

ORDINANCE NO. NS-2350

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION FROM URBAN MEDIUM DENSITY TO URBAN HIGH DENSITY FOR THE PROPERTIES LOCATED AT 2031 NE HOLLIDAY AVENUE, 1920, 1952, AND 2035 NE PURCELL BOULEVARD 1901, 1902, 1910, 1911, 1917, AND 1921 NE CURT CIRCLE

Findings

- A. On February 26, 2019, Pahlisch Commercial initiated an amendment to the Bend Comprehensive Plan Map to change the Comprehensive Plan Map designation for the properties located at 2031 NE Holliday Avenue, 1920, 1952, and 2035 NE Purcell Boulevard and 1901, 1902, 1910, 1911, 1917, and 1921 NE Curt Circle from Urban Medium Density to Urban High Density.
- B. On August 8, 2019, the Hearings Officer held a public hearing on the proposed amendment, with public notice provided in accordance with BDC 4.1.400. On August 8, 2019, the Hearings Officer issued a recommendation that the City Council adopt an Ordinance to amend the Comprehensive Plan Map for the subject properties from Urban Medium Density to Urban High Density as described in Exhibit A and shown on the map in Exhibit B, along with the findings in Exhibit C.
- C. The Bend City Council held a public hearing on August 21, 2019, to consider the Hearings Officer's recommendation, with public notice provided in accordance with BDC 4.1.400.
- D. The requested Comprehensive Plan Map amendment approved by this Ordinance meets all applicable Bend Development Code criteria, policies of the Bend Comprehensive Plan, Oregon Statewide Planning Goals, and the Transportation Planning Rule.

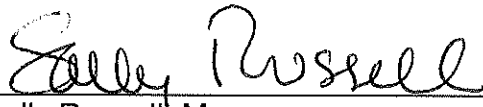
THE CITY OF BEND ORDAINS AS FOLLOWS:

- Section 1. The Bend Comprehensive Plan Map is amended for the subject properties from Urban Medium Density to Urban High Density as described in Exhibit A and shown on the map in Exhibit B.
- Section 2. The City Council adopts the Findings in support of this ordinance as contained in Exhibit C.

First reading: August 21, 2019.

Second reading and adoption by roll call vote: September 4, 2019.

YES: Sally Russell, Mayor NO: none
 Bruce Abernethy
 Barb Campbell
 Bill Moseley
 Justin Livingston
 Gena Goodman-Campbell
 Chris Piper



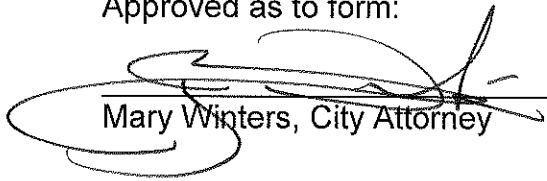
Sally Russell, Mayor

Attest:



Robyn Christie, City Recorder

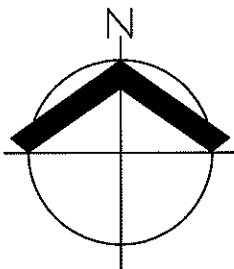
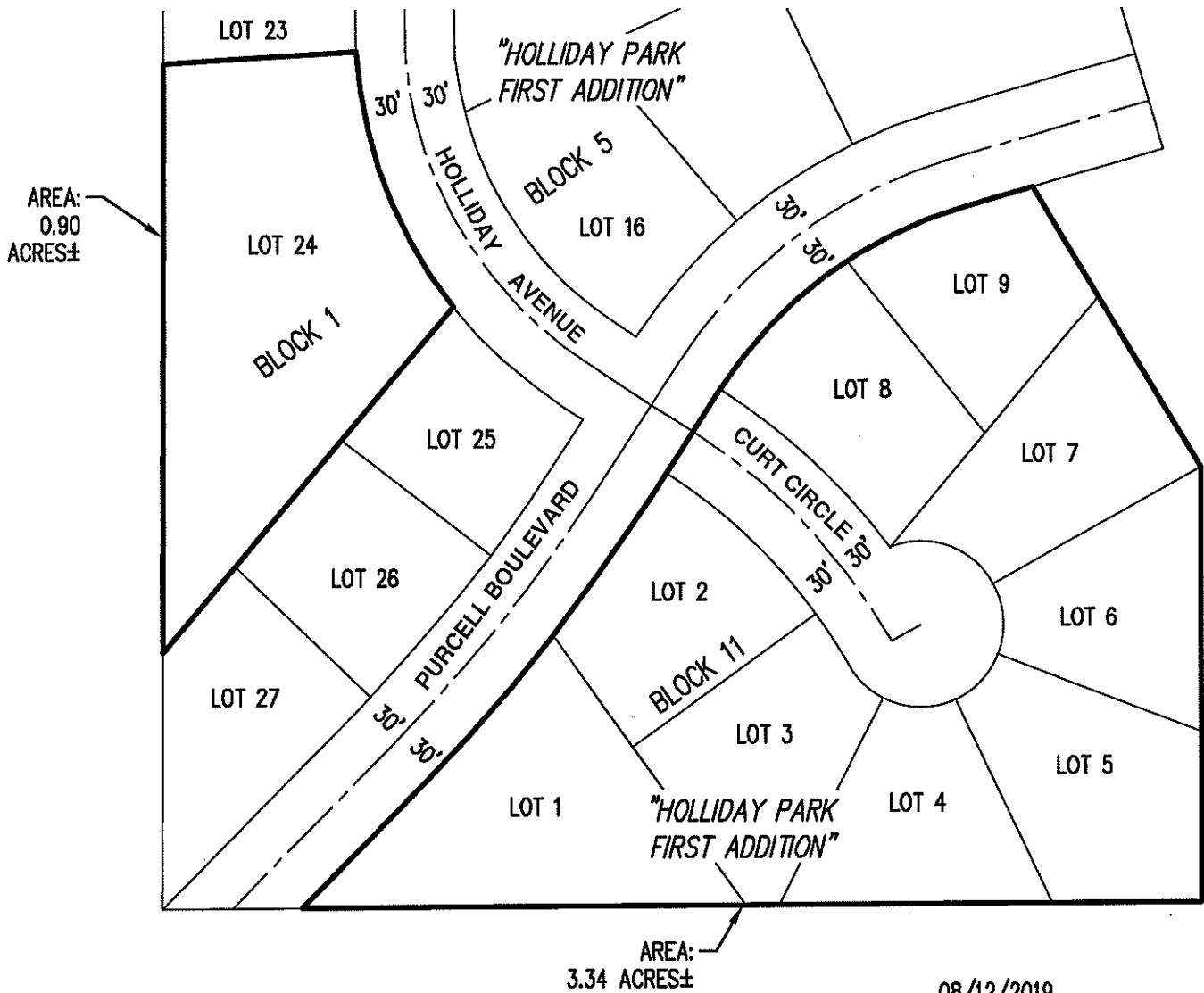
Approved as to form:



Mary Winters, City Attorney

EXHIBIT

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SEC. 27, T17S, R12E, W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON



SCALE: 1" = 100 FEET



TOTAL AREA:
4.24 ACRES±

08/12/2019

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 12, 2016
MICHAEL S. KALINA
89558PLS

RENEWS: 6/30/21

COMPREHENSIVE PLAN MAP AMENDMENT FROM URBAN
MEDIUM DENSITY TO URBAN HIGH DENSITY (PZ-19-0145)

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
503.563.6151 WWW.AKS-ENG.COM



EXHIBIT

DRWN: MHJ
CHKD: MSK
AKS JOB:
6632



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 | www.aks-eng.com

AKS Job #6632

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

EXHIBIT _____

Comprehensive Plan Map Amendment from Urban Medium Density to Urban High Density (PZ-19-0145)

A portion of the plat "Holliday Park First Addition", located in the Southeast One-Quarter of Section 27, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, and being more particularly described as follows:

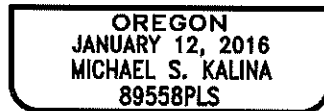
Lot 24, Block 1; Lots 1 – 9, Block 11; and all of Curt Circle Right-of-Way of said "Holliday Park First Addition".

The above described tracts of land contain 4.24 acres, more or less.

8/12/2019



Michael S. Kalina



RENEWS: 6/30/21

**FEXHIBIT B
FINDINGS OF FACT
BEND DEVELOPMENT CODE (BDC) UPDATE
AMENDMENT PZ 19-0145**

I. PROCEDURAL FINDINGS:

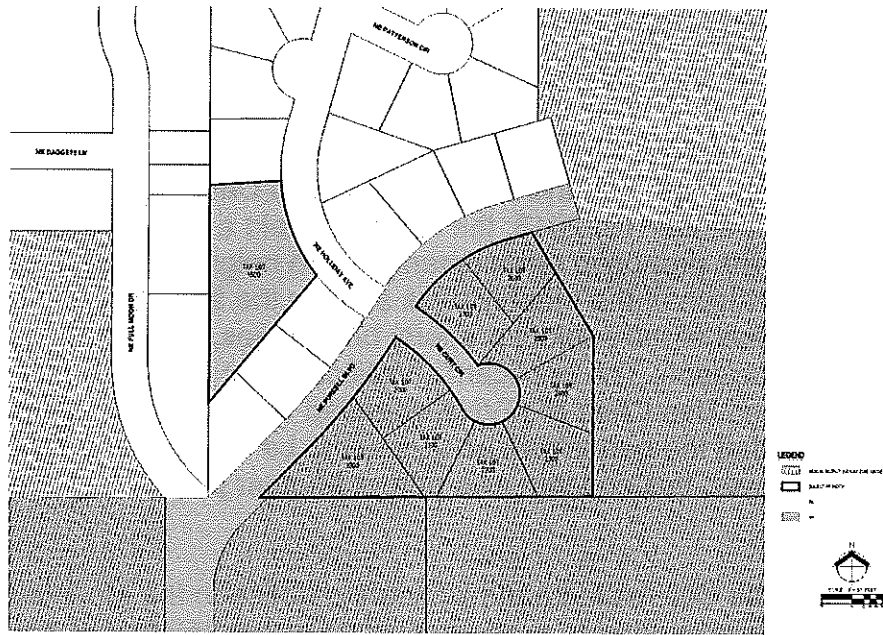
(1) PUBLIC NOTICE AND COMMENTS. Notice of the proposed amendment was provided to the Department of Land Conservation and Development (DLCD) on June 28, 2019. On October 16, 2018, the applicant held a neighborhood public meeting to present the proposed amendments to the neighborhood association and interested parties. Notice of the meeting was sent by the applicant to all property owners within 500 feet of the subject property boundaries, and to the Mountain View Neighborhood Association. The applicant's Verification of Public Meeting forms indicate that the Land Use Chair of MVNA attended the meeting. During the meeting neighbors desired that the pedestrian access not to be impinged by new development; however, this concern was part of another project that was discussed during the meeting.

On July 10, 2019, the City mailed a public hearing notice to the Mountain View Neighborhood Association and to property owners within 250 feet of the subject properties. On July 29, 2019, the applicant posted three notices on the subject properties. The Hearings Officer held a duly-noticed public hearing on August 8, 2019, to consider the proposed amendments. The notice for the City Council hearing on August 21, 2019, was mailed on August 9, 2019, to the Mountain View Neighborhood Association and to property owners within 250 feet of the subject properties. On August 9, 2019, the applicant posted three notices on the subject properties. As of the date of this report, the Planning Division hasn't received any comments for the requested Plan Amendment.

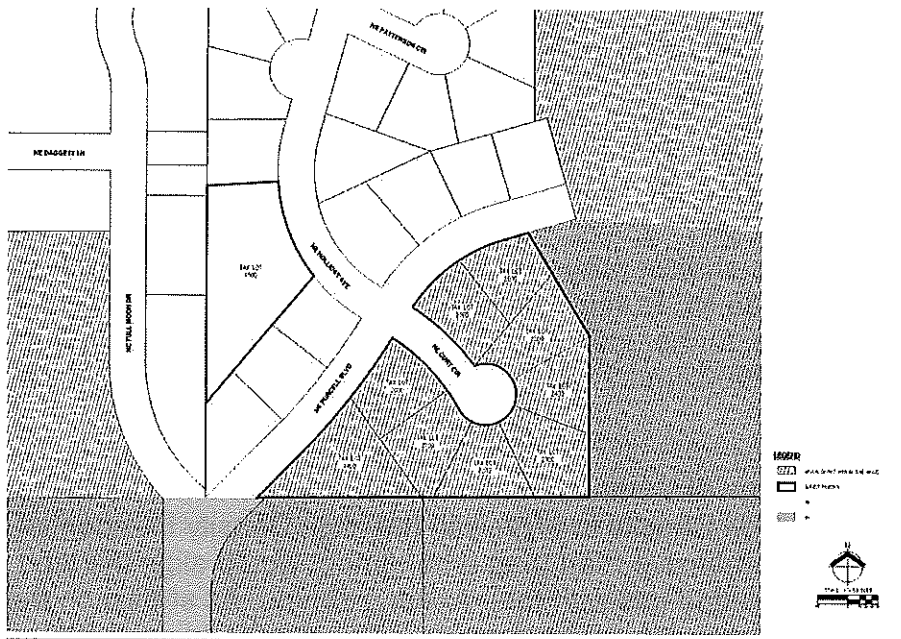
(2) LOCATION: The subject properties are located at 2031 NE Holliday Avenue, 1920, 1952, and 2035 NE Purcell Boulevard and 1901, 1902, 1910, 1911, 1917, and 1921 NE Curt Circle; further identified as Tax Lots 1500, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, and 2700 on Deschutes County Assessor's Tax Map 171227DB.

(3) PROPOSAL: Type III Comprehensive Plan map amendment from Urban Medium Density to Urban High Density to align with the High Density Residential (RH) District. The Comprehensive Plan map amendment would align the land use designation for 10 platted lots with their existing zoning. As shown on the following City of Bend zoning map they are zoned High Density Residential (RH) and nine of the properties are within the Medical District Overlay Zone (MDOZ) and as shown on the Bend Comprehensive Plan map they are designated Residential Urban Medium Density (RM).

Existing Zoning



Existing Comprehensive Plan Designations



II. APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

(1) City of Bend Development Code

- (a) Chapter 2.1, Residential Districts (RS and RH)
- (b) Chapter 4.1, Development Review and Procedures
- (c) Chapter 4.6, Land Use District Map and Text Amendments
- (d) Chapter 4.7, Transportation Analysis

(2) Bend Comprehensive 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

III. FINDINGS REGARDING COMPLIANCE WITH APPLICABLE CRITERIA:

CONFORMANCE WITH CITY OF BEND DEVELOPMENT CODE, CHAPTER 4.6, LAND USE DISTRICT MAP AND TEXT AMENDMENTS

This Plan Amendment 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 4.1.400. In addition, all of the criteria identified in BDC 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 relevant Statewide Planning Goals, along with City staff's proposed 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."

FINDING: Conformance with Goal 1 is achieved in the City of Bend through *Chapter 1 – Plan Management and Citizen Involvement* of the Comprehensive Plan, and through the

implementation procedures that have been adopted in the Bend Development Code. Chapter 1 of the Comprehensive Plan identifies the Bend Planning Commission as the official Citizen Involvement Committee for the City of Bend. The Bend City Council, upon the recommendation of the Planning Commission, adopted the procedures in the Development Code, and those procedures have been acknowledged by the Land Conservation and Development Commission (LCDC). The adopted Development Code contains provisions to ensure an appropriate level of citizen involvement for all land use application types, which for this application is the Type III Quasi-Judicial Review procedure. The Development Code's adopted citizen involvement procedures will be followed throughout the City's review of this application.

The first step for citizen involvement in the City of Bend is a Public Meeting required by Section 4.1.215 of the Development Code. Documentation that a Public Meeting was held in accordance with BDC 4.1.215 has been submitted into the record. In addition to the Public Meeting requirements of BDC 4.1.215, citizen involvement is ensured by public hearings, which are duly noticed, held, and conducted according to the Type III procedures of BDC 4.1.400. Type III procedures require that citizens be informed about the public hearings through posted notice, individual mailed notice, and neighborhood association contact. The referenced notices inform citizens about the hearings and indicate that any interested party may participate by submitting written or verbal testimony. The procedures in the City's adopted Development Code ensure consistency with Statewide Planning Goal 1.

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.”

FINDING: The applicant's proposal will be reviewed in accordance with the planning processes and policy framework that have been established in the adopted Bend Development Code (an acknowledged local land use regulation). The proposed Comprehensive Plan map amendment will neither alter the process for administration of the Development Code, nor the acknowledged procedural requirements (which ensure a factual base for all decisions). By following the adopted Development Code procedures, the City's review of this proposal will be consistent with Statewide Planning Goal 2.

Goal 3, Agricultural Lands and Goal 4, Forest Lands.

FINDING: Goals 3 and 4 are not applicable because there are no Agricultural or Forest Lands in the City.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces, “To protect natural resources and conserve scenic and historic areas and open spaces.”

FINDING: The subject properties are zoned RH and the proposed Comprehensive Plan map Amendment is consistent with this zoning designation. There are no known historic or natural resource areas that would be adversely impacted by the Comprehensive Plan map amendment. Therefore, Goal 5 is satisfied.

Goal 6 – Air, Water, and Land Resources

FINDING: Given design, development, and building permit requirements, uses that are permitted upon the property are anticipated to have similar impacts to air, water, and land resources as other uses in this area and throughout the City. The adopted Development Code requirements will ensure that Air, Water, and Land Resources will be protected during the entitlement phase of the City's review, as required by this Goal. Furthermore, air and water quality are regulated by the Oregon Department of Environmental Quality, outside of the City's land use review process.

Goal 7 – To protect people and property from natural hazards.

No natural hazards have been inventoried or identified on the subject property or immediate vicinity. The City's acknowledged regulations implementing Goal 7 remain in effect with no change in applicability. Therefore, Goal 7 is satisfied.

Goal 8 – Recreational Needs, "To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."

FINDING: The subject property has not been listed in any statewide inventory of recreational needs, it is not a destination resort, and is not needed to provide recreational needs of the citizens of the state. The Bend Area Transportation System Plan (TSP) does not identify any future multi-use trails that would affect the subject properties. No other parks or recreational needs have been identified on the subject properties. Therefore, Goal 8 is maintained.

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."

FINDING: All of the properties except for 2031 NE Holliday Avenue are located within the MDOZ. The properties located within the MDOZ are zoned and planned for residential uses, but the overlay zone also allows for the development of medical and office uses.

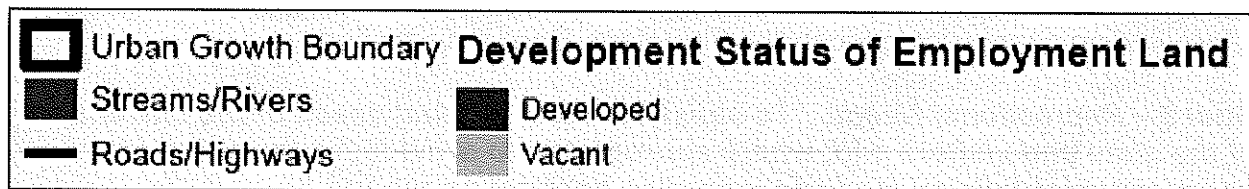
Land in the MDOZ with a residential plan designation were identified as "Mixed Use" and treated as part of the Employment land supply in the Building Lands Inventory (BLI) that was completed with the Urban Growth Boundary (UGB) expansion, but with the ability to accommodate some housing. The BLI status for all land planned or zoned for

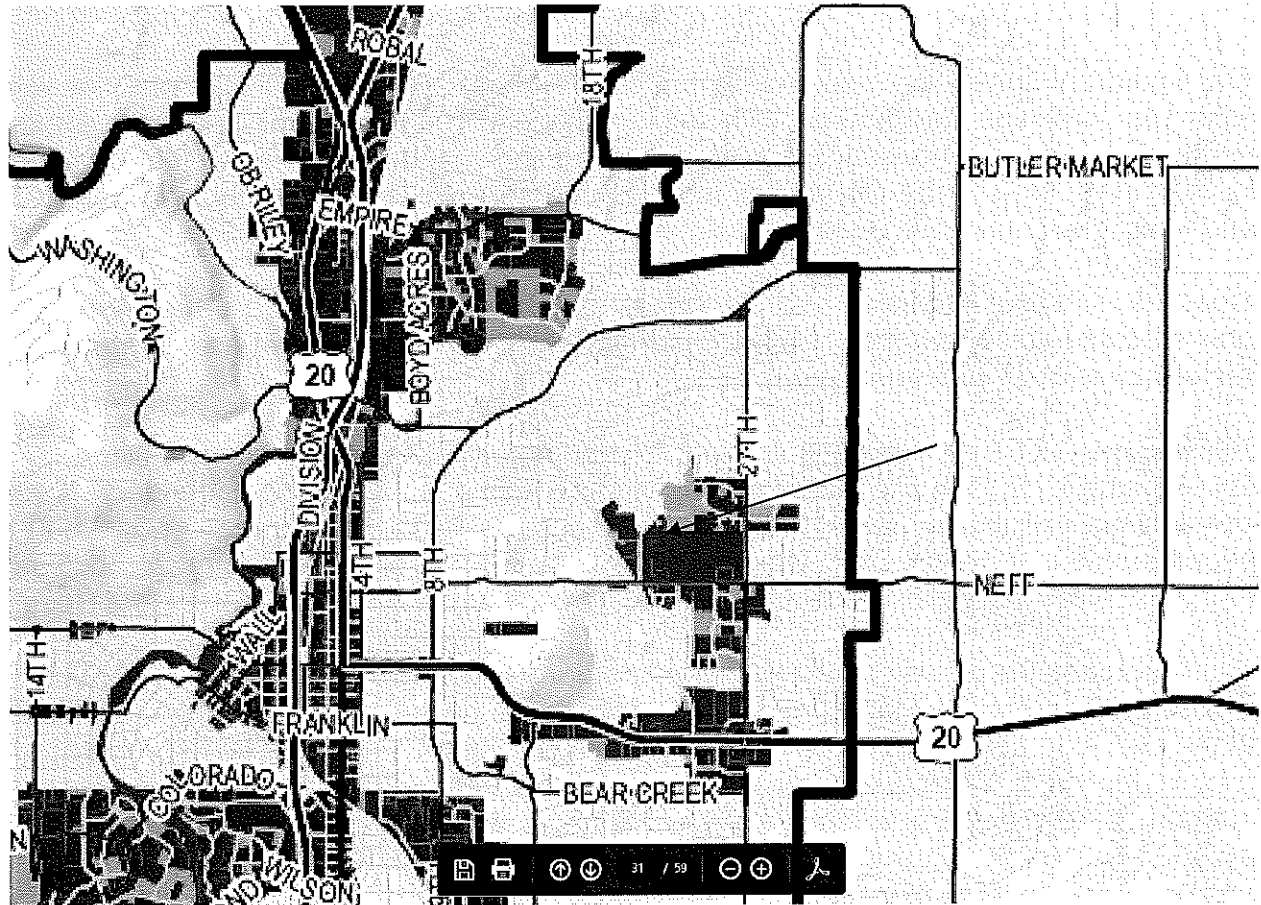
employment use (including mixed-use designations & zones) was assigned using the following statutory definitions for employment land, with the exception of school and park land.

Vacant - a lot or parcel equal to or larger than one half-acre not currently containing permanent buildings or improvements; or equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements.

Developed - All other employment land is identified in the BLI map as developed, although only a subset of this will meet the state definition of "developed" land that may be part of the inventory of available employment land ("Developed Land" means non-vacant land that is likely to be redeveloped during the planning period).

As shown in Figure 5, Employment BLI Status Map (2015) in the BLI, the subject properties are classified as "Developed" due to their small size (less than 1/2 acre).





Although they are not identified as employment lands, the Comprehensive Plan map amendment will continue to allow the uses within the MDOZ including both medical offices and residential uses and will not diminish the amount of land or permitted uses within the MDOZ and is therefore consistent with Goal 9.

Goal 10 – Housing, “To provide for the housing needs of Citizens of the state.”

FINDING: 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. Through recent UGB planning efforts, that City was required to ensure that a 20-year supply of housing be provided in Bend.

To ensure an adequate supply of residential lands, the City completed multi-tiered assessments, including the Buildable Lands Inventory (BLI), the Housing Needs Analysis (HNA), and the Urbanization Report (UR). Both the HNA and the US were based upon the BLI. The subject property located at 2031 NE Holliday Avenue has been identified in the BLI as vacant, which means land planned or zoned for residential use that has \$0 in improvement value.

The Comprehensive Plan map amendment from RM to RH for the subject properties will align the land use designation with the zoning and, therefore, will allow for future needed housing for households at a variety of income levels. The subject lots are located in an area of the City where facilities and services are conveniently accessible and available to meet the needs of residents. Therefore, Goal 10 is satisfied.

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.”

FINDING: OAR 660-11 implements Goal 11, and notes, “Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons...” The City of Bend exceeds 2,500 people and has adopted water, wastewater, and transportation master plans. In addition to the adopted public facilities plans, the City has adopted the Bend Development Code.

The BDC contains provisions that ensure an orderly and efficient arrangement of public facilities will be provided to the subject lots. City sewer and water service are available to the subject properties. The Utility Availability Memo and Utility Maps (in the record for this application) includes additional details on the current water and sewer infrastructure serving the subject lots. The Memo list anticipated mitigation requirements for the proposed site developments which can be modified upon the filing and review of the land use applications.

Additionally, the lots have frontage on NE Holliday Avenue, NE Purcell Boulevard, and NE Curt Circle, which are improved to the City of Bend standards. Emergency services are available in the area through City of Bend Fire and Police Departments. The existing transportation facilities are discussed in subsequent sections, and compliance with the Transportation Planning Rule is demonstrated below.

The Comprehensive Plan map amendment will not result in the need to amend existing policies or projects in the City’s adopted facilities plans. The local land use regulations adopted by the City of Bend ensure that all development conforms to adopted public facilities plans and BDC regulations. The proposed Comprehensive Plan map amendment 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. By ensuring conformance with the adopted public facilities plans and the Development Code regulations, consistency with Goal 11 will be ensured.

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

FINDING: Goal 12 is implemented through the Transportation Planning Rule (TPR),

OAR 660-12-0060, in addition to local land use regulations. The current proposal includes a TPR Analysis, detailed findings of which are included under BDC 4.6.600 below. As detailed in the TPR Analysis, the proposed Comprehensive Plan map amendments will not significantly impact a transportation facility, and therefore will comply with the TPR.

The current proposal includes a Maximum Development Scenario dated July 18, 2019, that addressed the City' of Bend's request for "worst-case assessment" for the purpose of vesting trips for the subject properties. This memorandum was a follow up to the February 11, 2019, and March 12, 2019, memorandums addressing the Transportation Planning Rule requirements for the proposed Comprehensive Plan Amendment and the Transportation Facilities Report. The prior memorandums addressed long-term conditions and comparison of the existing and proposed zoning; this memorandum assessed the near-term impacts of property development to address BDC 4.7 requirements for a Transportation Impact Analysis. This memorandum identified recommendations as development occurs.

The City of Bend TSP is implemented through adopted policies of the Comprehensive Plan, along with the standards and criteria of the Bend Development Code. As addressed below, the proposal is consistent with all applicable policies of the Comprehensive Plan, thus is consistent with the TSP.

Because the proposal complies with the TPR and is consistent with all Comprehensive Plan Policies related to transportation, the proposal is consistent with Goal 12.

Goal 13 – Energy, “To conserve energy.”

FINDING: The subject properties are zoned RH and the planned Comprehensive Plan map amendment is consistent with this zoning designation. By continuing to place higher residential designations in an area in close proximity to employment centers (MDOZ), the opportunity to decrease vehicle miles traveled, increase opportunities for walking, biking, and public transit, and therefore decrease the reliance on automobiles is possible. With the proposed Comprehensive Plan map amendment, the opportunity for reduced vehicle miles traveled will increase opportunities for conservation of energy, consistent with Goal 13.

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.”

FINDING: The subject properties are located within the urbanized city limits. The proposed amendments do not encourage sprawl or lower than targeted densities, or uncoordinated development. Therefore, compliance with Goal 14 is maintained.

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: As described in the *Format of the Plan*, described in the Preface of the Comprehensive Plan, the term “policy” has a specific meaning; a policy is a statement of public policy. As described on Page P-5 of the Preface, “*These statements of Policy shall be interpreted to recognize that the actual implementation of these policies will be accomplished by land use regulations such as the city’s zoning ordinance, subdivision ordinance and the like.*”

The Comprehensive Plan establishes a set of policies at the end of each chapter. As described below, the proposed Comprehensive Plan map amendments conform to all relevant Comprehensive Plan policies.

Relevant Policies of the Comprehensive Plan

Chapter 1 - Plan Management and Citizen Involvement

Development within the Urban Growth Boundary

1-6 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: This area is served by water, sewer, and transportation systems consistent with the City’s Public Facilities Plans. Upon development, water, sewer and transportation facilities will need to be extended and/or improved as required by Development Code standards. Development of the sites will be required to occur in conformance with the adopted Development Code and City of Bend Standards and Specifications. Therefore, the proposal is consistent with this policy.

1-7 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.

FINDING: The Comprehensive Plan map amendment will align the land use designation with the zoning, a prerequisite for approval and construction of future projects. The Comprehensive Plan map amendment will allow for a diverse mix of housing types for households at a variety of income levels in close proximity to a multitude of urban services available in the surrounding area including schools, parks, medical facilities, and employment opportunities. The subject lots are located within a half-mile or less of Ensworth Elementary School, Al Moody Park, and the St. Charles Medical Center complex. The lots are within ±1.5-mile of Mountain View High School, Pilot Butte Middle

School, St. Francis of Assisi Catholic School, and the Larkspur Trail, with access to Pilot Butte State Park. Nearby commercial areas include Neff Place and The Forum Shopping Center. Transit service is provided within a half mile of the vicinity of the development by Cascades East Transit. Routes 5, 6, and 7 run along the nearby Neff Road corridor, in front of St. Charles Medical Center, and south along NE Purcell Boulevard.

Proximity to these facilities and services, access to trail connections, and bus transit options may encourage future residents to utilize alternative modes of transportation and potentially reduce vehicle miles traveled and trips. Allowing the proposed Comprehensive Plan map amendment would be consistent with this policy.

Citizen Involvement

1-16 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: A Public Meeting was held on October 16, 2018, as required by Section 4.1.215 of the Bend Development Code. The Comprehensive Plan map amendment will include hearings before both a Hearings Officer and the City Council, as prescribed in the BDC 4.1.400, Type III review process. Following the City's established Type III Quasi-Judicial Review procedures will ensure consistency with this policy.

Chapter 5 – Housing

Housing Mix, Density, and Affordability

5-4 The City will apply plan designations, zoning districts and development code regulations to implement the mix of housing indicated in the adopted Housing Needs Analysis.

FINDING: The Housing Needs Analysis is based upon the land availability assessment documented in the BLI. As previously noted, the subject property located at 2031 NE Holliday Avenue has been identified in the BLI as vacant. The other nine residential plan designated properties are located within the MDOZ. Land in the MDOZ with a residential plan designation were identified as "Mixed Use" and treated as part of the Employment land supply as part of the BLI, but with the ability to accommodate some housing. The Employment BLI classified the subject properties as "Developed" due to their smaller size (less than ½ acre) and were not considered as potential employment lands.

The Comprehensive Plan map amendment will support the housing needs and housing mix identified in the City of Bend Housing Needs Analysis by allowing for a diversity of housing types for households at a variety of income levels. Evolving populations, demographics, housing affordability, and consumer trends indicate that the City of Bend will continue to have increased demand for multifamily housing. The proposal is therefore consistent with this policy.

5-5 The main purpose of maximum densities shown on the Plan Map is to maintain proper relationships between proposed public facilities and services and population distribution. One purpose of minimum densities is to assure efficiency of land use, particularly for larger sites. Another is to encourage development of housing in locations and at densities that support healthy, accessible, and affordable housing choices.

FINDING: Future land use applications will require the analysis of existing utility services as well as transportation impacts associated with site-specific projects. The Utility Availability Memo addresses water and sewer infrastructure for the subject properties under an assumed multi-family development (129 units) and medical office buildings (32,350 square feet). The memo indicates that the existing utilities are adequate to serve the site and as development occurs the Utility Availability Memo outlines anticipated mitigation. A Utility Availability Memo will also be required as part of a land use submittal for future residential or commercial projects on the subject properties.

The Comprehensive Plan map amendment will not lead to a significant alteration to the population distribution in the surrounding neighborhood based on the existing housing mix, densities, and surrounding development pattern. Furthermore, the Comprehensive Plan map amendment from RM to RH—and the diversification of permitted housing types and housing mix—will be consistent with the surrounding development pattern and population distribution in an area where future projects can take advantage of the surrounding urban services, business, and public facilities.

Approval of the Comprehensive Plan map amendment will facilitate approval and construction of future projects under the aligned RH zoning and RH Comprehensive Plan designation. Future projects will be required to demonstrate compliance with applicable minimum and maximum density standards and all other applicable standards and requirements of the BDC, which ensure efficient, healthy, and accessible housing projects and implement this policy. The Comprehensive Plan map amendment supports current and future housing needs and preferences by allowing for a diversity of housing types for households at a variety of income levels. The policy is met.

5-7 The City will continue to create incentives for and remove barriers to development of a variety of housing types in all residential zones, consistent with the density ranges and housing types allowed in the

zones. This policy is intended to implement the City's obligation under the State Housing Goal to "encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density".

FINDING: The current misalignment of the zoning and land use designation presents a roadblock to future needed housing projects on-site; these designations need to match in order to remove barriers for approval and construction of future projects. The Comprehensive Plan map amendment will align these two designations and allow for a diversity of housing types for households at a variety of income levels. The policy is met.

5-13 Existing residentially-designated areas that are adjacent to commercial or mixed use designations may be re-designated for Residential Medium and High density development.

FINDING: The lots addressed as 1920, 1952, and 2035 NE Purcell Boulevard, 1901, 1902, 1910, 1911, 1917, and 1921 NE Curt Circle are located within the MDOZ. The MDOZ allows limited general office and commercial uses, medical offices, and residential uses. Tax Lot 1500 (2031 NE Holliday Avenue) is located within 200 feet of the MDOZ and 500 feet of St. Charles Medical Center, Bend's top health care facility and largest employment center. The St. Charles Medical Center is the anchor for the surrounding MDOZ. Amending the Comprehensive Plan map to RH to align with the current zoning complies with this policy.

Residential Compatibility

5-31 Residential areas will offer a wide variety of housing types in locations best suited to a range of housing types, needs and preferences.

Response: The general area surrounding the subject lots include a variety of residential uses and housing types. Furthermore, the subject lots are located within a half-mile or less of Ensworth Elementary School, Al Moody Park, and the St. Charles Medical Center complex. The lots are within ±1.5-mile of Mountain View High School, Pilot Butte Middle School, St. Francis of Assisi Catholic School, and the Larkspur Trail, with access to Pilot Butte State Park. Nearby commercial areas include Neff Place and The Forum Shopping Center. The Comprehensive Plan map amendment will align the land use designation with the zoning, a prerequisite for approval and construction of future projects. Once aligned, the subject lots could support a variety of housing types, including attached single-family townhomes, duplexes, triplexes, and multifamily in existing residential areas with access to nearby schools, medical centers, employment opportunities, parks, and open space. These permitted housing types will diversify the current housing mix and type as well as attract households at a variety of income levels. The policy is met.

Transportation Connectivity

5-38 Medium-and high-density residential developments should have good access to transit, K-12 public schools where possible, commercial services, employment and public open space to provide the maximum access to the highest concentrations of population.

Response: The Comprehensive Plan map amendment facilitates future use of vacant, underutilized properties within an urbanized area of the City, near major employment centers, health care facilities, schools, and parks. The subject lots are located within a half-mile or less of Ensworth Elementary School, Al Moody Park, and the St. Charles Medical Center complex. The lots are within ± 1.5 -mile of Mountain View High School, Pilot Butte Middle School, St. Francis of Assisi Catholic School, and the Larkspur Trail, with access to Pilot Butte State Park. Nearby commercial areas include Neff Place and The Forum Shopping Center.

The facilitation of needed housing serving households at a variety of income levels in this location will diversify the City's housing mix and facilitate projects that can be served by community facilities, commercial services, schools, medical centers, and employment opportunities. The policy is met.

Public utilities and services

5-52 All residential areas will 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 subject properties are located within a developed area of the City. Every property is served by a 4-inch PVC lateral. The attached Utility Memo and Utility Maps indicates there is a 10-inch PVC gravity main located within Holliday Avenue in front of 2031 NE Holliday Avenue, an 8-inch PVC gravity main located in Purcell Boulevard, and a 6-inch PVC gravity main located within Curt Circle. Future land use applications utilizing the planned designation and existing zoning will be evaluated to ensure adequate water and sewer services can be provided and to ensure that all other required facilities can provide safe, healthful, convenient urban living consistent with the planned density. Therefore, the application is consistent with this policy. Therefore, the application is consistent with this policy.

Chapter 6 – Economy

General Policies

6-2 Bend is a regional center for health care, art and culture, higher education, retail, tourism, and employment. The economic land policies recognize Bend's

role in the region, and the need to support uses that bolster the local and regional economy:

- **The Medical District Overlay Zone provides economic lands for a variety of health care and related services to a population much larger than the City of Bend.**

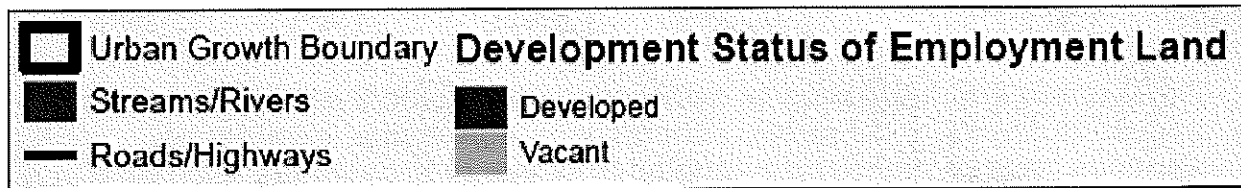
FINDING: All of the properties except for 2031 NE Holliday Avenue are located within the MDOZ. The properties located within the MDOZ are zoned and planned for residential uses, but the overlay zone also allows for the development of medical and office uses.

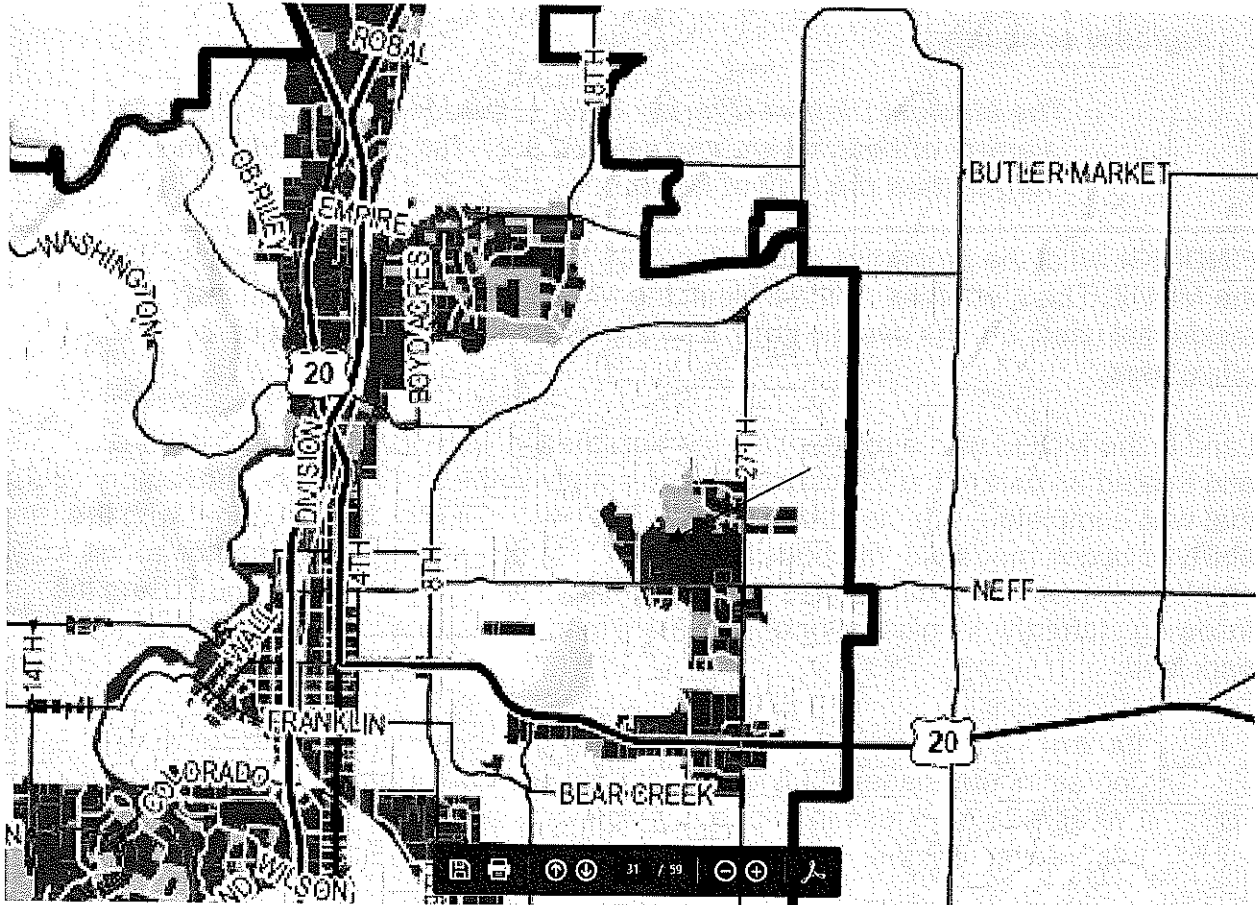
Land in the MDOZ with a residential plan designation were identified as “Mixed Use” and treated as part of the Employment land supply in the Building Lands Inventory (BLI) that was completed with the Urban Growth Boundary (UGB) expansion, but with the ability to accommodate some housing. The BLI status for all land planned or zoned for employment use (including mixed-use designations & zones) was assigned using the following statutory definitions for employment land, with the exception of school and park land.

Vacant - a lot or parcel equal to or larger than one half-acre not currently containing permanent buildings or improvements; or equal to or larger than five acres where less than one half-acre is occupied by permanent buildings or improvements.

Developed - All other employment land is identified in the BLI map as developed, although only a subset of this will meet the state definition of “developed” land that may be part of the inventory of available employment land (“Developed Land” means non-vacant land that is likely to be redeveloped during the planning period).

As shown in Figure 5, Employment BLI Status Map (2015) in the BLI, the subject properties are classified as “Developed” due to their small size (less than ½ acre).





Although they are not identified as employment lands, the Comprehensive Plan map amendment will continue to allow the uses within the MDOZ including both medical offices and residential uses and will not diminish the amount of land or permitted uses within the MDOZ and is therefore consistent with Goal 9.

Chapter 7 – Transportation Systems

Policies

7-1 Medium and high-density residential development should have good access to transit, K-12 public schools where possible, commercial services, employment and public open space to provide the maximum access to highest concentrations of population.

FINDING: The Comprehensive Plan map amendment facilitates future use of vacant, underutilized properties within an urbanized area of the City, near major employment centers, health care facilities, schools, and parks. The subject lots are located within a half-mile or less of Ensworth Elementary School, Al Moody Park, and the St. Charles Medical Center complex. The lots are within ±1.5-mile of Mountain View High School,

Pilot Butte Middle School, St. Francis of Assisi Catholic School, and the Larkspur Trail, with access to Pilot Butte State Park. Nearby commercial areas include Neff Place and The Forum Shopping Center.

The facilitation of needed housing serving households at a variety of income levels in this location will diversify the City's housing mix and facilitate projects that can be served by community facilities, commercial services, schools, medical centers, and employment opportunities. The policy is met.

7-6 The City should be receptive to innovative development proposals, including zone changes, plan amendments, and text changes that promote alternatives to vehicular traffic thus reducing vehicle trips and reduced trip lengths.

FINDING: The subject lots are currently zoned RH and designated RM on the Comprehensive Plan and, thus, are identified as appropriate for residential use. The Comprehensive Plan map amendment from RM to RH will align the land use designation with the existing zoning. The RH map designation and zone are suitable for these lots for a variety of reasons, including their proximity to schools, parks, open space, employment centers, and commercial areas, as well as the potential to encourage and facilitate alternative transportation modes like walking and biking. In addition, transit service is provided within a half mile of the vicinity of the development by Cascades East Transit. Routes 5, 6, and 7 run along the nearby Neff Road corridor, in front of St. Charles Medical Center, and south along NE Purcell Boulevard. The subject lot's proximity to transit options, and the ability to walk to a variety of community facilities and services, may result in a reduction in vehicle trips and trip lengths. The policy is met.

Chapter 11 – Growth Management

General Growth Management Policies

Policies for Residential Areas and Neighborhoods

11-3 The City will ensure that development of large blocks of vacant land makes efficient use of land, meets the city's housing and employment needs, and enhances the community.

FINDING: Tax Lot 1500 (2031 NE Holliday Avenue) is ±0.90 acres in area and the other nine properties are ±2.98 acres. The Comprehensive Plan map amendment will remove barriers for future residential projects and facilitate needed housing on large, underutilized tracts located within an urbanized area. The Comprehensive Plan map amendment is necessary to align the zoning and the Comprehensive Plan map designations, so that future uses and projects meeting the City's housing and employment needs can be met. Future land use applications for site-specific projects

will be reviewed in accordance with City procedures and standards, which regulate the use and development of land and ensure future projects enhance the community. The policy is met.

11-16 Medium-and high-density residential developments should have good access to transit, K-12 public schools where possible, commercial services, employment, and public open space to provide the maximum access to the highest concentrations of population.

FINDING: The Comprehensive Plan map amendment facilitates future use of vacant, underutilized properties within an urbanized area of the City, near major employment centers, health care facilities, schools, and parks.

The subject lots are located within a half-mile or less of Ensworth Elementary School, Al Moody Park, and the St. Charles Medical Center complex. The lots are within ±1.5-mile of Mountain View High School, Pilot Butte Middle School, St. Francis of Assisi Catholic School, and the Larkspur Trail, with access to Pilot Butte State Park. Nearby commercial areas include Neff Place and The Forum Shopping Center.

The facilitation of needed housing serving households at a variety of income levels in this location will diversify the City's housing mix and facilitate projects that can be served by community facilities, commercial services, schools, medical centers, and employment opportunities. The policy is met.

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:

Water and Sewer: The subject lots are within the incorporated area of the City of Bend. City sewer and water services are available to the subject properties. The Utility Availability Memo and Utility Maps includes additional details on the current water and sewer infrastructure serving the subject lots. The Memo list anticipated mitigation requirements for the proposed site developments which can be modified upon the filing and review of the land use applications. Future construction on the properties will require additional sewer and water analyses prior to the submittal of a development application.

Transportation: The applicant submitted a Transportation Facilities Report (TFR) and a Transportation Memorandum prepared by Transight Consulting, LLC. As detailed in the report and memorandum, the proposal will not significantly affect any existing or planned transportation facility.

Fire and Police Protection: The subject property is within the City of Bend and is therefore served by the City Police and Fire Departments. The Bend Fire Station 304 (East Side Station) is approximately two miles from the subject properties. There are two existing fire hydrants near the properties. One is on NE Holliday Avenue and the other is at the intersection of NE Purcell Boulevard and NE Holliday Avenue. Neither the Bend Police Department nor the Bend Fire Department have expressed any concerns with the proposed change.

Schools: The subject property is located within the boundaries of the Bend-La Pine School District. The subject lots are located within a half-mile or less of Ensworth Elementary School, approximately ½ mile to Pilot Butte Middle School, and approximately 1 ½ miles from Mountain View High School. 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 lots are within ±1.5-mile of the Larkspur Trail, with access to Pilot Butte State Park. The subject property and surrounding area are adequately served by park amenities.

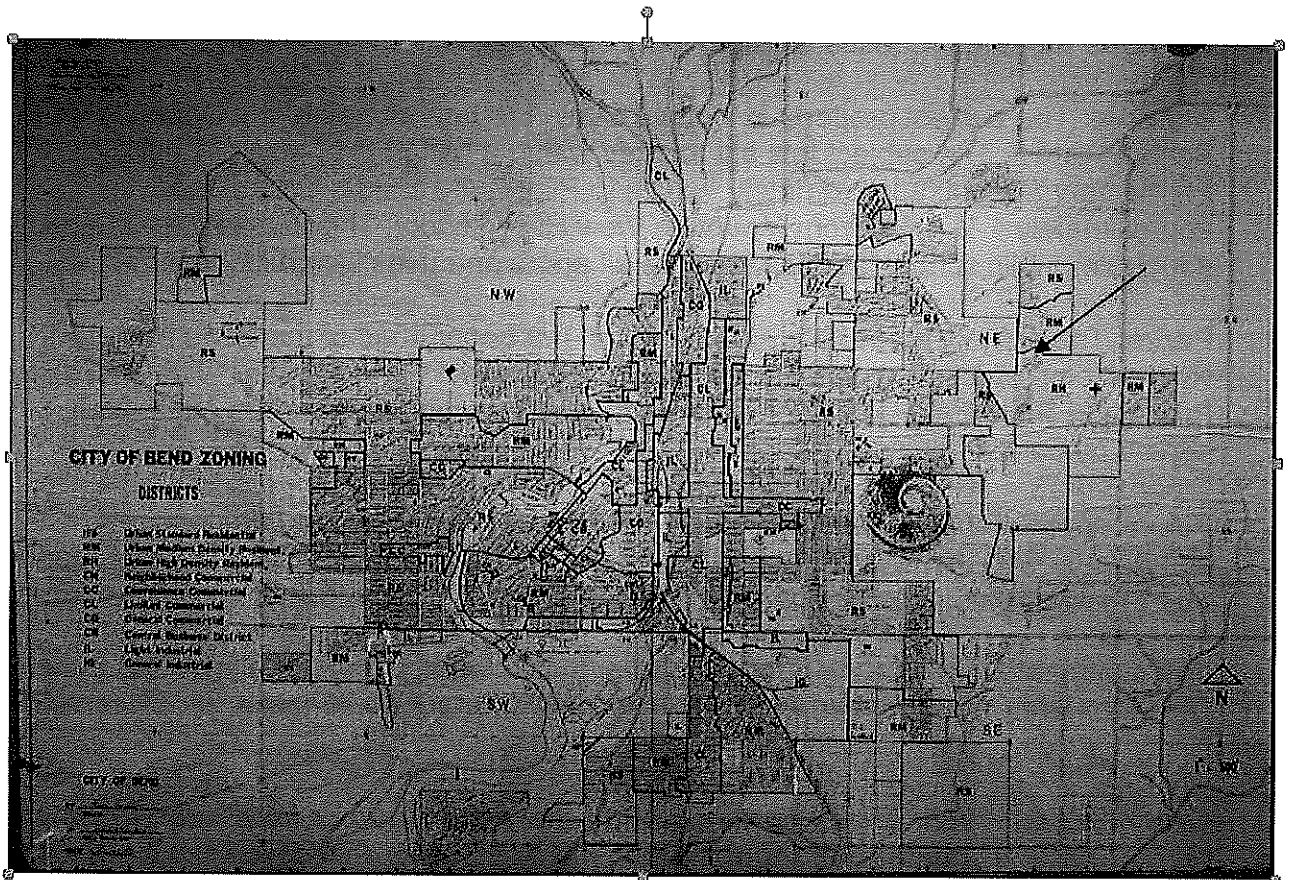
Future applications for construction on the subject lots will have to demonstrate compliance with the applicable portions of the BDC addressing public facilities, services, and transportation networks on a project-specific level. Therefore, this criterion is met.

The combination of existing public facilities, public facilities master plans, and the Development Code requirements 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

FINDING: FINDING: Currently the subject lots are zoned RH and have a Comprehensive Plan designation of RM. As shown in the map below, the zoning has been RH since 1978. The Comprehensive Plan map designation was RH until 1998, which is when the designation was changed to RM. The development of future housing or medical offices (lots in the MDOZ) on the subject properties is consistent with current development in the surrounding neighborhood. Since 1998, the neighborhood has been developed with a mix of duplexes and multifamily uses including larger residential complexes such as the Daggett and Moonlight Townhomes, Summit Park Apartments, and Crest Butte Apartments. In addition, the St. Charles Medical Center complex is located directly southeast of the Curt Circle properties and has seen tremendous growth since it was established in its current location in 1975.

The inconsistency between the zone and the map designation is a barrier for future projects and creates uncertainty for the owner, neighbors, and the City. Matching the zoning and land use designation to RH would allow for future approval and construction of denser housing projects and/or medical uses (lots in the MDOZ). Therefore, the criterion is met.



Criterion #5. Approval of the request is consistent with the provisions of BDC 4.6.600, Transportation Planning Rule Compliance.

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.

Because the applicant is proposing a Comprehensive Plan map amendment, the application is subject to compliance with the Oregon Transportation Planning Rule (OAR 660-012-0060), also known as the TPR. In general terms, the TPR requires the

City to determine whether the applicant's proposal will "significantly affect" a transportation facility in one or more ways.

FINDING: The applicant submitted a Transportation Facilities Report (TFR) and a Transportation Memorandum prepared by Transight Consulting, LLC. The report and memorandum include a detailed assessment of the applicability of the TPR and the proposal's compliance with the TPR. As detailed in the report and memorandum, the proposal will not significantly affect any existing or planned transportation facility, and therefore the proposal is consistent with the TPR.

Oregon Administrative Rule Chapter 660, Division 12, is the Transportation Planning Rule (the TPR) adopted by the BDC. The TPR implements Goal 12, Transportation, and is an independent approval standard in addition to Goal 12 for map amendments. Oregon Administrative Rules 660-012-0060(1) and (2) apply to amendments to acknowledged maps, as is the case with the application.

The TPR requires a two-step analysis. First, under OAR 660-012-0060(1), the Applicant must determine if the application has a "significant affect," as that term is defined in OAR 660-012-0060(1). If not, then the analysis ends, and the TPR is satisfied. The City may rely on transportation improvements found in transportation system plans, as allowed by OAR 660-012-0060(4)(a), (b), and (c), to show that failing intersections are not made worse or intersections not now failing do not fail in the future. If there is a "significant affect," then the Applicant must demonstrate appropriate mitigation under OAR 660-012-0060(2).

OAR 660-012-0060

(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.**
- (2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.**
- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.**
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.**
 - (c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.**
 - (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.**
 - (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:**

- (A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;**
- (B) The providers of facilities being improved at other locations provide written statements of approval; and**
- (C) The local jurisdictions where facilities are being improved provide written statements of approval.**

FINDING: The City can find as explained in the Transportation Memorandum, which is part of the current application, that the amendment to the City's Comprehensive Plan map will not have a "significant affect" on the affected streets under OAR 660-012-0060(1).

For 2031 NE Holliday Avenue, the Comprehensive Plan map amendment to RH will result in a minor difference in trip generation potential and will not change the functional classification of any surrounding area roads. Additionally, if density were maximized on-site, the lot would generate up to 14 additional weekday p.m. peak hour trips, not even enough to trigger off-site, major intersection study.

The other nine properties differ from 2031 NE Holliday Avenue in that they are located within the MDOZ Overlay, which allows certain commercial and medical uses. As detailed in the Transportation Memorandum, the allowed medical uses under both designations provide a higher trip generation potential than the residential densities. Since the same size medical office uses are allowed within either zoning designation, there is no resultant change in the number of trips that could be generated.

Since there are no anticipated impacts, no additional mitigations or transportation improvements are necessary related to the Comprehensive Plan map amendment as required under OAR 660-012-0060(2). Additional project specific transportation review will be required as part of a formal site plan review application and the Applicant will comply with all City standards and requirements.

- (4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.**
 - (a) In determining whether an amendment has a significant affected on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.**
 - (b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:**
 - (A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted**

transportation improvement program or capital improvement plan or program of a transportation service provider.

- (B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.**
- (C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.**
- (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.**
- (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.**
- (c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:**

 - (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or**
 - (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.**
- (d) As used in this section and section (3):**

- (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;**
- (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and**
- (C) Interstate interchange area means:**
- (i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or**
 - (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.**
- (e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).**

FINDING: This section of the Transportation Planning Rule requires coordination with affected transportation service providers. All roads serving the subject property are under City of Bend jurisdiction. The City is not required to coordinate with the Oregon Department of Transportation (ODOT) or Deschutes County (County) because no transportation facility controlled by ODOT or the County will be affected by this application.

V. CONCLUSIONS:

Based on the above Findings, the Comprehensive Plan Map Amendment from RM to RH for the properties located at 2031 NE Holliday Avenue, 1920, 1952, and 2035 NE Purcell Boulevard, and 1901, 1902, 1910, 1911, 1917, and 1921 NE Curt Circle meets all applicable criteria for adoption.