



Ryan Brennecke/The Bulletin

An aerial view, looking west, of the site of the former KorPine particle board plant near Bend's Old Mill District on Wednesday.

Land

Continued from A1

The goal of the new development is to create a “vibrant, connected and walkable community that preserves the character of the neighborhood and incorporates sustainable design principles,” according to an announcement from Kennedy Wilson.

The land is in an opportunity zone, which is a zone that draws capital gains — money earned on stocks or real estate — into disadvantaged areas by allowing tax breaks for investors.

Matt Windisch, executive vice president of Kennedy Wilson, said the opportunity to develop the land was brought to the development group by Day, owner of Hooker Creek Companies. The two entities have been working on this project for about nine months.

Keith Herren, a managing director at Kennedy Wilson, said the site is appealing for development because of its proximity to downtown and a “rock’s throw” from the Deschutes River.

“It’s one of those sites that has fantastic visibility, is surrounded by infill development, and of course an active recreational area directly adjacent,” Herren told The Bulletin. “You have all these incredible existing attributes.”

Herren and Windisch said it was premature to estimate exactly how many units of housing are planned for the site, but called the project “housing driven” given Bend’s well-documented housing shortage.

But residents shouldn’t expect to see any construction on the site in the next year or two, Herren and Windisch said. The next step is to submit a master plan to the city,

which will provide more specifics about the development and be subject to public review, in the next few months.

Windisch said while the intention is to provide some dense development to the area, the goal is to make it feel like it’s not a dense community.

“We want to make it feel like it’s part of Bend,” he said.

In a written statement, Day said he is thrilled to create a vibrant community that will play an important role in the city’s growth.

“Our local presence, coupled with Kennedy Wilson’s track record of leading thoughtfully designed communities across the Western U.S., will result in the development of an exceptional project in the heart of Bend,” Day said.

■ Reporter: 541-633-2160, bvissier@bendbulletin.com

Searches

Continued from A1

The decision was made by six justices plus senior judge Jack Landau, who retired from the court at the end of 2017. Justice Thomas Balmer, a former No. 2 official at the Oregon Department of Justice, did not participate.

The Oregon Constitution bars “unreasonable” searches and seizures, and court warrants for police to conduct them must be based on “probable cause” and specify the place to be searched and the person or thing to be seized. But like its federal counterpart in the Fourth Amendment, the state guarantee has been the subject of numerous interpretations.

The court upheld a 2017 ruling by Judge Lindsay Partridge in Marion County Circuit Court to exclude the seizure by Salem police of evidence from a lawfully parked and unoccupied truck about a mile east of the Marion County Courthouse.

A warrantless search on Nov. 28, 2016, uncovered heroin, a scale, and drug paraphernalia — and led to charges of pos-

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— Judge Lindsay Partridge

session and delivery of heroin against Charles Steven McCarthy, who had been the subject of an earlier investigation by police.

A detective testified in circuit court that police based the search on the “automobile exception,” which the Oregon Supreme Court decided on a split vote in 1986 was not subject to the usual requirement for warrants under two conditions: “The car was mobile at the time it was stopped by the police, and the police had probable cause to believe that the car contained contraband or crime evidence.”

Two justices, Hans Linde and Berkeley “Bud” Lent, dissented in the 1986 decision written by Justice Robert E. Jones.

The Salem detective said police did not choose to obtain a warrant because they believed the truck was “mobile,” and that it was not the practice of police

in Marion County to seek warrants by telephone.

But Partridge wrote: “The state fails to address why one of the officers could not avail themselves of an existing process under Oregon law, make a call on a cellphone to the courthouse, lay out the facts under oath to a judicial officer and have the judicial officer determine if probable cause existed. The answer seems to be that ‘we just don’t do it that way.’”

The judge noted that the incident occurred on a Monday afternoon, when the court was conducting normal business.

The Court of Appeals reversed Partridge. It ruled in 2020 that the truck was presumed to be mobile and police had probable cause to stop it, regardless of whether there was an “actual exigency” that did not allow time for police to obtain a warrant.

But the Supreme Court de-

cided otherwise last month and dropped its own blanket exception it created for motor vehicles from warrant searches.

Duncan wrote: “We hold that, when the state seeks to justify a warrantless seizure or search of a vehicle based on exigent circumstances, the state must prove that exigent circumstances actually existed at the time of the seizure or search.”

Duncan wrote that the justices were aware they were moving away from the court’s 1986 exception. But the court signaled it was doing so already in a 2015 decision.

“The purpose of the exception is to enable officers to respond to the risk that contraband or evidence will be lost because a vehicle can be moved out of the jurisdiction in which a warrant must be sought,” she wrote. “But the scope of the exception exceeds its purpose. ‘Although it is an exigent circumstances exception, it applies when there are no exigent circumstances. That is, it applies when there is no actual risk that a vehicle will be moved and that contraband or evidence will be lost.’”

■ pwong@pamplinmedia.com

Capitol

Continued from A1

GOP legislative leader makes governor run official

Rep. Christine Drazan, R-Canby, announced Tuesday that she was running for governor. A rally in Aurora confirmed Drazan’s plans outlined late last year when she stepped down as House minority leader, but said she would retain her seat through the election.

“Prices are rising, taxes are high, streets are lawless, schools are a mess, and too many of our fellow citizens are sleeping in the cold,” Drazan said at the rally. “Oregonians are desperate for change. We don’t need more of the same.”

Drazan enters a crowded field for governor, with 29 candidates from all parties filing to run so far. One of Drazan’s opponents in the May 17 Republican primary, 2016 GOP governor nominee Bud Pierce of Salem, plans to formally announce his own entry at a rally Thursday night

in Salem. Sandy Mayor Stan Pulliam, Baker City Mayor Kerry McQuisten and Portland political consultant Bridget Barton are among Republicans already in the race.

If she won the GOP primary, Drazan could face House Speaker Tina Kotek, R-Portland, one of several Democrats running in their party’s primary for the state’s top job. Kotek and Drazan have tangled frequently on the floor of the House, including a bitter feud in September over redistricting. Kotek says she will retain her House seat and her position as the chamber’s top officer through the November election. The winner of the two party primaries will likely find themselves with three major candidates on the November ballot. Sen. Betsy Johnson, D-Scappoose, resigned from the Senate last month to prepare for a bid for governor, running without any party affiliation.

Republicans have not won the governor’s office since Gov. Vic Atiyeh was reelected in 1982.

Booze news

Supporters of sales of hard liquor in markets are moving forward with a single initiative they hope to qualify for the Nov. 8 ballot. With a few exceptions, hard alcohol sales are currently limited to state-licensed liquor stores.

Lauren G.D. Redman of Bend and Bill Caldwell of North Bend were the chief petitioners on all the proposals, which mainly differed on the range of hard liquor that could be sold. Supporters planned to survey which version had the best chance of winning public support.

A change in state statutes requires 120,020 valid signatures submitted to the Secretary of State’s Office to get on the ballot. Two signature drives in prior elections have fallen short of qualifying.

The final 2022 proposal, submitted as the Customer Choice & Convenience Act of 2022 #1, allows for a broad range of sales. Redman, CEO of Newport Avenue Market in Bend, said last fall that she believed voters were ready to back an initiative after seeing

well-regulated market sales in other states.

Levy back for second run

Bend attorney Emerson Levy formally filed for another bid to win House District 53. Levy, a Democrat, lost the 2020 race to incumbent Rep. Jack Zika, R-Redmond.

Redistricting created a district where Democrats make up more than 50% of voters. Population growth in Central Oregon led to more and smaller legislative districts. House District 53 was effectively sliced in half, with the southern portion, including Sunriver and La Pine, moving into House District 55. The remainder is centered around northern Bend and Redmond, is more favorable to Democrats. Zika announced he would not seek another term.

Republican Ben Schimmoller, who lost to Zika in the 2018 GOP primary by a history-setting two-vote margin, now lives in Redmond. He said in an email earlier this week that he did not plan to run for the seat in 2022.

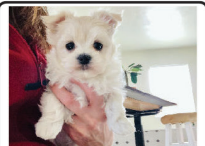
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282 Community

Did you witness an auto collision on May 12, 2019, at the intersection of SE 3rd and SE Division/Brosterhaus Rd in Bend? A vehicle collided with another vehicle that braked for ducks crossing the road. Please contact Brian Hickman, (503)802-9114.

Legal Notices 1000

1001 Legal Notices & Public Notices

Estate of ROBERT A. DAVIS Notice to Interested Persons No. 21PB10945 In the Circuit Court of the State of Oregon for the County of Deschutes, Probate Department.

Notice is hereby given that JEFFREY A. DAVIS has been appointed as the Administrator of the above estate. All persons having claims against the estate are hereby required to present them to the undersigned Administrator in care of the undersigned attorney at: 1455 SW Broadway, Suite 1500, Portland, OR 97201 within four months after the date of first publication of this notice, as stated below, or such claims may be barred. All persons whose rights may be affected by the

1001 Legal Notices & Public Notices

proceedings in this estate may obtain additional information from the records of the Court, the Administrator, or the attorney for the Administrator. DATED and first published: January 6, 2022

Legal Notice NOTICE OF PUBLIC HEARING – SALE OF PROPERTY

Notice is hereby given that a public hearing before the Redmond City Council has been scheduled for Tuesday, January 11, 2022, at 6:00 p.m. via a virtual meeting. The hearing can be viewed from the City’s website at www.redmondoregon.gov/CityCouncilLive.

The City of Redmond recently received a request from the Deschutes Public Library District (DPL) to transfer the City’s interest in property currently used by DPL as a parking lot and landscaping located at 827 SW Deschutes Avenue (TL 15-13-16AB-12500) for redevelopment as part of a new public library facility. The City will release its reversionary interest in the property and only retain easement and/or right of way interest(s).

Interested persons are encouraged to comment through one of the following options on or before January 11, 2022, at 4:00 p.m.:

WRITTEN COMMENTS:

Submit to John Roberts, Deputy City Manager, via email at john.roberts@redmondoregon.gov or mail to City of Redmond, Attn: John Roberts, 411 SW 9th Street, Redmond, OR 97756;

ORAL COMMENTS:

Pre-register at PublicTestimony@redmondoregon.gov to provide oral comments during the virtual hearing (must pre-register before 4:00 p.m. on January 11). Prior to the hearing, registrants will be provided with a “GoToMeeting” phone number from City Administration so they can join the meeting by phone to participate and provide testimony. The City does not discriminate on the basis of disability status in the admission or access to, or treatment, or employment in its programs or activities. Anyone needing accommodation to participate in the meeting must notify the ADA Coordinator as soon as possible, but at least three (3) business days prior to the scheduled meeting at 541-504-3036, access@redmondoregon.gov or through the Telecommunications Relay Service (TRS) which enables people who have difficulty hearing or speaking in the telephone to communicate to standard voice telephone users. If anyone needs Telecommunications Device for the Deaf (TDD) or Speech To Speech (STS) assistance, please use one of the following TRS numbers: 1-800-735-2900 (voice or text), 1-877-735-7525 (STS English) or 1-800-735-3896 (STS Spanish).

Legal Notice Notice To Interested Persons

Tressi L. Potter has been appointed Personal Representative of the ESTATE OF PAUL FRANKLIN STEVENS, Deceased, by the Circuit Court, State of Oregon, Deschutes County, under Case Number 21PB11053. All persons having a claim against the estate must present the claim within four months of the first publication date of this notice to Brinich & Bertalan, LLP, at 250 NW Franklin Ave, Ste 101, Bend, Oregon 97703, Attn: Wendy Miki Glaus, or they may be barred. Additional information may be obtained from the court records, the Personal Representative or the following-named attorney for the Personal Representative. DATE OF FIRST PUBLICATION: January 6, 2022. BRINICH & BERTALAN, LLP 250 NW FRANKLIN AVE, STE 101 BEND, OR 97703 541-382-4980

1001 Legal Notices & Public Notices

The undersigned has been appointed administrator of the Estate of DAVID PATRICK PAYNE, Deceased, by the Deschutes County Circuit Court of the State of Oregon, probate number 21PB10872. All persons having claims against the estate are required to present the same with proper vouchers within four (4) months after the date of first publication to the undersigned or they may be barred. Additional information may be obtained from the court records, the undersigned or the attorney. Date first published: December 23, 2021 GWEN MOONEY, Administrator c/o Edward P. Fitch Attorney at Law Fitch & Neary, PC 210 SW 5th Street, Suite 2 Redmond OR 97756

Legal Notice

“NOTICE TO INTERESTED PERSONS Kalin Drew Emrich has been appointed Personal Representative (PR) of the estate of Daniel Steven Emrich, deceased, by the Circuit Court, State of Oregon, Deschutes County, Case No. 21PB10957. All persons having claims against the estate are required to present them, with vouchers attached, to the PR at PO Box 2304, Sisters, OR 97759, within four months after the date of January 6, 2022, the first publication of this notice, or the claim may be barred. Additional information may be obtained from the records of the court, the PR, or the lawyer for the PR, John H. Myers.”

Legal Notice

The Regular Board Meetings for Central Oregon Irrigation District (COID) in the year 2022 will be held on the second (2nd) Tuesday of every month at 9:00 AM in the District office at 1055 SW Lake Court, Redmond, OR. Monthly notices for these meetings will be posted at least two weeks prior to the meeting at the following locations: o The bulletin board in the District office o The District’s website, www.coir.org. o Emailed to the following entities: • KBND radio: news@kbnd.com • KTVZ television: stories@ktvz.com • The Bend Bulletin newspaper: news@bendbulletin.com

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