



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

02/22/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Bend Plan Amendment
DLCD File Number 008-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, March 03, 2011

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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Aaron Henson, City of Bend
Gloria Gardiner, DLCD Urban Planning Specialist
Karen Swirsky, DLCD Regional Representative

<paa> YA/ph

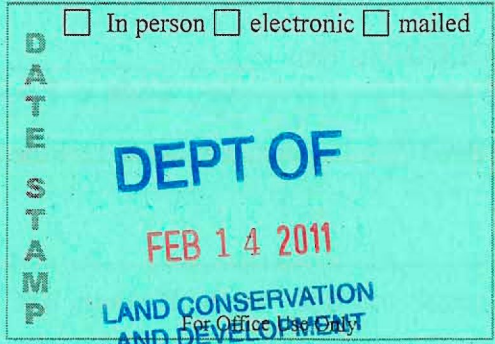


FORM **2**

DLCD

Notice of Adoption

In person electronic mailed



This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Bend**

Local file number: **PZ 10-339**

Date of Adoption: **February 2, 2011**

Date Mailed: **February 10, 2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 11/12/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

A General Plan Map Amendment and Zoning Map Amendment from Residential Urban Standard Density (RS) to Residential Urban Medium Density (RM) for 6.85 acres of land at the northeast corner of 27th Street and Forum Drive.

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: **RS**

to: **RM**

Zone Map Changed from: **RS**

to: **RM**

Location: **27th Street and Forum Drive**

Acres Involved: **6.85**

Specify Density: Previous: **2.0 to 7.3 units/acre**

New: **7.3 to 21.7 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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Bend Fire Department, Bend-La Pine School 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 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

ORDINANCE NO. NS-2156

AN ORDINANCE AMENDING THE BEND URBAN AREA GENERAL PLAN MAP AND ZONING OF 6.85 ACRES OF LAND ON THE EAST SIDE OF 27TH STREET NORTH OF FORUM DRIVE FROM RESIDENTIAL URBAN STANDARD DENSITY (RS) TO RESIDENTIAL URBAN MEDIUM DENSITY (RM).

Findings:

A. On November 5, 2010, the applicant, Avamere Pacific, LLC, filed an application (PZ 10-339) for a Plan Amendment and Zone Change for 6.85 acres of land on the east side of 27th Street north of Forum Drive, to change the zoning and general plan designation from Residential Urban Standard Density (RS) to Residential Urban Medium Density (RM).

B. The Hearings Officer held a duly noticed public hearing for the proposal on December 30, 2010. On December 30, 2010, the Hearings Officer issued a decision recommending that Council approve the requested Plan Amendment and Zone Change.

C. The City Council held a duly noticed public hearing on January 19, 2011. Based on the entire record, including all testimony, evidence and the recommendation of the Hearings Officer, the Council concluded that the application meets all criteria for approval and should be granted.

Based on these findings,

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The Bend City Council finds that the requested Plan Amendment and Zone Change is consistent with the criteria of the Bend Development Code Chapter 4.6. In addition to the findings listed above, the Bend City Council adopts the findings in Exhibit C.

Section 2. The Bend Urban Area General Plan and Zoning Maps are amended by changing the plan designation and zoning of 6.85 acres of land on the east side of 27th Street north of Forum Drive from Residential Urban Standard Density (RS) to Residential Urban Medium Density (RM) as shown in Exhibit A and described in Exhibit B.

Read for the first time the 19th day of January, 2011.


Read for the second time the 2nd day of February, 2011.

Placed upon its passage the 2nd day of February, 2011.

YES: 7 NO: 0

Authenticated by the Mayor the 2nd day of February, 2011.

Approved as to Form:



Legal Counsel



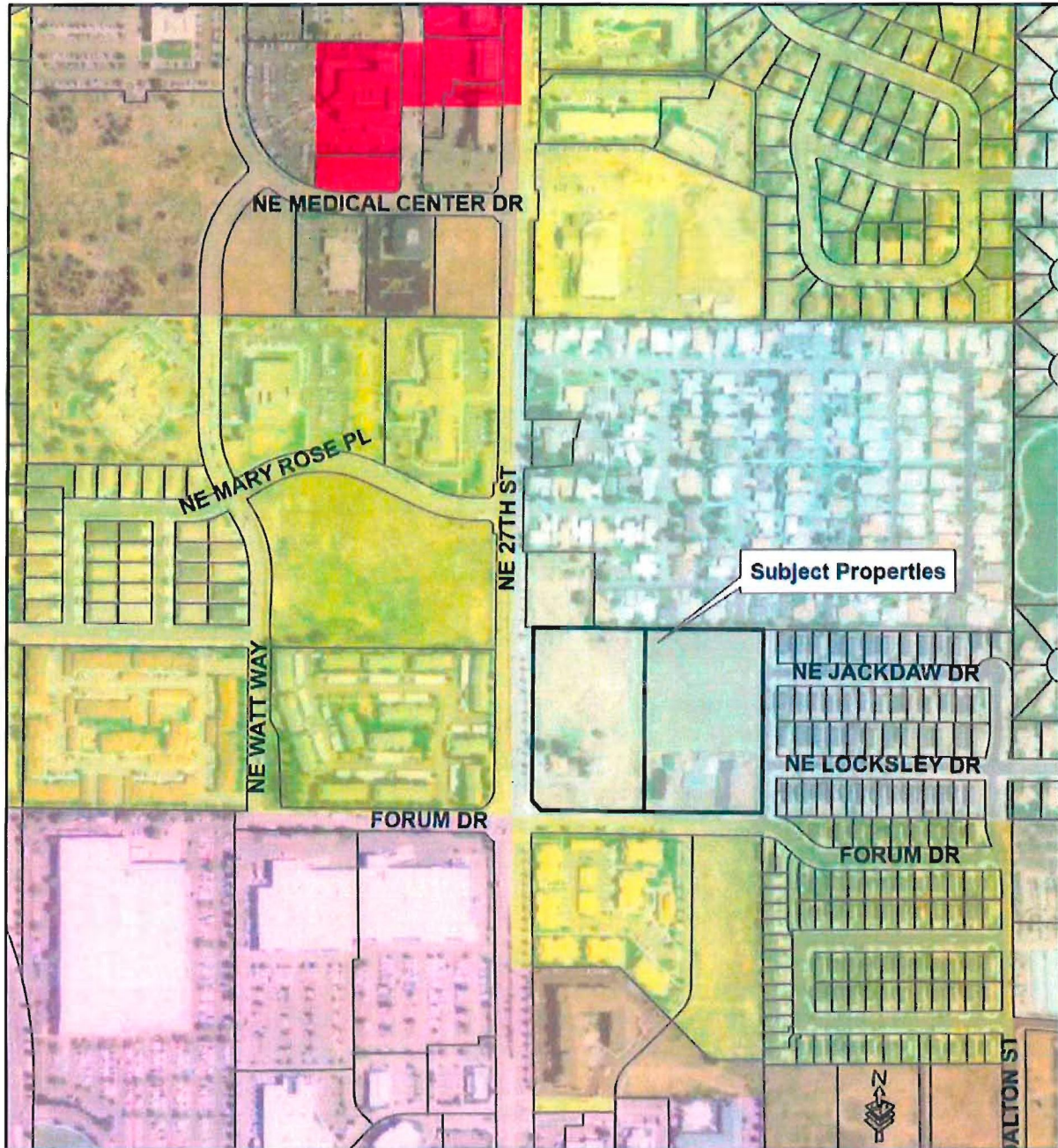
Jeff Eager, Mayor

ATTEST:



Patricia Stell, City of Bend Recorder

EXHIBIT A








PZ 10-339 Plan Amendment and Zone Change from Residential Standard Density (RS) to Residential Medium Density (RM)

 Subject Properties

0 250 500 Feet

Imagery acquired June 2009.
Map prepared December 30, 2010.

Zoning & Plan Designation

	RS		CC		RH
	RM		CL (General Plan Designation in this area is CG)		

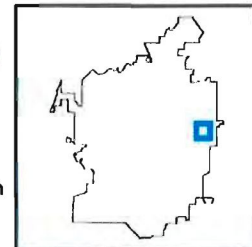


EXHIBIT B

In Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

Parcel 1 of Partition Plat No. 2003-66 and Parcel 2 of Partition Plat No. 2003-66 as adjusted by City File #PZ 04-615.

INCLUDING THEREWITH the adjacent right of way to the centerline of NE 27th Street.

EXHIBIT C

FINDINGS IN SUPPORT OF PZ 10-339

CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE

CHAPTER 4.6, LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.6.300 QUASI-JUDICIAL AMENDMENTS

B. Criteria for Quasi-Judicial Amendments

1. Approval of the request is consistent with the relevant Statewide Planning Goals that are designated by the Planning Director or designee;

FINDING: The Statewide Planning Goals, along with findings of consistency, are listed below.

Goal 1, Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City adopted a citizen involvement program in compliance with this Goal, codified at BDC Chapter 4.1. The first step for citizen involvement is a public meeting required by BDC Section 4.1.215. The applicant conducted a public meeting on October 21, 2010. Notice of the public meeting was provided to owners of record of property located within 500 feet of the subject property and the designated representative of the Mountain View Neighborhood Association. Type III land use applications are noticed pursuant to Section 4.1.400 of the Development Code, which ensures that citizens are informed in three different ways about the public hearing: posted notice, individual mailed notice, and neighborhood association contact. Duly noticed public hearings on this matter were conducted by the Hearings Officer on December 30, 2010 and by the City Council on January 19, 2011. This goal is met.

Goal 2, Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City's Development Code establishes the process, and the City's General Plan establishes the policy framework, for a decision on the subject Plan Amendment and Zone Change application. Staff prepared a recommendation based on established processes and policies and based on its review of the facts. The Hearings Officer and the City Council considered this and other evidence at the public hearings, where testimony was received. This goal is met.

Goal 3, Agricultural Lands; Goal 4, Forest Lands; Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces

Goals 3, 4, and 5 are not applicable to this Plan Amendment and Zone Change application because the subject property is not zoned for agriculture or forest use and does not contain any inventoried open spaces, scenic areas, historic resources, or natural resources.

Goal 6, Air, Water and Land Resources Quality

Goal 6 is not applicable to this Plan Amendment and Zone Change application because the proposed change will have no impacts on air, water, or land resources within the meaning of the Goal. At the time of Site Plan application, the applicant will be required to provide evidence of sufficient water supply to the site. Air quality and water quality are regulated by the Oregon Department of Environmental Quality. The subject property has no unique land resources.

Goal 7, Areas Subject to Natural Hazards; Goal 8, Recreational Needs

Goals 7 and 8 are not applicable to this Plan Amendment and Zone Change application because the subject property is not within an identified natural hazard area, nor within an area identified for recreational use.

Goal 9, Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The proposed Plan Amendment and Zone Change itself will not directly impact economic development. However, it will indirectly facilitate the creation of additional jobs. The anticipated development of the skilled nursing and residential care facility on Tax Lot 201 will provide job opportunities for the care providers. This goal is met.

Goal 10, Housing

Provide for the Housing Needs of the citizens of the State.

The proposed Plan Amendment and Zone Change will rezone 6.85 acres of property from RS to RM. This will facilitate the goal of providing needed housing. The General Plan has identified a need for increased density, and the applicant's proposal will facilitate that goal. In addition, the General Plan has identified a need for accommodating certain types of housing, including special needs housing. The skilled nursing and residential care facility will assist in meeting that identified need. Although the rezone will reduce the amount of RS zoned land, the City has recently adopted ordinances amending its Urban Growth Boundary (UGB) to add a substantial amount of additional land surrounding the existing City limits. This ordinance is not approved by the Department of Land Conservation and Development (State) at this time and is subject to revision, but included the adoption of a "Residential Land Needs Study." Table 12 of the study shows a total of 2,248 acres of vacant and redevelopable RS

zoned land and 159 acres of vacant and redevelopable are RM zoned land within the UGB before expansion. The 6.85 acre subject property comprises less than 1/2 of one percent of that RS zoned land. Converting that small of RS land to RM land will not have a meaningful impact on the availability of RS zoned land within the UGB because the expanded UGB includes a surplus of RS zoned land. Moreover, as described in further detail below, the General Plan has identified a greater need for increased density in residential zoning categories and a need for certain types of housing, including special needs housing which will be accommodated by the site plan for a skilled nursing and residential care facility on Tax Lot 201 (3.33 acres). It is noted that the State has also encouraged increased density within the current City limits.

The following table summarizing the City's analysis of UGB expansion needs for lands outside of the existing UGB shows 1,460 new acres are needed for residential lands. (Residential Land Need Study - Table 16). However, the adopted UGB includes a total of 1,480 acres of new residential land. There are twenty more acres of residential land included in the UGB than needed. Although the UGB expansion process is ongoing, there is sufficient evidence to support a need for increased residential density of the type proposed here.

Table 12. Net vacant and redevelopable residential lands (2006)

Zoning district	Vacant & redevelopable land (net acres)
RL	234
RS	2,248
RM	159
RH	48
Total	2,689

Table 16. Summary of UGB expansion needed for housing and related uses

Factor	
Housing units needed, 2005-2030	21,084
Less housing unit capacity within existing UGB	12,280
Remaining housing capacity needed outside UGB for projected population	8,804
Net acres needed for remaining 8,804 units	1,460
Net acres needed to "backfill" for second homes	377
Net acres needed for new public schools	242
Net acres needed for new neighborhood & community parks	345
Net acres needed for new institutional uses	240
Net acres needed for new neighborhood activity centers (mid point of assumption)	150
Subtotal of land needs outside existing UGB	2,814
Right-of-way needed outside UGB (assume 25 percent)	704
Gross vacant acres needed for UGB expansion for housing and related uses	3,518

Goal 11, Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The proposed Plan Amendment and Zone Change are consistent with the public facilities and services goal that requires the City to plan and develop land in a timely, orderly and efficient fashion, based upon the availability of public services. All needed public facilities and services are available to the subject property. The properties have direct access to a major arterial. Water and sanitary sewer service is available via existing city infrastructure adjacent to the property in 27th Street. There is an existing 12" water main in 27th Street and an 8" water main in Forum Drive. The available fire flow is 3,500 gpm. There is an existing 15" sewer main in 27th Street, and an 8" sewer main in Forum Drive. Emergency services are available through the City of Bend Fire and Police departments. Other available urban services include schools and police. This goal is met.

Goal 12 Transportation

To provide and encourage a safe, convenient and economic transportation system.

Goal 12 is implemented through the Transportation Planning Rule, OAR 660-12. Additionally, Section 4.6.600 of the Bend Development Code requires the applicant to demonstrate compliance with the TPR (OAR 660-012-0060). The proposal's compliance with the TPR is addressed in detail below. Based on those findings incorporated herein, the proposed amendment is consistent with the TPR.

Goal 13 Energy

To conserve energy.

The RM zone may improve energy conservation because it will allow for a mix of higher density residential uses along a bus route and major arterial and near already developed residential neighborhoods. This may reduce the distance in trips for residents and employees, resulting in a reduction in vehicle miles traveled. This goal is met.

Goal 14 Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

The proposal is consistent with Goal 14 because the subject property is within the City's UGB in an area where urban levels of service are currently available.

Goal 15, Willamette River Greenway; Goal 16, Estuarine Resources; Goal 17, Coastal Shorelands; Goal 18, Beaches and Dunes; Goal 19, Ocean Resources

Goals 15 through 19 are not applicable to the subject application because the subject property does not include any of these features or resources.

2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan that are designated by the Planning Director or designee;

FINDING: The Bend Area General Plan is the City's Comprehensive Plan. The subject application is consistent with the applicable plan goals and policies as identified below and in the applicant's burden of proof.

CHAPTER 1: PLAN MANAGEMENT AND CITIZEN INVOLVEMENT

Applicable Policies

Urbanization of the Incorporated UGB

33. ***New developments shall pay to extend planned sewer, water, and transportation facilities to and through the property if the development occurs prior to the scheduled construction of those facilities shown in the city's capital improvement plan.***
34. ***The city will encourage compact development and the integration of land uses within the Urban Growth Boundary to reduce trips, vehicle miles traveled, and facilitate non-automobile travel.***
37. ***Improvements within the incorporated UGB shall conform to City standards and specifications.***

Conformance with the City's requirements for adequate public facilities and services that satisfy the City's standards and specifications is evaluated during the Site Plan review process, and Systems Development Charges (SDCs) will be collected at the time building permits are issued. The applicant intends to submit Site Plan Application in January of 2011. The subject property is surrounded by a variety of commercial and residential uses with good access to streets and transit routes, which will help to reduce vehicle trips and miles traveled, and facilitate non-automobile travel.

Citizen Involvement

46. ***The city will use other mechanisms, such as, but not limited to, meetings with neighborhood groups, planning commission hearings, design workshops, and public forums, to provide an opportunity for all the citizens of the area to participate in the planning process.***

The Plan Amendment and Zone Change process requires a pre-application public meeting, as well as public notice and public hearings to ensure adequate opportunity for citizen participation in the planning process. As noted in the applicant's burden of proof, citizens participated in the applicant's public meeting, and citizens were notified of the opportunity to participate in the public hearings. This goal is met.

CHAPTER 5: HOUSING AND RESIDENTIAL LANDS

FINDING: This Plan Chapter addresses the City’s housing needs in order to satisfy statewide planning Goal 10. The housing and residential lands chapter has identified the number of residential units by type and zone within the UGB. Table 5.5 below illustrates that the existing nursing home residential units total only 466 units for a one percent distribution of the residential units in the City of Bend.

**Table 5-5
Residential Units by Type and Plan Designation within the Bend UGB**

DWELLING UNIT TYPE	RL	RS	RM	RH	SPLIT	TOTAL UNITS	PERCENT DISTRIBUTION
SINGLE FAMILY DWELLING	2,776	19,887	2,731	172	70	25,636	73%
DUPLEX	38	252	1,458	76	6	1,830	5%
TRIPLEX	3	15	309	36	0	363	1%
FOURPLEX	8	32	732	44	0	816	2%
5+ UNITS	0	415	2,652	864	0	3,931	11%
CONDOMINIUM & COMMERCIAL W/ RESIDENCE	8	300	269	25	0	602	2%
MOBILE HOME PARK	148	557	516	0	77	1,298	4%
NURSING HOME	0	0	437	29	0	466	1%
TOTAL	2,981	21,458	9,104	1,246	153	34,942	100%

Note: Data presented does not include split-zoned lots; lots with a use type of public, recreational, or unbuildable; or nursing homes/transitional housing units/motels.

Source: City of Bend Residential Lands database (2008).

The General Plan goes on to identify the projection for needed housing units by 2028. The Table and subsequent needs analysis is set forth below.

Housing Units Projection

The Housing Unit Projection is based upon the coordinated population forecast adopted by Deschutes County in 2004 and by the City of Bend in 2005. The forecast was incorporated in Chapter 4, Population and Demographics, of the General Plan. The City extended this forecast to the year 2028 to create a population base of 115,063 in 2028 for the purpose of developing the housing unit projection. The following table summarizes the method of projecting housing units needed by 2028.

**Table 5-19
Housing Unit Projection to 2028**

Population forecast for 2028	115,063
(-) Less Population on 7/1/08 (2008 forecast)	76,551
(=) New population 2008 to 2028	38,512
(-) Less population in group quarters (2.3%)	886
(=) New population in households	37,626
(/) Divided by household size (2.4)	
(=) Equals new occupied housing units	15,678
(+) Plus vacancy factor (6.4%)	1,003
= New housing units 2008 to 2028	16,681

Housing Needs

In addition to a forecast of total new dwellings needed to house future residents, Oregon law requires that the General Plan provide for a variety of housing types that match up with the expected needs of future residents and families. The planning requirement for needed housing is made up of two parts: the mix or types of housing that best matches the forecast population needs; and the cost or affordability of housing that matches the income levels of residents. In addition, this analysis incorporates the following definitions of certain types of needed housing:

Special Needs. Residents with special needs include, but are not limited to, the elderly, persons experiencing homelessness, persons with developmental disabilities, persons with HIV/AIDS, persons with physical disabilities, persons with mental illness or substance abuse problems, and migrant agricultural workers. Estimating the numbers of housing units for this population is difficult for some groups.

FINDING: There is a need for housing units that accommodate residents with special needs, including elderly persons and persons with disabilities. The proposed residential care facility will provide the housing type as identified in the General Plan. It should be noted that throughout the Bend Development Code and General Plan, there are a variety of terms used to describe this housing type. This is complicated by the fact that the state licensing uses different terminology and, as further discussed below, the ITE Trip Generation Manual uses even different terminology.

BDC Section 2.1.200 provides that a residential care facility is a permitted use in most of the residential zones. A residential care facility is defined as:

"Residential care facility means a residential treatment or training home or facilities licensed by the State of Oregon and may provide residential care alone, or in conjunction with treatment and/or training, for individuals who need not be related. Residential care facilities provide accommodations for (6) six or more individuals. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents."

This is the category listed in the Use Tables. However, also defined in the code is a category of nursing/convalescent homes. The definition is as follows:

"Nursing/convalescent homes (also see Residential Care Home/Facility) means a residence, institution or place of other than a hospital or assisted living facility that operates and maintains facilities providing 24-hour convalescent or chronic care, or both for 2 or more ill or infirm patients not related to the nursing home administrator or owner by blood or marriage. Convalescent and chronic care may include, but need not be limited to the procedures commonly employed in nursing and caring for the sick."

Taken together, the definitions mean that a residential care facility includes a nursing/convalescent home. State licensing categorizes the care facilities in a different

fashion. Under state licensing, the proposed Site Plan will include a facility that has a combination of skilled nursing care and residential care facility (RCF) assisted living/ memory care. In addition to the 60 resident beds, there are uses that are incidental and subordinate to the use, including some rehabilitation services, most of which are provided to the residents. Some limited rehabilitation services may be provided to non-residents, or residents transitioning to and from the care facility. However, those limited rehabilitation services are minor and incidental and subordinate to the operation.

Applicable Goals and Policies

Goal 1: Zone Adequate Land for Housing. Zone adequate land in specific designations to allow for production of future needed housing units.

Policies

- 1. Establish and maintain the supply of land in each zoning district consistent with recommendations of the City's Housing Needs Analysis, as prepared in 2008 and updated every five years.***
- 4. Implement strategies to allow for infill and redevelopment at increased densities, with a focus on opportunity areas identified by the City through implementation strategies associated with this policy.***
- 7. Prior to 2012 the City will carry out and implement General Plan amendments and zoning to guide long-term redevelopment along main transit corridors. These redevelopment plans shall provide for higher density, mixed-use development that emphasizes transit and pedestrian transportation infrastructure.***

FINDING: The proposed zone change to RM will be consistent with the policies listed above. In particular, increasing the supply of RM zoned land is consistent with the housing needs analysis. There is a greater need for higher density residential development as illustrated by Policy Numbers 4 and 7. Moreover, the proposed zone change to RM will provide increased density along a transit corridor on 27th Street. The proposed rezone is also consistent with how the surrounding area has developed. The subject property is zoned RS, but it is mostly surrounded by RM developments, commercial developments, and the Medical Overlay Zone to the north. Rezoning this property to allow for greater residential density will be consistent with the surrounding area. It will also facilitate the construction of a residential care facility which will meet an identified need for housing to serve special needs populations.

Goal 2: Encourage the Development of Needed Housing.

Applicable Policies

Housing density and affordability

36. Minimum densities prescribed on the Plan shall be the threshold density in order to maintain proper relationships between proposed public facilities and services and population distribution.

Transportation connectivity

38. 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 proposal complies with the policies listed above. Rezoning the properties to medium density will increase residential densities. Moreover, the zone change to medium density is appropriate since the property is located along an arterial street and is near commercial services, and is bordered by similar zoning.

Housing Element Targets, Strategies and Benchmarks

In addition to compliance with the policies identified in the plan, the proposal will assist in achieving strategies identified in the Housing Element Targets, Strategies, and Benchmarks August 2008 contained in the Appendix to the Bend Area General Plan.

Goal 1 is Zone Adequate Land for Housing. Strategy G is:

“G. Consider re-designating existing low-density residential areas that are adjacent to commercial or mixed use development for medium or high-density development. Zone areas planned for new development in close proximity to future commercial areas for medium or high-density residential development.”

This strategy will be achieved by the proposed rezone from RS to RM. The property is in close proximity to commercial development and is appropriate to be zoned for higher density. This will meet the identified Goal.

CHAPTER 6: THE ECONOMY AND LANDS FOR ECONOMIC GROWTH

FINDING: No Policies are directly applicable to the rezone from RS to RM. However, the rezone will facilitate a residential care facility, which will provide jobs.

CHAPTER 7: TRANSPORTATION SYSTEMS

Applicable Policies:

2. The City shall continue to use and develop performance standards and guidelines that can reduce vehicle trip lengths and/or promote non-vehicle transportation modes.

- 7. The City shall be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic and demonstrably reduce vehicle trips and trip lengths.**

The subject property is well located to reduce vehicle trip lengths and promote walking, bicycling, and public transit. The surrounding properties include commercial, residential, and employment uses. The subject property is located on a public transit route with a convenient bus stop at Forum Drive and 27th Street.

CHAPTER 8: PUBLIC FACILITIES AND SERVICES

Applicable Policies:

- 1. The city shall provide a wastewater collection system predicated on gravity flow to serve the urban area of Bend.**
- 11. Within the urban planning area, public and private water systems shall be consistent with city standards for construction and service capabilities.**

The record reflects that public utility systems adjacent to the subject property have adequate capacity for additional development. The submitted fire flow analysis states that the estimated water supply is 3,500 gallons per minute. No sewer capacity limitations have been identified.

- 3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property;**

FINDING: Adequate urban infrastructure, including sewer, water, police and fire protection, schools, and transportation facilities are available to support the proposed Plan Amendment and Zone Change. Each of these facilities and services is discussed separately in the findings below.

Police Protection. The subject property is located within the Bend City limits and is served by the Bend Police Department.

Fire Protection. The subject property is located within the Bend City limits and is served by the Bend Fire Department.

Sewer and Water. The subject property is currently served by City water and sewer facilities. Specific water and sewer requirements will be addressed at the time of site plan review. Preliminary fire flow and sewer analyses show that the public facilities will have adequate capacity for future development of this property with RM uses.

Schools. The subject property is located within the boundaries of the Bend-La Pine School District and can be adequately served by the district.

Parks. The subject property is located within the boundaries of the Bend Metro Park and Recreation District and can be served by the district. The property is less than a mile from the Pilot Butte State Park recreation area. Additionally, the local residential areas have neighborhood park facilities.

Transportation Facilities. The subject property is on 27th Street, a major arterial road, and approximately a block from Hwy 20. As discussed in detail in the findings below regarding compliance with the TPR, the submitted traffic analysis shows how the subject property can be developed with uses permitted in the RM Zone consistent with the TPR.

Based on the above, there are adequate public facilities to serve the subject property as contemplated by the proposed zone change from RS to RM.

4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property that is the subject of the application; and the provisions of Section 4.6.600; Transportation Planning Rule Compliance.

FINDING: Evidence of a change in the community includes: 1) the recent findings in the UGB expansion that identify the need for an increase in residential densities and a need to accommodate special needs populations. The General Plan has identified a need to allow for infill and redevelopment and increased densities. Increasing in the density from RS to RM will facilitate the development of higher density residential uses along a transit corridor. Moreover, it will facilitate the construction of a residential care facility which meets the needs of the special needs population, including but not limited to the elderly and persons with physical disabilities.

The property is appropriate to be rezoned for medium density residential development because it is surrounded by residential, commercial, and employment uses, including the Medical District Overlay Zone. The 27th Street corridor is an arterial and has transit service available. This is the type of property identified for rezoning to meet the identified need for increased residential densities. Transportation Planning Rule compliance is addressed below.

4.6.600 Transportation Planning Rule Compliance.

When a development application includes a proposed comprehensive plan amendment or land use district change, or both, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.

OAR 660-012-0060, Plan and Land Use Regulation Amendments

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the

identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

FINDING: The applicant has submitted a Transportation Impact Analysis (TIA) prepared by Group MacKenzie. In order to provide the most accurate traffic information, 12 beds are characterized as Assisted Living (ITE 254) and 48 beds are characterized as Nursing Home (ITE 620).

Proposed Zone Designation

Trip generation for Tax Lot 201 (60-bed skilled nursing facility) is based on the proposed uses in the site plan that will be submitted in 2011 and ITE data using beds as the independent variable. As such, 12 beds are characterized as Assisted Living use (ITE Code 254) and 48 beds are characterized as Nursing Home use (ITE Code 620).

The applicant's trip generation estimate for Tax Lot 204 assumes that 66 dwelling units is the reasonable worst-case scenario in the RM zone. The number of dwelling units was calculated based on the Bend Development Code's minimum lot area requirements for multi-family housing (lot size 3.05 net acres after right of way dedication, minus 2,500 square feet for the first unit and 2,000 square feet per unit thereafter, resulting in 66 total dwelling units). The applicant then applied the ITE trip generation rate for Single-Family Detached Housing (ITE Code 210), which is a higher rate per dwelling unit than the trip generation rate for multi-family housing.

Current Zone Designation

Both tax lots are currently zoned RS. Single-family residential housing is the reasonable worst-case development scenario in the RS zone. The Bend Development Code states

a maximum of 7.3 dwelling units per acre is allowed, resulting in a total of 44 units (after right of way dedication).

Trip generation for the proposed and current zone designation developments is presented in the following table.

Development Description	Land Use (Code)	Units	Size	PM Peak Hour			ADT
				Enter	Exit	Total	
Proposed Zone Designation	Assisted Living (254)	Beds	12	1	1	2	32
	Nursing Home (620)	Beds	48	3	7	10	114
	Single Family (210)	DU	66	46	27	73	700
	Total Primary Trip Generation			52	34	85	846
Current Zone Designation	Single Family (210)	DU	44	34	20	54	516
Net Difference in Primary Trip Generation				16	15	31	330

As presented in the previous table, the proposed land uses are anticipated to generate 31 additional PM peak hour trips than the current zone designation.

Trip Distribution and Traffic Assignment

Trip distribution to and from the proposed land uses is based on 2008 turning movement counts and engineering judgment. Trip distribution is assumed as follows:

- 20% to and from the north on NE 27th Street
- 80% to and from the south on NE 27th Street

Operation Analysis

City of Bend

Section 4.7.200(A)(2)(a) of the Bend Development Code states that operation analysis is required at study area intersections of collector/collector roadways (or higher) if there is at least a 15 trip per lane group increase in intersection approach volumes. Based on anticipated trip generation, distribution, and traffic assignment presented in this letter, specific intersection analysis is not necessary at any of the study area intersections.

Oregon Department of Transportation (ODOT)

The 2005 ODOT Development Review Guidelines, Section 3.3.04, Scope of Work states that the study area should include:

Any public or private approach intersection where the proposed development can be expected to add 300 vehicle trips in a single day or more than 50 additional vehicle trips in any single hour, or an approach to the intersection; and

Any road segment or intersection where the additional traffic created by the proposed development is greater than 10 percent of the current traffic volume for road segments or the current entering volume for the intersection.

Based on anticipated trip generation, distribution, and traffic assignment presented in the applicant's TIA, specific intersection analysis is not necessary at any ODOT intersections.

Summary

Based on anticipated trip generation, distribution, and traffic assignment of the proposed uses, transportation impact analysis requirements identified in the Bend Development Code and the ODOT Development Review Guidelines do not necessitate specific intersection analysis at any of the study area intersections. Accordingly, the Plan Amendment and Zone Change will not significantly impact any transportation facility.

CONCLUSIONS:

The City Council finds that the proposed Plan Amendment and Zone Change (from RS to RM) meets all applicable Development Code criteria, policies of the Bend Urban Area General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.



**CITY OF BEND
COMMUNITY DEVELOPMENT DEPARTMENT**

710 NW WALL STREET
BEND, OR 97701

TO:

Attn: Plan Amendment Spec.
DLCD
635 Capitol St NE, Ste 150
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DEPT OF

FEB 14 2011

LAND CONSERVATION
AND DEVELOPMENT