

III. OBJECTIONS AND ANALYSIS

A. Organization of Review

Due to the size of the submittals included in this proceeding, the large number of objections provided by objectors and the range of issues subject to objections, the department has consolidated its review of objections by major compliance topics. This review starts in section III.E.

Sections III.B and C address the status of the objectors, determining whether they meet the legal requirements for objections, and whether their objections meet the requirements for valid objections. Section III.D addresses objections to Department of Land Conservation and Development's jurisdiction to review a portion of the submittal – the City of Bend's adoption of Ordinance NS-2111, adopting amended public facilities plans that relate to and are used as one basis for the city and county decisions on the Bend UGB.

Starting with Section III.E, review of each consolidated compliance topic includes (a) a summary of the applicable legal requirements relating to that set aspect of the decisions, (b) a summary of the local government actions, (c) a summary of relevant objections and previous department comments, and (d) the director's analysis and conclusions. The analysis and conclusions in each section are collected together and repeated in the report's final section, which contains the director's conclusions and decision. In the event of any conflict between the conclusions in Section III. and the conclusions in Section IV, those in Section IV will control.

B. Objectors and Status

Persons who participated at the local level orally or in writing during the local process leading to the final decision may file an objection to the local government's UGB expansion with the department, which then must review the expansion decision or refer it to the Land Conservation and Development Commission (LCDC) for review. 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 of the submittal to the department was mailed by the local government;
- (b) Clearly identify an alleged deficiency in the UGB expansion, 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.

On May 7, 2009, the 21-day objection period for the city's April 16, 2009 submittal ended with the following 26 parties filing timely objections with the department. The