



Oregon

Theodore R. Kulongoski, 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

December 20, 2006



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 015-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 2, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
Amy Barry, City of Bend

<paa> ya/

FORM 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

DEC 13 2006

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: **City of Bend**

Local file number: **PZ# 06-412**

Date of Adoption: **12/6/2006**

Date Mailed: **12/11/2006**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/17/2006

☐ 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".

Rezone of 5.89 acres from Residential Suburban Low Density (SR 2 1/2) to Residential Urban Standard Density (RS) to bring into conformance with the General Plan designation.

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

Plan Map Changed from: **1 per 2.5 acre**

to:

Zone Map Changed from: **SR 2 1/2**

to: **RS**

Location: **63330 O B Riley Road and 20255 Hardy Road**

Acres Involved: **5**

Specify Density: Previous: **1 per 2.5 ac**

New: **2 to 7.3**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**
☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

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 # 015-06 (15473)

DLCD file No. _____

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

Local Contact: **Amy Barry**

Phone: (541) 693-2114 Extension:

Address: 710 NW Wall St.

Fax Number: 541-388-5519

City: **Bend**

Zip: 97701-

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-2034

AN ORDINANCE AMENDING THE BEND URBAN AREA ZONING MAP BY CHANGING THE ZONING DESIGNATION OF TWO PARCELS OF LAND TOATLING 5.89 ACRES SOUTH OF HARDY ROAD EAST OF O. B. RILEY ROAD FROM SR 2 ½, RESIDENTIAL SUBURBAN LOW DENSITY TO RS RESIDENTIAL URBAN STANDARD DENSITY.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council has held a public hearing, considered the Hearings Officer's findings and record, and has found that there is a public need and benefit for the proposed change. The Bend City Council adopts the Findings and Decision of the Hearings Officer dated November 6, 2006, file number PZ-06-412.

Section 2. The Bend Urban Area Zoning Map is hereby amended by changing the designation of the properties shown in "Exhibit A" and described in "Exhibit B" and "Exhibit C" from Residential Suburban Low Density (SR 2 ½) to Residential Urban Standard Density (RS).

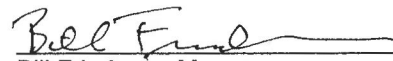
Read for the first time the 15th day of November, 2006.

Read for the second time the 6th day of December, 2006.

Placed upon its passage the 6th day of December, 2006.

YES: 7 NO: 0

Authenticated by the Mayor the 6th day of December, 2006.


Bill Friedman, Mayor

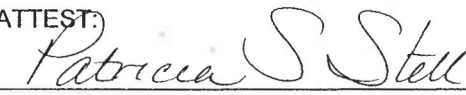
ATTEST:

Patricia Stell, City of Bend Recorder

EXHIBIT A



EXHIBIT B

Legal Description:

Parcel 2 of PARTITION PLAT NO. 1995-9, located in the Southeast Quarter (SE ¼) of Section 17, Township 17 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon, and being a portion of Lot 18, GLEN VISTA, Deschutes County, Oregon.

EXHIBIT C

Legal Description:

THE NORTH 20 FEET OF TRACT 21, GLEN VISTA, DESCHUTES COUNTY,
OREGON, EXCEPT THE EASTERLY 227.85 FEET AND THE EASTERLY
227.85 FEET OF TRACT 21, AND THE WESTERLY 150.0 FEET OF TRACT 20,
GLEN VISTA, DESCHUTES COUNTY, OREGON.

WAIVER OF REMONSTRANCE TO
THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT OR OTHER
SHARED FINANCING MECHANISM FOR IMPROVEMENT OF O. B. RILEY
ROAD TO CITY OF BEND COLLECTOR STANDARDS

STATE OF OREGON)
) ss File No. PZ 06-412
County of Deschutes)

WHEREAS, Donna M. Pearson, hereinafter Owner, seeks approval of a zone change in City of Bend land use file PZ 06-412 for the following described real property located within the Bend city limits, of Deschutes County, Oregon;

Parcel 2 of PARTITION PLAT NO. 1995-9, located in the Southeast Quarter (SE ¼) of Section 17, Township 17 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon, and being a portion of Lot 18, GLEN VISTA, Deschutes County, Oregon.

WHEREAS, the City of Bend, has conditioned approval of PZ 06-412 on the recording of Owner's Waiver of Remonstrance to the Formation of a Local Improvement District for the completion of said public improvements at some future date, as provided in the City of Bend land use decision dated November 6, 2006;

NOW THEREFORE,

1. Owner hereby waives its rights, as provided under Bend City Code, and ORS Sections 223.117, 223.118, 223.389 and ORS 223.391 to have its written or oral objection to a proposed local improvement counted for purposes of determining whether there are, by law, sufficient objections to force the relevant governing body to abandon the proposed improvement, including but not limited to the formation of a local improvement district. Owner, however, does not waive its right to submit written testimony or to appear before the Bend City Council at any public hearing to object or otherwise testify about the whether the assessment against the subject property represents that property's proportionate share of the improvement. Further, Owner does not waive the right to remonstrate against any LID or other financing mechanism that results in an assessment of more than \$4,733 per residential lot. This waiver will not be effective unless the resolution, ordinance or other instrument creating the LID limits the final LID assessment to a maximum of \$4,733 per residential lot.
2. It is the intent of Owner that this Waiver of Remonstrance shall be a condition and covenant that shall run with the land and be binding upon the real property described herein above and shall be binding upon Owner's heirs, executors, assigns and successors.

IN WITNESS WHEREOF, this document is executed this _____ of _____, 2006.

Donna M. Pearson

STATE OF OREGON)
)
County of Deschutes:) ss

I certify that I know or have satisfactory evidence that Donna M. Pearson is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

DATED this _____ day of _____, 2006

Notary Public for Oregon
My commission expires: _____

ACCEPTANCE BY CITY OF BEND

Accepted: _____
Harold A. Anderson, City Manager

STATE OF OREGON)
)
County of Deschutes) ss

This instrument was acknowledged before me on _____
by _____.

Notary Public for Oregon
My commission expires: _____

WAIVER OF REMONSTRANCE TO
THE FORMATION OF A LOCAL IMPROVEMENT DISTRICT OR OTHER
SHARED FINANCING MECHANISM FOR IMPROVEMENT OF O. B. RILEY
ROAD TO CITY OF BEND COLLECTOR STANDARDS

STATE OF OREGON)
) ss File No. PZ 06-412
County of Deschutes)

WHEREAS, Brian J. Brawner and Debra J. Brawner, hereinafter Owner, seeks approval of a zone change in City of Bend land use file PZ 06-412 for the following described real property located within the Bend city limits, of Deschutes County, Oregon;

THE NORTH 20 FEET OF TRACT 21, GLEN VISTA, DESCHUTES COUNTY, OREGON, EXCEPT THE EASTERLY 227.85 FEET AND THE EASTERLY 227.85 FEET OF TRACT 21, AND THE WESTERLY 150.0 FEET OF TRACT 20, GLEN VISTA, DESCHUTES COUNTY, OREGON.

WHEREAS, the City of Bend, has conditioned approval of PZ06-412 on the recording of Owner's Waiver of Remonstrance to the Formation of a Local Improvement District for the completion of said public improvements at some future date, as provided in the City of Bend land use decision dated November 6, 2006;

NOW THEREFORE,

1. Owner hereby waives its rights, as provided under Bend City Code, and ORS Sections 223.117, 223.118, 223.389 and ORS 223.391 to have its written or oral objection to a proposed local improvement counted for purposes of determining whether there are, by law, sufficient objections to force the relevant governing body to abandon the proposed improvement, including but not limited to the formation of a local improvement district. Owner, however, does not waive its right to submit written testimony or to appear before the Bend City Council at any public hearing to object or otherwise testify about the whether the assessment against the subject property represents that property's proportionate share of the improvement. Further, Owner does not waive the right to remonstrate against any LID or other financing mechanism that results in an assessment of more than \$4,733 per residential lot. This waiver will not be effective unless the resolution, ordinance or other instrument creating the LID limits the final LID assessment to a maximum of \$4,733 per residential lot.
2. It is the intent of Owner that this Waiver of Remonstrance shall be a condition and covenant that shall run with the land and be binding upon the real property described herein above and shall be binding upon Owner's heirs, executors, assigns and successors.

IN WITNESS WHEREOF, this document is executed this _____ of _____, 2006.

Debra J. Brawner

STATE OF OREGON)
)
County of Deschutes:) ss

I certify that I know or have satisfactory evidence that Debra J. Brawner is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

DATED this _____ day of _____, 2006

Notary Public for Oregon
My commission expires: _____

Brian J. Brawner

STATE OF OREGON)
)
County of Deschutes:) ss

I certify that I know or have satisfactory evidence that Brian J. Brawner is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

DATED this _____ day of _____, 2006

Notary Public for Oregon
My commission expires: _____

ACCEPTANCE BY CITY OF BEND

Accepted: _____
Harold A. Anderson, City Manager

STATE OF OREGON)
)
County of Deschutes) ss

This instrument was acknowledged before me on _____
by _____.

Notary Public for Oregon
My commission expires: _____