



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT



April 26, 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 013-05

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: May 8, 2006**

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

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**FORM 2**

**DLCD NOTICE OF ADOPTION**

**DEPT OF**

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

APR 20 2006

(See reverse side for submittal requirements)

**LAND CONSERVATION  
AND DEVELOPMENT**

Jurisdiction: CITY OF BEND Local File No.: PZ 05-765  
(If no number, use none)

Date of Adoption: APRIL 5, 2006 Date Mailed: APRIL 17, 2006  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: DECEMBER 16, 2005

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write see Attached.≡  
A ZONING CODE TEXT AMENDMENT TO ADD A RESIDENTIAL HIGH DENSITY MULTIPLE  
FAMILY OVERLAY DISTRICT TO THE EXISTING NORTHWEST CROSSING OVERLAY ZONE.  
 NOTE: EXISTING TEXT ALSO INCLUDES MAPS.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write same.≡ If you did not give notice for the proposed amendment, write AN/A.≡  
SAME

Plan Map Changed from : \_\_\_\_\_ to \_\_\_\_\_  
 Zone Map Changed from: \_\_\_\_\_ to \_\_\_\_\_

Location: 1 BLOCK WEST OF MT. WASHINGTON DRIVE Acres Involved: 43 UNITS MAX PER ACRE  
 Specify Density: Previous: MAX 19 UNITS PER ACRE New: 43 UNITS MAX PER ACRE  
 Applicable Statewide Planning Goals: HOUSING

Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 013-05  
(14884)

Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: BEND LA PINE

SCHOOL DISTRICT & BEND METRO PARKS & RECREATION

Local Contact: HEIDI KENNEDY Area Code + Phone Number: (541) 617-4524

Address: 710 NW WALL ST City: BEND

Zip Code+4: 97701 Email 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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice 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 copy this form on to 8-1/2x11 green paper only; or 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](mailto:Mara.Ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

(Section 22D Figures 4 and 13 have been updated and Figure 15 was added to reflect the new Residential High Density Multiple-family Overlay District Zone.)

**ORDINANCE NO. NS-2003**

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE NO. NS-1178, CITY OF BEND ZONING ORDINANCE SECTION 22D NORTHWEST CROSSING OVERLAY ZONE TO ADD A NEW NORTHWEST CROSSING RESIDENTIAL HIGH DENSITY MULTIPLE-FAMILY OVERLAY DISTRICT ZONE AND TO UPDATE FIGURES 4 AND 13 AND ADD FIGURE 15 TO REFLECT THE NEW RESIDENTIAL HIGH DENSITY MULTIPLE FAMILY OVERLAY DISTRICT ZONE.

WHEREAS, the City of Bend adopted Ordinance NS-1781 NorthWest Crossing to amend the City of Bend General Plan in order to add NorthWest Crossing text and policies and map designations to the General Plan and accompanying map; and

WHEREAS, the City of Bend adopted Ordinance No. NS-1782 Section 22D NorthWest Crossing Overlay Zone in 2001 in order to create the NorthWest Crossing Overlay Zone; and

WHEREAS, the City of Bend has subsequently modified Section 22D NorthWest Crossing Overlay Zone; and

WHEREAS, Ordinance No. NS-1782 has been codified as Section 22D of the City of Bend Zoning Ordinance, now therefore,

WHEREAS, The Bend City Council has held a public hearing, considering the Planning Commission's Decision and Recommendation, and has found that there is a public need and benefit for the proposed changes. The Bend City Council adopts the Decision and Recommendation of the Planning Commission dated March 2, 2006, File Number PZ-05-765 and changes to the property identified in Exhibit "A" and described in Exhibit "B"; and as reflected in the changes to the NorthWest Crossing text as identified in Exhibit "C" and Exhibit "D".

Read for the first time the 15<sup>th</sup> day of March, 2006.

Read for the second time the 5<sup>th</sup> day of April, 2006.


Placed upon its passage the 5<sup>th</sup> day of April, 2006.

Yes: 7

No: 0

Abstain: 0

Authenticated by the Mayor the 5<sup>th</sup> day of April, 2006.

  
Bruce Abernethy, Mayor Pro Tem

ATTEST:

  
Patricia Stell, City of Bend Recorder



PZ 05-765 NW Crossing Overlay District  
Zoning Ordinance Text Amendment

Map prepared by City of Bend, 3/3/2006.  
Aerial Imagery acquired March 2004.



0 250 500  
Feet

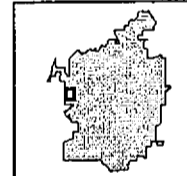


Exhibit A

Exhibit C

**NORTHWEST CROSSING  
AMENDMENT TRACT**

**DESCRIPTION**

February 24, 2006

A tract of land in the northwest one-quarter of Section 36, Township 17 South, Range 11 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, said tract being more particularly described as follows:

Beginning at the intersection of the centerline of N.W. Crossing Drive with the northerly extension of the northerly west line of "Northwest Crossing, District 1", which point bears N.87°55'02"E., 1025.84 feet from the southwest corner of the northwest one-quarter of said Section 36; thence N.00°04'34"W. along the northerly extension of said northerly west line, 285.74 feet to the westerly extension of the centerline of N.W. Ordway Avenue as dedicated in the plat of "Northwest Crossing, Phase 1"; thence N.89°55'26"E. along said westerly extension, 306.25 feet the northerly extension of the centerline of Charbonneau Street as dedicated in the plat of "Northwest Crossing, District 1"; thence S.00°04'34"E. along said northerly extension, 286.96 feet to the centerline of said N.W. Crossing Drive; thence N.89°50'53"W. along said centerline, 306.25 feet to the Point of Beginning.

Contains 2.013 acres, more or less.

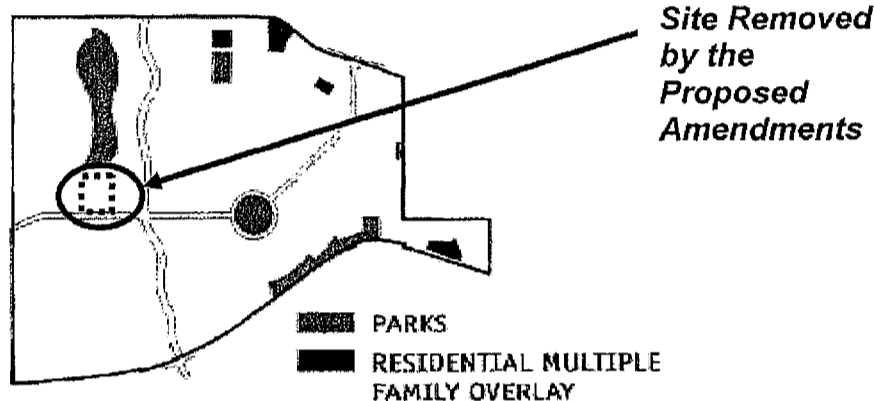
The basis of bears for this description is the Central Oregon Coordinate System.

Exhibit C

**APPLICANT'S PROPOSED TEXT AMENDMENTS WITH THE CHANGE FROM THE PLANNING COMMISSION**

Proposed text amendments will remove the site from the existing Residential Multiple-family Overlay District of the NorthWest Crossing Overlay Zone District (10.10.22.D) and add a Residential High Density Multiple-family Overlay District section. Following are the proposed text amendments. The new Residential High Density Multiple-family Overlay District section is similar to 10.10.22.D, Residential Multi-family Overlay District, but differs in two places. For clarity, the modified parts are shown in *italics and underlined*.

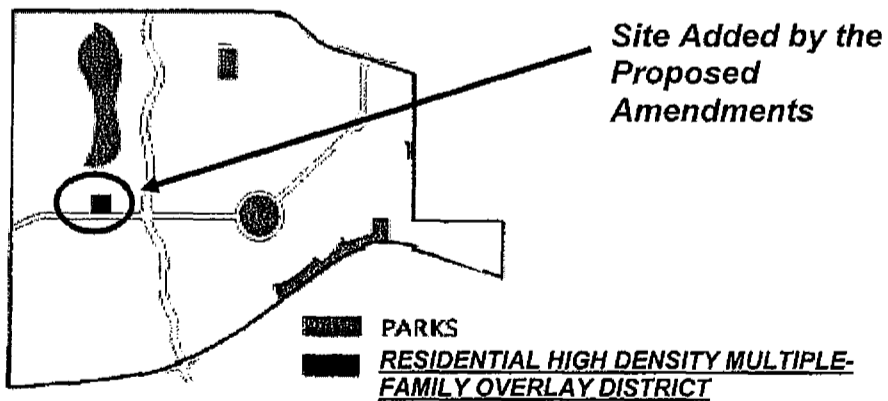
**10.10.22.D. 3(d) Residential Multiple-family Overlay District**



**Figure 4. Residential Multiple-family District**

**(i) Residential High Density Multiple-family Overlay District**

**A. Purpose. The Residential High Density Multiple-family Overlay District is applied in specific locations adjacent to arterial or collector streets, public parks or commercial areas. The purpose is to provide a diversity of housing types in the Urban Standard Residential Zone at the edges of single-family neighborhoods and to locate higher density housing adjacent to commercial services and open space.**



**Figure 15. Residential High Density Multiple-family District**

**B. Uses Permitted.**

**i. All uses permitted in the Urban Standard Residential Zone.**

**ii. Multiple-family housing.**

**C. Conditional Uses.**

**i. Conditional uses permitted in the underlying Urban Standard Residential Zone subject to a Conditional Use Permit and the provisions of Section 29.**

**D. Height Standards.**

**i. No building, except multiple-family housing, shall be erected, enlarged or structurally altered to exceed 45 feet in height without a Conditional Use Permit.**

**E. Lot Requirements.**

**i. The lot requirements of the RS Zone shall apply to all permitted and conditional uses except multiple-family housing.**

**ii. Except as specified in this section, the lot requirements of the RH Zone shall apply to multiple-family housing.**

**iii. Lot Coverage. There is no maximum lot coverage standard for multiple-family housing.**

**F. Maximum Density. The maximum density shall be that established by the RH Zone.**

**G. Minimum motor vehicle parking for housing that is limited to residents of age 55 and older is 1 parking spaces per dwelling unit.**

**H. Site Plan Review. Multiple-family housing is not subject to the provisions of Section 23 of this code. It shall be subject to design review through the NorthWest Crossing Architectural Review Committee.**



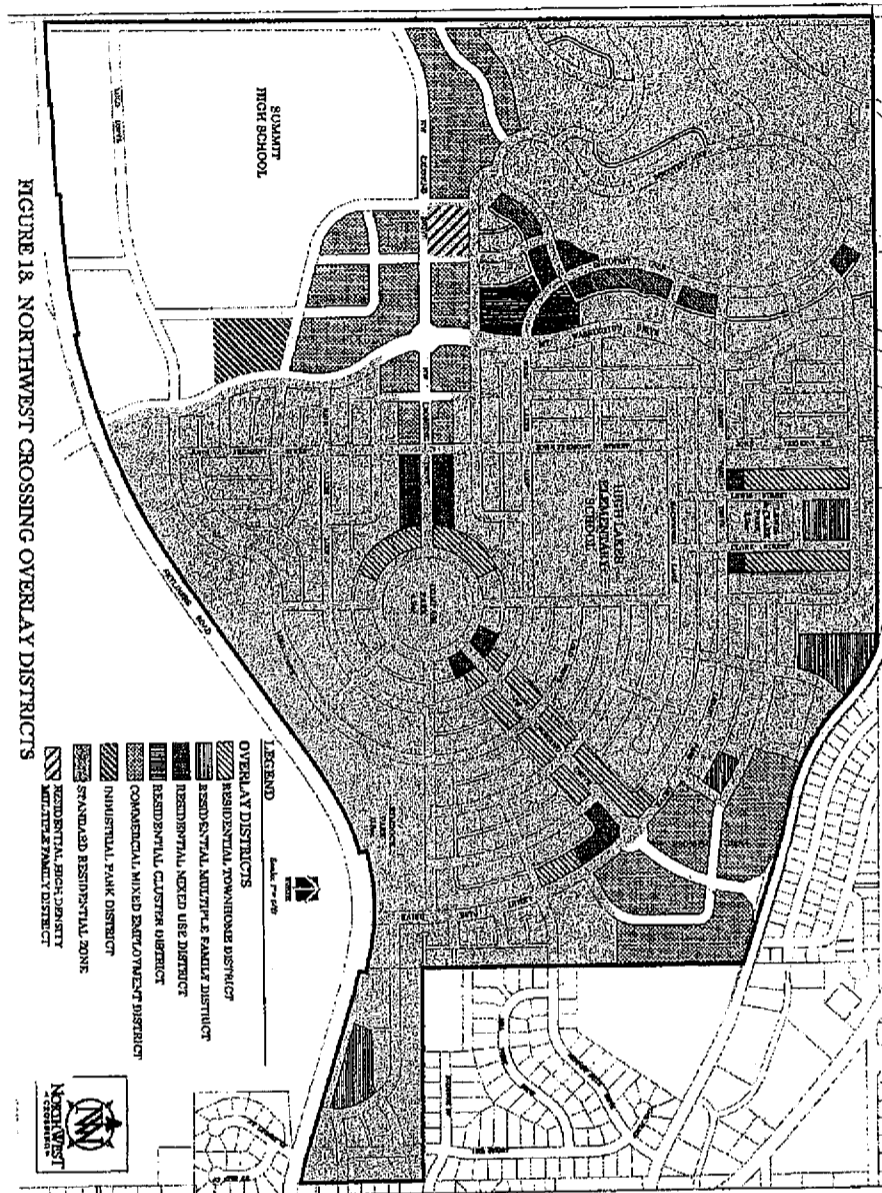


FIGURE 18. NORTHWEST CROSSING OVERLAY DISTRICTS

Exhibit D