



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

11/26/2008

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 008-08

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: Thursday, December 11, 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: Colin Stephens, City of Bend
Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative

<paa> YA

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



Jurisdiction: **City of Bend**

Local file number: **PZ08-311**

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

Date Mailed: **11/20/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 8/15/2008

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 8 acre parcel from Urban Area Reserve (UAR) to Light Industrial (IL). The property is designated IL on the Bend Area General Plan map (the City's comprehensive plan).

Does the Adoption differ from proposal? Please select one
No.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: **UAR** to: **IL**

Location: **Northeast of Cooley Rd & 18th St intersection** Acres Involved: **8**

Specify Density: Previous: **1 du/acre** New: **0 du/acre**

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 file No. _____

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

ODOT

Local Contact: **Heidi Kennedy**

Phone: (541) 617-4524 Extension: 0

Address: **64180 Old Bend Redmond Highway**

Fax Number: 541-388-5519

City: **Bend**

Zip:

E-mail Address: **hkennedy@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-2109

AN ORDINANCE AMENDING THE CITY OF BEND ZONING MAP BY CHANGING THE ZONING OF APPROXIMATELY 8 ACRES OF LAND FROM URBAN AREA RESERVE TO INDUSTRIAL LIGHT; DECLARING AN EMERGENCY; AND PRESCRIBING AN EFFECTIVE DATE OF NOVEMBER 19, 2008.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council opened a public hearing on November 5, 2008, considered the Hearings Officer's findings and record, and has found that the zone change satisfies the criteria for approval contained in Section 4.6 of the Bend Development Code.

Section 2. The Bend Area Zoning Map is amended by changing the zoning of the property described as a portion of section 10, Deschutes County Assessor's map 17-12-10, as shown in Exhibit "A" and described in Exhibit "C". The change will be from Urban Area Reserve (UAR) to Industrial Light (IL).

Section 3. The Bend City Council adopts as findings in support of this ordinance the Hearings Officer's findings in her October 22, 2008, decision and recommendation report with a revision to Condition #2. The Hearings Officer's findings are incorporated into the record of these proceedings.

Section 4. This zone change is subject to the conditions of approval contained in Exhibit "B".

Section 5. The City Council declares an emergency in order to provide a stimulus to the local construction industry and employment as the City and Suterra desire to promptly begin construction on and near the area being rezoned, and it is important that this work begin prior to inclement weather. This Ordinance will therefore be effective immediately upon its adoption.

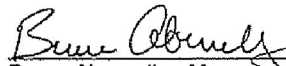
Read for the first time the 5th day of November, 2008.

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

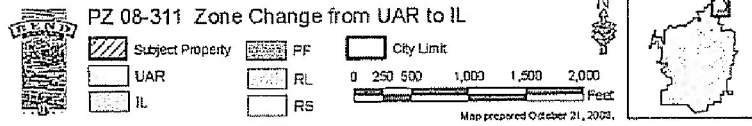
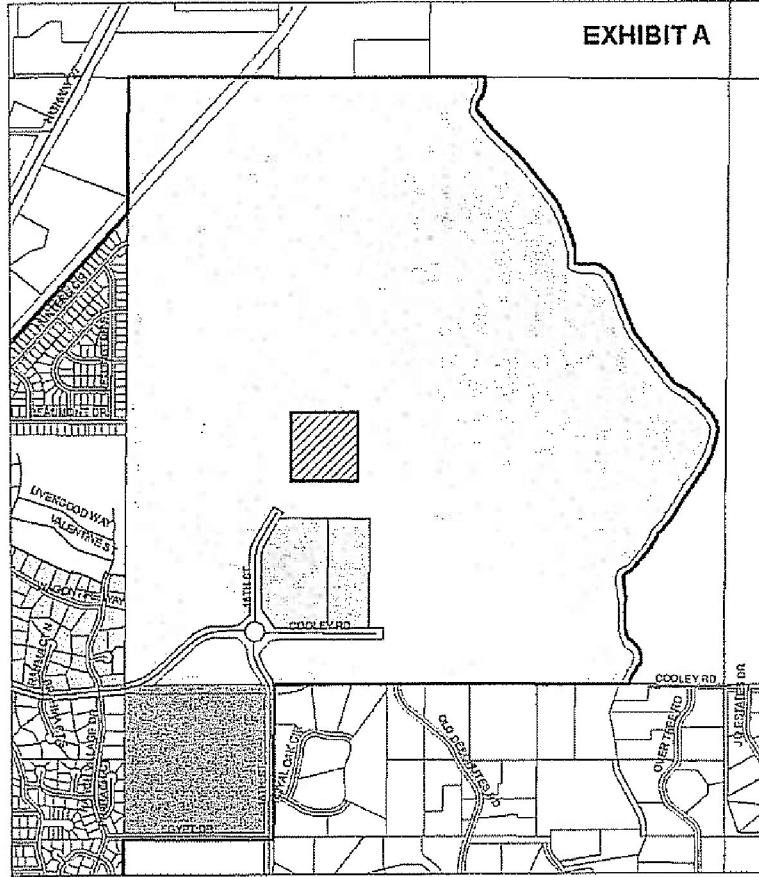


EXHIBIT "B"

CONDITIONS OF APPROVAL:

1. Prior to partition of the property, applicant shall comply with the Master Planned Development requirements of BDC 4.5.400(A) or obtain approval of a Special Planned District for the property.
2. With partition of the property, the applicant shall record a deed restriction that states the following:

"This property is subject to a trip cap imposed as a condition of its zone change to Light Industrial. The subject property shall generate no more than 53 peak trips per day between 4:00 pm and 6:00 pm weekdays and no more than 598 average daily trips. This trip cap may be modified by subsequent land use approval or land use modification approval which is consistent with any agreement between the City of Bend and Oregon Department of Transportation."

**LEGAL DESCRIPTION
SUTERRA PARCEL**

A PARCEL OF LAND BEING A PORTION OF PARCEL 1, AS SHOWN ON PARTITION PLAT NO. 2007-78, OFFICIAL RECORDS OF DESCHUTES COUNTY, OREGON, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LYING SOUTH 22°00'46" EAST, A DISTANCE OF 1463.74 FEET FROM THE QUARTER CORNER COMMON TO SECTIONS 9 & 10, TOWNSHIP 17 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, MARKED BY A 3 1/2" DIAMETER ALUMINUM CAP STAMPED PROPERTY CORNER, 1/4, T17S R12E, S9 S10, LS 1081, 1993;

THENCE, EAST, A DISTANCE OF 580.00 FEET, TO A POINT;

THENCE, SOUTH, A DISTANCE OF 600.00 FEET, TO A POINT;

THENCE, WEST, A DISTANCE OF 580.00 FEET, TO A POINT;

THENCE, NORTH, A DISTANCE OF 600.00 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 7.99 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON PARTITION PLAT NO. 2007-78, RECORDED AS C517585 IN THE DESCHUTES COUNTY SURVEY RECORDS.

