

March 22, 2022

Bend City Council
c/o Karen Swenson, Senior Planner
City of Bend

RE: of City of Bend Text Amendment and Map Amendment files PLTEXT20210966 and PLCPMA20210979

Dear City of Bend Councilors:

Thank you for your time in considering our proposal on the evening of Wednesday, March 16, 2022. We would like to acknowledge the diligence and dedication of Russ Grayson, Karen Swenson, and Colin Stephens whose partnership provided the support and guidance for us to create the text amendment and map amendment files.

We are dismayed and disappointed by the Bend City Council's decision, which now puts the Deschutes Public Library (DPL) Central Library project and future improvements to existing libraries in jeopardy. Despite public statements to the contrary, DPL would like to reiterate that we cannot proceed with annexation and development of our voter-approved Central Library project under the city's current code provisions until one of two alternatives occur:

1. **The City of Bend initiates and completes an Area Planning effort for the OB Riley area.** This project is not currently on the city's work plan for the foreseeable future. We understand that the lack of sewer availability to the OB Riley Area from the planned, but not yet constructed, North Interceptor has made it a low priority for Area Planning. However, the DPL site is unique in the OB Riley Area in that city water and sewer service lines are stubbed to our property in Britta Lane with available capacity according to city staff's prepared sewer water analysis and does not require connection to the North Interceptor. Your conclusion unreasonably suggests that it is better for the entire OB Riley Area to wait indefinitely for the city to construct both the North Interceptor and undertake an Area Plan so that cohesion can be attained. This is in direct contradiction to the approval and annexation of North Star Elementary School, which was allowed to construct an interim septic system and proceed with a cherry-stem annexation. The North Star elementary is located further north, surrounded by unplanned land, whereas DPL's property is in the extreme SE corner of the OB Riley area, immediately adjacent to the current city limit.

2. **A Master Plan application encompassing at least 40 acres is created, submitted, and approved by the city.** This creates an impediment since DPL owns just 12.75 acres. With only one property in the OB Riley area adjoining our property, our options are limited to one specific property owner with which to coordinate master planning efforts. Unfortunately for DPL, that adjoining landowner (who is not who we purchased our property from), is not willing or able to proceed with master planning their property at this time. The adjoining owner is not a developer; they have owned their property for more than 50 years as their family home. They are carefully considering the legal and financial implications of entitling their property, and, despite their staunch support of the Central Library, they cannot prudently proceed at this time. DPL has had extensive conversations with this family over the last two years and respects the right of our neighbor's position. We cannot compel that owner to participate in a Master Plan application when they are not ready to proceed.


With the only two available options within the city's code exhausted, our sole remaining path forward within our control was to proceed with the proposed text amendments to allow an alternative exception to area or master planning. From our perspective, this appeared to be a reasonable request, as the city had already accommodated the Bend-La Pine School District, another special taxing district, by providing this precise method to allow annexation and construction of North Star Elementary in the OB Riley Area. Since DPL is also a special taxing district and not a private developer, this request appeared to have both merit and a precedent to follow. However, the Bend City Council did not agree and does not appear willing to set precedents for public agencies besides schools, such as DPL and Bend Park and Recreation District, to seek exceptions of their own in the remaining UGB expansion areas that do not yet have Area or Master Plans. Again, this is extremely short-sighted and gives the impression that the city's UGB expansion areas being provided with public schools, libraries, and parks as cornerstones of future development would not be in the public's interest. This is in direct conflict with the city's goals of creating complete communities in expansion areas.

We consciously acquired this property prior to the 2020 bond measure so that we had a site for a Central Library and could clearly communicate its location to voters, ensuring transparency. As stated in our presentation, at the time we were looking, there was no available and suitable property within city limits that met our extensive siting criteria. Following the successful passage of the bond measure, we needed bond funds to proceed with the engineering, land-use, and transportation analyses to prepare our application for the City of Bend. We found ourselves in a "chicken or egg" scenario that necessitated that we select a property and move forward with the necessary steps prior to obtaining land use approval. This is not unusual. It is the same process other public agencies use to purchase property for future use, including the Bend-La Pine School District and the City of Bend. Based on numerous conversations with city staff (dating from before the property was purchased) and the precedent set with North Star Elementary, we assumed our text amendment and proposed map outcome would be positive. We also assumed that our proposal would be decided based on its merits, not on the perceived politics and misinformation of the moment.

Your decision has several negative ramifications for the library project and far beyond the library. It causes a significant delay in DPL's ability to construct the Central Library that was approved by 58.8% of Bend voters. It also causes a ripple effect, as the improvements to the Downtown Bend Library and East Bend Library are contingent on the development of the Central Library. We will no longer be able to proceed with the cooperative agreement it had reached with ODOT regarding the dedication of right of way needed for the Highway 20 corridor project, saving the public many thousands of dollars in right-of-way acquisition costs. This construction would have been timed to coordinate with ODOT's corridor project, opening with completion of the new roundabout. It also means that the extension of both Robal Lane and Britta Street and improvements to Jamison Street, to form important connections to the new roundabout on Highway 20 and a safer access point for the Public Safety Campus and existing neighborhoods to the south are now not possible. Another loss for the city's residents is the creation of a mobility hub which would have provided bus service directly to the library, regular public transportation to north Bend, and charging stations for electric bikes and cars. And, finally, the redistribution of properties to increase available residential land for future residential development is now lost.

We cannot see a remaining path forward for DPL to proceed with the Central Library on this site. For these reasons, the Deschutes Public Library District must hereby formally withdraw its proposed map and text amendment application, City of Bend files **PLTEXT20210966** and **PLCPMA20210979**. Given the Bend City Council's stated lack of support at the March 16 hearing, we feel there is no need for the skilled City of Bend planning staff to spend any additional time and resources on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd Dunkelberg", with a long, sweeping horizontal line extending to the right.

Todd Dunkelberg, Director
Deschutes Public Library District