



Oregon

Theodore R. Kulongoski, 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

04/07/2014

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 002-14

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: Friday, April 25, 2014

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
Gordon Howard, DLCD Urban Planning Specialist

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 002-14 (20173)
[17828]
Received: 4/4/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Bend

Local file no.: **PZ-13-0783**

Date of adoption: 4/4/14

Date sent: 4/4/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): January 9, 2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No.

Local contact (name and title): Aaron Henson, AICP, Senior Planner

Phone: 541-3983-4885

E-mail: ahenson@bendoregon.gov

Street address: 710 NW Wall Street

City: Bend

Zip: 97701-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

CERTIFICATE OF NOTICE BY MAIL

FILE NO: 13-783

APPLICANT/OWNER: Shevlin Investment, LLC

DOCUMENT MAILED: Notice of Final Decision

LOOKUP DISTANCE: ~~250 FEET~~ OTHER

I certify that on the 4th day of April, 2014, the attached notice/report, dated April 4,, 2014, was mailed by first class mail, postage prepaid, to the person(s) and address (es) set forth on the attached list.

DATED this 4th day of April, 2014.

Development Services Planning Technician

By: Aaron Henson, Senior Planner

Shevlin Investment, LLC	
D'Agostino Parker, LLC	
Randy Partipilo	
Karina Bonn	
Via e-mail:	
Colleen Miller	

COMMUNITY DEVELOPMENT
DEPARTMENT
710 WALL STREET
BEND, OR 97701
(541) 388-5580 PHONE
(541) 388-5519 FAX
www.bendoregon.gov



Notice of Final Decision

City of Bend Planning Division

Date of Notice: April 4, 2014
Date of Decision: March 12, 2014 (Mailed March 13, 2014)
Case Number: PZ-13-0783
Applicant: Shevlin Investment, LLC

Nature of the Application:

A site specific zone change application for 9.9 acres located on Shevlin Park Road from Urban Area Reserve (UAR) to Standard Density Residential (RS).

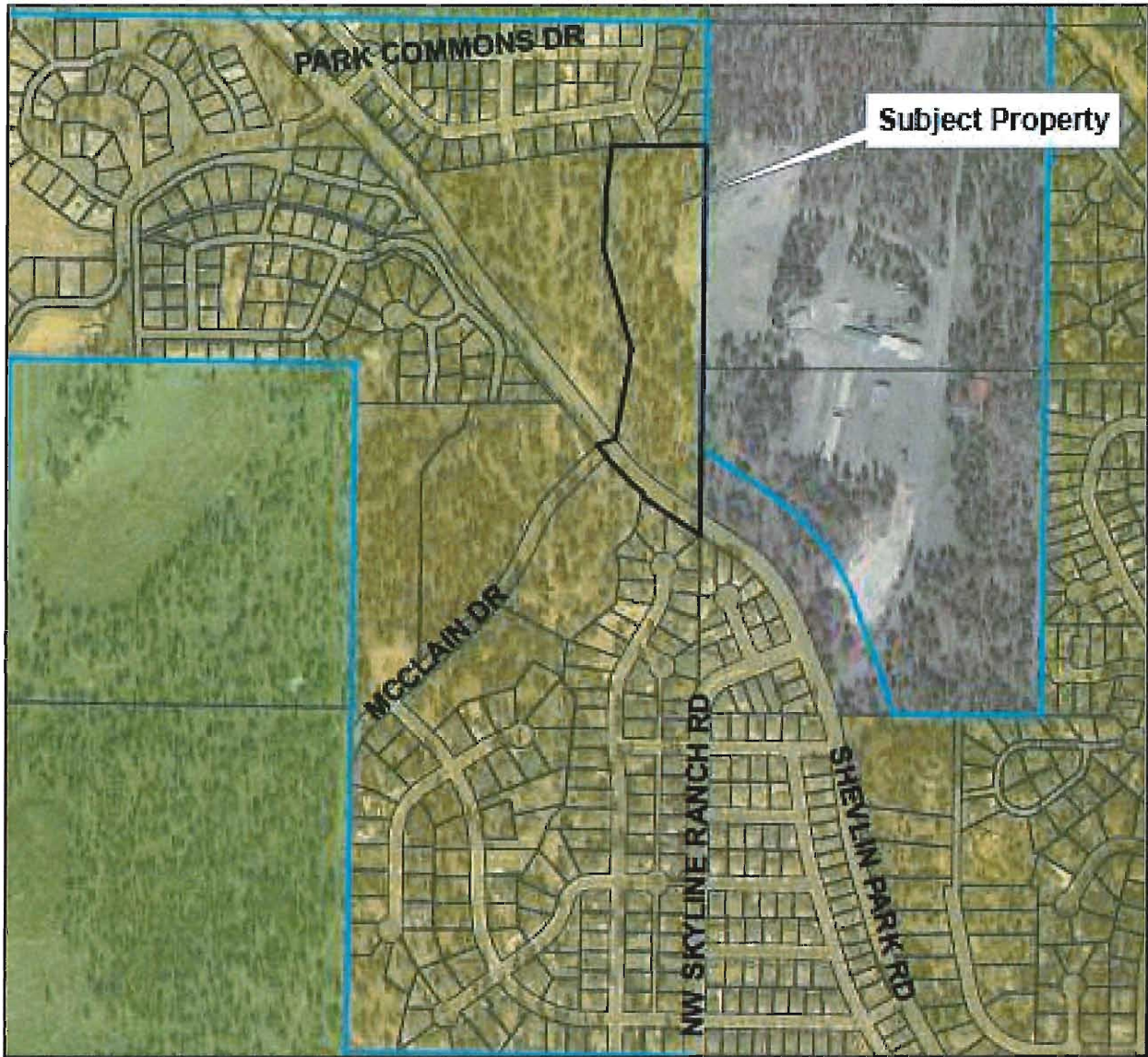
Legal Description:

All that portion of land located in the Northeast one-quarter (NE $\frac{1}{4}$) of Section 26, Township 17 South, Range 11 East, Willamette Meridian, in the City of Bend, Deschutes County, Oregon, described in Warranty Deed recorded in Deschutes County Official Records, 2013-035493, more particularly described as follows:

Beginning at a point on the East line of said Section 26 from which the Northeast corner of said Section 26 bears North 00° 01'18" East a distance of 470.46 feet; thence along the East line of said Section 26 South 00°06'18" West a distance of 1397.54 feet to the Northerly right-of-way line of Shevlin Park Road; thence following said Northerly right-of-way line North 56°50'42" West a distance of 137.13 feet; thence continuing along said Northerly right-of-way, along the arc of a 924.93 foot radius curve to the right a distance of 292.54 feet (the chord of which bears North 47°47'03" West 291.33 feet); thence leaving said Northerly right-of-way, North 09°12'54" East a distance of 346.20 feet; thence North 16°01'03" West a distance of 395.09 feet; thence North 01°39'33" East a distance of 232.09 feet; thence North 06°15'22" East a distance of 167.38 feet thence North 88°56'00" East a distance of 361.80 feet to the Point of Beginning.

INCLUDING THEREWITH the adjacent right of way to the southwest edge of the Shevlin Park Road right of way.

(See attached map.)



Final Decision:

Hearings Officer Sharon Smith approved this site specific zone change application on March 12, 2014. Notice of the Hearings Officer's decision was mailed to all parties to the record on March 13, 2014 and the decision became final on April 3, 2014.

Please Note - Section 4.1.429 of the Bend Development Code states: "The Hearings Officer shall be the Review Authority for site specific zone change requests which bring the zoning into conformance with the Bend Area General Plan designation." This site specific zone change brings the zoning of the subject property into conformance with its Bend Area General Plan designation. No separate ordinance is required, and the action taken is a final action.

Questions:

If you have any questions concerning this matter, please contact Aaron Henson by phone at (541) 383-4885 or by e-mail at <ahenson@bendoregon.gov>.



DATE MAILED: March 13, 2014
APPLICANT: Shevlin Investment, LLC
FILE NUMBER: PZ 13-0783

710 NW WALL STREET
PO Box 431
BEND, OR 97701
[541] 388-5505 TEL
[541] 385-6676 FAX
BENDOREGON.GOV

Provided is a copy of the Hearings Officer Findings & Decision regarding the above referenced file. The hearing was held on February 19, 2014.

If you do not understand something in the Decision of the Hearings Officer, or if you have any other questions, please call our office at 388-5580.

JIM CLINTON
Mayor

CITY OF BEND COMMUNITY DEVELOPMENT DEPT.
PLANNING DIVISION

JODIE BARRAM
Mayor Pro Tem

VICTOR CHUDOWSKY
City Councilor

DOUG KNIGHT
City Councilor

SALLY RUSSELL
City Councilor

MARK CAPELL
City Councilor

SCOTT RAMSAY
City Councilor

ERIC KING
City Manager

Copy:

Planning Commission
Shevlin Investment, LLC
D'Agostino Parker, LLC

Via E-Mail:

Coleen Miller
Larry Medina, Fire Marshal
Robin Lewis, Transportation Engineer

**CITY OF BEND
HEARINGS OFFICER FINDINGS AND DECISION**

PROJECT NUMBER: PZ-14-0783 (Zone Change)

HEARING DATE: February 19, 2014 at 9:30 a.m.
City of Bend Council Chambers
710 NW Wall St., Bend, Oregon

HEARINGS OFFICER: Sharon Smith

**APPLICANT/
OWNER:** Shevlin Investment, LLC
c/o Shawn Holm
Watson Companies
963 SW Simpson, Suite 110
Bend, OR 97702

**APPLICANT'S
AGENT:** D'Agostino Parker, LLC
c/o Adam Erlandson, P.E.
185 SW Shevlin Hixon Drive, Suite 101
Bend, OR 97702

LOCATION: Tax Lot 200 on Deschutes County Assessor's Map 17-11-26

REQUEST: A Type III application for a Zone Change for 9.9 acres located on Shevlin Park Road from Urban Area Reserve (UAR) to Standard Density Residential (RS).

STAFF REVIEWER: Aaron Henson, AICP, Senior Planner
541-383-4885, ahenson@bendoregon.gov

APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

- (1) City of Bend Development Code
 - (a) Chapter 2.1, Residential Districts
 - (b) Chapter 4.1, Land Use Review and Procedures
 - (c) Chapter 4.6, Land Use District Map and Text Amendments
 - (d) Chapter 4.7, Transportation Analysis
- (2) The Bend Area General Plan
- (3) Oregon Administrative Rules
 - (a) Chapter 660-012-0060, Plan and Land Use Regulation Amendments
 - (b) Chapter 660-015-0000, Statewide Planning Goals and Guidelines

FINDINGS OF FACT:

1. **LOCATION:** The subject property is on the northeast side of Shevlin Park Road, across from McClain Drive. Imbler Drive provides access from the north.



2. **EXISTING ZONING & GENERAL PLAN DESIGNATION:** The subject property is zoned Urban Area Reserve (UAR 10) and designated Residential Standard Density (RS) on the Bend Urban Area General Plan map.
3. **SITE DESCRIPTION & SURROUNDING USES:** The subject property contains approximately 9.9 acres. Although the site is currently undeveloped, the applicant has submitted a concurrent application for a 30-lot single-family subdivision called Shevlin Estates (City File #PZ-13-0784). The site is heavily wooded, and it generally slopes downward from east to west and from north to south. The elevation near the center of the site is approximately 3,805 feet, and the elevation in the far southeast corner of the site is approximately 3,760 feet. The northwest edge of the property is separated from the adjacent RS zoned land to the west by a steep rock outcropping. An overhead power line crosses the southern end of the site, roughly parallel to and approximately 300 feet from Shevlin Park Road.

Shevlin Park Road is a minor arterial with a paved width of approximately 44 feet, with bike lanes on both sides. There are curbs and sidewalks on the south side of Shevlin Park Road, which end at McClain Drive. There is no curb or sidewalk on the north side of Shevlin Park Road. The right of way for Shevlin Park Road is 80 feet wide along the frontage of Westside Meadows and Shevlin Ridge, two existing subdivisions located on the south side of the road. Heading northwest, the width of the right of way drops to 70 feet at McClain Drive. Imbler Drive is a local street within a 60 ft. right of way that is stubbed to the north end of the subject property. It is paved and curbed, with a sidewalk on the west side of the street that extends to the boundary of the subject property, and a sidewalk on the east side of the street that ends at Idanha Court. There is an 8" gravity sewer main and an 8" water main in Idanha Court, which are stubbed to the property line. There is also a fire hydrant on the east side of Imbler Drive, just past the subject property's northern boundary. Existing utilities located within Shevlin Park Road include a 16" diameter water main and a 4" pressure sewer line.

The adjacent RS zoned subdivision to the north is Renaissance at Shevlin Park, a.k.a. Shevlin Pines. The vacant RS zoned land to the west received Tentative Plan approval in 2006 for a subdivision called Shevlin Bluffs. The public infrastructure plans for Shevlin Bluffs Phase 1 are currently in review. The land to the east is zoned for Surface Mining (SM), and the site is operated by Shevlin Sand & Gravel.

4. **PROPOSAL:** Type III Zone Change application for 9.9 acres located on Shevlin Park Road from Urban Area Reserve (UAR) to Standard Density Residential (RS). Note: The applicant has also submitted a Type II Tentative Plan application for a 30-lot subdivision on the subject property called Shevlin Estates (File #PZ-13-0784), which is being reviewed administratively.
5. **PUBLIC NOTICE AND COMMENTS:** Prior to submitting this Zone Change application, the applicant held a neighborhood public meeting on October 14, 2013. According to the applicant's meeting notes, those who attended the meeting raised questions and concerns about increased traffic, the construction schedule for the proposed 30-lot subdivision on the subject property, and the construction schedule for the previously approved 30-lot Planned Unit Development (Shevlin Bluffs) on the adjacent land to the west.

On January 7, 2014, the Planning Division sent notice of the public hearing on the proposed Zone Change to surrounding owners of record of property within 250 feet of the subject property as shown on the most recent property tax assessment roll, and to the Summit West Neighborhood Association (SWNA). Prior to the hearing, only one public comment was received in response to the notice, from a resident of Shevlin Pines who expressed concerns with the traffic on Chiloquin Drive and Park Commons Drive that will be generated by a subdivision on the subject property if no other outlet is provided. At the hearing, the applicant submitted a legal description of the area to be rezoned. Also, at the hearing, a property owner in the adjacent subdivision raised issues regarding construction traffic damage to roads as well as construction vehicles parking on the adjacent roads. The hearings officer stated that the impacts of construction traffic were more properly raised in the subdivision

application. The planner stated that the comment period was closed in the subdivision application and that it was too late for the neighbor to submit comments and/or appeal the subdivision decision when it is issued because she was not a party since she had not submitted written comments.

- 6. APPLICATION ACCEPTANCE DATE:** The application for this Zone Change was submitted and accepted as complete on December 18, 2013.

APPLICATION OF THE CRITERIA :

CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE

This Zone Change application is a Type III quasi-judicial land use application. All applicable criteria and policies related to the request are addressed in the findings below and the applicant's burden of proof statement. The application follows the procedures identified in BDC Section 4.1.400. In addition, all of the criteria identified in BDC Section 4.6.300 are addressed below.

CHAPTER 4.6, LAND USE DISTRICT MAP AND TEXT AMENDMENTS

4.6.300 QUASI-JUDICIAL AMENDMENTS

B. Criteria for Quasi-Judicial Amendments

Criterion #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's acknowledged citizen involvement program for quasi-judicial amendments is codified in BDC Chapter 4.1. The first step for citizen involvement is the public meeting required by BDC 4.1.215. As previously noted, the applicant held a public meeting on October 14, 2013. Notice of the public meeting was provided to property owners located within 500 feet of the subject property and the SWNA. Type III land use applications are also noticed by the City pursuant to BDC 4.1.400, which ensures that citizens are informed of the opportunity to participate in a public hearing.

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 Development Code establishes the process, and the General Plan establishes the policy framework, for a decision on the requested Zone Change. BDC 4.1.429 states, “The Hearings Officer shall be the Review Authority for site specific zone change requests which bring the zoning into conformance with the Bend Area General Plan designation.” Staff prepares a written recommendation based on established processes and policies. The Hearings Officer will consider staff’s recommendation and other evidence at a public hearing, where written and oral evidence is received, and will then make a decision on the application.

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 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 Zone Change application because the proposed change will have no impacts on air, water, or land resources. Air 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 Zone Change application because the subject property is not within an identified natural hazard area, nor within an area identified for recreational use.

Goal 10, Housing

Goal 10 is “To provide for the housing needs of citizens of the state.” The proposed Zone Change is consistent with this housing goal, as it enables the subject property to be developed in a form suitable to provide buildable lands for residential uses and needed housing units in conformance with its Residential Standard Density (RS) General Plan designation.

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 Zone Change is 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. Imbler Drive is stubbed to the north end of the property, along with water and sewer lines. The applicant has submitted a water and sewer analysis dated November 25, 2013 which indicates that there is adequate water and sewer capacity for a 30-lot subdivision on the subject property. Emergency services are available through the City of Bend Fire and Police Departments.

The subject property is also located within the boundaries of the Bend-LaPine School District and the Bend Park and Recreation District. The Park District commented that the 30-lot subdivision that will be facilitated by the requested Zone Change will be served by the existing Three Pines Park, and although there is still a need for additional neighborhood park acreage in the area, the subject property is not a suitable candidate for such a park.

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 TPR provides:

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.*

- (9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*
 - (a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
 - (b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*
 - (c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

The proposed RS zoning is consistent with the subject property's existing General Plan designation, and the requested amendment does not change the General Plan map. Specifically, the proposed RS zoning is consistent with the General Plan Map and the

Transportation System Plan Map, which were included as Exhibits B and C of Resolution No. 2247 dated November 18, 1998. The TSP was acknowledged by the Department of Land Conservation and Development (DLCD) on September 5, 2013, and the area subject to this zoning map amendment was not exempted from the TPR at the time of a UGB amendment as permitted in OAR 660-024-0020(1)(d). Therefore, the requested zone change complies with Goal 12 and the TPR.

Goal 13, Energy

To conserve energy.

This Goal requires the City to give priority in land use planning to the efficient utilization of energy. The proposed Zone Change is consistent with this Goal, as it allows the subject property to be developed with higher density residential use.

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 subject property lies within the boundary of the City's UGB in an area where urban levels of service are currently provided. Therefore, this goal is not applicable to the proposed Zone Change.

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 proposed Zone Change application because the subject property does not include any of these features or resources.

Criterion #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

Development within the Urban Growth Boundary

- 4. 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 capital improvement plan. 1-7***

FINDING: City water, sewer, and transportation facilities have been stubbed to the north end of the subject property. These facilities will be extended through the property as part of the proposed subdivision that will be facilitated by the requested Zone Change.

Citizen Involvement

- 16. 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. 1-8***

The Zone Change process requires a public meeting prior to submitting an application, as well as notice from the City and a public hearing before a Hearings Officer in order to ensure adequate opportunity for citizen participation in the planning process. Citizens participated in the applicant's public meeting, and citizens have also been invited to attend a public hearing on the proposed Zoning Map amendment. Therefore, the requested Zone Change complies with this policy.

CHAPTER 5: HOUSING AND RESIDENTIAL LAND

Applicable Policies

Residential Compatibility

- 2. In areas where existing urban level development has an established lot size pattern, new infill subdivision or PUD developments shall have compatible lot transition that respects the number of adjoining lots, lot size and building setbacks of the existing development while developing residential densities within the range for the underlying zone. New developments may have smaller lots or varying housing types internal to the development. 5-25***

FINDING: The subject property is bordered by the existing Renaissance at Shevlin Park subdivision (a.k.a. Shevlin Pines) to the north, and the approved, but not yet developed, Shevlin Park Road Planned Unit Development (a.k.a. Shevlin Bluffs) to the west. Lots in the Shevlin Pines subdivision generally range from 7,000 sq. ft. to 12,000 sq. ft. in size, with three lots adjoining the subject parcel's north boundary. Those three lots vary from 7,400 sq. ft. to 12,200 sq. ft. in size. Based upon the Tentative Plan application for Shevlin Estates that was submitted concurrently with this Zone Change application, the proposed adjoining Lots 1 & 30 in Shevlin Estates will be 9,470 and 12,086 sq. ft. in size respectively, demonstrating size compatibility. Shevlin Bluffs has four residential lots

directly adjoining the subject property's west boundary. Those four proposed lots vary from 9,020 to 9,532 sq. ft. in size. Proposed adjoining lots in Shevlin Estates vary from 7,761 to 19,341 sq. ft. in size, demonstrating compatible lot sizes. The required building setbacks for Shevlin Estates are similar to those applicable to Shevlin Pines, and the same as those for Shevlin Bluffs. The proposed density of Shevlin Estates is 3.0 units per gross acre, within the allowable range of 2.0 to 7.3 units per acre in the RS zone.

Neighborhood Appearance

20. Hillside areas shall be given special consideration is site design by both the developer and local regulations. Building sites, streets, and other improvements shall be designed and permitted in a manner that will minimize excessive cuts and fills and other erosion-producing changes. (Note: see related policies in Chapter 10, Natural Forces.) 5-26

FINDING: A significant portion of subject property has steep topography and ground slopes. Based upon the Tentative Plan application for Shevlin Estates that was submitted concurrently with this Zone Change application, the tentative subdivision design gives special consideration to the above criterion in two specific measures:

1. The design proposes a cul-de-sac at the south end of Imbler Court, to avoid development and massive cuts and fills that would otherwise be required to extend or connect that roadway to Shevlin Bluffs to the west, or to the undeveloped land located outside the Bend UGB to the east.
2. The design proposes a reduced road right-of-way width on Imbler Court that will allow for the new homes and driveways to be located closer to the physical roadway, thereby constructed in the flatter, central portion of the site, as opposed to the steeper western slope areas, thereby minimizing hillside cuts and fills, and reducing drainage and erosion impacts in accordance with this General Plan policy.

Housing Density and Affordability

23. The City shall rezone residential lands to the designated General Plan when sewer service is available to the area. 5-27

FINDING: The City's sewer analysis for this project confirmed that sewer service is available to the subject property. Sewer collection system infrastructure is constructed to the north boundary of the property within Imbler Drive. Extension of that sewer main within the proposed subdivision can serve all of the proposed development. This application requests a Zone Change in accordance with this General Plan policy.

CHAPTER 7: TRANSPORTATION SYSTEMS

Applicable Policies

6.9.2 Transportation System Management

3. The City and State shall implement transportation system management measures to increase safety, reduce traffic congestion to improve the function of arterial and collector streets, and protect the function of all travel modes. 7-7

FINDING: The City's transportation system management measures are embodied within the Transportation System Plan. The proposed Zone Change is consistent with the adopted plan, thus the proposal is consistent with this policy.

The number of additional vehicle trips that will be generated by 30 single-family homes in Shevlin Estates plus another 30 single-family homes on the previously approved lots in Shevlin Bluffs is modest, and is not expected to increase the total traffic volume on Chiloquin Drive and Park Commons Drive beyond the typical traffic volume of other local residential streets within the City of Bend.

CHAPTER 8: PUBLIC FACILITIES AND SERVICES

Applicable Policies

1. The city shall encourage development of serviced land prior to unserviced land or require the extension of sewer lines as part of any development within the UGB. 8-18

FINDING: The subject property is within the UGB and is served by an existing 8 inch diameter gravity sewer line. Therefore, this policy encourages the entitlement and future development of this site prior to the development of unserviced land.

12. Within the urban planning area, public and private water systems shall be consistent with city standards for construction and service capabilities. 8-19

FINDING: The subject property is within the UGB and is served by an existing 8 inch diameter water main. Therefore, this policy encourages the entitlement and future development of this site prior to the development of unserviced land.

Other Applicable General Plan Provisions:

FINDING: The preface of the Bend Area General Plan states: "The zoning for land within the urban planning area must be consistent with the designated land use categories in the General Plan." (P-4) It further states, "The major land use categories – residential, commercial, industrial, and mixed-use – have very specific boundaries that are shown on the General Plan Map. The city and county apply zoning to property based on the General Plan Map categories." (P-6)

Criterion #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;

FINDINGS:

Sanitary Sewer: The City's sewer analysis dated November 25, 2013 concluded that adequate sewer facilities exist to serve a 30-lot subdivision. In the immediate project area, the existing sewer collection system has available capacity to serve the proposed development, and the existing City sewage pump station in Shevlin Pines was sized and constructed with adequate capacity to serve the subject property.

Water: The City's water analysis dated November 25, 2013 concluded that adequate public water facilities exist to serve a 30-lot subdivision. In the immediate project area, an 8 inch water main exists at the north project boundary within Imbler Drive. Extension of this existing water main is adequate to serve the proposed development. When the adjacent lands develop, additional water mains will be connected to the proposed development to further adequacy of the serving water facilities.

Transportation: The applicant submitted a Transportation Impact Analysis (TIA) dated November 7, 2013 prepared by Kittelson and Associates that reviewed and analyzed the transportation network necessary to support the proposed use, and confirmed that the existing and proposed transportation facilities for Shevlin Estates will be adequate to serve the proposed development.

Fire and Police Protection: The subject property is within the City of Bend and is therefore served by the City Police and Fire Departments.

Schools: The subject property is located within the boundaries of the Bend-La Pine School District. The School District ensures adequate public school facilities to serve all areas and uses within its boundaries.

Parks: The subject property is located within the boundaries of the Bend Park and Recreation District. The Park District commented that the proposed subdivision that will be facilitated by the requested Zone Change will be served by the existing Three Pines Park, and although there is still a need for additional neighborhood park acreage in the area, the subject property is not a suitable candidate for such a park.

Criterion #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 BDC 4.6.600, Transportation Planning Rule Compliance.

FINDINGS:

1. Mistake or Inconsistency. The applicant does not argue there was a mistake in the original General Plan designation or Zoning of the subject property. However, the General Plan Map and Zoning Map are inconsistent with one another. Approval of this application corrects that inconsistency.

2. Transportation Planning Rule Compliance. Compliance with the TPR has been

previously covered in the Goal 12 discussion on page 6 of this decision.

3. Other Legal Justification for the Requested Zone Change.

The applicant is requesting the City to bring the zoning of the subject property into conformance with its General Plan designation. The Oregon Supreme Court has ruled that “a comprehensive plan is the controlling land use planning instrument for a city. Upon passage of a comprehensive plan a city assumes a responsibility to effectuate that plan and conform prior conflicting zoning ordinances to it.” Baker v. City of Milwaukee, 271 Or 500, 533 P2d 772 (1975).

CONCLUSIONS:

The Hearings Officer finds that the proposed Zone Change from UAR to RS meets all applicable Development Code criteria, policies of the Bend Urban Area General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.

DECISION:

The Hearings Officer hereby APPROVES the request to rezone the subject property from UAR to RS.



Sharon R. Smith, Hearings Officer

Date: March 12, 2014

Mailed: March 13 2014



CERTIFICATE OF NOTICE BY MAIL

FILE NO: PZ 13-0783

APPLICANT/OWNER: Sheulin Investment, LLC

DOCUMENT MAILED: H.O. Findings + Decision

LOOKUP DISTANCE: 250 FEET OTHER _____

I certify that on the 13th day of March, 2014, the attached notice/report, dated March 13, 2014, was mailed by first class mail, postage prepaid, to the person(s) and address (es) set forth on the attached list.

DATED this 13th day of March, 2014.

Development Services Planning Technician

By: Xara B. Curney

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JIM CLINTON
Mayor

JODIE BARRAM
Mayor Pro Tem

VICTOR CHUDOWSKY
City Councilor

DOUG KNIGHT
City Councilor

SALLY RUSSELL
City Councilor

MARK CAPELL
City Councilor

SCOTT RAMSAY
City Councilor

ERIC KING
City Manager

Planning Commission	
<u>Randy Partipilo</u>	
<u>Karina Bonn</u>	
Via Email:	
Robin Lewis	
Larry Medina	
<u>Colleen miller</u>	

Sara Connolly

To: Larry Medina; Robin Lewis; Colleen Miller
Subject: Land Use Decision; PZ 13-0783;17-11-2600-00200; Zone CHange

The application can be viewed electronically in ePlans. Simply log into the ePlans website at:

<https://eplans.ci.bend.or.us/ProjectDox/>

Username: "publicviewer@bendoregon.gov"

Password: "public"

Then search for [PZ-13-0783](#) to view the applicant's plans and other documents.

Sara Connolly
Permit Technician
Building Safety Division
Community Development Department
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