

Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/09/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Bend Plan Amendment
DLCD File Number 009-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, December 15, 2008

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Mark Rust, City of Bend
Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative

<paa> YA

NR0F 2

DLCD

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE
STAMP

DEPT OF
NOV 25 2008
LAND CONSERVATION

For DLCD Use Only

Jurisdiction: **City of Bend**

Local file number: **PZ 06-137**

Date of Adoption: **11/19/2008**

Date Mailed: **11/21/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/16/2006

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Zone change of 6.3 acres from RS to RM in conformance with the General Plan designation of RM. The site is already developed with an 88 unit multi-family apt. complex.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from: **RS**

to: **RM**

Location: **Southeast corner of Powers Road and Blakely Road**

Acres Involved: **6.3**

Specify Density: Previous: **(allowed) 2.2-7.3 (existing) 13.9**

New: **7.3-21.7 units/acre**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD # 009-06 (15243)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Because the site was already developed to RM zone density and there were no increases in trips anticipated with the zone change, ODOT had no comments or concerns.

Local Contact: **Amy Barry**

Phone: **(541) 693-2114** Extension:

Address: **710 NW Wall Street**

Fax Number: **541-388-5519**

City: **Bend**

Zip: **97759-**

E-mail Address: **abarry@ci.bend.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. NS-2110

AN ORDINANCE AMENDING THE BEND URBAN AREA ZONING MAP BY CHANGING THE ZONING OF A PARCEL OF LAND TOATLING 6.3 ACRES LOCATED AT THE SOUTHEAST CORNER OF POWERS ROAD AND BLAKELY ROAD FROM RESIDENTIAL URBAN STANDARD DENSITY (RS) TO RESIDENTIAL URBAN MEDIUM DENSITY (RM).

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council held a public hearing to consider the Hearings Officer's findings and record, and found that the zone change is consistent with the criteria of the City of Bend Zoning Ordinance, NS-1178, Chapter 10, Section 10-10.33, Amendments. The Bend City Council adopts the findings from the Hearings Officer Findings and Decision dated August 3, 2006, City File No. PZ 06-137.

Section 2. The Bend Urban Area Zoning Map is hereby amended by changing the zoning of the property located at the southeast corner of Powers Road and Blakely Road, as shown in Exhibit A and described in Exhibit B, from Residential Urban Standard Density (RS) to Residential Urban Medium Density (RM).

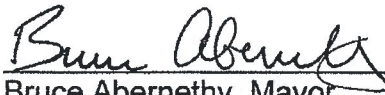
Read for the first time the 5th day of November, 2008.

Read for the second time the 19th day of November, 2008.

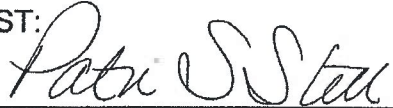
Placed upon its passage the 19th day of November, 2008.

YES: 5 NO: 0

Authenticated by the Mayor the 19th day of November, 2008.

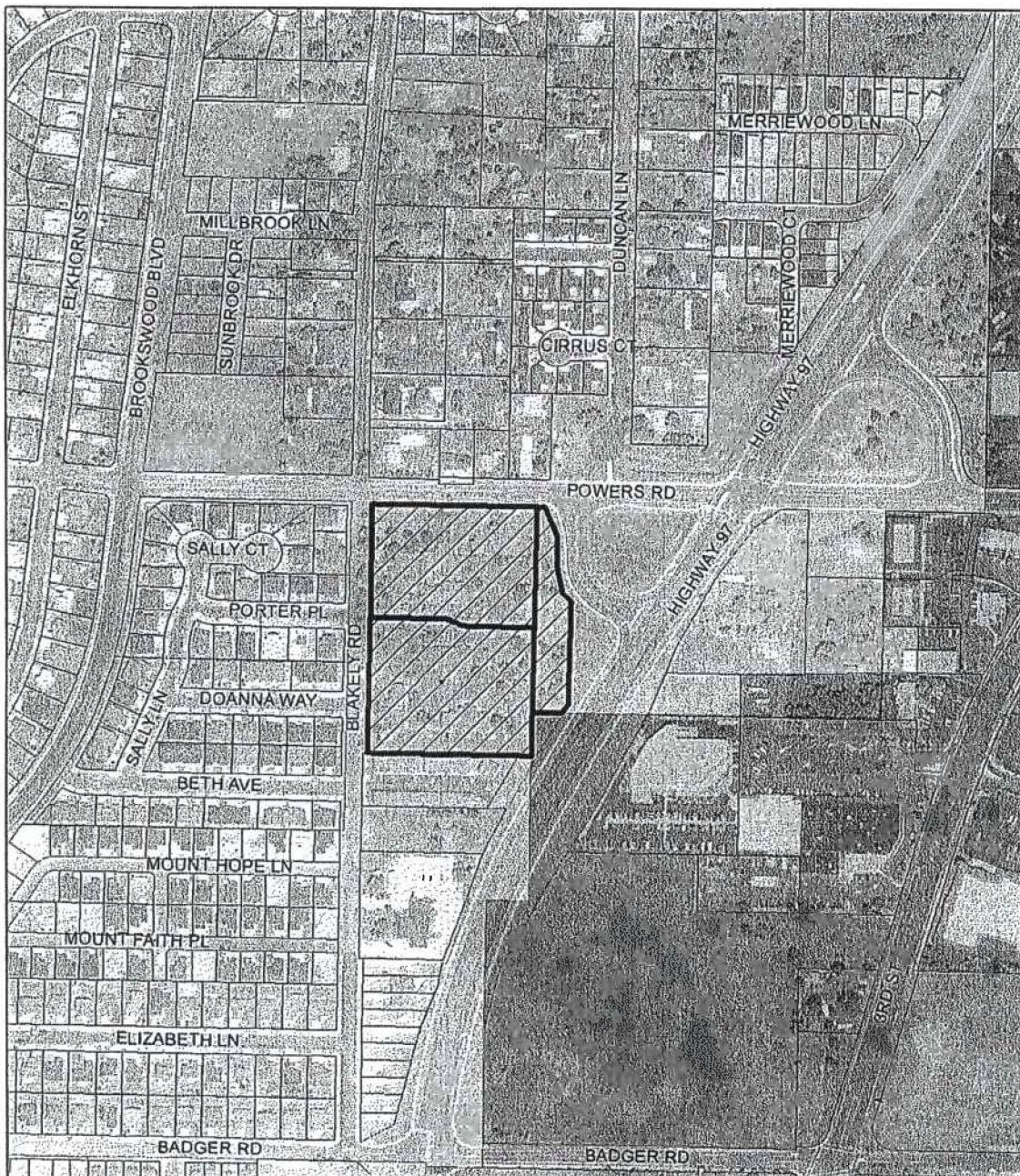


Bruce Abernethy, Mayor

ATTEST:


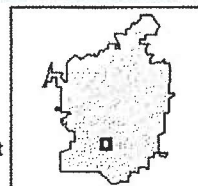
Patricia Stell, City of Bend Recorder

EXHIBIT A



PZ 06-137 Zone Change from RS to RM

-  CG
-  RM
-  RS
-  Subject Properties



Imagery acquired June 2006. Map prepared October 21, 2008.

EXHIBIT B

PROPERTY DESCRIPTION

A parcel of land, located in a portion of Tracts 29 & 30, Blakley heights, in the Southwest One-Quarter of Section 8, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon being more particularly described as follows:

Beginning at the intersection of the easterly 30-foot right-of-way line of Blakley Road and southerly 35-foot right-of-way line of Powers Road; thence along said southerly right-of-way line, South 89°27'23" East, a distance of 409.12 feet to the westerly right-of-way line of the Bend Parkway; thence along said westerly right-of-way line the following four courses:

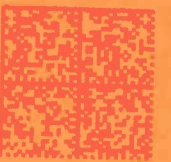
South 23°54'58" East, a distance of 71.57 feet;
South 02°21'56" East, a distance of 87.70 feet;
South 13°17'09" East, a distance of 55.92 feet;
South 44°53'24" East, a distance of 26.10 feet to a point on the easterly boundary line of the west 85.41 feet of said Tract 29;

thence along said easterly boundary line, South 00°31'05" West, 244.77 feet to a point on said westerly right-of-way line of the Bend Parkway; thence along said westerly right-of-way line, South 32°29'40" West, 23.44 feet to a point 510.00 feet south of and parallel to the north line of said Tract 29; thence along said parallel line, North 89°27'23" West, 73.00 feet to the boundary line common to said Tracts 29 & 30; thence along said common boundary line, South 00°31'05" West, 103.39 feet; thence leaving said boundary line, North 89°27'23" West, 389.66 feet to said easterly right-of-way line of Blakley Road; thence along said easterly boundary line, North 00°31'05" East, 593.39 feet to the "Point of Beginning", the terminus of this description.

CITY OF BEND
COMMUNITY DEVELOPMENT DEPARTMENT
710 NW WALL STREET
BEND, OR 97701

TO:

DLCD
Attn: Plan Amendment Specialist
635 Capitol St NE, Ste 150
Salem, OR 97301-2540



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