



Oregon

Theodore R. Kubagowski, 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

04/21/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of Bend Plan Amendment
DLCD File Number 014-04

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: Monday, May 04, 2009

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: Damian Syrnyk, City of Bend
Gloria Gardiner, DLCD Urban Planning Specialist
Mark Radabaugh, DLCD Regional Representative

<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

APR 14 2009

LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **City of Bend**

Local file number: **PZ 04-338**

Date of Adoption: **4/1/2009**

Date Mailed: **4/13/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 5/26/2004

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Change the General Plan designation and the Zoning Map designation of 4.9 acres of land located at the northeast corner of U.S. Highway 20 and Dalton Street from Residential Urban Standard Density (RS) to Residential Urban High Density (RH).

Does the Adoption differ from proposal? Yes, Please explain below:

Acreage reduced from 5.0 acres to 4.9 acres due to right-of-way dedications.

Plan Map Changed from: **RS** to: **RH**

Zone Map Changed from: **RS** to: **RH**

Location: **Northeast corner of U.S. Hwy 20 & Dalton Street.** Acres Involved: **5**

Specify Density: Previous: **2.0 - 7.3 units/acre** New: **21.7 - 43 units/acre**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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 014-04(13669)[15473]

DLCD file No. _____

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

City of Bend, Oregon Department of Transportation, Central Oregon Irrigation District

Local Contact: **Aaron Henson, AICP**

Phone: **(541) 383-4885** Extension:

Address: **710 NW Wall Street**

Fax Number: **541-388-5519**

City: **Bend**

Zip: **97701-**

E-mail Address: **ahenson@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-2120

AN ORDINANCE AMENDING THE BEND URBAN AREA ZONING MAP AND GENERAL PLAN MAP BY CHANGING THE ZONING AND PLAN DESIGNATION OF TWO PARCELS OF LAND TOTALING 4.9 ACRES LOCATED AT THE NORTHEAST CORNER OF U.S. HWY 20 AND DALTON STREET FROM RESIDENTIAL URBAN STANDARD DENSITY (RS) TO RESIDENTIAL URBAN HIGH DENSITY (RH).

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council held a public hearing on January 19, 2005 to consider the Hearings Officer's findings and record, and determined that the public health, safety, welfare and convenience would be best served by the Zone Change and Plan Amendment. The Bend City Council adopted Resolution of Intent to Rezone No. 2503 on February 2, 2005, subject to two special conditions, in addition to the requirements of Section 33(6) of Zoning Ordinance No. NS-1178. The conditions of Resolution No. 2503 have been satisfied, and the Bend City Council adopts the findings in "Exhibit A".

Section 3. The Bend Urban Area Zoning Map and General Plan map is hereby amended by changing the zoning and plan designation of the properties shown in "Exhibit B" and described in "Exhibit C" from Residential Urban Standard Density (RS) to Residential Urban High Density (RH).

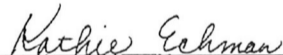
Read for the first time the 18th day of April, 2009.

Read for the second time the 1st day of April, 2009.

Placed upon its passage the 1st day of April, 2009.

YES: 7 NO: 0

Authenticated by the Mayor the 1st day of April, 2009.


Kathie Eckman, Mayor

ATTEST:

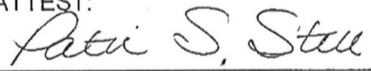

Patricia Stell, City of Bend Recorder

EXHIBIT A

CONCLUSIONARY FINDINGS:

BEND AREA GENERAL PLAN

Future Plan updates

The General Plan is a document that changes over time to reflect new information and new directions for the future. Amendments or additions to the General Plan text, exhibits, and policies go through a public hearing and review process before being adopted by the governing bodies. Changes and updates can be generated in at least six ways:

Ø Regularly scheduled reviews and updates by the city and county. Every five years, beginning in the year 2000, the city and county will review the population growth, the housing mix and acreage needs, the industrial lands absorption, and the commercial lands absorption against the long-term forecasts in the General Plan. Other issues may also be evaluated during these regular views.

Ø Preparation of more detailed refinement plans for neighborhoods or geographic areas. As provided for in Oregon land use law, the city or county may prepare more detailed land use and development plans for parts of the urban area that have large vacant or under-utilized parcels. Such refinement plans could address future street patterns and other utility systems, housing density and compatible uses, site and design standards, locations for parks, schools, and open space, and other land use issues.

Ø Evaluation of land use topics required to be reviewed under the Oregon Land Conservation and Development Commissions periodic review of the General Plan. The state requires all local plans to be updated periodically to comply with applicable new state laws, administrative rules, or to incorporate new data available to the state.

Ø Other state laws or legislative actions that require changes to the Plan outside of the normal periodic review cycle. The state legislature or the voter referendum/initiative process can require changes to local land use plans within a specific time period.

Ø City or county response to new issues or changes. Issues that were unforeseen during the development of the plan can arise that have an impact on a particular neighborhood or the whole urban area. The city and county officials can direct staff to amend the Plan to address these issues.

Ø Changes proposed by individuals or other agencies. At any time an individual, corporation, or public agency can propose a change to the Plan text, land use map, other exhibits, or policies. A person or agency proposing a change has the burden to demonstrate a public need and benefit for the change.

Rosecrans/Clark
PZ 04-338
Page 11 of 31

Finding: The applicants seek to change the plan designation and zoning of the subject property from RS to RH. The request for a plan amendment and zone change is based upon a showing of public need and benefit. The record demonstrates that there are 3 primary public benefits associated with the applicants' proposal. These benefits can be summarized as follows:

- An opportunity for development of high-density housing within a short distance (1/2 mile) to areas developed with commercial and retail services. The proximity of the site to developed commercial and retail businesses will reduce the need for automobile travel and facilitate alternative modes of transportation. The site is also located on a major transportation corridor. Allowing increased residential density in this area is consistent with the creation of a future public transit corridor in an area with an adequate street system and infrastructure.
- A benefit to be gained in allowing more housing units in the form of attached and multi-family housing;
- An opportunity to meet an aspirational goal of the BAGP, Housing and Residential Lands Policy 11, by allowing a wide variety of housing types in locations best suited to each housing type, and;

In addition to providing the above stated public benefits, the record demonstrates a public need for the proposed plan amendment and zone change. The record demonstrates that the City has a very limited supply of RM and RH zoned land. The City planning staff concurs with the need for more land for attached and multi-family housing in Bend.

The applicant provides an extensive analysis of existing land inventories to demonstrate a public need for additional RH land within the Bend UGB. The applicant begins with a reference to Table 13 of the Comprehensive Plan (Plan, p. 5-22), which identifies needed and buildable residential acres in the UGB and the number of acres available to satisfy that need (as of 1995). Based on findings made in two previously approved plan amendment and zone change cases (Nauer Enterprises, LLC, PZ-01-320 and Getz/ Arrowhead PZ-02-404), the applicant shows that the numbers used in Table 13 are no longer accurate. The applicants have demonstrated for the record that the City's database of vacant RM and RH lands includes numerous duplicate entries, large numbers of acres that are zoned neither RM or RH and large numbers of acres physically developed with schools, parks and reserved for common areas in planned communities. The applicant offers evidence (based on a study conducted in Nauer PZ 01-320) that "when all the uses that are no longer vacant or are physically developed with uses which are not likely to change during the 20-year planning period (i.e., schools, parks, common areas) are excluded, the number of vacant RM acres drops to 137.94 acres and vacant RH land drops to 76.67 acres.

The applicants also offer evidence that many of the General Plan's assumptions regarding housing opportunities and higher density development have not been borne out in experience for the following reasons:

Rosecrans/Clark
PZ 04-338
Page 12 of 31

- First, a pattern of lower density development in the Bend area has resulted in the actual densities falling below that contemplated in the plan. A 1990 report issued by DLCD entitled Urban Growth Management Study: Bend Case Study, demonstrates that actual residential densities have averaged less than 1.86 units per acres. Urban Growth Management Study, Table A-8, p. A-20. Some residential developments, such as Awbrey Glen and Broken Top have included golf courses; others such as Shevlin Commons, have been approved at lower densities to allow for amenities such as open space.

- Second, because of the area taken up by streets, the densities will always tend to occur at densities below the maximum density allowed. Streets can take up as much as 25% of the total land area of a subdivision.

- Third, the City has designated 60 acres of RM land in the Old Town Historic District south of downtown as a National Historic District, which would tend to discourage redevelopment of the neighborhood of largely single-family homes with increased RM-density development.

- Fourth, community pressures have sometimes precluded areas planned for RM lands from being zoned for such uses. A case cited in point was the failure to provide for additional RM lands around the Brookwood commercial center as part of development approved along Brookwood Boulevard near Elk Meadow.

- Finally, as is detailed further below, much of the RH lands have been developed for medical office use.

The record demonstrates that much of the existing RH zoned lands in the vicinity of St. Charles Medical Center have been developed for non-residential uses, as medical-related office space. This area is now part of a City approved Medical Overlay zone that will work to further decrease the acreage of available RH zoned lands. The purpose of the new City ordinance was to formally recognize what has been occurring for years in the RH lands surrounding St. Charles Medical Center – RH lands in the vicinity of the hospital were being used predominantly for medical office use and associated parking.

The applicants have also supplemented the record with a current GIS map (produced by the Deschutes County GIS staff) showing that there is a current deficit of developable RH and RM zoned lands within the City urban growth boundary. Much of the RH and RM zoned lands indicated in the City's database as vacant lands are not available for housing development or housing development at RH and RM densities because of: (1) existing patterns of development; (2) the fact that land is being held for schools and other public purposes; (3) the commitment of land for parking and other infrastructure committed to other developed land uses; and (4) the designation of residential lands within the Old Town Historic District and the Deschutes River waterway overlay zone.

Rosecrans/Clark
PZ 04-338
Page 13 of 31

The applicant also cites Bend's significant and ongoing population growth as a basis for the identified need for additional high density housing units. The record demonstrates that the City's population growth is occurring at a much more rapid rate than anticipated by the comprehensive plan. This was attested to by the City Planning Division in its staff report regarding expansion of the Urban Growth Boundary to include the Juniper Ridge site for industrial use:

"Since Bend's current comprehensive plan was adopted in 1998, the City's population growth has been much faster than was forecast. (The July 1, 2003 population estimate of 62,900 is only slightly less than the 63,591 that was forecast for the year 2015.) With this rapid population growth, there has been a corresponding acceleration in the rate at which buildable lands for housing have been developed to meet that growth. Although the City's inventory of buildable lands for housing has not been updated since 1998, there is serious doubt that the 20-year land supply for housing required under Goal 10 exists inside the UGB at present. Rezoning any residential lands for industrial use would only exacerbate this problem and likely result in non-compliance with Goal 10." Juniper Ridge UGB Expansion Staff report at page 30.

The Hearings Officer finds that the applicant has identified a public need and benefit for the designation of additional RH zoned lands within the urban growth boundary.

GENERAL PLAN - Chapter 5/Housing and Residential Lands

It is a goal of the General Plan to accommodate the varied housing needs of citizens with particular concern for safety, affordability, open space, and a sense of community.

Just as the city and urban area population has had periods of rapid growth, so has the supply of housing grown to keep pace with the population. Bend has had three significant housing booms since it was incorporated in 1905. The first was in 1910-1920 when the big sawmills started up and Bend's population went from 500 to more than 5,000 in a few years. The second housing boom did not come for another 50 years when Central Oregon experienced a large in-migration of retired persons in the 1970s. The third, and biggest, of the housing booms hit the Bend urban area in the 1990s.

Finding: The above-cited plan text requires a showing of the following two elements; 1) the need for housing variation and 2) the need for a variation of housing with relation to the surrounding area.

The Hearings Officer finds that the City needs additional high-density residential lands to meet its projected housing needs. The applicants have demonstrated that the City has small amounts of land zoned RM and RH left in the UGB.

The record demonstrates that the City has a deficiency of land that is zoned for needed multi-family units. The applicants have provided GIS data to show that the City does not have a sufficient inventory of buildable land to meet its stated general plan goal of 328 acres of land for multi-family dwellings. The applicants' data shows that the City has only 130-acres of buildable land that is available for multi-family housing development. The applicants offer data to show that approximately 120 acres of land are zoned RM and less than 10 acres are zoned RH. This demonstrates that additional land is needed to meet the General Plan's stated intent of providing a variation of housing types.

The record demonstrates that the subject property is located in an area where it can accommodate the City's need for a variety of housing types with particular concern for safety, affordability, open space and a sense of community. Commercial and retail areas located to the west of the site are within walking distance and would benefit those who do not own a car. In addition, the site is located near the intersection of two major transportation corridors in the community – Highway 20 and 27th Street – that are likely to be included in any public transit system routes. (See, e.g., Bend TSP, Figures 13 and 14 with respect to 5-Bus route and 9-Bus route alternatives.) Increased housing densities within walking distance of proposed bus routes would help support a transit system.

The applicants' proposal would promote affordable housing in that the small lot sizes would result in lower land costs and smaller houses, which would allow for home ownership options at a relatively low cost. The multi-family lots would allow for affordable housing for those who are only able to procure housing by renting.

The Hearings Officer finds that the proposed change in plan designation and zoning from RS to RH is consistent with City goals of accommodate the varied housing needs of citizens.

GENERAL PLAN - Chapter 5/Housing and Residential Lands

FUTURE TRENDS AND FORECASTS

attached housing of all types, for both owners and renters, will make up a higher percentage of the housing supply;

as the "baby boomers" move toward retirement after the turn of the century, there will be more demand for smaller homes and probably for yards that need less maintenance...

Attached housing. The percentage of attached housing units primarily duplexes, triplexes, and apartments—needs to be higher than in the

Rosecrans/Clark
PZ 04-338
Page 15 of 31

past to match the needs of younger workers and families, and to provide "transitional" housing for people moving into the area before they buy homes. Attached housing is expected to provide more than one-third of the future housing. Ways the city will plan for more attached housing are:

- reducing the minimum lot size in the multifamily zones;*
- reducing the amount of land required for second and additional units on a site;*
- permitting apartments outright as a secondary use in commercial zones;*
- extending sewer lines to parts of the urbanizing area planned for multifamily development;*
- adding more than 100 acres of multifamily land around new commercial centers; and adding a third zoning district for multifamily housing.*

Finding: The Hearings Officer finds that the applicants' proposal is consistent with the above referenced plan text because it proposes to change the subject property's plan and zoning designation in a manner that will accommodate high-density residential development.

The above stated General Plan language recognizes a growing need for land that is zoned to accommodate multi-family residential uses. The record clearly reflects a deficiency of land within the UGB that can accommodate needed multi-family housing units. The Hearings Officer finds that the City cannot meet its goal of providing for a variety of needed housing with the current deficiency of buildable RM and RH land in the UGB. The applicants' proposal would further the City's goal of providing a variety of different housing types.

The record demonstrates that much of the land that has been planned for multi-family use in general (and RH zoning in particular) is not being utilized for that purpose. This includes lands within the Old Town Historic District immediately south of downtown, the areas around the hospital and the area around the Brookwood Commercial Center.

The General Plan calls for "adding more than 100 acres of multi-family development near new commercial centers." While the term "new commercial center" is not expressly defined, the applicants' proposal appears consistent with that goal. The subject property lies in close vicinity to the concentration of commercial development surrounding the intersection of Highway 20 and 27th Street that includes the Crossroads commercial area, the Forum Shopping Center, the recently developed Twin Knolls commercial area and the Pilot Butte Theater complex. This area serves as a hub for the commercial needs of a growing eastside community. The proposed change to RH from RS in would allow for development of a more dense residential development in close proximity to the services provided in the adjacent "eastside" commercial center.

Rosocrans/Clark
PZ 04-338
Page 16 of 31

Based on the findings above facts, the Hearings Officer finds that there is a demonstrable need for additional RH land. That additional land will create a benefit for the City of Bend and its growing population.

Residential compatibility

1. Future Development and local development standards shall recognize and respect the character of the existing area.

Finding: The Hearings Officer finds that the applicants' proposal meets this criterion because the proposed change in plan designation and zoning will allow for future development that will recognize and respect the character of the existing area. Land to the west is zoned RM and RH and is under development with a residential subdivision and future office buildings. Land to the north and the west is zoned RS. Land due east is vacant or developed with an existing plant nursery. Land to the south (across Highway 20) is zoned RL, Low Density Residential, and sparsely developed with existing residences and structures. Land to the north and northeast is zoned RS and includes developed residential lots in the Mason Estates subdivisions. The applicants have also noted that due west of the site, on the opposite side of the Arrowhead Subdivision, is zoned commercial (CL, Limited Commercial) and developed with a number of retail, office, and service commercial uses.

The land uses occurring in the surrounding area will not be impacted by the increase in density resulting from a change in plan designation and zoning. The proposed change in plan designation and zoning is consistent with a portion of the Arrowhead Subdivision to the west. The record shows the site abuts the RH-zoned portion of Arrowhead along its western boundary. Land due south that is zoned RL is sparsely developed at this time and would not likely be impacted by a more dense residential development to the north given that the property due south of the site abuts Highway 20 and additional RM-zoned land to the west that is being developed with multi-family residential building. The commercial plant nursery properties to the north and east are not likely to be impacted by the proposed change in plan designation and zoning because of the nursery is a commercial venture and does not have operating characteristics that would be impacted by the presence of higher density residential development.

RH zoning would also provide for a buffer from Highway 20 between the highway and the adjacent RS zoned land to the north and northeast. It would also continue the pattern of RH density adjacent to the highway established by the Arrowhead subdivision property to the west.

11. Residential areas shall offer a wide variety of housing types in locations best suited to each housing type.

29. Medium-and high-density residential developments shall be located where they have good access to arterial streets and be near commercial services, employment and public open space to provide the maximum convenience to the highest concentrations of population.

Finding: The Hearings Officer finds that the applicants' proposal is consistent with Policy 11 and Policy 29.

The proposal meets Policy 11 because it proposes a change in residential plan designation and zoning that will allow high-density housing in a location best suited for its type. The proposed development is located adjacent to an arterial road and relatively close to commercial and employment centers along 27th Street. The proposed zoning of RH would also be consistent with the application of RH Zoning to property due west and abutting the site in the Arrowhead Subdivision.

The proposal also meets Policy No. 29 with respect to access to arterial roads and public open space. The applicants' request is to rezone five acres of RS to RH facilitates the development of the high density housing in an area that is bounded by arterials and that is close to a significant commercial and employment center located in the vicinity of 27th St. and Highway 20. The subject property is located in a transition area between commercial uses and single-family residential uses to the north. The proposal will allow the subject property to be developed with attached housing units, providing affordable housing along the Highway 20 and 27th Street commercial corridors and a convenient distance to the commercial uses in those corridors. The subject property is also located nearby one of the community's major employment centers, the St. Charles Medical Center and its associated medical services.

The proposal to rezone the entire five-acre parcel to RH would represent an orderly extension of the RH zoning that was allowed on the Arrowhead subdivision property to the west. The proposed area of RH zoning would extend the band of RH zoning allowed on the Arrowhead property that borders the entire westerly border of the subject property.

Policy 29 requires medium and high-density residential developments to be located where they have good access to public open spaces. The applicant offered supplemental evidence at this public hearing to meet this requirement. The record demonstrates that this proposed high density development is located in an area with relatively good access to public parks and open spaces.

General Plan Policies - Chapter 5/Housing and Residential Lands

37. Efforts shall be made to extend trails, pedestrian ways, and bikeways through existing residential areas.

38. To encourage connectivity and pedestrian access, residential block length shall not exceed 600 feet except for topographic constraints. When existing conditions or topography prevent a cross street, a pedestrian accessway to connect the streets shall be required.

Finding: The Hearings Officer finds the applicants' proposal is consistent with the above stated plan policies to the extent they are applicable to the subject application. There are no existing or planned trails designed to cross the subject property. The City's "Bicycle and Primary Trail System Plan" identifies a bike lane planned for Highway 20, but the proposed plan amendment and zone change will not adversely affect the identified bike lane designation.

The applicants' proposed development plan shows proposed roads would connect with those extending from the Arrowhead Subdivision to the west and with Aurora St to the east. Any further review of block length would occur at the time an application for a land division is proposed.

GENERAL PLAN - Chapter 5/Housing and Residential Lands

Public Utilities and Services.

42. All residential areas shall be provided with community water and sewer services and other facilities necessary for safe, healthful, convenient urban living consistent with the density of development.

43. Residential development shall be coordinated with other land use elements and community facilities, which are consistent with projected housing densities.

Finding: The Hearings Officer finds that the applicants' proposal is consistent with the above stated plan policies. The record shows that community water and sewer services can be provided to serve the proposed development at the residential density limitations of the RH zoning district. City water and sewer services (as well electricity, cable, gas, phone, etc) can be extended to the subject property from the Arrowhead subdivision to the west. The record contains "Ready to Serve" letters from various public utility agencies identifying the capacity to serve development of the subject property at the density limitations of the RH zone.

The record also demonstrates that residential development can be coordinated with other land use elements and community facilities consistent with the proposed RH zone densities. The subject property provides adequate opportunities for the extension of the City street system. The property can connect to Highway 20 from Dalton Road (at the western boundary) and has the potential for a public street connections with the Arrowhead subdivision (to the north and west) and Mason Estates (via Aurora Drive to the east). The property also borders Bellevue Drive, a private street connection to the west.

The subject property is located near one of the City's largest commercial and retail centers providing both employment opportunities and the services needed to support residential development. The subject property, zoned for RH development, can provide a safe, healthful, convenient urban living environment that is consistent with the intent of the General Plan and the purpose statement of the RH zone.

Bend Area General Plan

Chapter 7: Transportation Systems Transportation and Land Use

Objectives: *To ensure that future development, including redevelopment will not interfere with the completion of Bend's Transportation System.*

Policies:

1. Medium and high-density residential development shall be located where they have good access to arterial streets and be near commercial services, employment and public open space to provide the maximum convenience to the highest concentrations of population.

7. The City should be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic thus reducing vehicle trips and trip lengths.

Finding: The Hearings Officer finds the applicants' proposal to be consistent with the above stated plan policies. As referenced above, the property affords multiple opportunities for connections to the City street system. The property is located on Highway 20 and near the 27th St. corridor, an arterial street. The property has the potential for access to Highway 20 from Dalton Street to the west. It can also connect to Highway 20 through a private street connection (Bellevue Drive) that is linked to Benson Way (located a short distance to the west). The property also has the potential for a public street connections with the Arrowhead subdivision (to the north and west) and Mason Estates (via Aurora Drive to the east). The adjacent Arrowhead subdivision connects to 27th Street at a signalized intersection at Forum Drive and at Grand Way (where a signal is planned to be installed). The subject property can also connect with

Highway 20 to the east through the existing public street system (Aurora Drive to Providence Drive).

The subject property is located near commercial services in the Crossroads and Forum shopping centers to the west at the Highway 20 and 27th Street intersection. In addition to providing commercial services to the residents of the subject property, the commercial establishments provide employment opportunities to the residents. Furthermore, the subject property is located a short distance south on the 27th Street corridor from the St. Charles Medical Center and its associated professional services, which taken together constitute a major employment center for the community.

The Hearings Office finds that the proposal supports alternatives to vehicular traffic in two ways: (1) by locating residential uses within walking distance of commercial and employment centers and (2) by locating high-density residential uses in close proximity to planned public transit routes. High density residential development in this area provides residents with a housing location where it would be possible to function without a vehicle. Given the proximity of the site to both employment opportunities and major commercial and retail areas, it is reasonable to assume that pedestrian activity to and from the site could be a major form of transportation.

**CONFORMANCE WITH OREGON ADMINISTRATIVE RULES
OAR 660-12-060 PLAN AND LAND USE REGULATION AMENDMENTS**

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:*
 - (a) *Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;*
 - (b) *Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or*
 - (c) *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*
- (2) *A plan or land use regulation amendment significantly affects a transportation facility if it:*
 - (a) *Changes the functional classification of an existing or planned transportation facility;*

- (b) *Changes standards implementing a functional classification plan;*
- (c) *Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
- (d) *Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.*

Finding: OAR 660-012-0060 (also known as the Transportation Planning Rule, or TPR) applies to both amendments to comprehensive plans and to zone changes (as changes to "land use regulations"). The rule requires that if a proposed plan amendment or zone change is shown to "significantly affect" a transportation facility, that the plan amendment be done in a manner that ensures that the proposed plan amendment can be implemented in a manner that is consistent with the capacity of affected transportation facilities. OAR 660-012-0060(1).

In this instance, the affected transportation facilities include the City street system and Highway 20, a state highway under the jurisdiction of the Oregon Department of Transportation ("ODOT"). Primary access to and from the subject property will be via local City streets. The record demonstrates that the subject property provides adequate opportunities for connections to both state Highway 20 and the City's system of arterials and collectors.

The TPR (OAR 660-012-0060(2)) identifies four circumstances under which a plan or land use regulation amendment will be deemed to have "significantly affected a transportation facility". With respect to paragraphs (2)(a) and (b) cited above, the proposed plan amendment and zone change does not include any proposal to also change the functional classification of a transportation facility or the standards applicable to any affected streets. The classification of the affected streets – Highway 20, 27th Street and the nearby local streets (Bellevue Drive, Benson Drive and Forum Drive) – as set forth in the City's TSP will not be altered.

OAR 660-012-0060(2)(c) states that a proposed plan amendment significantly affects a transportation facility if it allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility. OAR 660-012-0060 (2)(d) states a proposed plan or land use regulation amendment significantly affects a transportation facility if it would reduce level of service of the facility below the minimum acceptable level identified in the TSP.

The record demonstrates (based on medical office uses, the worst case traffic analysis under new zoning) that the proposal would violate ODOT's capacity standards for the Highway 20/27th Street intersection. Under OAR 660-012-0060(2)(d) this is grounds for a finding that the proposed plan amendment/zone change would significantly affect a traffic facility.

The TPR sets forth four different strategies of addressing such circumstances,

including the option of "limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility. OAR 660-012-0060(1)(a). The TPR requires that local jurisdictions include in their zoning ordinance a process to apply conditions to development proposals to minimize impacts and protect transportation facilities. OAR 660-012-0060(2)(e).

The applicants have not submitted a specific development proposal with their proposed comprehensive plan amendment and zone change application. As a result, their proposal was initially evaluated against the highest potential for traffic impacts in the RH zone. The applicants originally submitted a traffic impact analysis that addressed the impacts of full build out of the site for "medical office" uses. The City Traffic Engineer determined that levels of traffic projected in this initial TIA could not be accommodated and were inconsistent with the standards and requirements of the City's transportation system plan. Similarly, the Oregon Department of Transportation commented that the applicant had projected traffic beyond its stated mobility standards and inconsistent with the above stated criteria.

On September 16, 2004, the applicants submitted a revised traffic impacts analysis that evaluated traffic impacts associated with full build-out of the site as high density residential (and not medical office) development. The revised study demonstrates that development of the subject property for residential uses can be accomplished in a manner that is consistent with the identified function, capacity and identified levels of service of the affected transportation facilities. At the same time, the applicants agreed to accept a mechanism ("Resolution of Intent to Re-zone) that would limit development of the site to the residential uses.

The City Traffic Engineer comments that the applicants' proposal will have an impact on the intersection of Highway 20 and 27th street that can be accommodated by adding additional turn lanes at that intersection (see comments dated September 30, 2004). As a result, the applicant has been asked to make a \$1,197.70 proportionate share contribution under City Street Policy 6 for the costs of adding a southbound right turn lane and an eastbound right turn lane to that intersection. This proportionate share contribution shall be incorporated as a condition of approval.

The Hearings Officer finds that, in this instance, land uses can be limited in a manner that is consistent with the planned function, capacity and level of service of the affected transportation facilities. The Hearings Officer recommends that, as a condition of approval, the applicant be limited to developing the site for residential uses and that the applicant make the proportionate share contribution (for the Highway 20/27th Street intersection) identified above.

The City Traffic Engineer has also commented that the applicants should be required to make specified street dedications in connection with the subject application. The Hearings Officer agrees with the applicants that it is not appropriate to require specific dedications of right-of-way at this juncture. The proposed plan amendment and zone change (without a specific development proposal) do not create traffic impacts that justify the required dedications. A future land division and development plan will provide

Rosecrans/Clark
PZ 04-338
Page 23 of 31

the opportunity for the City to require the dedications identified by the City Traffic Engineer.

The Hearings Officer finds the applicants' proposal to be consistent with the requirements of the Transportation Planning Rule provided that development is limited to residential uses as specified herein.

CONFORMANCE WITH CITY OF BEND ORDINANCE CHAPTER 10; 10.10.33(2), STANDARDS FOR ZONE CHANGE

- A. *That the change conforms with the Comprehensive Plan. Specifically, the change is consistent with the Plans intent to promote an orderly pattern and sequence of growth.*

Finding: The proposal will result in an orderly pattern and sequence of growth as those terms have been interpreted in previous decisions by the City Hearings Officers. The proposal will promote a compatible physical relationship between zoning districts and uses by providing a transition area or buffer between commercial uses along the Highway 20 transportation corridor and the 27th Street commercial corridor and the existing residential development to the north and northeast of the subject property. There is no significant buffer now between the adjacent commercial uses and the existing RS zoning of the subject parcel.

With its existing RS zoning, the subject property does not have a buffer from the more intensive uses planned for the adjacent property to the west and traffic on Highway 20 to the south. The property is therefore not desirable for single-family development as originally proposed by the plan. The multi-family housing development proposed to front on Highway 20 would provide a logical transition to the less intensive residential uses located further back on the property from Highway 20.

An orderly pattern and sequence of growth also requires that development not outstrip public facilities and services. Sewer and water can be extended to the property line of the subject property by the development of the adjacent Arrowhead subdivision property to the west. In addition, the Arrowhead subdivision is extending two local roads to the edge of the property that can serve the subject property.

The transportation facilities that will serve the property include Forum Road, Bellevue Drive, Benson Way, 27th Street and Hwy 20. Forum and Bellevue Drive are local public roads. Benson Way is a private local road. 27th Street is a designated arterial. Highway 20 is classified as a Statewide Highway and as a Freight Route. The site is directly accessed from Highway 20 via Benson Way and Bellevue and from 27th Street by way of Forum Road and "B" Loop and Grand Way and Bellevue Drive across the Arrowhead subdivision. The applicants' revised traffic study concluded that the predicted worst-case residential traffic from the development can gain access across the Arrowhead subdivision to and from 27th Street at existing intersections that are or are planned to be signalized without the need for off-site mitigation.

With respect to supporting services, the property is located within the Bend City Limits and therefore will be served by the Bend Police and Fire Departments. The new police station is located about 1 ½ miles west of the property off of Highway 20. In addition, the nearest fire station at Hamby Road is located within 1½ miles from the property.

B. That the change will not interfere with existing development on, development potential, or value of other land in the vicinity of the proposed action.

Finding: Land in the area surrounding the subject property is developed with a mixture of commercial and residential development at various densities. Land to the north and northeast is developed with residential uses including an apartment complex and single-family residences. Land to the west is developed with commercial uses along the Highway 20 and 27th Street corridors. Land to the south is developed with a mixture of commercial developments and to the southeast, an apartment complex has been recently approved. To the east, abutting uses include a single family home on a large parcel and a commercial plant nursery is located immediately adjacent to the subject property.

The applicant's proposal will allow residential development at a density greater than that of the residential development located to the east, it will provide a transition area or buffer between those residential properties and the commercial center to the west.

The Hearings Officer finds that the proposed RH zoning is unlikely to "interfere" with the value of surrounding properties. First, the uses allowed on the subject property will be limited to residential or residential-type uses. Such uses do not in and of themselves produce the kinds of impacts that would be expected to lower property values in an urban area. Second, the increased housing density on the site is intended to be and can be arrayed on the site in a manner that would minimize any adverse impacts from the increased density, such as by locating the larger lots that would house the most dense housing in areas away from the RS-zoned properties to the east and north. Moreover, the properties to the east and north are currently used for commercial purposes, so an increase in housing density should not have any impact on the land's value under its current use.

In addition, land values overall in the Bend area have a long history of steady increase. Much of this increase appears to have been driven by high population growth rates, which are expected to continue. In March 2003 the Deschutes County Board of Commissioners adopted a coordinated population forecast for the county and each of its cities, which forecast a 2025 Bend population of 102,750 (compared with a 2003 population of 62,900). Although this coordinated forecast was later repealed, a revised, draft, county-wide forecast includes a 2025 population estimate for Bend of over 107,000. Over the last five years, the total, real market value of taxable property in the City of Bend has increased significantly. For Deschutes County as a whole, there was

Rosecrans/Clark
FZ 04-338
Page 25 of 31

an increase of 59.87% during the same period. Although the rate of increase may vary from place to place, there is no reason to expect that the overall upward trend in the Bend area's property values generally, and in the vicinity of the subject property, will not continue.

C. *That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.*

Section 12. Urban High Density Residential Zone, or RH Zone.

(1) *Purpose. This zone is intended to provide for high-density multiple-family developments in locations close to shopping and services, transportation or public open space, and, in appropriate locations to provide a transitional use area between residential areas and other less restrictive zones.*

Finding: The Plan further states that "medium and high density residential developments shall be located where they have good access to arterial streets and be near commercial services, employment and public open space to provide the maximum convenience to the highest concentrations of population." Housing and Residential Lands Plan Policy No. 29, p. 5-33.

Applicants' proposal to rezone the property to RH is consistent with the purpose of the RH Zone. As proposed, it will provide for high-density multiple-family development along Highway 20 frontage in an area that is close to shopping (the Forum shopping center and Crossroads to the west), services (Forum shopping center, Crossroads and other establishments at the Highway 20/27 intersection and medical services at St. Charles Medical Center nearby) and transportation facilities (Highway 20 and 27th St. and likely public transit routes). In addition, it will provide for a transition and buffer from the busy Highway 20 corridor to the single-family residential lands located to the north.

D. *That the change will result in the orderly and efficient extension of provisions of public services. Also, that the change is consistent with the City of Bend policy for provision of public facilities.*

Finding: The proposal will result in the orderly extension of public services and will be consistent with the City's policies for the provision of public facilities. The property can be served by community sewer and water, which have been or are being extended to the west property line by the adjacent Arrowhead subdivision. The property is located within the Bend City Limits and, therefore will be served by the Bend Police and Fire Departments, both of which are located nearby.

The property is also located within the boundaries of the Bend-LaPine School District. In recent years, the School District has been able to secure additional funding to build new school facilities to keep up with growth in the Bend area.

The applicants revised traffic study (dated September 16, 2004) demonstrates that, at worst-case residential densities- the development will not overburden surrounding transportation facilities.

E. That there is proof of a change of circumstance or a mistake in the original zoning.

Finding: The Hearings Officer finds that the applicants have demonstrated proof of the following changes in circumstances which are sufficient to justify the proposed zone change:

- Extension of sewer and water service to this area,
- Absorption of almost all eastside RH zoned lands for mostly medical and office development,
- Development of improved street systems that support higher density development and emergency service traffic – development of new intersection control devices/signals at Neff and 27th, Purcell and HWY 20, Bear Creek and 27th (under construction), and Forum and 27th (under construction).
- A reduced ability to maintain and protect a suitable environment for family living due to the heavy commercial uses adjacent to the subject property
- The addition of a General Plan policy to the Plan stating “The City should be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic thus reducing vehicle trips and trip lengths.”

In addition, much of the existing RH-zoned land in the vicinity of St. Charles Medical Center has been developed for non-residential uses, as medical related office space. This area is now part of a City approved Medical Overlay zone that will work to further decrease the acreage of available RH zoned lands. The purpose of the City ordinance (NS-1914) was to recognize what had been occurring for years in the RH lands surrounding the hospital. RH zoned lands in that area were developing for medical office and not residential uses.

- (6) **Resolution of Intent to Rezone. If, from the facts presented and findings and the report and recommendations of the Approval Authority as required by this section, the City Council determines that the public health, safety, welfare and convenience will be best served by a proposed change of zone, the City Council may indicate its general approval in principal of the proposed rezoning by the adoption of a "Resolution of Intent to Rezone." This resolution shall include any conditions, stipulations or limitations, which the City Council may feel necessary to require in the public interest as a prerequisite to final action, including those provisions which the City Council may feel necessary to prevent speculative holding of the property**

Rosecrane/Clark
PZ 04-338
Page 27 of 31

after rezoning. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the City Council. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning. Upon completion of compliance action by the applicant, the City Council shall by ordinance effect such rezoning. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to rezone null and void, unless an extension is granted by the City Council upon recommendation of the Planning Commission.

- (a) **Content of Site Plan.** Where a site plan is required pursuant to Section 23, it shall include location of existing and proposed buildings, structures, accesses, off-street parking and loading spaces and landscaping; topography, existing and proposed; mechanical roof facilities if subject property is so oriented as to become part of the view from adjacent properties; architectural perspective, layout and all elevations drawn without exaggeration except where noted including locations, area and design of signs and all landscaping.
- (b) **Resolution of Intent Binding.** The fulfillment of all conditions, stipulations and limitations contained in the resolution of intent, on the part of the applicant, shall make the resolution binding on the City Council. Upon compliance with the resolution by the applicant, the City Council shall by ordinance effect such reclassification.
- (c) **Resolution of Intent Void Upon Failure to Comply.** The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a resolution of intent, including the time limit placed in the resolution, shall render said resolution null and void, unless an extension is granted by the City Council upon recommendation of the Planning Commission.

Finding: The applicants have justified the proposed plan amendment and zone change based upon a strong showing that the City does not have an adequate supply of RH zone land available for high-density residential uses. The applicants have also evaluated traffic impacts from the subject property based on the assumption that development will be limited to the residential uses permitted in the RH zone. As a result, the Hearings Officer recommends that the City Council utilize its "resolution of intent to re-zone" mechanism to insure that the subject property is developed consistent with the assumptions and requirements of this decision. Development of the subject property should be limited to residential uses as specified in the Hearings Officer's proposed conditions of approval.

CONFORMANCE WITH STATEWIDE PLANNING GOALS

Finding: The Statewide Land Use Planning Goals are set forth below in bold followed by findings addressing how the proposal complies with those goals.

1. **Citizen Involvement.** The proposal complies with this goal as the City's land use process provides for public notice of proposed zone changes and plan amendments. The City has provided notice of the proposal through individual mailed notice, publication and require the applicant to post notice on the subject property. There will be at least two public hearings on the proposal. Furthermore, the applicant conducted a public meeting as required by City ordinance, thereby providing an additional avenue for public involvement.
2. **Land Use Planning.** The proposal complies with this goal. The land use planning process and policy framework will be applied in this application and will be based upon factual information supplied by the applicant.
3. **Agricultural Lands.** The proposed plan amendment and zone change does not affect any lands zoned or designated for agriculture.
4. **Forest Lands.** The proposed plan amendment and zone change does not affect any lands zoned or designated for forest use.
5. **Open Spaces, Scenic and Historic Areas, Natural Resources.** The proposed plan amendment and zone change does not affect any Goal 5 resources.
6. **Air, Water and Land Resources Quality.** The proposal complies with Goal 6. There are no surface water resources that could be impacted by the proposal, and wastewater will be disposed of through the City's permitted wastewater disposal system. This proposal will not lead to increased air pollution, because increased density and intensity of development in an area close by commercial and employment centers will tend to decrease automobile trips.
7. **Areas Subject to Natural Disasters and Hazards.** No natural disaster or hazard areas are identified in the area of the subject property.
8. **Recreational Needs.** This goal does not apply to the subject property as the property is not planned for future park or recreation use and is not being proposed for destination resort use. According to the Bend Area Urban Bicycle and Primary Trail System Plan, there are no existing or proposed trail connections across the subject property.
9. **Economic Development.** The proposal complies with this goal. The plan re-designation to a higher density will result in higher density,

Rosecrans/Clark
PZ 04-338
Page 29 of 31

affordable residential development in close proximity to commercial uses and employment.

10. **Housing.** The proposal complies with this goal. The proposal will provide for a variety of housing types and prices in an area well suited to high-density development.
11. **Public Facilities and Services.** The proposal complies with this goal. The subject property is within the UGB and is served with adequate urban facilities and services, including water, sewer, electricity, police and fire.
12. **Transportation.** The proposal complies with this goal as established in addressing compliance with the Transportation Planning Rule.
13. **Energy Conservation.** The proposal complies with Goal 13 in that it will facilitate high-density residential development where adequate infrastructure and access to commercial services and employment already exist.
14. **Urbanization.** The proposal complies with Goal 14 because the subject property is located within an urban growth boundary and will promote urban densities and uses.

Goals 15 through 19 are inapplicable because they relate to river, ocean and estuarine resources which are not located within the area affected by the proposed plan amendment and zone change.

CONCLUSION AND RECOMMENDATION:

Based on the forgoing Findings of Fact and Conclusions of Law, the Hearings Officer concludes the proposed plan amendment and zone change from RS to RH can meet all applicable criteria for approval. The Hearings Officer **recommends approval** subject to a Resolution of Intent to Rezone pursuant to Section 10-10.33 of the Bend Zoning Ordinance and the following **conditions of approval**:

1. Applicants shall be restricted to making a land division application anticipating residential development, and receiving final subdivision plat approval for residential development or final occupancy of multi-family structures with more than four units. The only exception to this shall be for uses that are allowed both in the RS zone and in the RH zone as it exists now and in the future. Any subdivision approval shall be conditioned accordingly.
2. Pursuant to Street Policy 6, applicants shall be required to make a proportionate share contribution of \$1,197.70 toward the construction of the right-hand southbound turn lane on 27th Street and the right-hand, southbound turn lane on Highway 20.

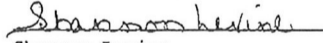
This decision becomes final twelve days after the date mailed, unless appealed by a party of interest.

Dated this 15 day of November, 2004



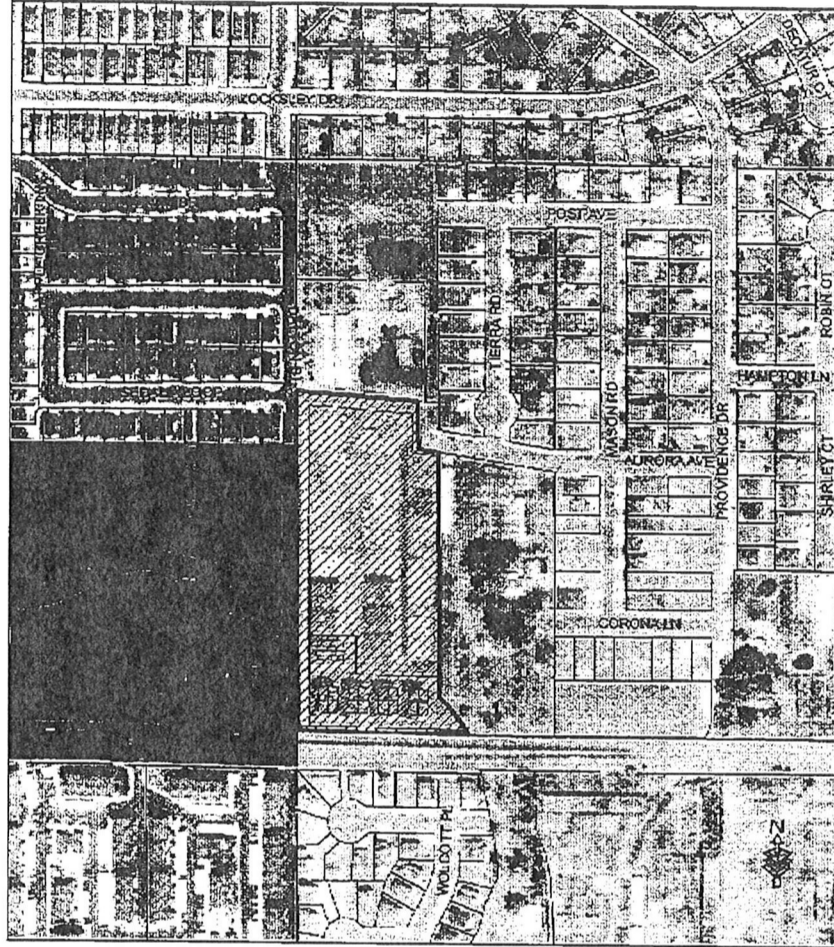
Myles A. Conway
City of Bend Hearings Officer

Mailed this 15th day of November, 2004



Shannon Levine
City of Bend Planning Technician

EXHIBIT B



PZ 04-358 Plan Amendment and Zone Change (RS to RH)

Subject Property (Former boundary of taxlots 171235CA09003 and 171235CA09004 at time of original land use application in 2004)

EXISTING PLAN DESIGNATION & ZONING:

RH RM RS

Map is current as of June 2006.
Map prepared by: J. J. J. J.

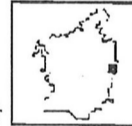


EXHIBIT C

PARCEL 1:

In Township 17 South, Range 12 East Of The Willamette Meridian, Deschutes County, Oregon

Section Thirty-five (35): A parcel of land in the Northeast One-quarter of the Southwest One-quarter (NE1/4 SW1/4), more particularly described as follows: Beginning at a point in the West line of the said Section subdivision South 0° 45' East 527.6 feet from the Northwest corner of said subdivision and running thence South 0° 45' East along said subdivision 776.3 feet to the North right of way of State Highway, thence Easterly along said right of way line 584 feet to a line parallel to and 740.5 feet West to the North and South centerline of said Section 35; thence North along said parallel line, 570 feet to the South line of a 50 foot roadway; thence North 81° 13' West along said roadway 317.1 feet; thence North 0° 36' West along said roadway 108.2 feet to the end of said road; thence North 85° 47' West 280.1 feet to the place of beginning.

EXCEPTING THEREFROM the East 264.2 feet of the above described tract; and also EXCEPTING THEREFROM that portion of the S.W. corner of said Northeast One-quarter of the Southwest One-quarter (NE1/4SW1/4) described as follows: Beginning at the Southwest corner of the NE1/4SW1/4; thence Northerly along the West boundary of said NE1/4SW1/4 to the undesignated sub-lateral which supplies irrigation water to the Northwest One-quarter of the Southwest One-quarter (NW1/4SW1/4) of Section 35; thence Southeasterly along said undesignated sub-lateral to an intersection with Lateral A-6 of the Central Oregon Irrigation District; thence Southeasterly along said Lateral A-6 to an intersection with the South boundary of the NE1/4SW1/4 of said section; thence Westerly along said South boundary of the NE1/4SW1/4 to the point of beginning.

PARCEL 2:

In Township 17 South, Range 12 East Of The Willamette Meridian, Deschutes County, Oregon

Section Thirty-five (35): That portion of the S.W. corner of said Northeast One-quarter of the Southwest One-quarter (NE1/4SW1/4) described as follows: Beginning at the Southwest corner of the NE1/4SW1/4; thence Northerly along the West boundary of said NE1/4SW1/4 to the undesignated sub-lateral which supplies irrigation water to the Northwest One-quarter of the Southwest One-quarter (NW1/4SW1/4) of Section 35; thence Southeasterly along said undesignated sub-lateral to an intersection with Lateral A-6 of the Central Oregon Irrigation District; thence Southeasterly along said Lateral A-6 to an intersection with the South boundary of the NE1/4SW1/4 of said section; thence Westerly along said South boundary of the NE1/4SW1/4 to the point of beginning.



CITY OF BEND
COMMUNITY DEVELOPMENT DEPARTMENT
710 NW WALL STREET
BEND, OR 97701

TO: Plan Amendment Specialist
DLCD
635 Capitol Street NE, Suite 150
Salem, OR 97301-2450