



Oregon

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

Date: 11/24/2014
Jurisdiction: City of Bend
Local file no.: PZ 14-0596
DLCD file no.: 006-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/24/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 43 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



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

FOR DLCD USE

File No.: 006-14 {22414}

Received: 11/24/2014

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 14-0596**

Date of adoption: 11/19/14

Date sent: 11/24/2014

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): 8/13/14

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): Amy Barry

Phone: 541-693-2114

E-mail: abarry@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 CC	to RS	2.0 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): 17-12-29BD-01500

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from CC	to RS	Acres: 2.0
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 17-12-29BD-01500

List affected state or federal agencies, local governments and special districts: N/A

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. NS-2228

AN ORDINANCE AMENDING THE GENERAL PLAN MAP AND ZONING MAP TO CHANGE 2 ACRES OF THE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF NW AWBREY ROAD AND MT. WASHINGTON DRIVE FROM COMMERCIAL CONVENIENCE (CC) TO RESIDENTIAL STANDARD DENSITY (RS).

Findings

- A. On August 4, 2014, Brooks Resources Corporation initiated an amendment to the Bend Area General Plan Map and Zoning Map to change 2 acres of property from Convenience Commercial (CC) to Residential Standard Density (RS).
- B. On September 25, 2014, the Hearings Officer held a public hearing on the proposed amendment, with public notice provided in accordance with BDC 4.1.400. On October 8, 2014 the Hearings Officer issued a recommendation that the City Council adopt an Ordinance to amend the General Plan Map and Zoning Map to change 2 acres of the subject site from Commercial Convenience (CC) to Residential Standard Density (RS) as shown on the map in Exhibit A, and the legal description in Exhibit B, along with the findings in Exhibit C.
- C. The Bend City Council held a public hearing on November 5, 2014, to consider the Hearings Officer recommendation, with public notice provided in accordance with BDC 4.1.400.
- D. The requested map amendments approved by this Ordinance meet all applicable Bend Development Code criteria, policies of the Bend Area General Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.
- E. Because the zone and plan designation boundary is set to follow a preliminary property line that has not yet been platted, the legal description for the boundary may be slightly altered with the recording of the plat to follow final recorded parcel or lot boundaries, provided they match the map in Exhibit A.

THE CITY OF BEND ORDAINS AS FOLLOWS:


- Section 1. The Bend Area General Plan Map and Zoning Map are amended to change 2 acres of the subject property from Convenience Commercial (CC) to Residential Standard Density (RS) as shown on the map in Exhibit A, and the legal description in Exhibit B.
- Section 2. Upon recordation of a final plat creating separate parcels or lots for the subject site, the Bend Area General Plan Map and Zoning Map boundary separating the RS and CC zone/designation shall be updated as necessary to align with the parcel or lot boundaries as shown in the preliminary tentative plan submitted with this application, and Exhibit A.
- Section 2. The City Council adopts the Findings in support of this ordinance as contained in Exhibit C.

First reading: November 5, 2014.

Second reading and adoption by roll call vote: November 19, 2014.

YES: Mayor Jim Clinton
Councilor Jodie Barram
Councilor Mark Capell
Councilor Scott Ramsay
Councilor Victor Chudowsky
Councilor Doug Knight

NO: none



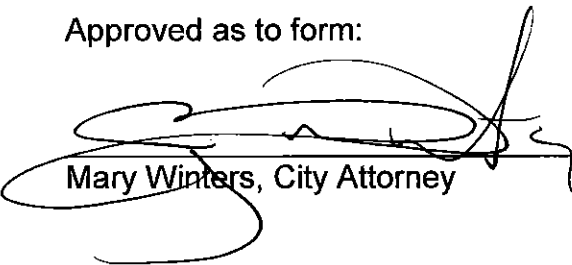
Jim Clinton, Mayor

Attest:



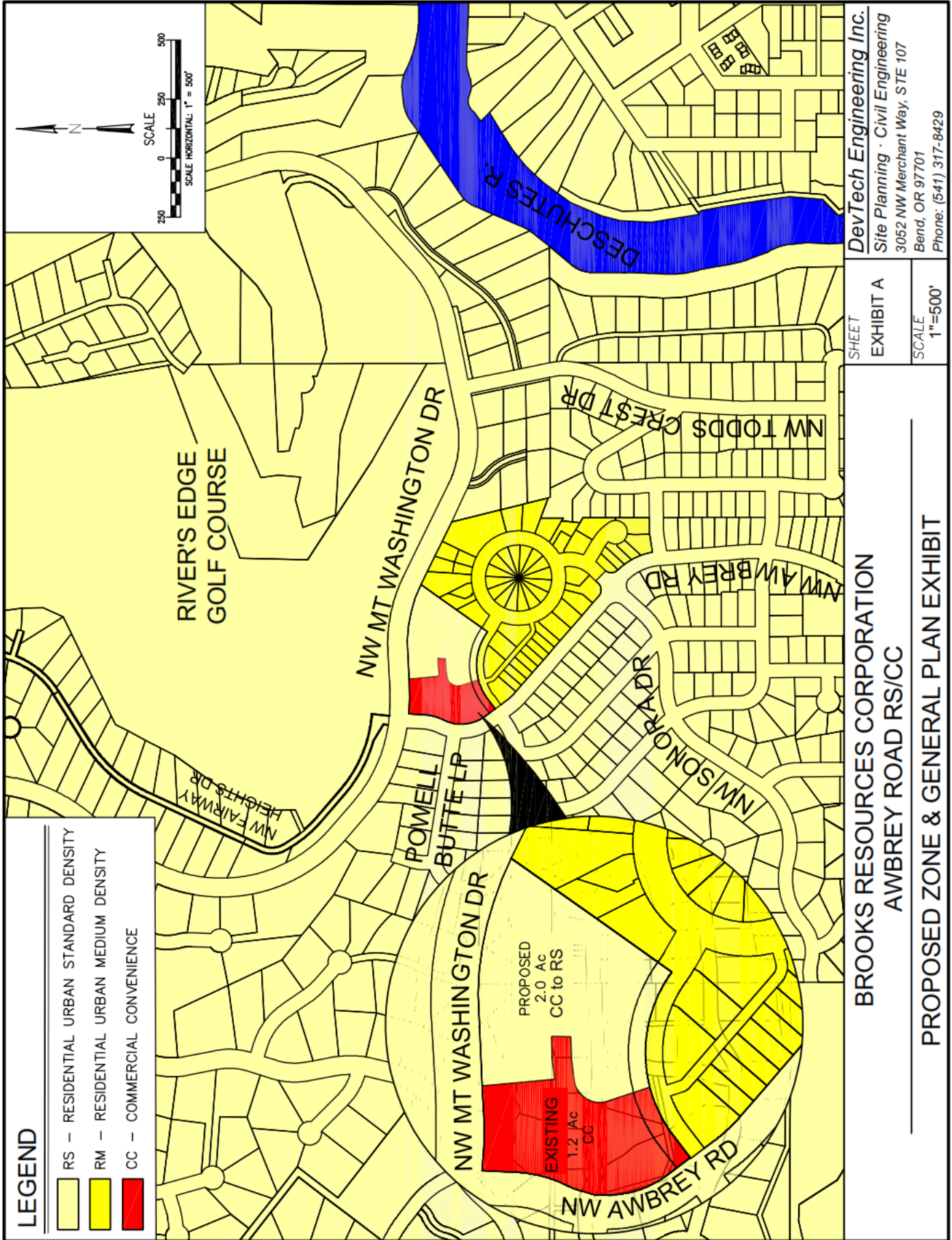
Robyn Christie, City of Bend Recorder

Approved as to form:



Mary Winters, City Attorney

EXHIBIT A



LEGEND

- RS - RESIDENTIAL URBAN STANDARD DENSITY
- RM - RESIDENTIAL URBAN MEDIUM DENSITY
- CC - COMMERCIAL CONVENIENCE

DevTech Engineering Inc.
 Site Planning - Civil Engineering
 3052 NW Merchant Way, STE 107
 Bend, OR 97701
 Phone: (541) 317-8429

SHEET
 EXHIBIT A
 SCALE
 1"=500'

BROOKS RESOURCES CORPORATION
 AWBREY ROAD RS/CC
 PROPOSED ZONE & GENERAL PLAN EXHIBIT

EXHIBIT B

Awbrey Road CC to RS

A parcel of land located in the south half of the northwest quarter of Section 29, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being a portion of Lot 21, Awbrey Road, Phase One, which is more particularly described as follows:

Beginning at the northeast corner of said Lot 21, Awbrey Road, Phase One, being a point on the south right of way of Mt. Washington Drive, thence along said south right of way the following two courses, along the arc of a 572.42 foot radius curve to the left, through a central angle of $29^{\circ}16'53''$, an arc length of 292.54 feet (the chord of which bears North $78^{\circ}37'19''$ West, 289.36 feet) to a point of tangency; thence South $86^{\circ}44'15''$ West, 115.44 feet; thence leaving said south right of way, South $05^{\circ}13'34''$ East, 127.67 feet to a point of non-tangency; thence along the arc of a 418.50 foot radius non-tangent curve to the right, through a central angle of $10^{\circ}17'21''$, an arc length of 75.15 feet (the chord of which bears North $86^{\circ}08'07''$ East, 75.05 feet) to a point of non-tangency; thence South $01^{\circ}16'48''$ West, 34.00 feet to a point of non-tangent curvature; thence along the arc of a 384.50 foot radius non-tangent curve to the left, through a central angle of $11^{\circ}46'55''$, an arc length of 79.07 feet (the chord of which bears South $85^{\circ}23'21''$ West, 78.93 feet) to a point of compound curvature; thence along the arc of a 44.50 foot radius compound curve to the left, through a central angle of $97^{\circ}46'20''$, an arc length of 75.94 feet (the chord of which bears South $30^{\circ}36'43''$ West, 67.05 feet) to a point of tangency; thence South $18^{\circ}16'27''$ East, 47.62 feet to a point of non-tangency and the north right of way of Compass Lane; thence along said north right of way, along the arc of a 270.59 foot radius curve to the right, through a central angle of $50^{\circ}59'23''$, an arc length of 240.81 feet (the chord of which bears South $79^{\circ}29'43''$ East, 232.94 feet) to the east line of said Lot 21; thence leaving said north right of way and along said east line, North $35^{\circ}16'43''$ East, 315.17 feet to the point of beginning.

Containing 2.0 acres more or less.

**EXHIBIT C
FINDINGS IN SUPPORT OF
GENERAL PLAN AND ZONING MAP
AMENDMENTS PZ 14-0596**

I. APPLICABLE STANDARDS, PROCEDURES AND CRITERIA:

Bend Code Chapter 10, City of Bend Development Code

Chapter 2.1, Residential Districts (RS)

Chapter 2.2, Commercial Districts (CC)

Chapter 4.1, Land Use Review and Procedures

Chapter 4.6, Land Use District Map and Text Amendments

The Bend Area General Plan

Oregon Administrative Rules

Chapter 660-012-060, Plan and Land Use Regulation Amendments

Chapter 660-015, Division 15, Statewide Planning Goals and Guidelines

II. PROCEDURAL FINDINGS:

PUBLIC NOTICE AND COMMENTS: The applicant held a neighborhood meeting on July 17, 2014 in accordance with the requirements of BDC 4.1.215.

Notice was provided to DLCD on August 13, 2014. Notices were also sent to City Departments and other affected agencies for comment.

Notice of the public hearing before the Hearings Officer was mailed on August 29, 2014.

A public hearing on the proposed amendment was held before the Hearings Officer on September 25, 2014. Several neighbors testified either as proponents or neutral parties. Their concerns were related to parking and the layout of any future dwellings. The Hearings Officer explained that the proposed plan amendment and zone change were not dependant on a specific development plan. However, the applicant discussed the site plan which will be subject to a separate development review. By the close of the hearing the neighbors understood that they will have an opportunity to comment on the site development proposal through that separate process. Because there was no relevant opposition to the staff findings, the Hearings Officer adopted those findings as set forth below by this reference.

III. CONCLUSIONS OF LAW:

FINDINGS OF CONFORMANCE WITH APPLICABLE CRITERIA AND PROCEDURES

Chapter 4.6 Land Use District Map and Text Amendments.

4.6.300 Quasi-Judicial Amendments.

A. Applicability, Procedure and Authority. Quasi-judicial amendments generally refer to a plan amendment or zone change affecting a single or limited group of properties and that involves the application of existing policy to a specific factual setting. Quasi-judicial amendments shall follow the Type III procedure, as governed by Chapter 4.1, Land Use Review and Procedures using the standards of approval in Section 4.6.300.B, Criteria for Quasi-judicial Amendments below. Based on the

applicant's ability to satisfy the approval criteria, the applicant may be approved, approved with conditions, or denied.

FINDING: The proposal is for an amendment to the Bend Area General Plan Map and Zoning Map for a single property, initiated by the property owner, and is subject to the quasi-judicial amendment procedures and criteria, following the Type III procedures in Chapter 4.1.

B. Criteria for Quasi-Judicial Amendments. The applicant shall submit a written narrative which explains how the approval criteria will be met. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

FINDING: The applicant submitted a complete and thorough narrative addressing how the approval criteria are met. The responses to the criteria are addressed below.

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

FINDING: Oregon Administrative Rule 660-015 is implemented through 19 Statewide Planning Goals. These goals establish and define Oregon's land use policies. The City of Bend adopted a comprehensive plan which implements these Statewide Planning Goals. The City has identified the following Statewide Planning Goals as relevant to the applicant's proposal.

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 in BDC Chapter 4.1. The first step for citizen involvement is the public meeting required by BDC Section 4.1.215, which the applicant conducted on July 17, 2014. Notice of the public meeting was provided to owners of record of property located within 500 feet of the boundary of the proposal as well as the designated representative of the Awbrey Butte Neighborhood Association.

On August 29, 2014 the City of Bend Planning Division mailed notice of the application and the public hearing to surrounding property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property. Notices were sent to the Neighborhood Association representative and to City Departments and other affected agencies for comment.

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."*

Goal 2 emphasizes the importance of involving citizens and affected governments, and providing them with the opportunity to review and comment on proposed plan changes. The proposal includes a plan to amend the General Plan and Zoning Maps by changing 2 acres of land from CC to RS. The proposal will be reviewed in accordance with the planning processes and policy framework that have been established in the adopted Bend Development Code. Because the proposed General Plan Map Amendment and Zoning Map Amendment will follow the established local planning process, and it will neither alter the process for administration of the Development Code, nor the acknowledged procedural requirements (which ensure a factual base for all decisions), the proposal is therefore consistent with Statewide Planning Goal 2.

Goals 3, 4, and 5 are not applicable because the properties do not include any agricultural land, forest land, or inventoried open spaces, scenic areas, historic resources, or natural resources.

Goal 6 Goal 6 is not applicable because the proposed General Plan Map Amendment and Zoning Map Amendment will not have any impacts on air, water or land resources. Also, air and water quality are regulated by the Oregon Department of Environmental Quality, outside of the local land use review process.

Goals 7 and 8 are not applicable because the subject properties are not within an identified natural hazard area, nor within an area identified for recreational use.

Goal 9, Economic Development is *“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”*

OAR 660-009 implements Goal 9. In Bend, the objectives of Goal 9 and OAR 660-009 are primarily achieved through implementation of the General Plan and local land use regulations. The proposed amendment will remove 2 acres from the City’s economic development land inventory and replace it with 2 acres of residential land. Through Goal 9, the State requires that adequate opportunities for economic activity remain subsequent to the change. OAR 660-009 provides specific criteria to ensure such revisions and amendments to economic lands do not dramatically impact the supply of economic lands in a community. OAR 660-009-0010 states,

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and: (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or (c) Adopt a combination of the above, consistent with the requirements of this division.

Because the proposal conforms to the applicable General Plan and Development Code requirements, and it does not exceed the “in excess of 2 acres” threshold, the proposal is consistent with Goal 9.

Goal 10, Housing, *“To provide for the Housing Needs of the citizens of the State”.*

Goal 10 ensures that steps are taken, including inventories and plans, to encourage the availability of needed housing units at price ranges and levels that are commensurate with the financial capabilities of Oregon households. The proposed amendment will add 2 acres of land to the inventory of residential lands in Bend. The proposal adds needed land to the residential lands inventory, and is therefore consistent with this statewide goal.

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 City of Bend has adopted sewer, water, and transportation master plans intended to guide the development of public facility services within the urban growth boundary. In conjunction with the proposed amendments, the applicant has also submitted a separate, Type II land division application for this property. As detailed on the Tentative Plan for the subdivision, the applicant proposes to extend public facilities to and through the property in accordance with adopted Development Code requirements which assure a timely, orderly and efficient arrangement of public facilities be provided in a manner that is consistent with the adopted public facilities master plans.

Goal 12 Transportation, *“To provide and encourage a safe, convenient and economic transportation system.”*

Goal 12 is implemented through the Transportation Planning Rule, OAR 660-12-0060, in addition to local land use regulations. The proposal includes a TPR analysis and detailed findings are included in Section 4.6.600 below. The analysis shows that the proposed amendment will reduce the potential number of trips to the property and will comply with the TPR. In regards to the local land use regulations, the City of Bend has adopted a Transportation System Plan (TSP) and the Development Code which further ensure compliance with Goal 12. The TSP is carried out through the adopted policies in the Bend Area General Plan, and as detailed in the General Plan, Chapter 7 below, the proposal is consistent with all of the applicable the TSP policies. Chapters 4.2 and 4.3 of the Development Code provide requirements that transportation capacity exists or is provided in association with new developments or land division. Thus, the application and review processes in the Development Code further ensures compliance with Goal 12.

With the proposed amendment, the applicant has also submitted a separate Type II land division application. With development of the site through the subsequent land division application, the applicant proposes to construct improvements that are needed to comply with the Development Code requirements, and with the adopted Transportation System Master Plan.

Goal 13 Energy, *“To conserve energy.”*

The proposed amendment is not anticipated to have any impact on energy use or conservation.

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 is located within the existing Urban Growth Boundary.

Goals 15 through 19 are not applicable because they only pertain to areas in western Oregon.

4.6.300.B. Criteria for Quasi-Judicial Amendments. (Continued)

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 General Plan establishes a set of policies at the end of each chapter. The policies relevant to the proposal are addressed below. The applicant proposes a zone change and Plan map amendment from CC to RS for a 2 acre area of land located at the southeast corner of Mt. Washington Drive and NW Awbrey Butte Road. The applicant submitted a written narrative addressing the applicable plan policies and demonstrating a public need and benefit for the change. As described below, the proposed General Plan Map Amendment and Zoning Map Amendment conforms to all applicable General Plan policies.

CHAPTER 1 – PLAN MANAGEMENT AND CITIZEN INVOLVEMENT

Citizen Involvement

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.*

FINDING: The subject property was platted as Lot 21 of the Awbrey Road, Phase One subdivision. At time of subdivision approval, sewer, water, and transportation facilities were extended to and through the property. As detailed in the tentative plan associated with the applicant's separated land division application, the applicant plans to extend sewer, water and transportation facilities to and through the property to meet Development Code requirements and City Standards and Specification. Application of the Development Code provisions through the land division review process will ensure consistency with this policy.

5. *The city and county 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.*

FINDING: The General Plan and Development Code establish land uses and associated characteristics for each land use. One of the purposes of the Convenience Commercial (CC) zone is to provide small scale commercial uses to serve nearby residential areas, thereby reducing trips. The General Plan establishes that CC zones should be separated by 1 to 1.5 miles for proper integration. The area surrounding the subject property is currently served by a partially developed 4.3 acre CC zone in Awbrey Village Phase 2, situated a half mile to the north. Additionally, 1.2 acres of the subject site will remain as CC zoned property. Therefore, the zoning of the area will continue to provide sufficiently compact development and integrated land uses, consistent with this policy.

6. *The city and county will encourage infill and redevelopment of the core area of the city.*

FINDING: While the surrounding residentially zoned properties have been in demand and have been developed, the subject property has remained undeveloped for many years, indicating that the location is not desirable for commercial development. Rezoning the property to RS will allow residential development which is in demand in this area, which will encourage infill and be consistent with this policy.

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.*

FINDING: In conformance with Chapter 4.1.215 of the Bend Development Code which implements this plan policy, the applicant met with the neighborhood association and interested parties on July 17, 2014. Public notice was provided by the City, including posted and mailed notice of public hearings before the Hearings Officer and City Council. The mechanisms that have been established and prescribed within the Development Code provide an opportunity for all citizens of the area to participate in the planning process.

CHAPTER 5: HOUSING AND RESIDENTIAL LANDS

Residential Compatibility

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

FINDING: The applicant states that the amendments are proposed in response to a greater demand for residential property than commercial property in this area. Although the General Plan and the Development Code allow for CC zones adjacent to residential areas, the General Plan recommends that CC zones be spaced one to one and one half miles apart from one another. A partially developed CC property exists .5 miles to the north, in the Awbrey Village Phase 2 subdivision, and that area adequately serves the residential area surrounding this property. Converting two of the 3.2 acres of the subject site CC zone to RS will provide better compatibility with the existing residential neighborhood, and existing conditions (the CC property to the north) ensure a proper mix of uses, thus the proposal conforms to this policy.

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.

FINDING: The Development Code contains standards which ensure new lots are compatible with existing urban development. The property is situated within an area between RS, RM, and CC properties. The RS properties in the area range between approximately 11,000 and 24,000 square feet and the RM properties range between approximately 3,000 square feet and 31,000 square feet, allowing for a variety of multifamily housing types. The Convenience Commercial uses around the City are generally less than 5 acres, including the CC zone to the north which includes 2 lots totaling approximately 4.3 acres. The applicant's proposed tentative plan includes residential lots that range between roughly 6,000 square feet and 12,000 square feet, and CC zoned lots that are 22,390 square feet. The planned lots sizes are situated between the RS, RM and CC zones and will continue an existing pattern of development. With the subdivision review process, the proposed lots will be assessed for compliance with Development Code requirements, which in turn will ensure consistency with this policy.

3. The development of infill areas may, as an alternative to the standard subdivision review process, proceed through a public involvement process that would allow the maximum flexibility to design and provide for neighborhood participation.

FINDING: The development proposed to follow this amendment is anticipated to follow the standard subdivision review process, which provides adequate flexibility of design and neighborhood participation.

- 5. Of necessity, nonresidential uses will have to abut residential areas in different parts of the community. In these instances, any nonresidential use shall be subject to special development standards in terms of setbacks, landscaping, sign regulations and building design.**

FINDING: The site is currently zoned and designated CC and abuts existing residential development. The proposed amendment will reduce the CC zoned area, but will still abut planned residential lots. Future development of the CC zoned land will be required to be reviewed for conformance with the Development Code through the Site Plan and Design Review processes, which will ensure that adequate setbacks and landscaping will be provided and that signage and building design will meet the standards of the Code. The Development Code implements the General Plan policies, thereby minimizing impacts to surrounding residential uses and ensuring conformance with the General Plan.

Neighborhood appearance

- 14. All new developments shall include trees, as practical, in the planter strip between the curb and sidewalk. Such trees shall be consistent with the city's Urban Forestry Plan.**
- 16. Walls and fences in the setback area between the front of the house and the adjacent street shall not exceed 3½ feet in height.**
- 17. All residential development should respect the natural ground cover of the area insofar as possible, and existing and mature trees within the community should be preserved.**

FINDING: These policies are implemented by BDC Chapter 3.2 *Landscaping, Street Trees, Fences and Walls*. Compliance with this policy will be reviewed during the land division and site plan review processes prior to development, and therefore will be met.

- 17. The city encourages flexibility in design to promote safety, livability and preservation of natural features. Lot sizes as small as 4,000 square feet may be applied for in the RS zone to meet these objectives.**

FINDING: This policy is implemented by BDC Chapter 2.1 *Residential Districts* which includes standards for lot sizes in conformance with this policy. Lot sizes will be reviewed during the land division processes prior to development, and therefore will be met.

Housing density and affordability

- 21. Densities recommended on the Plan shall be recognized in order to maintain proper relationships between proposed public facilities and services and population distribution.**

FINDING: The proposal will result in the conversion of 2 acres of CC zoned property to RS. The RS zoning district has a density range of 2 – 7.3 units per acres and in association with this proposal, the applicant has submitted Tentative Plan for 10 lots for the proposed RS zoned acres, resulting in a site specific density of 5 units per acre. The planned subdivision will be reviewed for conformance with Development Code standards which will ensure consistency with this policy. Sewer, water and transportation system analysis show that there is adequate capacity in these systems to serve future development of the site commensurate with uses and densities allowed in the CC and RS zones.

Transportation connectivity

- 36. Sidewalks shall be required in all new residential developments. Separated sidewalks shall be required, as practical, on streets that provide or will provide access to schools, parks, or commercial areas. However, an alternative system of walkways and trails that provide adequate pedestrian circulation may be approved.**
- 37. Efforts shall continue to complete or connect existing walks along routes to schools, parks, or commercial areas.**
- 38. Bikeways shall be considered as both circulation and recreation element in the Plan and adequate facilities should be obtained for this purpose in all new development.**

FINDING: The street system surrounding the site is already in place, with streets, curbs, sidewalks and bike lanes constructed to City Standards and Specifications. Sidewalks adjacent to the site along NW Compass Lane are proposed to be constructed with the subsequent land division, prior to development on the site.

Public utilities and services

- 44. 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.**

FINDING: The property is served with water, sewer and transportation facilities, which were constructed to and through the property in association with the Awbrey Road, Phase One subdivision. The applicant has submitted a subdivision application which includes extension of water, sewer, and transportation facilities to the property in a safe, healthful and convenient way, consistent with all Development Code requirements. Application of the Development Code requirements to the subdivision application will ensure consistency with this policy.

CHAPTER 6: THE ECONOMY AND LANDS FOR ECONOMIC GROWTH

- 22. The city shall strive to retain and enhance desirable existing commercial areas and encourage property owners efforts to rehabilitate or redevelop older commercial areas.**

FINDING: Although commercially zoned, the property is undeveloped and has not had development interest since its platting in 1995. Therefore, it is acceptable to conclude that the property is undesirable as commercial land. Furthermore, the property is located .5 miles from another CC zoned property, whereas the General Plan suggests that CC zones be 1 to 1.5 miles from other commercial areas. Because the property is not a desirable commercial area and fails to meet the CC zone spacing recommendations, efforts do not need to be made to retain this property in a commercial use, and the proposal is consistent with this policy.

- 24. All commercial developments shall be subject to special development standards relating to setbacks, landscaping, physical buffers, screening, access, signs, building heights, parking areas, and design review.**

FINDING: This proposal is for a General Plan and Zoning Map Amendment and does not include development at this time. This policy is carried out through the procedures and standards that have been adopted into the Bend Development Code. Any future commercial development will be required to conform to the standards and criteria of the Development

Code through the Site Plan and Design Review process, which will ensure consistency with this policy.

26. Convenience Commercial centers should be up to five acres in area and be from one to one and one-half miles from another commercial use.

FINDING: The proposal will reduce the size of this CC zone to 1.2 acres in size. In regards to distance from other commercial uses, another partially developed CC zoned property exists a half mile to the north along Mt. Washington Drive. The existing conditions are therefore inconsistent with this policy. By reducing the amount of CC zoned property, the applicant is reducing the amount of land that fails to be consistent with this policy, thereby bringing the property closer to consistency with this policy. The proposal is consistent with this policy to the extent practical.

27. Commercial developments that abut residential zones or residential uses shall be subject to special setback and screening provisions.

FINDING: This proposal is for an amendment to the General Plan and Zoning Maps and does not include any commercial development at this time. This policy is carried out through the procedures and standards that adopted into the Bend Development Code. Future commercial development will be required to go through the Site Plan and Design Review application processes which will ensure conformance with the standards and criteria in the Development Code and this policy.

CHAPTER 7: TRANSPORTATION SYSTEMS

6.9.1 Transportation and Land Use

3. The City shall consider potential land needs for long-range transportation system corridor improvements and related facilities including transit during the review of subdivisions, partitions, and individual site applications.

FINDING: No additional land needs for long-range transportation system corridor improvements and related facilities are identified as needed in relation to the proposed amendments. Any needs will be addressed with subsequent subdivision and site plan applications.

6.9.2 TRANSPORTATION SYSTEM MANAGEMENT

1. The City shall adopt land use regulations to limit the location and number of driveways and access points, and other access management strategies on all major collector and arterial streets.

FINDING: This policy is carried out through the standards that have been adopted into the Bend Development Code and are implemented at time of land division or site development. The site is adequately serviced by a transportation network, which will allow access to be provided in a manner that is consistent with the adopted Development Code.

6.9.4 PEDESTRIAN AND BICYCLE SYSTEMS

2. Bike lanes shall be included on all new and reconstructed arterials and major collectors, except where bikeways are authorized by the TSP. Bike lanes shall also be provided when practical on local streets within commercial and industrial areas. Bike lanes shall be added to existing arterial and major collector streets on

a prioritized schedule. Specific effort shall be made to fill the gaps in the on-street bikeway system. An appropriate means of pedestrian and bicyclist signal actuation should be provided at all new or upgraded traffic signal installations.

- 3. Property-tight sidewalks shall be included on both sides of all new streets except where extreme slopes, severe topographical constraints, or special circumstances exist. Landscape strips shall separate curbs and sidewalks on new and reconstructed roads. Sidewalks shall be added to all existing arterial and collector streets to fill the gaps in the pedestrian system.***

FINDING: Mt. Washington Drive adjacent to the site is an arterial street, and Awbrey Road is a collector. Both streets were constructed to City Standards and Specifications with bike lanes on both sides of the street and sidewalks adjacent to the site. Bike lanes are not included in the Standards and Specifications for local streets, and sidewalks will be required to be constructed along Compass Lane with development of the site.

- 13. Bicycle parking facilities shall be provided at all new multifamily residential, commercial, industrial, recreational, and institutional facilities, major transit stops, all transit stations and park and ride lots. The City shall support a "Bikes on Transit" program and work to increase the number of bicyclists using transit when the transit system is established.***

FINDING: BDC Chapter 3.3 requires bicycle parking with all multifamily and commercial development. Bicycle parking in conformance with the BDC standards will be required with subsequent Site Plan and Design Review applications.

6.9.6 Street System

- 5. The City shall manage the development process to obtain adequate street right-of-way and improvements commensurate with the level and impact of development. New development shall be supported by traffic impact analysis(es) to assess these impacts and to help determine transportation system needs.***
- 6. Access control shall be part of the design standards for major collectors, arterials, principal arterials and expressways to ensure that adequate public safety and future traffic carrying capacity are maintained while at the same time preserving appropriate access to existing development and providing for appropriate access for future development.***

FINDING: Existing street rights-of-way and improvements adjacent to the site are adequate to serve anticipated development. No accesses are proposed at this time. Traffic impacts and access controls will be evaluated with future development applications to ensure conformance with the Development Code which has standard in place to implement these policies.

CHAPTER 8: PUBLIC FACILITIES AND SERVICES

Sanitary Sewer Facilities and Systems

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.

- 3. All development within the Urban Growth Boundary shall be sewerred or provide for sewers through a binding sewer service agreement with the city.***

Water Facilities and Systems

12. Within the urban planning area, public and private water systems shall be consistent with City Standards and Specifications for construction and service capabilities.

FINDING: The property is surrounded by a network of City of Bend sewer and water facilities which were constructed to City standards. The applicant has submitted a tentative plan to subdivide the property which includes extension of sewer and water facilities to serve the proposed lots in conformance with Development Code requirements and City Standards and Specifications which will ensure consistency with this policy.

Storm Drainage Facilities and Systems

FINDING: The policies in this section of the General Plan are implemented by Bend Code Title XVI Grading Excavation and Stormwater Management. All subsequent development of the site will be required to comply with Title XVI and will therefore be in conformance with the Storm Drainage Facilities and Systems policies of the General Plan.

CHAPTER 9: COMMUNITY APPEARANCE

FINDING: Chapter 9 addresses the appearance of the community and promotes better designs for all types of development. Chapter 9 is implemented through Development Code design standards and the adopted land use regulations that impact development. All subsequent development of the site will be required to comply with the applicable design standards in the Development Code and will therefore be in conformance with the Community Appearance policies of the General Plan.

CHAPTER 10: NATURAL FORCES

FINDING: Chapter 10 addresses air quality, noise issues, energy conservation, natural hazards and steep slopes. Amending the General Plan Map and the Zoning Map as proposed will not impact any of these elements. Consistency with this section will be ensured through subsequent development applications which will be reviewed for conformance with the Development Code and City Standards and Specifications which implement the relevant policies of General Plan.

4.6.300(B) Criteria for Quasi-Judicial Amendments (*continued*)

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;

FINDING: The property is within Bend City limits. The City's police and fire departments are required to provide services within the City limits of Bend. The services they provide are adequate and will not need to be increased as a result of the proposed General Plan and Zoning map Amendment from CC to RS. Also, the Development Code establishes that with development of the site, fire hydrants will need to exist or be installed to provide adequate fire flows and ensure consistency with the Uniform Fire Code.

The property is currently served by a network of street, water, and sewer facilities that were constructed in conformance with City Standards and which conform to the adopted Public Facilities Plans. Sewer, water, transportation system analyses will be required to be submitted with subsequent development applications to ensure public facilities have adequate capacity to serve proposed development. Land Division and Site Plan Review criteria require that all public facilities have adequate capacity to serve the proposed use.

The combination of the built facilities, the public facilities plans, Development Code requirements, and the associated subdivision and site plan application review will ensure conformance with this approval criterion.

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 Section 4.6.600; Transportation Planning Rule Compliance.

FINDING: The General Plan and Zoning Map Amendment are being proposed to address a change in the community and an inconsistency with the General Plan. In 1995, in association with PZ 95-142 / PZ95-153 the City approved the creation of Lot 21 of Awbrey Road, Phase One. At that time, the 3.2 acre lot was rezoned from RS to CC. The applicant notes that the rationale for the CC zone was provide an area of commercial development to serve the surrounding residential properties and reduce trips. Subsequent to the creation of this lot and zone change, the City approved the Awbrey Village Phase 2 subdivision in 1999, which includes approximately 4.3 acres of Convenience Commercial (CC) land. The Awbrey Village CC properties have since been partially developed, whereas the subject property has not. The current General Plan suggests that CC properties should be located 1 mile to 1.5 miles from other commercial areas.

The proposal will reduce the size of this CC area to a scale that is more consistent with a neighborhood commercial use, without exceeding the threshold for an EOA review, assessment and update (which would be required for a change in excess of 2 acres). Reducing the amount of CC property will bring the area closer to conformance with the General Plan CC spacing requirements, thus this proposal addresses the inconsistency to the extent practical.

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.

Plan and Land Use Regulation Amendments

- (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. 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) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.**

FINDING: A Transportation Planning Rule (TPR) analysis and a Traffic Impact Analysis (TIA) was conducted by Kittelson and Associates. The findings in the analysis indicate that the rezone from CC to RS will reduce the number of potential trips on the site from 902 to 472 Weekday Daily Trips (from 80 to 42 p.m. peak hour trips), a result that will not significantly affect an existing or planned facility, thus in conformance with the TPR.