

ORDINANCE NO. NS- 2189

AN ORDINANCE ADOPTING AN AMENDMENT TO A STATUTORY DEVELOPMENT AGREEMENT PURSUANT TO ORS 94.504-528 ENCOMPASSING MULTIPLE LAND USE ACTIONS TO EXTEND THE TERM OF THE DEVELOPMENT AGREEMENT, REDUCE THE NUMBER OF RESIDENTIAL LOTS, AMEND THE DEVELOPMENT TIMELINE, AND REQUIRE THE PROPERTY OWNER TO PROVIDE ADDITIONAL SEWER INFRASTRUCTURE IMPROVEMENTS.

Findings:

A. The City and River's Edge entered into an existing Development Agreement (the Development Agreement) which was adopted as a land use decision by Council and expires September 13, 2012.

B. There is pending litigation between River's Edge and the City regarding the Development Agreement, and the City and River's Edge entered into a Settlement Agreement to resolve that litigation. Staff has drafted an amended Development Agreement for council consideration that is consistent with the Settlement Agreement.

C. River's Edge Investments LLC has filed a land use application for amendments to the Development Agreement. The application has been assigned Community Development Department File Number PZ 04-556.

D. The amendments to the Development Agreement require River's Edge to provide additional sewer system infrastructure. The additional sewer infrastructure provides needed additional capacity for the sewer system in the area.

E. The amendments to the Development Agreement include conditions for further development, a schedule of proposed development, a reconfiguration of the existing sewer system serving River's Edge, and allowances for development of residential units.

F. The City mailed and published notice of a public hearing on the amendments to the Development Agreement on July 12, 2012.

THE CITY OF BEND ORDAINS AS FOLLOWS:

SECTION ONE. The Bend City Council has held a duly noticed public hearing, considered the City Staff findings and record, and has found that there is a public need and benefit associated with the amendments to the Development Agreement between the City of Bend and River's Edge Investment, LLC.

SECTION TWO. The Bend City Council adopts the Amended Development Agreement between the City of Bend and River's Edge Investments, LLC, dated July 24, 2012 and attached as Exhibit A.

SECTION THREE. The Findings for Approval of Amendment to a Development Agreement between the City of Bend and River's Edge Investments, LLC attached as Exhibit B are adopted as findings in support of this decision.

SECTION FOUR. The 2004 River's Edge PUD is amended to reflect the terms of the Amended Development Agreement.

First Reading Date: August 1, 2012
Second Reading Date: August 15, 2012

Adopted by roll call vote of the Bend City Council on August 15, 2012.

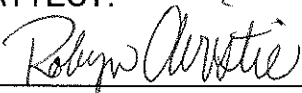
YES: Tom Greene
Scott Ramsay
Mark Capell
Kathie Eckman
Mayor Jeff Eager

NO: Jodie Barram
Jim Clinton



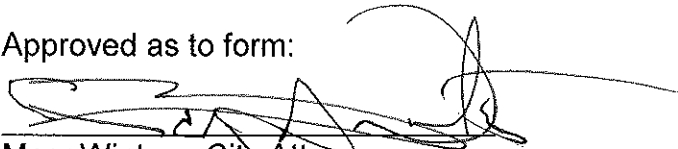
Jeff Eager, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



Mary Winters, City Attorney