



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: June 26, 2015

Jurisdiction: City of Bend

Local file no.: PZ-15-0190

DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/25/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 40 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 001-15 {23680}
Received: 6/25/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Bend

Local file no.: **PZ-15-0190**

Date of adoption: June 17, 2015

Date sent: 6/25/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): March 12, 2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No it is not different in any way.

Local contact (name and title): Heidi Kennedy AICP Senior Planner

Phone: 541-617-4524

E-mail: hkennedy@bendoregon.gov

Street address: 710 NW Wall Street

City: Bend

Zip: 97701-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

This is a request to have the Bend Area General Plan Historic Resource Designation be removed from the subject property. The City of Bend General Plan lists the "Brooks Scanlon Craneshed building" as a "historice resource" in the Table 3-1 Inventory of Historic Sites of the Bend Area General Plan.

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Oregon State Historic Preservation Office - SHPO and Deschutes Historical Society.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. NS-2243

AN ORDINANCE AMENDING THE BEND AREA GENERAL PLAN TABLE 3-1 INVENTORY OF HISTORIC SITES IN THE BEND URBAN AREA TO REMOVE THE BROOKS SCANLON CRANESHD BUILDING AND DESIGNATE A PORTION OF THE SITE WITH A PLAQUE.

Findings

- A. On April 21, 2015, the Bend Landmarks Commission opened a public hearing and accepted testimony on the proposed legislative amendment to the Bend Area General Plan Table 3-1 Inventory of Historic Sites in the Bend Urban Area. The Commission voted to recommend that the City Council approve the amendment request with a condition contained in Exhibit B. The Planning Division staff report and recommendation together with the testimony of the persons testifying at the Bend Landmarks Commission April 21, 2015 public hearing were considered and are part of the record.
- C. The Bend City Council held a public hearing on June 3, 2015, to consider the Landmarks Commission recommendation.
- D. The City Council adopts the findings contained in the Landmarks Commission's recommendation which demonstrates that the requested Bend Area General Plan amendments approved by this Ordinance are consistent with all applicable criteria, including those set forth in Bend Development Code Chapter 4.6.200.B.

THE CITY OF BEND ORDAINS AS FOLLOWS:


Section 1. Chapter 3 of the Bend Area General Plan is amended as shown in Exhibit A.

First reading: June 3, 2015.

Second reading and adoption by roll call vote: June 17, 2015.

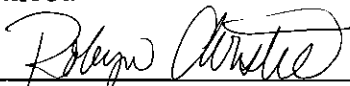
Yes: Jim Clinton, Mayor
Victor Chudowsky
Doug Knight
Sally Russell
Nathan Boddie
Casey Roats
Barb Campbell

No: None



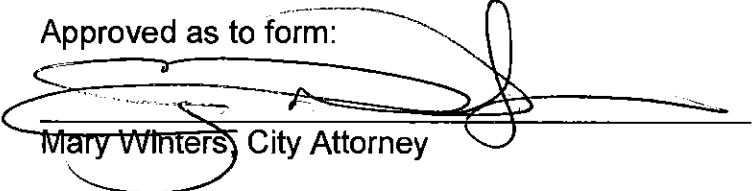
Jim Clinton, Mayor

Attest:



Robyn Christie, City of Bend Recorder

Approved as to form:



Mary Winters, City Attorney

EXHIBIT A

Amendment to Bend Area General Plan Table 3-1 Inventory of Historic Sites in the Bend Urban Area.

Language that is proposed to be inserted is highlighted and underlined. Text to be removed is ~~highlighted and struck through~~.

**Table 3-1
Inventory of Historic Sites in the Bend Urban Area**

HISTORIC STRUCTURES

HISTORIC STRUCTURES	LOCATION
H. E. Allen House	875 Brooks Street
Bend Athletic Club Gymnasium*	520 NW Wall Street
Bend Railroad Depot	1160 NE Division Street
Bend Water & Light Co. Powerhouse/dam	Foot of Vermont Street
Bend Woolen Mill	1854 NE Division Street
Brooks Scanlon Craneshed building	721 SW Industrial Way
Charles Boyd Homestead*	20410 Bend River Mall Drive
Cozy Hotel	327 NW Greenwood Avenue
Deschutes County Library Building*	507 NW Wall Street
Delaware Grocery	845 NW Delaware Avenue
Downing Hotel	1033 NW Bond Street
Trinity Episcopal Church*	469 NW Wall Street
First Presbyterian Church	157 NW Franklin Avenue
A.L. French Home	429 NW Georgia Avenue
Hoover's Universal Garage	124-128 NW Greenwood Avenue
Steidl and Tweet irrigation dam	Division St. near Yale Avenue
Kenwood School	701 NW Newport Avenue
Keyes House	912 NW Riverside Boulevard
Liberty Theatre	849-851 NW Wall Street
Lucas House	42 NW Hawthorne Avenue
Thomas McCann House*	440 NW Congress Street
Mountain View (Mayne) Hospital	515 NW Kansas Avenue
August Nelson Building	838 NW Bond Street
Niswonger House	44 NW Irving Avenue
O'Donnel Building	921-933 NW Wall Street
Old Clinic	731 NW Franklin Avenue
Old Bend High School Building*	520 NW Wall Street
O'Kane Building*	115 NW Oregon Avenue
George Palmer Putnam House	606 NW Congress Street
Pierson Blacksmith Shop	211 NW Greenwood Avenue
A. J. Tucker Blacksmith Shop	200-202 NW Greenwood Avenue
James E. Reed House	45 NW Greeley Avenue
Reid School*	129 NW Idaho Avenue
Evan A. Sather Home*	7 NW Tumalo Avenue

**Table 3-1
Inventory of Historic Sites in the Bend Urban Area**

HISTORIC STRUCTURES

Sawyer House
 St. Francis Catholic Church
 Shevlin-Hixon Executive House
 N.P. Smith Pioneer Hardware Building*
 Spheir Building
 Stover House*
 Old U.S. Post Office*
 John I. West Building
 Wright Hotel*
 Nels and Lillian Andersen House

LOCATION

434 Drake Road
 494 NW Lava Road
 545 NW Congress Street
 935-937 NW Wall Street
 901 NW Bond Street
 1 Rocklyn Road
 777 NW Wall Street
 130 NW Greenwood Avenue
 215 NW Greenwood Avenue
 63160 Nels Anderson Road

SITES DESIGNATED WITH PLAQUES

1813 Rock
 Bend School Landmark
 A.M. Drake Homesite
 Foley Landmark
 Johns Landmark
 Oregon Trunk Freight Warehouse Site
 Pilot Butte Inn Site
 Shevlin-Hixon Mill site
 Central Oregon Pioneers' Landmark
 Weist Homesite Landmark
Brooks Scanlon Craneshed Site

LOCATION

129 NW Idaho Street
 Drake Park
 Drake Park
 Pilot Butte State Park
 Drake Park
 Railroad tracks & NW Division
 1133 NW Wall Street
 Shevlin Center near dam
 Pioneer Park
 1315 NE Third Street
721 SW Industrial Way

* Sites on the National Register of Historic Places

The items in Table 3-1 represent the city's official list of historic places compiled by the city and county, and approved by the Oregon Land Conservation and Development Commission. Any land use action or building modification to the historic structures on the approved list must be reviewed and approved by the joint city/county Historical Landmarks Commission, a citizens committee established in 1980.

Additional information and evaluation of historic sites is contained in resource material available at the city and county planning departments, the Des Chutes Historical Center, and in rules adopted by the state Land Conservation and Development Commission.

BEND LANDMARKS COMMISSION
City Hall 710 NW Wall Street, Bend, Oregon 97701
Phone: (541) 617-4524 hkennedy@ci.bend.or.us

LANDMARKS COMMISSION RECOMMENDATION TO CITY COUNCIL

Date: May 22, 2015

Bend Planning Division Case: PZ 15-0190

Applicants/Owners: BD Bend Development Group, LLC
1735 South 19th Avenue, Suite B
Bozeman, MT 59718

Crane Shed LLC
2730 NW Nightfall Circle
Bend OR 97701

Primary Contact: Myles A. Conway
Marten Law
404 SW Columbia St., Suite 212
Bend, OR 97702

Engineer: Grant Hardgrave
Hickman, Williams & Associates, Inc.
62930 O.B. Riley Road Suite 100
Bend OR 97701

Property Address: The subject property is located at 721 SW Industrial Way and is further identified on Deschutes County Assessor's Map 18-12-05BA as Tax Lot 600. The subject property is zoned Mixed-Use Riverfront (MR).

Request: The applicant requests that the Bend Area General Plan Historic Resource Designation be removed from the subject property. The property is located at 721 SW Industrial Way and was formerly the site of the Brooks-Scanlon Crane Shed building.

Public Hearing: Tuesday, April 21, 2015 6:00 p.m.
City of Bend Council Chambers 710 NW Wall Street, Bend

Staff reviewer: Heidi Kennedy, Senior Planner AICP, Senior Planner
(541) 617-4524, hkennedy@bendoregon.gov

I. APPLICABLE REVIEW CRITERIA AND PROCEDURES

The Bend Code Chapter 10.20 Historic Preservation Code

Bend Area General Plan, Chapter 3, Community Connections

City of Bend Development Code, Chapter 4.1; Development Review and Procedures

II. Background and Project Description

Application: The applicant requests that the Bend Area General Plan Historic Resource Designation be removed from the subject property.

Description of Property: The subject property is approximately 4.3 acres in size. The property borders Industrial Way to the north and the privately owned, Mill View Way, to the south. The Crane Shed structure was demolished in 2004 and the site has remained cleared, vacant and undeveloped since that time.

A copy of the Bend Area General Plan Table 3.1 Inventory of Historic Sites in the Bend Urban Area which identifies the Brooks Scanlon Crane shed building as a locally designated site is attached to this report.

CHRONOLOGY AND PUBLIC NOTICE

On March 12, 2015, the owner applied for Landmarks Commission review of the project.

On March 12, 2015, the city mailed out by first class mail a public notice of the public hearing to owners of properties within 250 feet of the site, to the Oregon State Historic Preservation Office and to the neighborhood association.

In addition, notice of the proposed text amendment was mailed to the Department of Land Conservation and Development (DLCD) on March 12, 2015.

Lot and Location: This property is located 721 SW Industrial Way and is further identified on Deschutes County Assessor's Map 18-12-05BA as Tax Lot 600.

Subject Property 2013 Aerial Photo of Immediate Neighborhood



APPLICATION AND BURDEN OF PROOF: The applicant has submitted the following documents in support of this request:

1. Historic Landmarks Commission Review Application.
2. Burden of Proof report and accompanying exhibits

Chapter 10.20 Historic Preservation Code,

10.20.020 Applicability.

This chapter applies to historic resources as defined in this chapter that are within the City of Bend.

FINDING: Section 10.20.40 defines the term, “Historic Resource” to mean a “building, historic or cultural site, structure, object, or historic district that meets the significance and integrity criteria for designation as a landmark designated by the City Council, State of Oregon or National Park Service.” The code defines “Historic Site” to mean the “location of a significant event, use or occupation which may include associated standing, ruined or underground features, e.g., battlefield, shipwreck, campsite, cemetery, natural feature, garden, food gathering areas, etc.” The General Plan lists the “Brooks Scanlon Craneshed building” as a “historic resource”. However, there is no longer any building, structure or object located on the subject property. The building was illegally demolished on August 20, 2004.

The applicant contends that the currently vacant and cleared site does not meet the definition of Historic resource as listed in Section 10.20.40. Therefore, the subject property should no longer be deemed a "historic resource" subject to jurisdiction under the Historic Preservation Code.

10.20.030 Procedures.

B. All applications for alterations, additions, new construction, demolition, removal, signs, restoration, rehabilitation and other actions involving a historic resource and addressed by this chapter shall be submitted to the City Community Development Department on the appropriate application form and with the review fee as set by the City Council.

C. No person may alter a designated historic building or building within a historic district to change its exterior appearance, nor may any new building be built within a historic district unless approved in accordance with this chapter. Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of exterior architectural features which does not involve a change in design or type of materials.

FINDING: As outlined in detail in the submitted burden of proof document, the applicant believes that new construction on the subject property is not governed by the Historic Preservation Code. The applicant also recognizes the potential for different interpretations of these code provisions and is requesting Landmarks Commission recommend to the City Council that the subject property be removed from Table 3.1 of the Bend Area General Plan.

E. Applications shall be reviewed according to the processes described below:

4. The following applications are reviewed through the Type IV process with the Landmarks Commission serving as the advisory body to the City Council:

b. Designation or removal of a historic resource.

FINDING: The Landmarks Commission shall make a recommendation to the city Council regarding this application request to remove the subject property from Table 3.1 of the Bend Area General Plan.

10.20.070 Removal of Historic Resource Designation.

A. If any historic resource has been demolished or destroyed, no longer possesses the charter-defining features related to its architectural significance for which it was recognized or an error in

documentation occurred, the City Council, upon recommendation of the Landmarks Commission, may remove the historic resource designation from the site.

FINDING: The Crane Shed building was demolished on August 20, 2004 by a prior owner of the subject property. The site has been cleared and has remained vacant for over 10 years. There are a few remnants of the former structure's concrete post base buttresses that do remain on the subject property. Yet no structures or other artifacts appear to remain on the subject property. As a result, the site no longer possesses any of the character defining features or architectural significance for which the property was originally designated. The applicant is requesting the Landmarks Commission provide a recommendation to City Council of removal of the Bend Area General Plan Historic Resource Designation from the subject property per the criteria referenced above.

The Landmarks Commission recommends the City Council approve the request to remove the Brooks Scanlon Craneshed building from the Historic Structures category of the General Plan's list of historic resources or Table 3-1 of the Bend Area General Plan with the proposed condition:

Recommendation #1. The historic designation be changed from a Historic Structure to a Historic Site listed under the Sites Designated with Plaques category instead of the Historic Structures category of Table 3-1 of the Bend Area General Plan. The "site" shall be limited to a small portion of the property as determined by the Owner. The applicant shall construct a plaque or monument on the historic site designated portion of the property. The size and location of the designated site and the plaque design shall be reviewed and approved by the Bend Landmarks Commission.

An historic plaque on the property will help to meet the general Goals listed in Chapter 3 by fostering a sense of historic awareness among the citizens of the community. The plaque should reference the past history of the Crane Shed as well as the mill operations at the site. The Commission recommends using some of the remnants of the crane shed building foundation that still exists on the property as part of the plaque or monument.

B. If the designation is proposed to be removed from any historic resource, the same process and criteria shall be used as upon the designation as a historic resource.

FINDING: As outlined in the submitted burden of proof report, the process utilized to designate the Crane Shed as an historic resources is not clear. The applicant has submitted exhibits to support to assumption. As the subject property is listed in the adopted Bend Area General Plan, this application is being processed as a text amendment application subject to the procedural requirements of Bend Development Code Chapter 4.1.

C. In accordance with ORS 197.772, a property owner shall be allowed to remove a historic designation imposed on the property by the City.

FINDING: ORS 197.772 was enacted in 1995 and requires property owner consent in connection with the designation of an historic resource. It is unclear whether the property owner received notice or any opportunity to object to the historic designation during the adoption of the 1998 amendments to the Bend Area General Plan based on the initial review of past records for the site. Without an extensive or more exhaustive research of all available historical records involved in the 1998 amendments to the General Plan, it is unclear whether the process provided proper notice to the property owner.

LANDMARKS COMMISSION RECOMMENDATION TO CITY COUNCIL: The Landmarks Commission recommends the City Council approve the request to remove the Brooks Scanlon Craneshed building from the Historic Structures category of the General Plan's list of historic resources or Table 3-1 of the Bend Area General Plan with the proposed condition:

Recommendation #1. The historic designation be changed from a Historic Structure to a Historic Site listed under the Sites Designated with Plaques category instead of the Historic Structures category of Table 3-1 of the Bend Area General Plan. The "site" shall be limited to a small portion of the property as determined by the Owner. The applicant shall construct a plaque or monument on the historic site designated portion of the property. The size and location of the designated site and the plaque design shall be reviewed and approved by the Bend Landmarks Commission.

An historic plaque on the property will help to meet the general Goals listed in Chapter 3 by fostering a sense of historic awareness among the citizens of the community. The plaque should reference the past history of the Crane Shed as well as the mill operations at the site. The Commission recommends using some of the remnants of the crane shed building foundation that still exists on the property as part of the plaque or monument.

WRITTEN BY: ,
Heidi Kennedy, Senior Planner, Staff to the Bend Landmarks Commission

REVIEWED BY: ,
Heidi Slaybaugh Chair of the Bend Landmarks Commission