



## ORDINANCE NO. NS-2542

### AN ORDINANCE OF THE CITY COUNCIL ANNEXING 10.66 ACRES OF LAND IN THE NORTHEAST – BUTLER MARKET VILLAGE EXPANSION AREA, ASSIGNING A SIGN DISTRICT PER BDC 9.50.040.C., AND REQUESTING JURISDICTIONAL TRANSFER OF THE RIGHT OF WAY PER ORS 373.270

#### Recitals

- A. Bend Development Code (BDC) Section 4.9.400A.1 provides for annexation of real property to the City when all of the owners of land in the contiguous territory proposed to be annexed and not less than 50 percent of the electors, if any, residing in the territory, consent to the annexation.
- B. The City received an application for annexation of the territory described on Exhibit A and depicted in Exhibit B (the "Area").
- C. All of the owners of land within the Area have filed statements of consent to this annexation. There are no registered electors residing within the Area.
- 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 October 29, 2025, notice was mailed by the Planning Division to surrounding residents and owners of record of property within 500 feet of the subject properties, and to the Mountain View Neighborhood District representative. Notice was also posted in four public places on October 29, 2025, and posted in The Bulletin on November 5, 2025, and November 12, 2025. On October 29, 2025, a *Proposed Development* sign was posted by the applicant along the property frontage, no more than 10 feet from the adjacent right of way.
- E. The City Council held a public hearing on November 19, 2025, 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 western boundary of the Area.
- G. The developer and the City have reached agreement on a proposed Annexation Agreement that sets forth the obligations of the developer and the owners for the provision of urban infrastructure needed to serve the newly annexed area and other areas, attached as Exhibit C.
- H. A portion of Butler Market Road abutting the Area is currently under the jurisdiction of the County and should be transferred to City jurisdiction for consistency and efficiency of administration.

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

- Section 1.** The territory described in Exhibit A and depicted in Exhibit B, is annexed to the City of Bend upon the effective date of the Annexation Agreement (Exhibit C).

- Section 2.** The City Manager is authorized to execute the Annexation Agreement (Exhibit C) in 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 underlying Bend Comprehensive Plan land use designation of Standard Density Residential (RS) (Exhibit E).
- Section 5.** On the date the annexation becomes effective, the Sign District Map will be automatically updated to Sign District 5 (Exhibit F).
- Section 6.** The City, pursuant to ORS 373.270, requests that Deschutes County surrender to the City of Bend jurisdiction over Butler Market Road on the exterior of the annexation area to the extent not already under City jurisdiction.
- Section 7.** This Ordinance shall be voidable at the City's sole discretion if a signed copy of the Annexation Agreement (Exhibit C) is not returned to the City within 30 days of the adoption of this Ordinance.
- Section 8.** If any provision, section, phrase, or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.
- Section 9.** All other provisions of the Bend Municipal [or Development] Code remain unchanged by this ordinance and remain in effect.

**First Reading Date:** November 19, 2025

**Second Reading and adoption by roll call vote:** December 3, 2025

YES: Kebler, Franzosa, Méndez, Norris, Perkins

NO:

  
\_\_\_\_\_  
Melanie Kebler, Mayor

**Attest:**



Trisha Savage, Deputy City Recorder

Approved as to form:



Ian Leitheiser, City Attorney



**Language Assistance Services & Accommodation Information for People with Disabilities**

You can obtain this information in alternate formats such as Braille, electronic format, etc. Free language assistance services are also available. Please contact Karen Swenson at [kswenson@bendoregon.gov](mailto:kswenson@bendoregon.gov) or 541-388-5567. Relay Users Dial 7-1-1.



**Servicios de asistencia lingüística e información sobre alojamiento para personas con discapacidad**

Puede obtener esta información en formatos alternativos como Braille, formato electrónico, etc. También disponemos de servicios gratuitos de asistencia lingüística. Póngase en contacto con Karen Swenson en

[kswenson@bendoregon.gov](mailto:kswenson@bendoregon.gov) o 541-388-5567. Los usuarios del servicio de retransmisión deben marcar el 7-1-1.



**AKS ENGINEERING & FORESTRY**

2777 NW Lolo Drive, Suite 150, Bend, OR 97703

P: (541) 317-8429

AKS Job #11771

**EXHIBIT A**

## Annexation

Parcel 2 of Partition Plat 1991-68 and other lands located in the Southeast Quarter of the Northeast Quarter of Section 23, and the Southwest Quarter of the Northwest Quarter of Section 24, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 2 of Partition Plat 1991-68, recorded October 22, 1991, in Partition Plat Cabinet 1, Page 154, Deschutes County Official Records; thence along the north line of said Parcel 2, South 89°59'44" East 1057.33 feet to the west right-of-way line of NE Butler Market Road (40.00 feet from centerline); thence at a right angle to said right-of-way line, South 89°52'58" East 70.00 feet to the east right-of-way line of said NE Butler Market Road (30.00 feet from centerline); thence along said east right-of-way line, South 00°07'02" West 411.97 feet; thence at a right angle to said right-of-way line, North 89°52'58" West 70.00 feet to the southeast corner of said Parcel 2 located on said west right-of-way line; thence along the south line of said Parcel 2, North 89°59'44" West 1056.80 feet to the west line of said Parcel 2; thence along said west line, North 00°02'35" East 411.97 feet to the Point of Beginning.

The above tract of land contains 10.66 acres feet more or less.

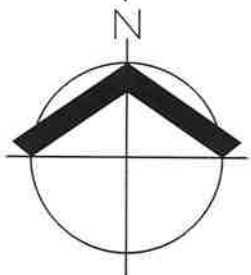
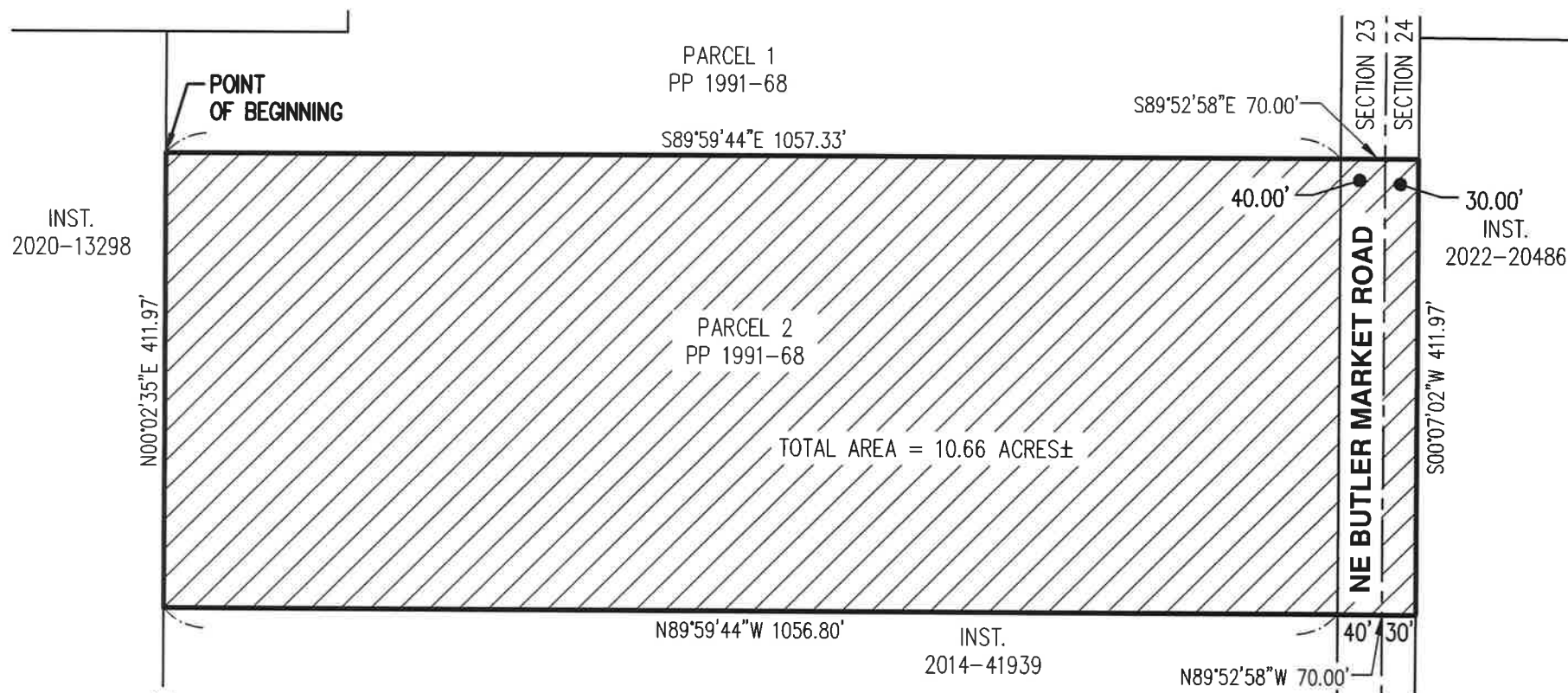
The basis of bearings for this description is based on County Survey 20165.

6/2/2025

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR****OREGON  
MAY 11, 2021  
JACOB ALLEN CARSON  
94570PLS****RENEWS: 12/31/25**

# EXHIBIT B

PARCEL 2 OF PARTITION PLAT 1991-68 AND OTHER LANDS LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SEC. 23, AND THE SW 1/4 OF THE NW 1/4 OF SEC. 24, T17S, R12E, W.M., DESCHUTES COUNTY, OREGON



SCALE: 1"=150 FEET



150 0 30 75 150

**PREPARED FOR**  
VENTURE PROPERTIES, INC.  
4230 GALEWOOD STREET, #100  
LAKE OSWEGO, OR 97035

## BASIS OF BEARINGS

THE BEARINGS FOR THIS EXHIBIT ARE BASED ON COUNTY SURVEY 20165.

6/2/2025

**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*[Signature]*

**OREGON  
MAY 11, 2021  
JACOB ALLEN CARSON  
94570PLS  
RENEWS: 12/31/25**

**ANNEXATION**

**AKS**

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

DATE: 6/2/2025  
DRWN: PDF  
AKS JOB: 11771  
CHKD: JAC  
EXHIBIT  
B

Deschutes County Official Records		<b>2025-33381</b>
<b>D-ANXCON</b>		
Stn=7 AT	<b>12/04/2025 12:26 PM</b>	
\$75.00 \$11.00 \$10.00 \$61.00 \$10.00	<b>\$167.00</b>	
I, Steve Dennison, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Official Records. Steve Dennison - County Clerk		

**After recording, return to:**  
**City of Bend**  
**Attn: Colin Stephens**  
**Community Development Department**  
**710 NW Wall St.**  
**Bend, OR 97703**

## **BUTLER MARKET ANNEXATION AGREEMENT**

This Annexation Agreement ("Agreement") is made this 3<sup>rd</sup> day of December 2025 between the City of Bend ("City") and Venture Properties, Inc. ("Venture") and Kuuipo Bend, LLC, Sage Wind Farms LLC, and RCL Investment LLC (together with Venture, the "Owners"), who are respectively the contract purchaser and the owners of record of the property described in Exhibit A and depicted on Exhibit B ("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. Venture intends to develop the Property pursuant to the Bend Comprehensive Plan (the "BCP") and the Bend Development Code (the "BDC"). The Property is within the City's Urban Growth Boundary ("UGB") and is contiguous to the city limits on the west side of the Property. Therefore, the Property is eligible for annexation subject to BDC Chapter 4.9.

B. The Property consists of approximately 10 acres and is located in the Northeast Edge portion of the Urban Growth Area.

C. The Property is currently zoned Urbanizable Area ("UA") and is designated Residential Urban Standard Density ("RS") on the BCP Map pursuant to the BCP Specific Expansion Area Policies for the Northeast Edge Expansion Area.

D. On June 30, 2025, the Owners submitted a request to the City to annex the Property to the City (City File No. PLANX20250373).

E. On June 30, 2025, the Owners submitted a land division application to subdivide the Property into 58 lots intended for single-unit homes (City File No. PLLD20250382) (the "Land Division"). The application will not be deemed complete or formally processed until after the annexation is effective.

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

G. 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 8 of this Agreement, the Owners agree to comply with all requirements imposed in this Agreement and all other City codes, regulations, and standards applicable to the Property. This Agreement is consistent with and intended to implement the BCP Specific Expansion Area Policies for the Northeast Edge Expansion Area 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 Owners.** Consistent with the above Recitals, Owners agree to perform the obligations of this Agreement and comply with and meet all applicable City codes, standards, and regulations. All exhibits attached are intended to reflect the general development concept as presently contemplated. Nothing in this Agreement shall be construed to prohibit refinements of or adjustments to the conceptual plans during the development review process, provided that any such refinements and adjustments remain consistent with applicable City standards and the overall intent of this Agreement.

2. **Land Division Approval.** Owners will diligently seek approval of a Land Division under BDC Chapter 4.3 following annexation of the Property. For the purposes of this Agreement, the final decision approving the Land Division will be known as the Entitlements.

3. **Water.** In order to serve the Property consistent with BCP Specific Expansion Area Policies for the Northeast Edge Expansion Area and other applicable policies of the BCP and standards of the BDC, the Owners must construct the water system improvements as set forth in the attached Exhibit C and pursuant to the phasing and development schedule set forth in the Entitlements. The property is in the Avion Water Company ("Avion") service territory and will be served by Avion water.

4. **Sewer.** In order to serve the Property consistent with BCP Specific Expansion Area Policies for the Northeast Edge Expansion Area and other applicable policies of the BCP and standards of the BDC, the Owners must construct the wastewater collection system improvements as identified on Exhibit D and pursuant to the phasing and development schedule set forth in the Entitlements. Nothing in this Section 4 precludes the Owners from seeking System Development Charges (SDC) credits for the wastewater collection system improvements, to the extent applicable, required under this Section 4.

5. **Transportation.** In order to serve the Property consistent with BCP Specific Expansion Area Policies for the Northeast Edge Expansion Area and other applicable policies of the BCP and standards of the BDC, together with the Transportation Planning Rule (OAR 660-012-0060), the Owners must construct the transportation system improvements as identified on Exhibit E and pursuant to the phasing and development schedule set forth in the Entitlements.

5.1 **Transportation System SDC Credits.** Pursuant to Bend Code 12.10.130(C), Owners' completion of the Butler Market Road improvements identified on Exhibit E will be eligible for SDC credits as noted on the City's SDC Transportation project list.

5.2 **Dedication of Right of Way.** Owners agree to dedicate sufficient right of way under Owners' control to the City to accommodate the transportation system improvements as identified on Exhibit E, and to meet the minimum right-of-way widths required by BDC Chapter 3.4 and the Entitlements. To the extent there is a conflict between the street standards set forth in BDC Chapter 3.4 and those set forth in the Entitlements, the standards in the Entitlements shall control.

6. **Stormwater.** The Owners will manage all stormwater consistently with the Entitlements and all applicable City requirements. The Owners will complete all on-site stormwater requirements as required by the Entitlements 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 Entitlements applications.

7.3 Use good faith efforts to assist the Owners in obtaining any right-of-way or easements necessary for the Owners to complete the improvements contemplated by this Agreement; however, the City will not commit to take any specific action, including the initiation of condemnation proceedings, as part of this Agreement.

7.4 Owners acknowledge that the City cannot prospectively agree to any specific outcomes for the Entitlements.



8. **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 both (i) recording of a final plat for that portion of the Property, and (ii) upon completion of the improvements set forth in Sections 3 through 6. The parties will execute and record any document necessary to release such covenants upon the termination of this Agreement.

9. **Limitations on Development.** Upon annexation the Owners agree that no portion of the Property may be developed prior to the City's final approval of the Entitlements.

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

11. **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.

12. **Land Use Approval.** Nothing in this Agreement is to be construed as waiving any requirements of the Bend Code, Bend Development Code or Bend Comprehensive Plan 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.

13. **Exactions.** The Owners know and understand their rights under *Dolan v. City of Tigard* and its progeny. By entering into this Agreement Owners waive any requirement that the City demonstrate that the public improvements and other obligations imposed on the Owners in this Agreement are roughly proportional to the burden and demands placed upon the urban facilities and services by the development of the Property. The Owners acknowledge that the requirements and obligations of the Owners, 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.

14. **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.

15. **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.

**16. Effective Date.** This Agreement will become effective upon authorized signatures by all parties, approval by the City Council, and expiration of all applicable appeal periods.

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

**OWNERS:**

Venture Properties, Inc., an Oregon limited liability company

By: \_\_\_\_\_

Name: Kelly Ritz

Its: \_\_\_\_\_

December 2, 2025

State of Oregon )

County of Deschutes )

This instrument was acknowledged before me on December 2nd, 2025, by Kelly Ritz, President of Venture Properties, Inc., an Oregon limited liability company, on behalf of the company.

Misty Lynn Lane  
Notary Public for Oregon



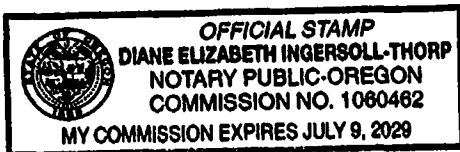
Kuuipo Bend, LLC, a domestic limited liability company

By: *Brian Meece*  
Name: Brian Meece  
Its: *member*

\_\_\_\_\_, \_\_\_\_\_  
State of Oregon                    )  
County of Deschutes            )

This instrument was acknowledged before me on *11/24/25*, <sup>*00*</sup>~~2025~~, by Brian Meece, *member* of Kuuipo Bend, LLC, a domestic limited liability company, on behalf of the company.

*[Signature]*  
Notary Public for Oregon



Sage Wind Farms, LLC, a domestic limited liability company

By: [Signature]  
Name: Richard Lane  
Its: MANAGING MEMBER

\_\_\_\_\_, \_\_\_\_\_  
State of Florida )  
~~Oregon~~ )  
County of Monroe )  
~~Deschutes~~ )

This instrument was acknowledged before me on November 24, 2025, by Richard Lane, MANAGING MEMBER of Sage Wind Farm, LLC, a domestic limited liability company, on behalf of the company.

Grace Wood  
Notary Public for ~~Oregon~~  
Florida





RCL Investment, LLC, a domestic limited liability company

By: [Signature]  
Name: Robert Lane  
Its: member

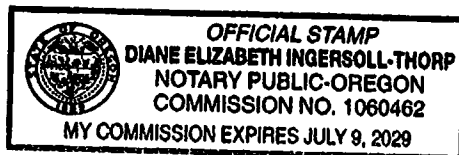
Dec. 1st, 2025

State of Oregon )

County of Deschutes )

This instrument was acknowledged before me on Dec. 1st, 2025, by Robert Lane, member of RCL Investments, LLC, a domestic limited liability company, on behalf of the company.

[Signature]  
Notary Public for Oregon



**CITY OF BEND**


  
Eric King, City Manager

STATE OF OREGON     )  
                                  )  
County of Deschutes    )

This instrument was acknowledged before me on December 3, 2025, by  
Eric King as City Manager of the City of Bend.



  
Notary Public for Oregon

REVIEWED  
  
LEGAL COUNSEL



**AKS ENGINEERING & FORESTRY**  
2777 NW Lolo Drive, Suite 150, Bend, OR 97703  
P: (541) 317-8429

AKS Job #11771

## EXHIBIT A

### Annexation

Parcel 2 of Partition Plat 1991-68 and other lands located in the Southeast Quarter of the Northeast Quarter of Section 23, and the Southwest Quarter of the Northwest Quarter of Section 24, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, and being more particularly described as follows:

Beginning at the northwest corner of Parcel 2 of Partition Plat 1991-68, recorded October 22, 1991, in Partition Plat Cabinet 1, Page 154, Deschutes County Official Records; thence along the north line of said Parcel 2, South 89°59'44" East 1057.33 feet to the west right-of-way line of NE Butler Market Road (40.00 feet from centerline); thence at a right angle to said right-of-way line, South 89°52'58" East 70.00 feet to the east right-of-way line of said NE Butler Market Road (30.00 feet from centerline); thence along said east right-of-way line, South 00°07'02" West 411.97 feet; thence at a right angle to said right-of-way line, North 89°52'58" West 70.00 feet to the southeast corner of said Parcel 2 located on said west right-of-way line; thence along the south line of said Parcel 2, North 89°59'44" West 1056.80 feet to the west line of said Parcel 2; thence along said west line, North 00°02'35" East 411.97 feet to the Point of Beginning.

The above tract of land contains 10.66 acres feet more or less.

The basis of bearings for this description is based on County Survey 20165.

6/2/2025

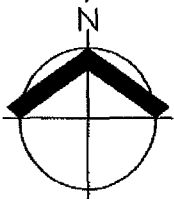
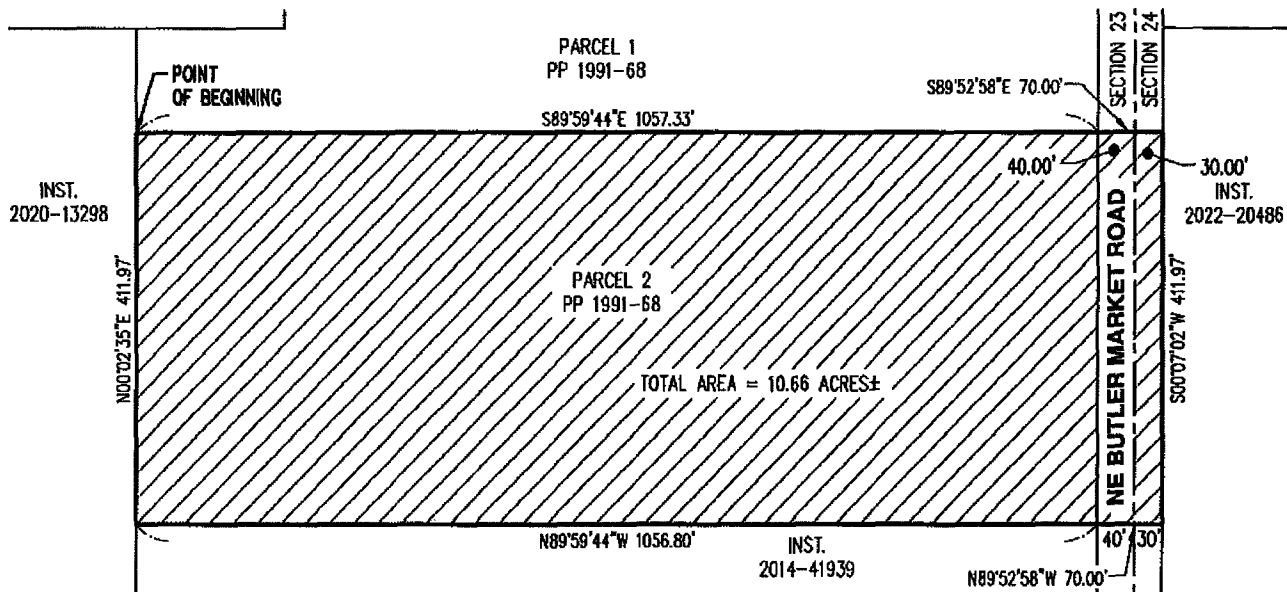
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
MAY 11, 2021  
JACOB ALLEN CARSON  
94570PLS

RENEWS: 12/31/25

# EXHIBIT B

PARCEL 2 OF PARTITION PLAT 1991-68 AND OTHER LANDS LOCATED IN THE SE 1/4 OF THE NE 1/4 OF SEC. 23, AND THE SW 1/4 OF THE NW 1/4 OF SEC. 24, T17S, R12E, W.M., DESCHUTES COUNTY, OREGON



SCALE: 1"=150 FEET



PREPARED FOR  
VENTURE PROPERTIES, INC.  
4230 GALEWOOD STREET, #100  
LAKE OSWEGO, OR 97035

## BASIS OF BEARINGS

THE BEARINGS FOR THIS EXHIBIT ARE BASED ON COUNTY SURVEY 20165.

6/2/2025  
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

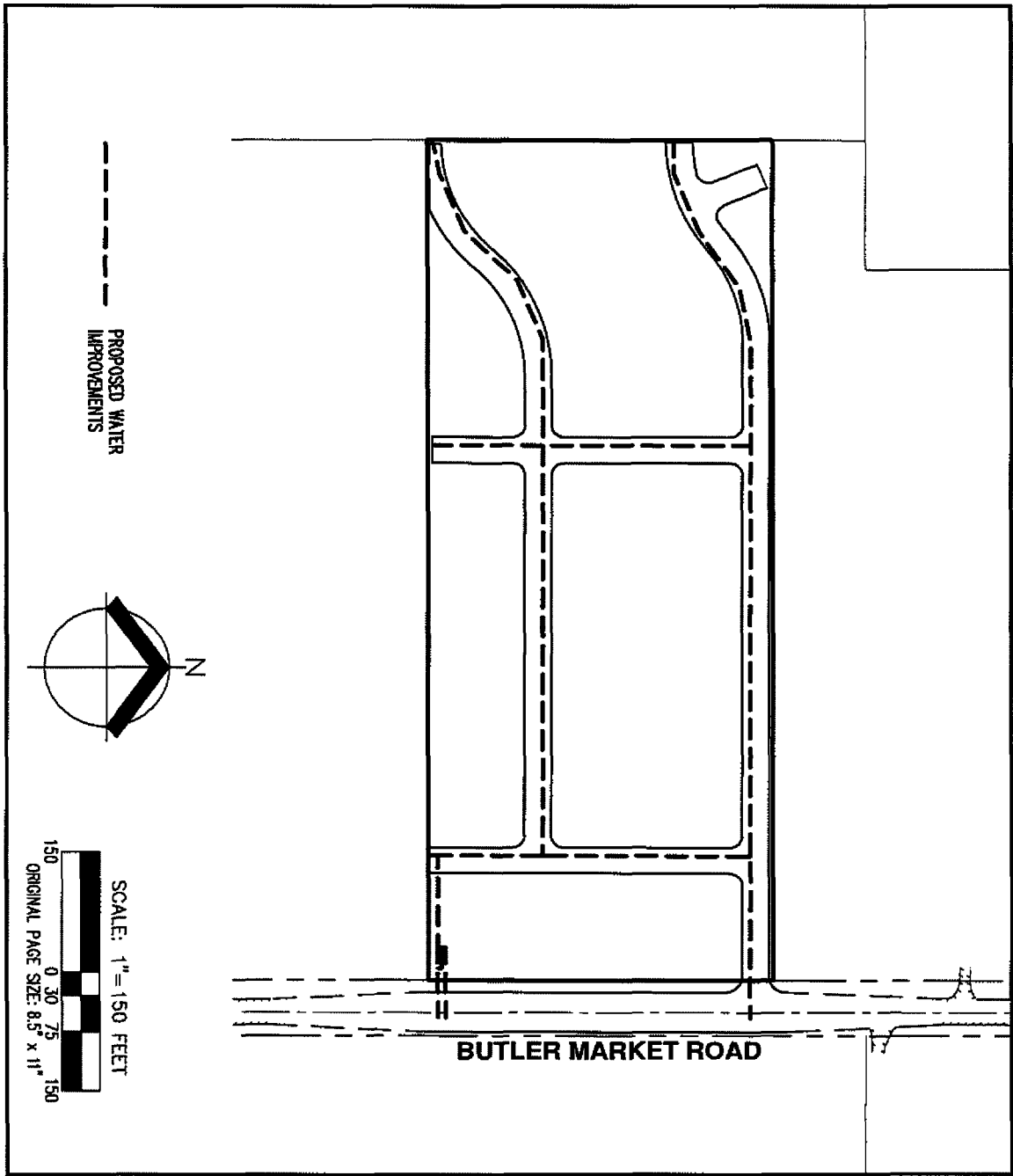
OREGON  
MAY 11, 2021  
JACOB ALLEN CARSON  
94570PLS  
RENEWS: 12/31/25

DATE: 6/2/2025	DATE: 6/2/2025
DRWN: PDF	CHKD: JAC
AKS JOB: 11771	EXHIBIT: B

ANNEXATION

**AKS**

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



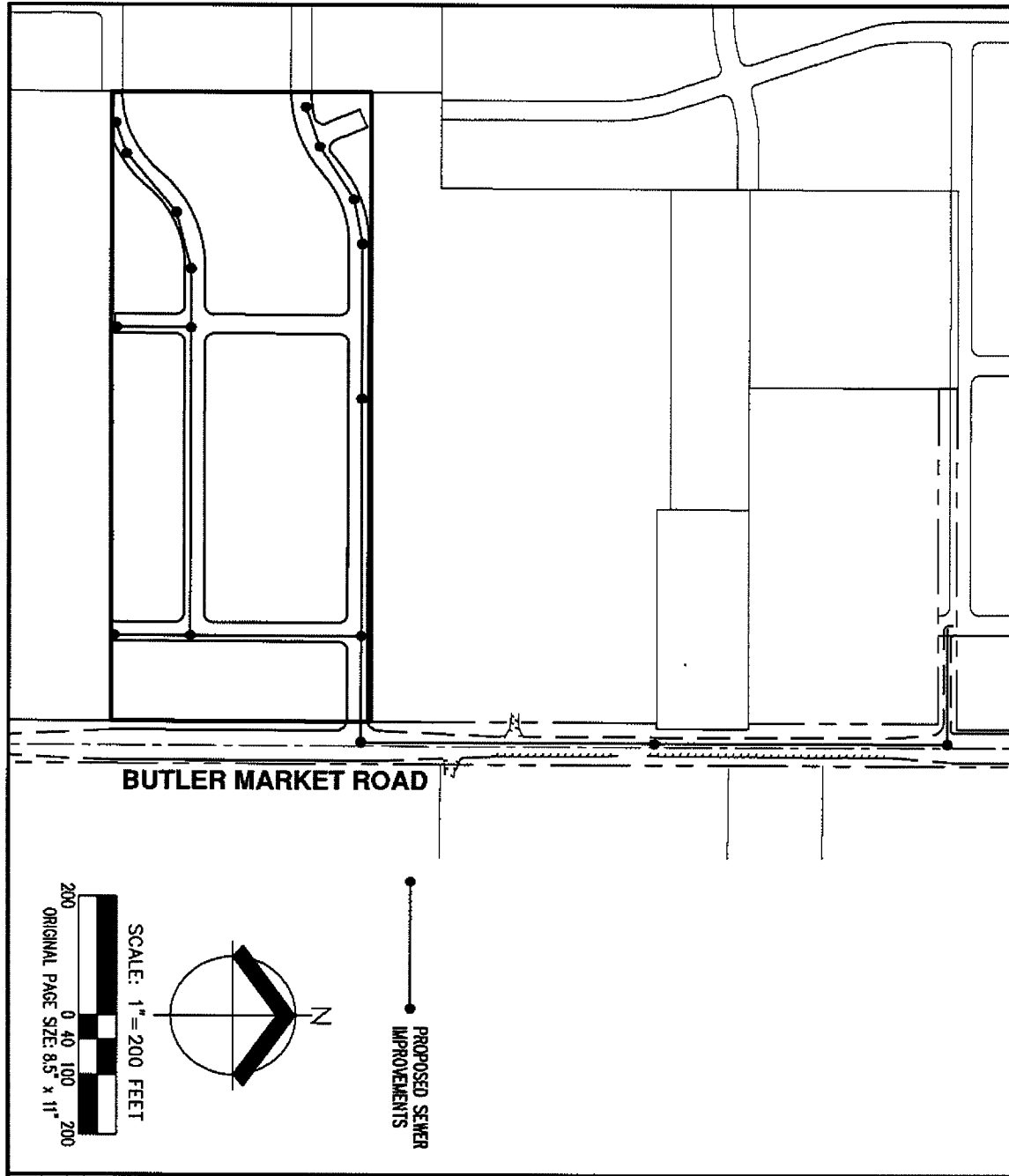
AKS ENGINEERING & FORESTRY, LLC  
 2777 NW LOLO DR, STE 150  
 BEND, OR 97703  
 541.317.8429 WWW.AKS-ENG.COM



21620 BUTLER MARKET ROAD  
 WATER IMPROVEMENTS

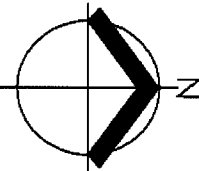
DATE: 10/9/2025	
DRWN: NSM	CHKD: AZV
AKS JOB: 11771	EXHIBIT C





**BUTLER MARKET ROAD**

SCALE: 1" = 200 FEET  
 ORIGINAL PAGE SIZE: 8.5" x 11"



PROPOSED SEWER  
 IMPROVEMENTS

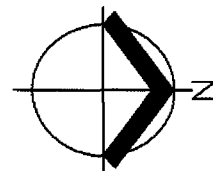
AKS ENGINEERING & FORESTRY, LLC  
 2777 NW LOLO DR, STE 150  
 BEND, OR 97703  
 541.317.8429 WWW.AKS-ENG.COM



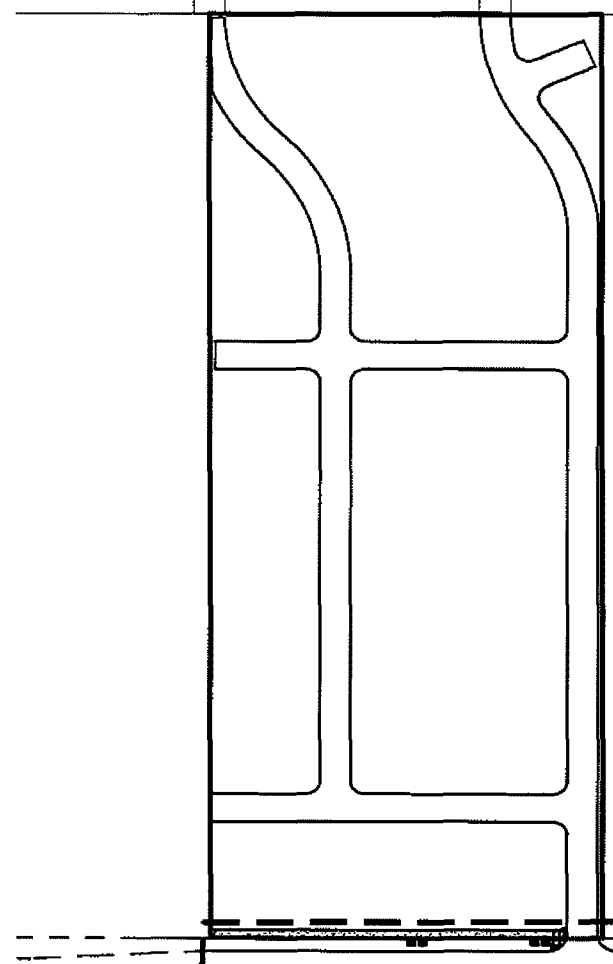
**21620 BUTLER MARKET ROAD  
 SEWER IMPROVEMENTS**

DATE: 10/9/2025	
DRWN: NSM	CHKD: AZV
AKS JOB: 11771	EXHIBIT <b>D</b>

DWG: 11771 20251009 BUTLER MARKET SEWER IMPROVEMENTS | 0



SCALE: 1" = 150 FEET  
ORIGINAL PAGE SIZE: 8.5 x 11"



BUTLER MARKET ROAD

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



21620 BUTLER MARKET ROAD  
BUTLER MARKET RD  
IMPROVEMENTS

DATE: 10/9/2025	
DRWN: NSM	CHKD: AZV
AKS JOB: 11771	EXHIBIT E

DWG: 11771 20251009 BUTLER MARKET TRANSPORTATION IMPROVEMENTS | E

## EXHIBIT D

### FINDINGS FOR BUTLER MARKET ANNEXATION



COMMUNITY  
DEVELOPMENT

**PROJECT NUMBER:** PLANX20250373

**CITY COUNCIL**

**HEARING DATE:** November 19, 2025

**APPLICANT:** AKS Engineering & Forestry

**OWNERS:** Kuuipo Bend LLC  
Sage Wind Farms LLC  
RCL Investments LLC

**LOCATION:** 21620 Butler Market Road; Tax Lot 1712230000115

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

**COMP PLAN:** Standard Density Residential (RS)

**REQUEST:** Quasi-judicial application for Annexation of 10.66 acres within the Northeast – Butler Market Village Urban Growth Boundary (UGB) Expansion Area (Type III review with City Council as Review Authority)

### APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

#### Criteria

**Bend Development Code**

Chapter 4.9 Annexations

**Bend Municipal Code**

Chapter 9.50 Signs

**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 LOCATION:** The site is located west of NE Butler Market Road, abutting the east side of the Petrosa Master Plan (Phase 8).



The 10.0-acre subject property is undeveloped and characterized by vegetation typical of northeast Bend, including small clusters of juniper trees, grasses, and other underbrush. To the north, the site abuts other single-unit residences and properties zoned UA and designated for Standard Density Residential (RS). To the south, the subject property abuts the Bend Adventist Fellowship Church that is also zoned UA and designated RS. The property to the east across Butler Market Road is outside of the City limits and outside of the urban growth boundary.

2. **PROPOSAL:** A Type III Quasi-judicial request for Annexation of 10.66 acres within the Northeast – Butler Market Village UGB Expansion Area, including the 10.0-acre subject property and 0.66 acres of the Butler Market Road right-of-way.
3. **PUBLIC NOTICE AND COMMENTS:** 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 October 29, 2025, the Planning Division mailed notice to surrounding owners of record and addresses of property within 500 feet of the subject property, and to the Mountain View Neighborhood District representative. Notice was also posted in four public places on October 29, 2025, and posted in *The Bulletin* on November 5 and 12, 2025. On October 29, 2025, *Proposed Development* signs were posted by the applicant along the property frontage on Butler Market Road, visible from the street.
4. **APPLICATION ACCEPTANCE DATE:** This Type III Quasi-judicial Annexation application was submitted on June 30, 2025. The application was deemed complete on October 10, 2025. The annexation is not a permit or limited land use decision and thus is not subject to the 120-day review period under ORS 227.178.

#### **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 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 of a specific property and is, therefore, considered a quasi-judicial application. Notice for the City Council Hearing followed the notification process required for Type III



applications, and the requirements for publishing notice in the newspaper and in four public places as required under BDC 4.9.300.A.3.

On October 29, 2025, notice was mailed by the Planning Division to surrounding owners of record and addresses of property within 500 feet of the subject properties, and to the Mountain View Neighborhood District representative. On October 29, 2025, a *Proposed Development* sign was posted by the applicant along the property frontage on Butler Market Road, visible from the street. Notice was also posted in four public places on October 29, 2025, and posted in *The Bulletin* on November 5 and 12, 2025.

## **B. Development Review Requirements**

- 1. Unless exempted in subsection (B)(1)(a) of this section, expansion areas as shown in Figure 4.9.300 will require land use approval in accordance with Table 4.9.300 prior to or concurrently with annexation. For properties located within an approved area plan, also see subsection (B)(2) of this section. The exemptions to master planning in BDC Chapter 4.5, Master Plans, 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.**

- a. Exemptions from Area and Master Planning.**

- iv. Annexation and development of individual properties or groups of properties of any size located within the Northeast-Butler Market Village Expansion Area but outside of the Petrosa Master Plan.**

**FINDING:** The planned annexation is an individual property located within the Northeast – Butler Market Village Expansion Area, outside of the Petrosa Master Plan. Therefore, a master plan is not required per BDC 4.9.300B.1.a.iv.

- v. For areas subject to these exemptions, an applicant must submit a development proposal for the entirety of the annexation area under the anticipated zoning district prior to annexation for evaluation of compliance with the applicable approval criteria (e.g., a site plan review proposal is subject to BDC [4.2.500\(D\)](#) and a land division is subject to BDC [4.3.300\(E\)](#)) and specific expansion area policies in the Bend Comprehensive Plan Chapter 11, Growth Management.**

**FINDING:** The applicant has submitted a land division application (PLLD20250385) to create 58 lots intended for single-unit development. This application has been preliminarily reviewed for compliance with the land division criteria in BDC 4.3.300.E; upon annexation, this land division application can be deemed complete and reviewed administratively. Compliance of the development proposal with the specific expansion area policies for the Northeast – Butler Market Village Expansion Area (Policies 11-75 and 11-78 through 11-81) are addressed below.

- 2. Properties located within an approved area plan must comply with the following prior to or concurrently with annexation:**

**FINDING:** The subject property is within the Northeast Edge framework-level Area Plan, adopted concurrently with the Petrosa Master Plan (PZ-19-0515). The following two subsections apply.

- a. **An applicant must provide a development proposal (e.g., site plan review or land division) for the entire property for evaluation of compliance with the applicable approval criteria (e.g., a site plan review proposal is subject to BDC [4.2.500\(D\)](#) and a land division is subject to BDC [4.3.300\(E\)](#), and specific expansion area policies in the Bend Comprehensive Plan Chapter 11, Growth Management.**

**FINDING:** The applicant has submitted a land division application (PLLD20250385) to create 58 lots intended for single-unit development. Upon annexation, this land division application can be deemed complete and reviewed administratively. Compliance of the development proposal with the specific expansion area policies for the Northeast – Butler Market Village Expansion Area (Policies 11-75 and 11-78 through 11-81) are addressed below.

- b. **In lieu of a master plan application for any property or combination of adjacent properties under common ownership totaling 20 acres or larger, the applicable minor master plan approval criteria in BDC Chapter [4.5](#), Master Plans, will be assessed along with the approval criteria of the respective development proposal cited above in subsection [\(B\)\(2\)\(a\)](#) of this section.**

**FINDING:** The subject property is less than 20 acres. This section is not applicable.

**3. Final procedural steps and decision issuance for concurrent development applications will occur after the annexation ordinance becomes effective.**

**FINDING:** When the annexation ordinance becomes effective, the land division application (PLLD20250385) application can be deemed complete and reviewed administratively.

**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:**

1. **All of the owners of land in the contiguous territory proposed to be annexed and not less than 50 percent of the electors, if any, residing in the territory, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City;**
2. **A majority of the electors registered in the contiguous territory proposed to be annexed consent in writing to the annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the City; or**
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.

- B. Statements of consent to annexation which are filed within any one-year period are effective and are deemed to be submitted with the petition required in subsection (A) of this section, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the City.**

**FINDING:** The proposed annexation is initiated by all property owners of a single legal parcel, satisfying BDC 4.9.400.A.1. The annexation application submittal includes the Petition to Annex form and Waiver of One Year Time Limit form signed by all of the owners. The land is undeveloped and no one resides at the property. The applicable standards are met.

#### **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 PLANX20250373 contain all of the above applicable 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 this annexation and has submitted a BPRD Coordination Letter. The subject property is within the district boundary and contains no planned parks or trails. 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 already located within the BPRD boundary. This standard is met.

- 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:** The applicant has submitted a Bend-La Pine School District (BLSD) Coordination letter, confirming the district had the opportunity to review the project and did not have any comments. This standard is met.

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

**FINDING:** The applicant submitted a Central Oregon Irrigation District (COID) Coordination letter, confirming the subject property has 8 acres of mapped water rights and that the water rights must be removed prior to platting lots or dedicating right-of-way. No irrigation facilities exist on the site.

- 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 approved Petrosa Master Plan identified the necessary infrastructure to accommodate the entire Northeast Edge/Butler Market Village Expansion Area. The adoption of the Petrosa Master Plan/Northeast Edge Area Plan did not require an update to the Transportation System Plan (TSP) or any other public facility plan. This requirement 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:** Consistency with the Bend Comprehensive Plan policies applicable to the subject property are addressed below. Policies 11-59 through 11-68 are addressed with the implementation of the criteria in BDC 4.9 further below. Upon annexation, the subject property will be rezoned to be consistent with the Bend Comprehensive Plan land use designation (RS); a development proposal for a 59-lot land division of the subject property, consistent with the RS zoning, has been submitted (PLLD20250385).

#### **Northeast – Butler Market Village Policies**

**11-74** *The Northeast – Butler Market Village Expansion Area includes the Petrosa Master Plan. Properties of any size located within the Petrosa Master Plan may apply to annex and develop, consistent with the Petrosa Plan. Annexation and development of individual properties or groups of properties of any size outside of the Petrosa Master Plan must comply with policies 11-75 and 11-78 through 11-81, and may be approved in compliance with the Bend Development Code.*

**FINDING:** The subject property is located in the Northeast – Butler Market Village Expansion Area but outside of the Petrosa Master Plan. Therefore, BCP Policies 11-75 and 11-78 through 11-81 are addressed below. The applicable policies are met.

**11-75** *Within the area identified on Figure 11-7, the central planning concepts are to: create a new, complete community as a node that sets the stage for additional urban growth in the future; and increase the mix of housing and land uses in the area to increase the completeness of the existing neighborhoods inside the UGB.*

**FINDING:** The subject property is being annexed in accordance with the goals and policies of the Northeast - Butler Market Village Expansion Area and the Bend Comprehensive Plan. The annexation will provide 10 additional acres of land (an additional 0.66 acres of the area to be annexed is within the NE Butler Market Road right-of-way) designated RS to support the City's goal of increasing the supply of needed housing, within 1/3 mile of commercially zoned property in the Petrosa Master Plan. The submitted land division application (PLLD20250385) includes a layout to accommodate 58 lots for future single-unit homes. The internal circulation system, including local streets and paths, is designed to integrate into the surrounding area, improving connectivity within the Petrosa Master Plan and the broader Northeast Bend area. This policy is met.

**11-78** *The street, path and bikeway network shall provide connectivity throughout this area, connect to existing abutting local roads, and provide opportunities for connections to adjacent undeveloped land both inside and outside the UGB. The transportation network shall be consistent with the Bend Transportation System Plan.*

**FINDING:** The layout in the submitted land division application (PLLD20250385) shows the extension of an approved street network established with the Petrosa Master Plan. Streets and sidewalks are planned throughout the site, connecting existing and proposed homes to higher-order roadways to the east and west. Sidewalks and local streets will provide connections west to NE Eagle Road, which is designated as part of the City's Low-Stress Bicycle Network, providing safe pathways for cyclists for both recreational and transportation purposes. The multiuse pathway that will be required along the NE Butler Market Road frontage will eventually connect around the perimeter of the entire expansion area, as other properties are annexed and redeveloped or improved, consistent with the City's Transportation System Plan (TSP) and the street and pathway network established with the Petrosa Master Plan. The policy is met.

**11-79** *Coordination with the Bend-LaPine School District is required in order to identify a suitable site for an elementary school within this area.*

**FINDING:** The Petrosa Master Plan established a site for an elementary school at the southeast quadrant of the intersection of Yeoman Road and Eagle Road. That property is now owned by the Bend-La Pine School District. A BLSD coordination letter submitted with the annexation application confirms the District was given the opportunity to review the project and did not provide comments specific to any requirements. As applicable, this policy is met.

**11-80** *Coordination with Bend Park and Recreation District is required in order to address provision of parks and/or trails within this area.*



**FINDING:** The subject property is located just outside of the Petrosa Master Plan boundary. The Petrosa Master Plan provides over 22.8 acres of community park space and a network of interconnected trails and paths throughout the surrounding area. A Bend Park and Recreation District (BPRD) Coordination Letter submitted with the annexation application confirms the subject property is within the district boundary and that the District has no further plans for parks and trails within the project vicinity. As applicable, this policy is met.

***11-81** Coordination with Central Oregon Irrigation District is required in order to address circulation and access issues related to the existing canals in this area and to identify opportunities for trails to be co-located with canal easements or right of way.*

**FINDING:** The Petrosa Master Plan included substantial coordination with Central Oregon Irrigation District (COID) to address realignment and piping of existing canals in the area as the master planned area was developed. Additionally, coordination with BPRD established three trailheads on the east side of the North Unit Irrigation District (NUID) Main Canal on the western edge of Petrosa, connecting the area to the growing BPRD canal trail network. A COID Coordination letter submitted with the application shows their concern is limited to water rights. The water rights division plan can be implemented prior to any future land division. The policy 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:** Although the subject property was included in the framework-level Northeast Edge Area Plan completed with the Petrosa Master Plan (PZ-19-0515), an exemption is provided in BDC 4.9.300(B)(1)(iv), allowing annexation and development to occur without a concurrent area or master plan. This standard is met.

**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 approved Petrosa Master Plan identified the necessary infrastructure to accommodate the entire Northeast Edge Area Plan/Butler Market Village Expansion Area. The Northeast Edge Utility Plan (Exhibit B of the PZ-19-0515 application) shows how public facilities, including transportation, sanitary sewer and potable water, are available and planned throughout the project site and can serve the properties within the Northeast Edge Area Plan that are not participating in the Petrosa Master Plan. The annexation agreement for the Petrosa Master Plan and subsequent entitlements included the required infrastructure to serve the entire Northeast Edge Area Plan/Butler Market Village Expansion Area.

With this application, the submitted Utility Availability Memo (UAM), Traffic Analysis Memo (TAM), and Will Serve Letters from public utilities (including the Avion Water Company) show that public facilities, including sanitary sewer, domestic water, and transportation are available

to serve the project. Any project-specific mitigation or public improvements required as part of the proposed subsequent land division will be addressed with that application. Coordination letters from BPRD and Bend-La Pine Schools are also included with the application, as noted above. This standard 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 approved Petrosa Master Plan identified the necessary infrastructure to accommodate the entire Northeast Edge/Butler Market Village Expansion Area, as noted above. The submitted Utility Availability Memo (UAM), Traffic Analysis Memo (TAM), and Will Serve Letters from public utilities (including Avion) show that public facilities, including sanitary sewer, domestic water, and transportation are available to serve the project. The Annexation Agreement (Exhibit C) identifies the required infrastructure to serve the subject property, including the northern offsite extension of a sewer main in Butler Market Road, as well as frontage improvements on Butler Market Road and a local street network connecting to the Petrosa Master Plan to the west. This standard 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:** A Coordination Letter from COID was submitted with the application, confirming the District has reviewed the project layout and is supportive of the owners quitclaiming or otherwise returning water rights back to the District prior to platting lots or dedicating right-of-way. The standard 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:** Compliance with the Transportation Planning Rule was conducted for the entire

Northeast – Butler Market Village Expansion Area with the adoption of the Petrosa Master Plan. As a result, a fee of \$281.88 per weekday p.m. peak hour trip generated by new development within the Area Plan must be paid at final plat submittal for the subsequent land division, to be conveyed to the Oregon Department of Transportation for impact to state transportation facilities.<sup>1</sup> The TPR is satisfied.

#### **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 submitted Transportation Facilities Report and the City's Traffic Analysis Memo (TAM) confirm rights-of-way can be improved to applicable City standards. The Preliminary Plans submitted in the land division application PLLD20250348 show frontage planned improvements along NE Butler Market Road and a local street network within the project site that can comply with the applicable City standards and specifications. This standard 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 Standard Density Residential (RS) zoning district. The applicable criterion is met.

### **Bend Municipal Code**

#### **9.50 Signs**

##### **B. Sign Districts.**

- 1. Sign districts are identified in Figure 9.50.040, Sign District Map.**
- 2. Sign district boundary lines are at the centers of public rights-of-way or the center of a river.**
- 3. The following defines each sign district on Figure 9.50.040, Sign District Map:**
  - e. *Sign District 5.* Primarily a residential use area.**

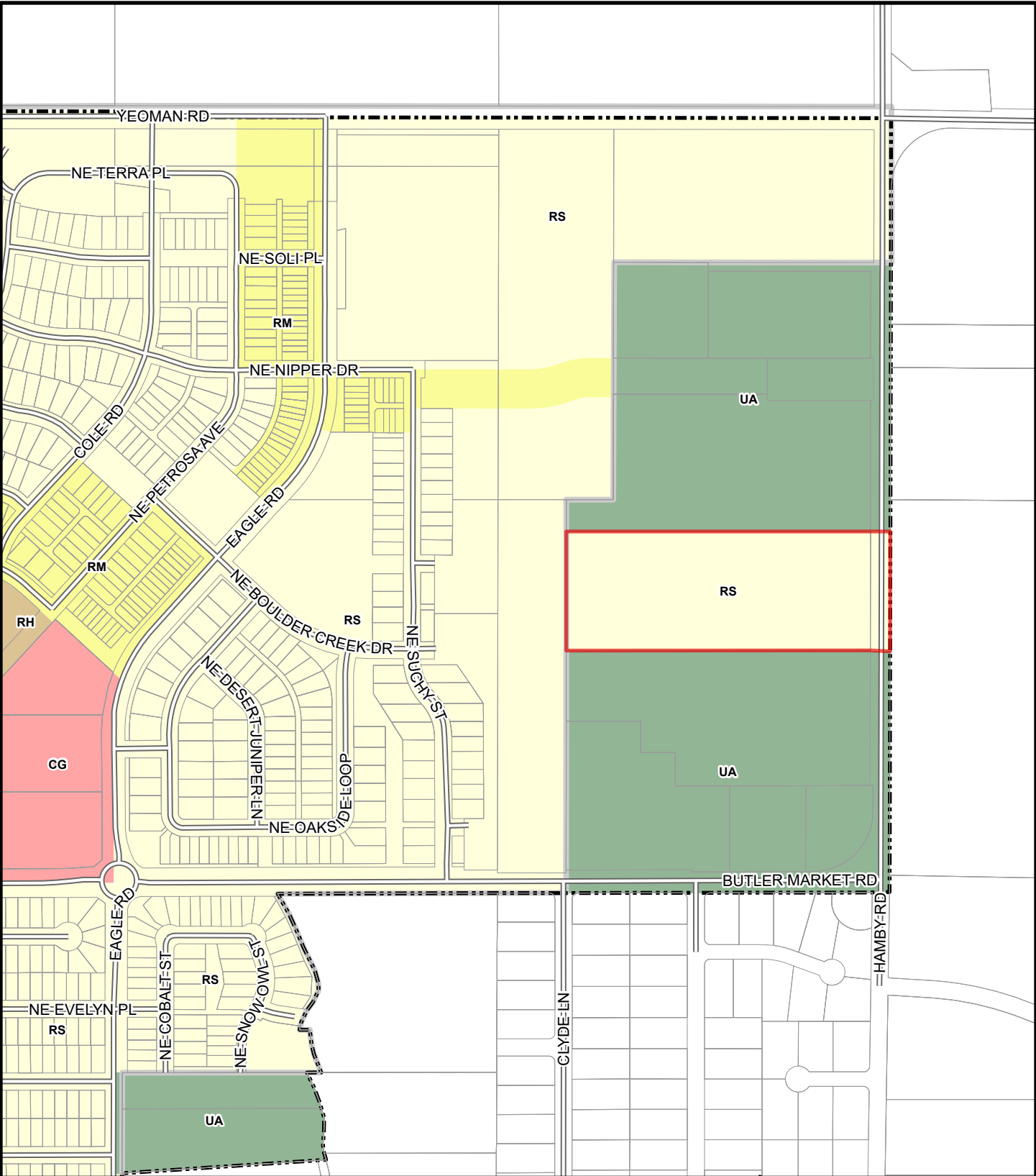
---

<sup>1</sup> Per the October 10, 2019 memorandum from Transight Consulting on Transportation Planning Rule Compliance and the November 13, 2019 memorandum from Gary Farnsworth the overall NE Edge UGB lands (including areas beyond the Petrosa Master Plan)

**C. *Sign District Boundaries of Annexed Areas.*** On the date an annexation becomes effective, the Sign District Boundary Map will be automatically updated with the corresponding sign district defined in subsection [\(B\)\(3\)](#) of this section; the annexation ordinance will specify which sign district(s) will be assigned.

**FINDING:** The subject property is designated as Standard Density Residential (RS) and will be zoned RS upon annexation. Therefore, Sign District 5 will be applied to the subject property and will extend to the centerline of Butler Market Road abutting the subject property, as noted in the annexation ordinance.

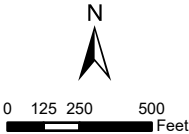
# Exhibit E



## PETROSA ANNEXATION MAP AMENDMENTS

### PROPOSED ZONING MAP

- |                       |                                   |
|-----------------------|-----------------------------------|
| Map Amendment Area    | <b>Zoning</b>                     |
| Streets               | General Commercial (CG)           |
| Taxlots               | Standard Density Residential (RS) |
| Urban Growth Boundary | Medium Density Residential (RM)   |
| City Limits           | High Density Residential (RH)     |
|                       | Urbanizable Area (UA)             |



Map prepared by , City of Bend  
Print Date: Nov 04, 2025  
Sources: City of Bend, Deschutes County



CITY OF BEND

This map is for reference purposes only. Care was taken in the creation of this map, but it is provided "AS IS." Please contact the City of Bend to verify map information or to report any errors.

# Exhibit F

