goals and other state planning laws.

The Horton objection's main argument for including Parcel 1 in the UGB expansion is to gain the ability to integrate and master plan their combined 120-acre holding. Other Horton objection positions and arguments relate to how planning for the whole 120-acre holding would be more efficient. However, after careful review, the department cannot identify any clearly alleged violation of a statute, goal or administrative rule in the Horton objection, as required by OAR 660-025-0140(2)(b).

C. Analysis of Objections and DLCD Responses

The department has determined that the objection is invalid pursuant to OAR 660-025-0140(2)(b). Therefore, no further analysis of the objection is required.

D. The Department's Review

The department has conducted its own review of the city's submittal, and finds that it complies with relevant statutes, goals and administrative rules.

V. CONCLUSIONS AND DECISION

The department analysis has determined that the objection is not valid pursuant to OAR 660-025-0140(2)(b). The department's own review finds that the submittal complies with the Statewide Planning Goals and related statutes and rules.

Based on the foregoing analysis included in this director's report, the department finds actions of the City of Redmond and Deschutes County that approved plan amendments related to expansion of the City's UGB are in compliance with the Statewide Planning Goals and related statutes and administrative rules, and therefore are approved.