

ORDINANCE NO. NS-2433

AN ORDINANCE AMENDING THE DEAN SWIFT REFINEMENT PLAN CODE STANDARDS IN SUB-AREAS D AND E, AND AMENDING THE DEAN SWIFT REFINEMENT PLAN MAP TO ALTER A PUBLIC PATHWAY CONNECTION.

Findings

- A. On September 16, 2021, MWSH Bend Break Creek, LLC (d/b/a Bonaventure Senior Housing) initiated an amendment to the Dean Swift Refinement Plan standards to alter the allowable density in Sub-area D, alter the development standards of Sub-area E and reclassify a future public pathway connection on an 8.25-acre area in the RM (Residential Medium Density) and ME (Mixed Employment) zones. The subject parcels include 21085 Don Street, 21086 & 21050 Bear Creek Road, and 62010 Dean Swift Road; Tax Lots 700, 1400, 1500, 1602 and 1603 on Deschutes County Assessor's Map #17-12-34DC.
- B. On December 13, 2021, the Planning Commission held a virtual public hearing on the proposed amendments, with public notice provided in accordance with BDC 4.1.400, and issued a recommendation that the City Council adopt the requested amendments in Exhibits A and B, and the findings in Exhibit C.
- C. The Bend City Council held a public hearing on January 19, 2022 to consider the Commission's recommendation, with public notice provided in accordance with BDC 4.1.400.
- D. The requested amendments approved by this Ordinance meet all applicable Bend Development Code criteria, policies of the Bend Comprehensive Plan and Oregon Statewide Planning Goals.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. The text of BDC 2.7.400(B) is amended as shown in Exhibit A.

Section 2. The Dean Swift Refinement Plan Map is amended as shown in Exhibit B.


Section 3. The City Council adopts the Findings in support of this ordinance as contained in Exhibit C.

First reading: January 19, 2022.

Second reading and adoption by roll call vote: February 2, 2022.

YES: Mayor Sally Russell
Mayor Pro Tem Gena Goodman-Campbell
Councilor Melanie Kebler
Councilor Anthony Broadman
Councilor Megan Perkins
Councilor Rita Schenkelberg

NO: None


Sally Russell, Mayor

Attest:


Robyn Christie, City Recorder

Approved as to form:

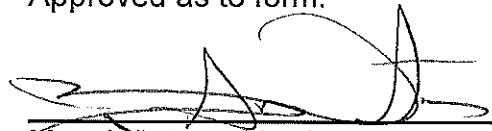

Mary Winters, City Attorney

EXHIBIT A

- d. Sub-area "D" is located north of Bear Creek Road between Dean Swift Road and the north/south extension of "C" street, and is comprised of two sections: D1 (all lands north of current Tax Lot 171234DC01603), and D2 (all lands south of existing Tax Lot 171234DC01600). The development characteristics of sub-area "D" are as follows:

D1:

- The residential density range for this sub-area is 12 units to 17 units per acre.
- The maximum building height is 40 feet.

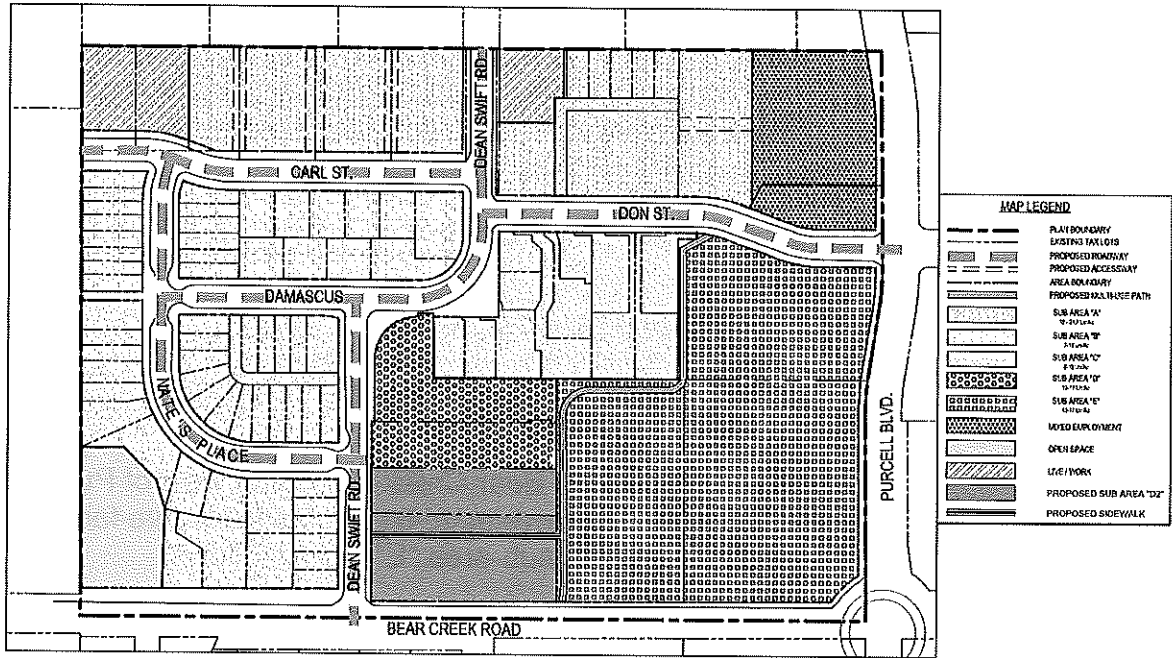
D2:

- The maximum building height is 40 feet.

- e. Sub-area "E" is located north of Bear Creek Road and west of Purcell Boulevard. ~~This area shall be developed as a residential care facility.~~ The development characteristics of sub-area "E" are as follows:

- ~~•The predominant housing type shall be senior housing.~~
- The maximum building height is 60 40 feet.
- The maximum lot coverage is 55 45 percent.
- ~~•The minimum number of vehicle parking spaces for residential care facilities is 0.8/unit.~~

EXHIBIT B



DEAN SWIFT
 REFINEMENT PLAN UPDATE
 PLTEXT20210859

Exhibit C

FINDINGS IN SUPPORT OF QUASI-JUDICIAL
TEXT AMENDMENTS PLTEXT20210859



COMMUNITY
DEVELOPMENT

PROJECT NUMBER: PLTEXT20210859

REPORT DATE: December 6, 2021 (Updated December 18, 2021)

**HEARING DATE,
TIME & LOCATION:** January 19, 2022
Virtual Public Hearing

APPLICANT: Mark Lowen, mlowen@livebsl.com
Bonaventure Senior Housing
3425 Boone Road SE
Salem, OR 97317

OWNER: MWSH Bend Bear Creek LLC
3425 Boone Road SE
Salem, OR 97317

LOCATION: 21085 Don Street, 21086 & 21050 Bear Creek Road, 62010 Dean Swift
Road; Tax Lots 700, 1400, 1500, 1602 and 1603 on Deschutes County
Assessor's Map #17-12-34DC

REQUEST: A Type III Quasi Judicial Map/Text Amendment to the Dean Swift Refinement
Plan to alter the allowable density range in sub-area D from 12-17 units/acre
to the standard RM density (7-21.7 units/acre), and remove the restriction of a
maximum of 6 consecutive units per building. Sub-area E proposes to alter
the allowable uses from senior housing to multi-family housing, reduce the
maximum building height from 60-feet to 40-feet, reduce the maximum lot
coverage from 55 to 45 percent and remove the special parking standard.
Lastly, a map amendment to alter the 'Future Easement Multi-use Path
Connection' in sub-area D to a 6-foot-wide sidewalk connection.

**STAFF
REVIEWERS:** Nicolas Lennartz, Associate Planner
541-330-4020, nlennartz@bendoregon.gov

Jill Clough, EIT, Associate Engineer
541-388-5539 jclough@bendoregon.gov

APPLICABLE STANDARDS, PROCEDURES AND CRITERIA:

City of Bend Development Code

Chapter 2.7, Special Planned Districts
Chapter 4.1, Development Review and Procedures
Chapter 4.6, Land Use District Map and Text Amendments
Chapter 4.7, Transportation Analysis

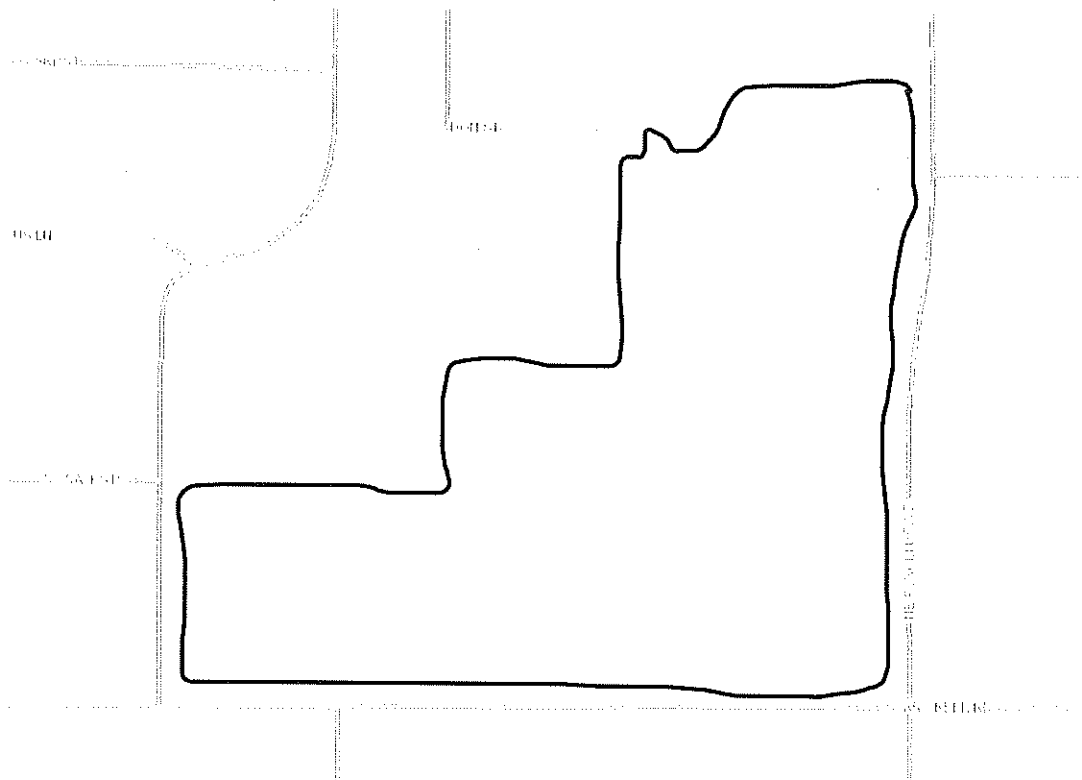
Bend Area Comprehensive Plan

Oregon Administrative Rules

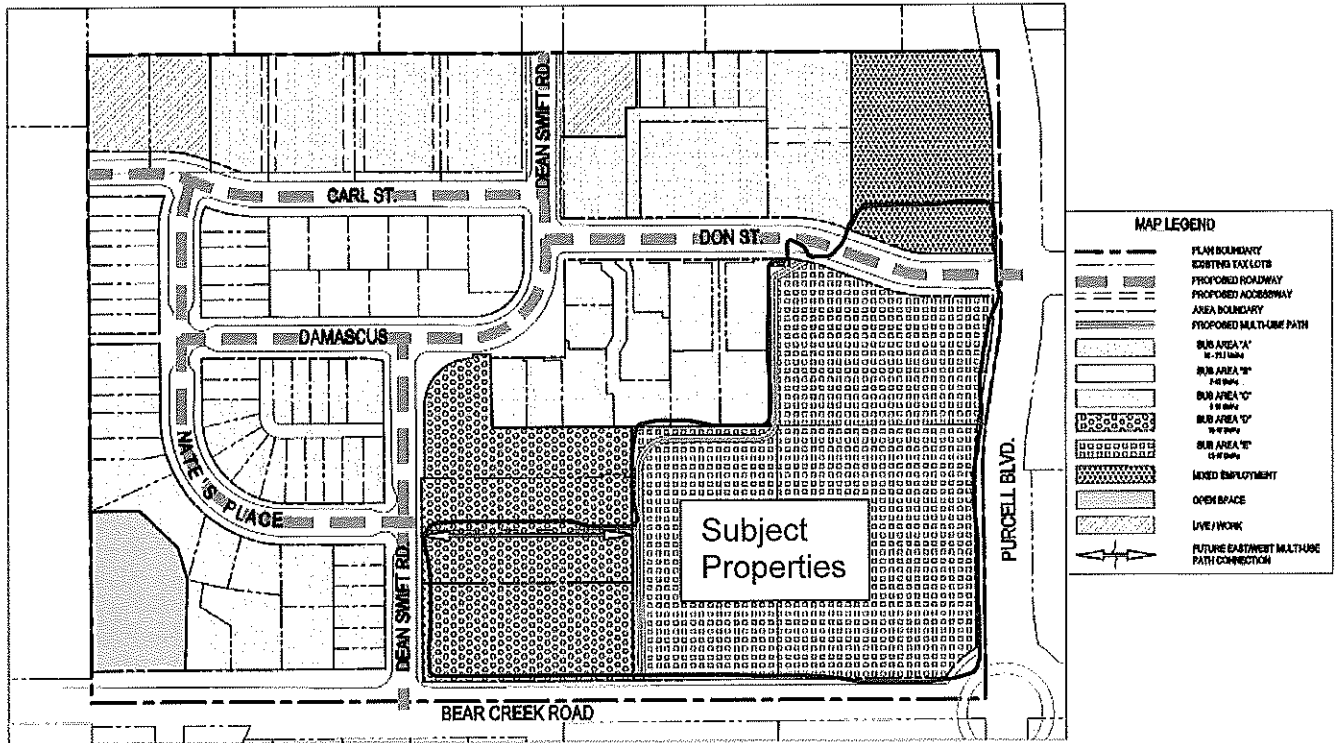
Chapter 660-012-060, Plan and Land Use Regulation Amendments
Chapter 660-015, Division 15, Statewide Planning Goals and Guidelines

FINDINGS OF FACT:

- 1. LOCATION:** The subject property is located at the northwest corner of Bear Creek Road and Purcell Boulevard, and also abuts Dean Swift Road and Don Street; further identified as 21085 Don St (171234DC00700), 21086 Bear Creek (171234DC01400), 21050 Bear Creek (171234DC01500), 62010 Dean Swift (171234DC01602 & 171234DC01603), and 62024 Dean Swift (171234DC01600).
- 2. ZONING AND PLAN DESIGNATION:** As shown below, the subject property is zoned Residential Medium Density (RM) and Mixed Employment (ME), and it is designated RM and ME on the City of Bend Comprehensive Plan.



As shown below, the subject property also falls within three sub-areas of the Dean Swift Refinement Plan: Sub-Area D (7-12 Un/Ac), Sub-Area E (7-21.7 Un/Ac), and the Modified Mixed Employment (ME) sub-area.



**DEAN SWIFT
REFINEMENT PLAN UPDATE
2019**

2. SITE DESCRIPTION & SURROUNDING USES: Bonaventure Senior Housing has submitted an application for a residential multifamily development on what are currently 5 parcels (Tax Lots 700, 1400, 1500, 1602 and 1603 on Deschutes County Assessor's Map #17-12-34DC) recognized as application PLSPR20210866, currently pending. These parcels are furthermore proposed to be consolidated via a replat/partition, PLLD20210861. Tax Lot 700 at the east end of Don Street across from Twin Knolls Drive contains an existing single-family home, as does Tax Lots 1400 and 1500, while the remaining lots are undeveloped. Two other parcels containing a total area of 1.23 acres are within Sub-Area D but are not included in this Type III application, and these parcels are to be addressed through this report. Surrounding uses include detached single-family dwellings in the Aviara Subdivision on Don Street to the northwest, attached single-family townhomes in the Clarendon Place Subdivision on Nate's Place across Dean Swift Road to the west, detached single-family dwellings across Bear Creek Road to the south, a vehicle storage lot for Bend Honda to the north, and Xcel Fitness, RBD Instruments, and Bear Creek Storage across Purcell Boulevard to the east.

4. **PROPOSAL:** A Type III Map/Text Amendment to the Dean Swift Refinement Plan to alter the allowable density range in sub-area D from 12-17 units/acre to the standard RM density (7-21.7 units/acre), and remove the restriction of a maximum of 6 consecutive units per building. Sub-area E proposes to alter the allowable uses from senior housing to multi-family housing, reduce the maximum building height from 60-feet to 40-feet, reduce the maximum lot coverage from 55 to 45 percent and remove the special parking standard. Lastly, a map amendment to alter the 'Future Easement Multi-Use Path Connection' in sub-area D to a 6-foot-wide sidewalk connection.
5. **PUBLIC NOTICE AND COMMENTS:** The applicant held a virtual public meeting at 6 p.m. on August 17, 2021 in accordance with the requirements of BDC 4.1.215 A.-B. Notice was sent to all owners of record of real property within 500 feet of the subject parcels, and to the Larkspur Neighborhood Association representative. Several neighbors attended the meeting, and these individuals expressed concerns regarding the following:
- Traffic and road improvements
 - Future roundabout improvements at Purcell/Bear Creek/Pettigrew
 - Extension of Don Street to Purcell
 - Pedestrian Improvements along Purcell, Bear Creek and Dean Swift
 - Access onto Bear Creek and light pollution from vehicles
 - Parking buffers and screening from adjacent uses
 - Location of trash and garbage collection services
 - Tree preservation
 - Stormwater canal and stormwater management
 - Construction hours and timeline

Furthermore, a notice of the proposed amendments was sent to the Department of Land Conservation and Development (DLCD) on November 5, 2021. Notice for the public hearing before the Bend Planning Commission on December 13, 2021 was mailed on November 8, 2021. A "Notice of Proposed Development" sign was also posted on the site near the intersection of Bear Creek Road and Purcell Boulevard on November 5, 2021. As of the date of this report, one written public comment has been received by the Planning Division with concerns related to traffic congestion and emergency access as a result of the future development on the subject parcels. Notices were sent via CityView to participating City Departments and other affected agencies for comment. The agency comments and recommendations that the Planning Division received in response are contained in the project file and were considered in this staff report.

6. **APPLICATION SUBMITTAL:** This application was submitted on September 16, 2021 and deemed complete on October 15, 2021. Because it includes a Post Acknowledgement Plan Amendment (PAPA), it is not subject to the 120-day statutory time limitation for review.
7. **PROCEDURAL NOTES:** Following this submission of this application, the City of Bend considered and approved Ordinance NS-2423, which legislatively modified certain standards within the Dean Swift Refinement Plan, including removal of certain language also requested for removal by the applicant through this review. The specific language modified is detailed within this report, but does not materially affect the application of the standards of BDC 4.7.300 (Quasi-Judicial Amendments).

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 BDC Chapter 4.1, Development Review and Procedures, using the standards of approval in subsection (B) and/or (C) of this section, as applicable. Based on the applicant's ability to satisfy the approval criteria, the application may be approved, approved with conditions, or denied.

FINDING: The requested map and text amendments affect a limited group of properties in the Dean Swift Refinement Plan, and they involve the application of existing policy to a specific factual setting. The request therefore requires a Type III review procedure, using the standards of approval in Subsection B (Criteria for Quasi-Judicial Comprehensive Plan Map Amendments). The proposed amendments to BDC 2.7.400 are listed below.

Ordinance NS-2423 recently modified certain standards of the Dean Swift Refinement Plan, as initiated by the Oregon House Bill 2001 code updates, approved by the Bend City Council on October 6, 2021 and effective on November 5, 2021. These changes will be noted alongside, as they have been altered since the application was submitted and accepted as complete. Red font and strikethrough indicate a request on behalf of the applicant in PLTEXT20210859, while blue font and strikethrough are the relevant legislative changes made by Ordinance NS-2423.

Article III. 2.7.400 Dean Swift Refinement Plan Development Standards

A. Purpose. The Dean Swift Refinement Plan overlay is intended to implement the Dean Swift Neighborhood Plan concepts and to create special overlay zoning standards for the residential and mixed-use designations within the refinement plan area. The overlay standards will:

- Provide a variety of housing types.
- Locate higher densities near commercial corridors and services or along transit corridors.
- Create opportunities for neighborhood-oriented services.
- Ensure compatibility within the neighborhood and surrounding area.
- Improve the local street grid for automobiles and pedestrian benefit.
- Create a livable neighborhood for all ages.

The Dean Swift Refinement Plan area is approximately 29 acres in size. The area is intended to remain primarily residential in character and use. Through the refinement plan public process, approximately 2.05 acres of the total land area were identified for development as Mixed Employment. In addition, residential sub-areas within the neighborhood have been identified to create a transition between the commercial high use areas along Highway 20 and the established residential uses to the south. The sub-areas are shown on the attached map. ~~The Dean Swift residential neighborhood will have an overall density between six and 21 units per acre. However, development standards and densities will be different within each sub-area.~~

B. *Use Standards.* The special standards of the Dean Swift Refinement Plan area supersede the standards of the underlying zone. Where no special standards are provided, the applicable standards of the underlying zone apply.

1. *Modified RM Residential Overlay.*

a. Sub-area "A" is located along the north side of Carl and Don Streets and south of the Highway 20 Commercial District. Sub-area "A" does not extend to Purcell Boulevard. The purpose of this area is to provide a transition between the commercial development to the north along Highway 20 and the residential neighborhood. The development characteristics of sub-area "A" are as follows:

- The residential density range is 10 to 21 units per gross acre.
- The maximum building height is 40 feet.
- Lot coverage has been increased to is 50 percent except townhomes, duplexes, triplexes, quadplexes and multi-units is 60 percent.
- Two locations within the sub-area have been designated for "live/work" development. This allows low impact commercial use on the ground floor of a building; provided, that an equal or greater area of residential use is provided on the upper floors.

b. Sub-area "B" is located between Carl Street and Damascus Street, west of Dean Swift Road. The purpose of sub-area "B" is to provide a diversity of housing types in close proximity to goods and services. The development characteristics of sub-area "B" are as follows:

- The residential density range for this sub-area is seven to 12 units per gross acre.
- ~~The minimum lot size in this sub-area is 4,500 square feet, except where zero lot line attached housing is proposed, the minimum lot size can be 2,000 square feet.~~
- ~~Lot coverage is increased to 45 percent to allow the flexibility for a variety of housing types.~~
- ~~The maximum building height is 35 feet.~~

c. Sub-area "C" is located north of Bear Creek Road, south of Damascus Street along the west side of Dean Swift Road. A second area encompasses an existing single-family unit development lying south of Don Street and west of the north/south extension of "C" Street. This area represents a more traditional residential neighborhood. The development characteristics of sub-area "C" are as follows:

- The residential density range for this sub-area is six to 10 units per gross acre.

~~The predominant housing type will be single-family except on corner lots where duplex and triplex units may be developed provided each duplex unit shall access and/or front on different streets.~~

- ~~Accessory dwelling units that are subordinate to the main home are encouraged.~~

~~• The minimum lot size is 5,000 square feet. • On lots greater than 7,000 square feet, two detached homes may be built, provided all provisions of this code can be met.~~

~~• The maximum lot coverage is 45 percent.~~

~~• The maximum building height is 35 feet.~~

d. Sub-area "D" is located north of Bear Creek Road between Dean Swift Road and the north/south extension of "C" street. The development characteristics of sub-area "D" are as follows:

~~• The residential density range for this sub-area is 12 units to 17 units per acre.~~

~~• The allowable housing types are attached single-family townhomes and multifamily.~~

~~• Attached single-family townhomes and multifamily buildings must not exceed six dwelling units.~~

~~• The maximum building height is 40 feet.~~

~~• The maximum lot coverage is 45 percent.~~

STAFF COMMENT: The only applicable requested change to Sub-Area D is to remove the density designation of 12-17 units/acre, which would allow the underlying zoning designation of RM to control at 7-21.7 u/ac. However, not all of the properties in Sub-Area D signed this application to change the text of the Dean Swift Refinement Plan. Tax Lots 1600 and 1601 owned by Kimberly and Robert Marken are not party to this application, and are within Sub-Area D. Therefore, the existing standards thereto must remain.

In order to apply the requested code change, staff recommends the following condition of approval related to the creation of a new sub-section of Sub-Area D. This results in a density of 12-17 u/ac for D1, while D2 would retain the RM zoning density standard of 7-21.7 u/ac. All other standards would be identical between the two sub-sections of Sub-Area D.

Suggested Revised Code:

d. *Sub-area "D" is located north of Bear Creek Road between Dean Swift Road and the north/south extension of "C" street, and is comprised of two sections: D1 (all lands north of current Tax Lot 171234DC01603), and D2 (all lands south of existing Tax Lot 171234DC01600). The development characteristics of sub-area "D" are as follows:*

D1:

• The residential density range for this sub-area is 12 units to 17 units per acre.

• The maximum building height is 40 feet.

D2:

• The maximum building height is 40 feet.

Condition of Approval: The Text Amendment to Sub-Area D must include retention of existing standards for lands north of current Tax Lot 171234DC01603, and titled Sub-Area D1. Sub-Area D2 is to be established reflecting the requested code modifications herein for all lots south of existing Tax Lot 171234DC01600. A revised map must be submitted reflecting this configuration.

- e. Sub-area "E" is located north of Bear Creek Road and west of Purcell Boulevard. ~~This area shall be developed as a residential care facility.~~ The development characteristics of sub-area "E" are as follows:
 - ~~•The predominant housing type shall be senior housing.~~
 - The maximum building height is 60 40 feet.
 - The maximum lot coverage is 55 45 percent.
 - ~~•The minimum number of vehicle parking spaces for residential care facilities is 0.8/unit.~~

STAFF COMMENT: The requested change to remove the use designation would allow all uses in the RM zone to be allowed in Sub-Area E, and to apply standard parking metrics to the future development thereto per BDC 3.3.300. The maximum building height is also requested to be reduced from 60-feet to 40-feet, which is identical to the standards of the RM zone following the code update resulting from Ordinance NS-2423. The proposed 45-percent lot coverage is lower than the current RM zone standards for multi-family, which allow a 60-percent lot coverage for multi-unit housing (50-percent for single-story dwellings, 45-percent for nonresidential uses). Overall, the standards are similar to the existing requirements of the underlying zone (RM).

- f. *Lot Requirements.* The lot requirements for the RM Zone as described in BDC Chapter 2.1 shall be observed unless specifically addressed by each sub-area or as indicated below.
 - i. The minimum front yard setbacks within all sub-areas shall be five feet for buildings, except garages and carports shall be set back 18 feet. Corner lots will need to observe the clear vision setbacks in addition to the overlay setbacks. Uncovered porches and stoops may encroach into the setback a maximum of two feet.
 - ii. Side and rear yard setbacks do not increase based on building height.
 - iii. Vehicular access shall be from an alley where provided.
2. *Modified Mixed Employment Overlay.*
- a. The permitted and conditional uses in the Mixed Employment Zone are very diverse. Some of the uses in the ME Zone could adversely impact the residential character of the Dean Swift neighborhood, thereby obstructing the intent and purpose of the overlay. For this reason, the overlay zone will restrict the permitted and conditional uses for this area. ME uses within the Dean Swift Refinement Overlay will be limited to the following permitted and conditional uses.
 - b. *Permitted Uses.*
 - i. Service commercial and retail uses, excluding drive-through service.

- ii. Professional office, excluding medical uses.
- iii. Residential housing located above or behind a permitted or conditional use.
- iv. Auto-related/auto-dependent uses when contiguous to a Commercial Zone.

c. *Conditional Uses.*

- i. Commercial day nursery or day care facility that is not part of a service for employees of a permitted or conditional use.
- d. Service commercial, retail or office buildings greater than 5,000 square feet of gross floor area shall provide residential dwelling units above or behind the use at a ratio of two dwelling units per 5,000 square feet.

- C. *Neighborhood Open Space.* An area of land located in the southwest corner of the Plan area with frontage along Bear Creek Road has been designated as open space as shown on the Refinement Plan map. A natural rock outcrop elevates this area. The area would be difficult to develop for residential purposes and shall remain as natural open space unless it is combined with the contiguous property to the west for public use. The development potential for the preserved area may be transferred to the balance of the parcel for development.
- D. *Street and Pedestrian Standards.* All streets within the refinement area are designated as local streets. Bear Creek Road, designated as a minor arterial, and Purcell Boulevard, designated as a major collector, border the refinement area. All streets and pedestrian facilities shall be consistent with the requirements of the Bend Comprehensive Plan, the Zoning Ordinance and the Land Division Ordinance.
- E. *Alleys.* If private or public alleys are proposed within the refinement area, the alley way shall be a minimum of 20 feet in width with a minimum of 18 feet of paved travel surface. All alleys shall comply with emergency service access requirements.
- F. *Pedestrian Corridors/Trails.* Pedestrian corridors and trails shall be dedicated to the City on a final plat. The right-of-way width shall be 15 feet with a minimum 10-foot paved surface.
- G. *Street Trees.* Tall stature trees shall be planted along all street frontages within the Dean Swift Refinement area with the development of the adjacent properties. Those properties located within the flight path of the private airport located south of Bear Creek shall limit selection to tree species with a maximum mature height of 60 feet. Proposed street tree varieties shall be approved by the City prior to planting. The trees shall be planted a maximum of 30 feet apart. Trees shall be a minimum of two-inch caliper measured four feet above the ground at the time of planting. Maintenance of the street trees is the responsibility of the adjacent property owner.
- H. *Fences.* Walls and fences located within the front yard setbacks shall not exceed three and one-half feet in height. Taller fences or walls may be permitted along interior property lines after first obtaining the necessary permits.
- I. *Lot Access.* New lots within the Dean Swift Refinement Plan area shall utilize rear or side alley ways for vehicular access as designated on the circulation plan.
- J. *Design Standards.* The design standards are intended to provide detailed human-scale design to preserve the quaint character of the neighborhood while allowing flexibility to develop a variety of building types.

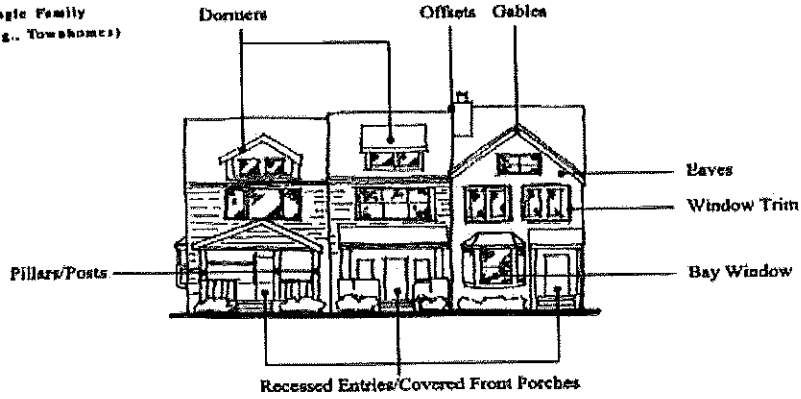
All single-family unit detached dwellings, duplexes, triplexes, quadplexes, cottage clusters, townhomes, multiple-family unit, mixed-use and commercial buildings must comply with all of the following standards. The illustrations provided are intended to show how to comply, not restrict building types. Other building types and designs can be used to comply so long as they are consistent with the design standards.

All buildings shall must incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of building surfaces.

1. *Detailed Design Elements.* All buildings shall must provide detailed design along all elevations (front, sides, and rear). A minimum of five architectural features shall must be provided on the front elevation and a minimum of three architectural features shall must be provided on the side and rear elevations selected from the following list of features:

- a. Dormers.
- b. Gables.
- c. Recessed entries.
- d. Covered porches.
- e. Cupolas or towers.
- f. Pillars or posts.
- g. Eaves with a minimum 12-inch projection.
- h. Window trim with a minimum four-inch width.
- i. Offsets in building face or roof by a minimum of 16 inches.
- j. Bay windows.
- k. Balconies.
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, board and batt, masonry).

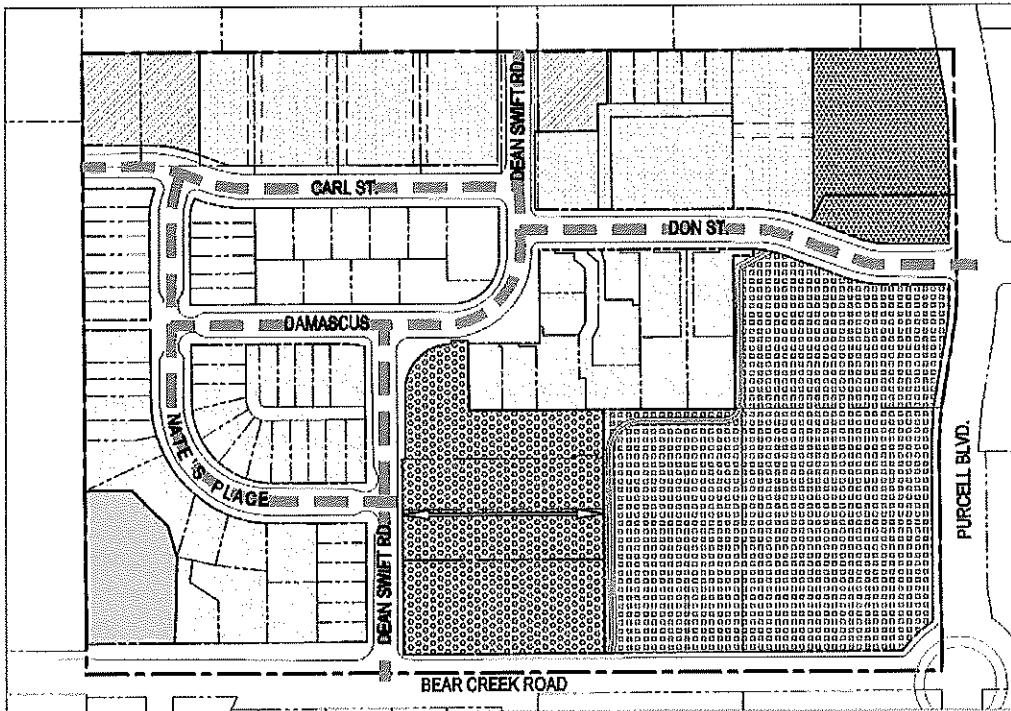
Single Family
(e.g., Townhomes)



Multi-Family Housing



Detailed Design Elements

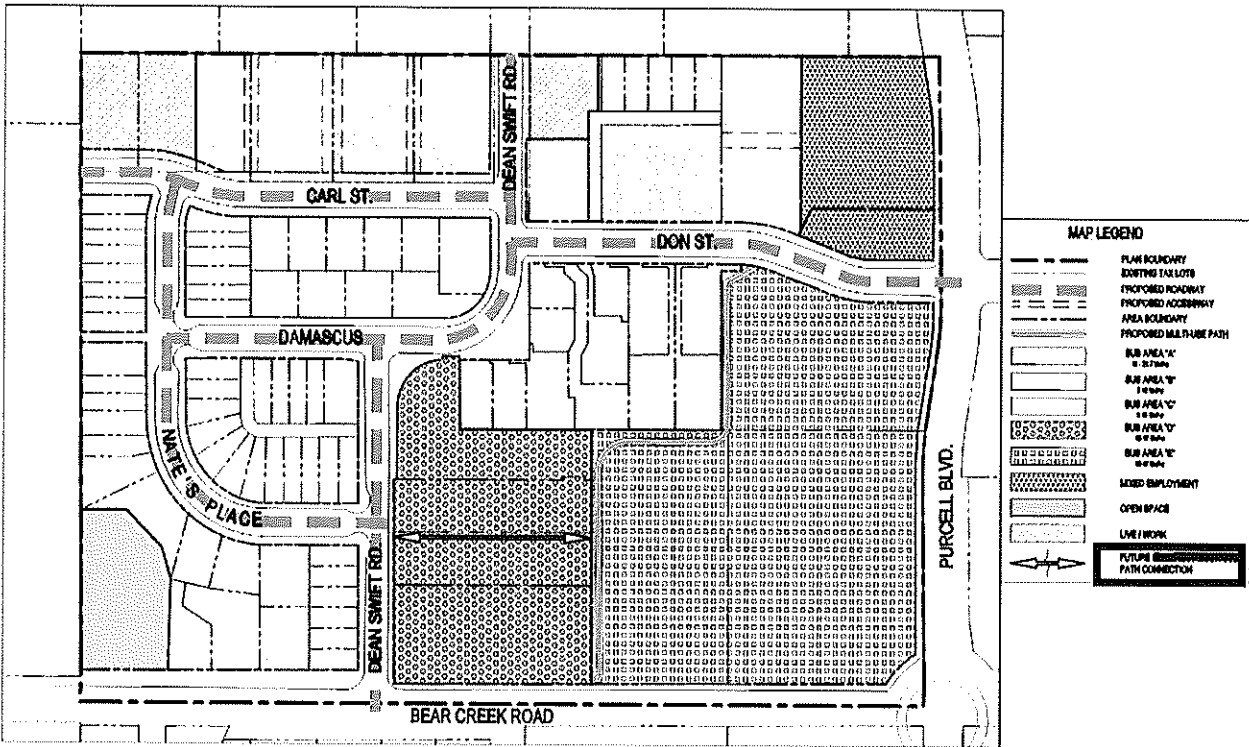


MAP LEGEND

- PLAN BOUNDARY
- EXISTING TAX LOTS
- PROPOSED ROADWAY
- PROPOSED ACCESSWAY
- AREA BOUNDARY
- PROPOSED MULTI-USE PATH
- SUB AREA "A"
16' 0" WIDE
- SUB AREA "B"
10' 0" WIDE
- SUB AREA "C"
8' 0" WIDE
- SUB AREA "D"
6' 0" WIDE
- SUB AREA "E"
14' 0" WIDE
- MOVED EMPLOYMENT
- OPEN SPACE
- LIVE/WORK
- FUTURE EASTWEST MULTI-USE PATH CONNECTION

DEAN SWIFT
 REFINEMENT PLAN UPDATE
 2019

**Existing Dean Swift Refinement Plan Map*



**DEAN SWIFT
REFINEMENT PLAN UPDATE
2019**

**Proposed Dean Swift Refinement Plan Map, with 'multi-modal' language removed from legend*

B. Criteria for Quasi-Judicial Comprehensive Plan Map 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:

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

FINDINGS:

GOAL 1, CITIZEN INVOLVEMENT

A virtual public meeting regarding the proposed map/text amendments was held on August 17, 2021. Proper notice was given to property owners within 500 feet of the subject site. All of the requirements of BDC 4.1.215 were met. The public meeting allowed the applicant to explain the proposal identified in the notification letter, including a depiction of the project through maps, plans, renderings, and aerial photos. The meeting also allowed for public input and questions about the project. Further opportunities for citizen involvement will be afforded by the Planning Commission and City Council public hearings. Therefore, this goal is found satisfied.

GOAL 2, LAND USE PLANNING

This Goal is intended "To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions." The Dean Swift Refinement Plan contains the City's adopted and acknowledged land use regulations for the subject area. All development within this area must comply with the Bend Development Code and state statutes. The goal of orderly land use planning is achieved through the implementation of the Bend Comprehensive Plan, the Bend Zoning Map and the Bend Development Code. Through this Quasi-Judicial application and compliance with the criteria and requirements of the BDC, this application will substantially comply with Goal 2. Therefore, this goal is found satisfied.

GOALS 3, 4, 5, 6, 7 & 8

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 is not applicable because the text amendment will not have any impacts to air, water, and land resources quality. 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. The existing Open Space area in the southwest corner of the Dean Swift Refinement Plan is anticipated to be retained with future development. Therefore, these goals are satisfied.

GOAL 9, ECONOMIC DEVELOPMENT

This Goal is intended "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." Goal 9 was found to be met when the Dean Swift Refinement Plan was initially reviewed and adopted. The applicant's proposed amendment will not impact Goal 9 as there is no change in the amount of buildable lands. The proposed multi-unit development facility will also create a comparable number of full-time jobs as to the previously established senior-living facility designation. Therefore, this goal will be satisfied.

GOAL 10, HOUSING

This Goal is intended to "Provide for the Housing Needs of the citizens of the State". The proposed amendment will help meet the City's projected housing needs because it will facilitate additional multi-unit housing in an area currently designated for senior-housing. Since the COVID-19 pandemic, demand for senior housing has been in general decline due to the density of at-risk persons congregating in these types of facilities, and this request to modify the standards of the Dean Swift Refinement Plan is partially in response to these market changes. The refinement plan standards of the Bend Comprehensive Plan (BCP) policy 5-58 also establish a range for allowable density restrictions with residentially-designated lands. Specifically, the policy requires that the overall density restrictions remain at or over 80-percent of the maximum achievable density within the respective comprehensive zoning-map designations. This application proposal includes removal of those density restrictions (of 12-17 u/ac) for a 1.51-acre portion of the Dean Swift Refinement Plan in Sub-Area D, requesting to allow the underlying RM-zone standards to control the maximum and minimum density allowable. This would allow for a potential net increase in 7 total units to be constructed on this particular area, but also the potential for a reduction in the number of total units by 6 units. The application has been submitted concurrently with a Site Plan Review for 176-units across all properties (8.25-acres total) which is the highest achievable density allowed by the RM-zone standards (100-percent of maximum density). Given that the text amendment is

supported by a development proposal which contemplates the highest possible density permitted, the concern for the overall number of units to decrease with this text amendment request is low. It is reasonable to anticipate that this text amendment request will increase the overall number of units, and therefore contribute to the City’s overall housing needs for multi-unit developments. Table 18 of the City’s Housing Needs Analysis (HNA, shown below) indicates the needed types of housing units in the City of Bend. 100-percent of the 176 contemplated units for this site are multi-family units, which will contribute to the overall need of 4,819 units by 2028. The latest data regarding multi-family units approved or under construction was not readily available, however, the number is well below the current goal as detailed by the HNA.

Table 18. Needed housing by needed mix, Bend, 2014-2028

	Needed Units (2008 - 2014)	Units permitted 2009 to end of July 2014	Remaining Need (Mix applied to remaining total)	
			Units	Percent of New Units
Single-family detached	9,175	2,411	7,574	55%
Single-family attached	1,668	112	1,377	10%
Multi-family	5,838	389	4,819	35%
Total	16,681	2,912	13,770	100%

Source: ECOnorthwest

Note: The numbers do not balance going across because the needed mix was applied to the first and third columns, while the units permitted column reflects the actual percentage of what was permitted from 2009-2014.

***City of Bend Housing Needs Analysis, Table 18, Page 75**

In further reference to the City of Bend Housing Needs Analysis findings, the demographic changes anticipated in the next several years and implications on housing choice are reviewed in detail. The findings indicate that the aging baby-boomer generation will have a unique impact on housing demand as their demographic ages. Per Table 7 (page 42) of the HNA, seniors who moved recently were much more likely to have moved into a smaller home as compared to households of all ages who moved recently. The modest size of the average multi-family development unit would therefore be more desirable to this aging demographic as compared to a traditional single-family development type. Page 71 of the HNA notes that the baby-boomer demographic is the fastest growing segment of Deschutes County’s population, representing 13 percent of the population in 2000, and increasing to 24 percent by 2030.

As well as a reduction in the size of desired residences, the affordability component of housing will also become more paramount to this demographic. Per a 2009 study, 70-percent of senior renters (age 62-or above with no children present) spent 30-percent of their income on housing. Senior homeowners face similar constraints, as 3 in 10 seniors in this group spent 30 percent of their income on housing, while 17 percent spent more than half of their income on housing. The relative affordability of multifamily-type developments, as compared to traditional lower-density housing, will offer options to this particular demographic as they age.

Overall, the request to remove the density restriction on Sub-Area D would increase the total potential number of units that may be established on the subject parcels. Multi-unit housing is in high demand, and meets a strong need for both the City and the State. Therefore, this goal is satisfied.

GOAL 11, PUBLIC FACILITIES AND SERVICES

This Goal is intended to “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

area subject to the proposed amendment will accommodate medium density residential development. The subject area can be served by public sanitary sewer, water, storm drainage, police, fire, schools, and parks. Therefore, this goal is satisfied.

GOAL 12, TRANSPORTATION

This Goal is intended "To provide and encourage a safe, convenient and economic transportation system." Goal 12 is implemented through the Transportation Planning Rule (TPR), OAR 660 Division 12. Compliance with the TPR is addressed elsewhere in this report.

GOAL 13, ENERGY CONSERVATION

This Goal is intended "To conserve energy." The proposed amendment will allow greater density in an area where goods and services are available to residents within walking distance or transit service, thereby reducing vehicle trip distances and a reduction in vehicle miles traveled, thus potentially conserving energy. Therefore, this goal is satisfied.

GOAL 14, URBANIZATION

This Goal is intended "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 area is currently within the Bend Urban Growth Boundary and designated for urban development, therefore this Goal is met.

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

FINDINGS:

CHAPTER 1, PLAN MANAGEMENT AND CITIZEN INVOLVEMENT

POLICIES

Development within the Urban Growth Boundary

The area subject to the proposed amendment will accommodate medium density residential development. The subject area can be served by public sanitary sewer, water, storm drainage, police, fire, schools and parks. Therefore, this policy is satisfied.

Refinement Plans

5-58 A refinement plan that includes residential areas may prescribe residential density limits on specific properties which differ from the density range provided for in the Comprehensive Plan. However, the average density of residential development allowed within a refinement plan area shall not be less than 80 percent or more than 100 percent of the maximum density, including applicable density bonuses or transfers, prescribed for the area by its pre-existing comprehensive plan map designations.

The applicant proposes 176 units on 8.14 acres, which is 21.6 units per acre. This is within the allowable density range of the RM zone and the maximum density prescribed by the Bend Comprehensive Plan.

Citizen Involvement

A virtual public meeting regarding the proposed map/text amendments was held on August 17, 2021. Proper notice was given to property owners within 500 feet of the subject site. All of the requirements of BDC 4.1.215.A and 4.1.215.B were met. The public meeting allowed the applicant to explain the proposal identified in the notification letter, including a depiction of the project through maps, plans, renderings, and aerial photos. The meeting also allowed for public input and questions about the project. Further opportunities for citizen involvement will be afforded by the Planning Commission and City Council public hearings. Therefore, this goal is found satisfied. Further opportunity for public involvement will be provided at the Planning Commission and City Council public hearings, per the requirements of the BDC.

CHAPTER 5: HOUSING

POLICIES

Population Forecasts

The City has coordinated with Portland State University as part of forecasting for housing demand for the City of Bend. Based on updated forecasting, the City is monitoring housing needs, including the need for additional middle-housing and multi-unit housing as a portion of the housing demand.

Housing Mix, Density, and Affordability

This proposal provides for housing alternatives that increases the diversity of housing options in the neighborhood. The anticipated density range is within the allowable range of the RM zone.

Residential Compatibility

The overall mass and design of the multi-unit residential facilities will provide a scale that is compatible with other sites developed in the neighborhood. The design of the buildings is intended to provide a residential aesthetic that will be visually compatible with other types of multi-family developments in the neighborhood, as well. In addition, multi-use paths will provide connections between the subject site and the surrounding neighborhoods.

Neighborhood Appearance

The proposed design of the site and the building is intended to provide the highest quality of appearance and aesthetics. There are seven architectural features that will be applied to all street elevations as required by the Dean Swift Refinement Plan:

- Dormers
- Gables
- Recessed entries

- Covered porches
- Cupolas or towers
- Pillars or posts
- Eaves with a minimum 12-inch projection
- Window trim with a minimum four-inch width
- Offsets in building face or roof by a minimum of 16 inches
- Bay windows
- Balconies
- Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, board and batt, masonry).

Transportation Connectivity

The applicant, with the pending Site Plan Review application for approximately 176 units and corresponding amenities (PLSPR20210866), is proposing improvements along Bear Creek Road, NE Purcell Boulevard and an easterly extension of Don Street to provide a connection to Purcell Boulevard envisioned in the Dean Swift Refinement Plan. A complicating factor is the City's GO Bond approval for improvements to the intersection of NE Purcell Boulevard and Bear Creek Road with a future roundabout. The timing of the roundabout improvement is currently unclear, although it is tentatively scheduled for design in 2023 and construction commencement by 2025. In discussions with the City Engineering Division, there appears to be impetus to expedite this improvement to address a safety deficiency at the intersection, and to avoid piecemeal improvements to the abutting right of ways.

However, with the current applications, improvements along both Bear Creek Road and along NE Purcell Boulevard include 10-foot dedicated multi-modal pathways intended for both pedestrians and cyclists. Furthermore, proposal of a 10-foot wide multi-modal pathway connecting north-south is intended to satisfy the block-perimeter standards for pedestrians and cyclists through the site. The submitted TAM (PRTFR202105398) submitted with the application details the justification for deviation of the low-stress network currently directing multi-modal traffic north along Dean Swift Road instead of NE Purcell Boulevard. The language of the TAM states as follows on pages 4-5:

"The City has a low stress route determined in the Transportation System Plan (TSP) that directs bicycles north within Dean Swift Road, crossing Highway 20 and connecting into Purcell Road. Through conversation with the City's Engineering Department, the City's Streets Department and the applicant, the City agrees with the applicant's proposal to relocate the low stress route east onto Bear Creek Road and north on Purcell Road. This would eliminate the hazardous pedestrian / bike crossing at the highway. Additionally, it would be a more direct route to Purcell Blvd where the TSP route ultimately directs users."

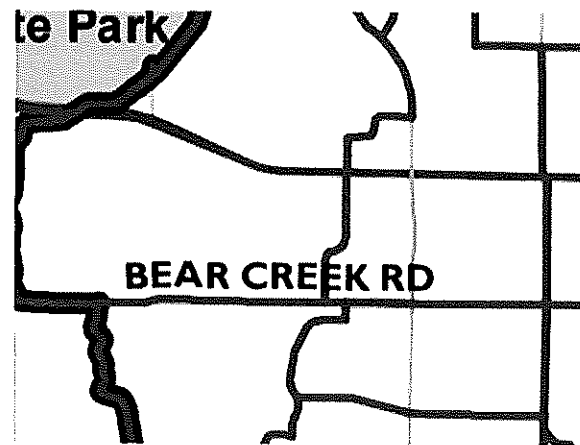
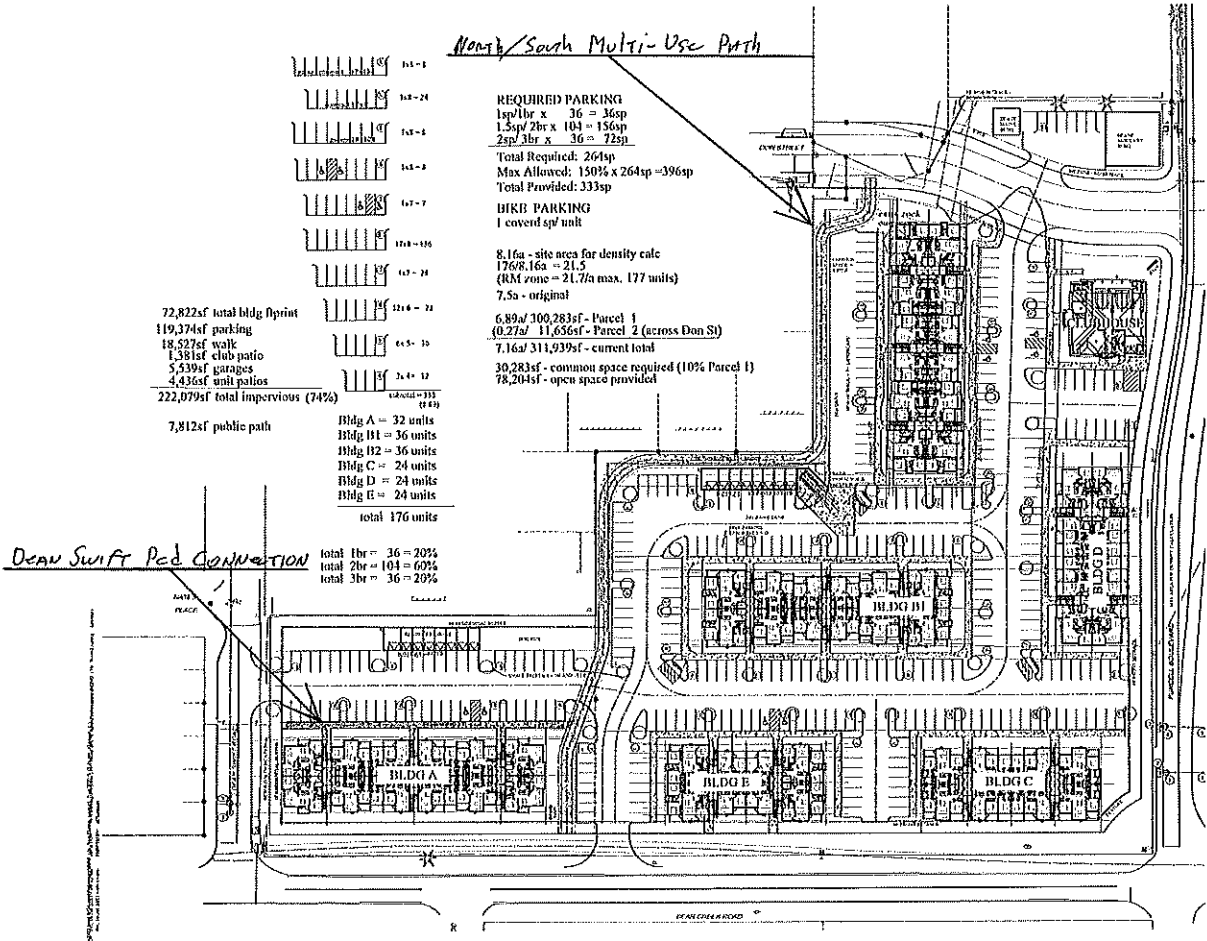


Figure 4: Clip of the TSP Low Street Bicycle Network map (Figure 5-1).
The yellow highlight identifies the proposed alternate route

The deviation from the approved low-stress network by providing a more direct north-south route is generally reasonable in order to consolidate conflict points and provide a safer crossing of the highway to the north. However, since the Dean-Swift Refinement Plan Map indicates an east-west multi-modal pathway connection in the southwest quadrant of the site, a map amendment is necessary to remove the requirement that this connection be a multi-modal pathway. With the re-route of the low-stress network, it is no longer imperative that this east-west connection be a multi-modal pathway, and it is more reasonable to direct all cycling traffic to this pathway through the site north-to-south in order to reach the Highway 20 crossing. Still, this east-west connection is critical for pedestrians to increase access, and adhere to block perimeter standards of the development. Therefore, the applicants propose a 6-foot wide public sidewalk (within a public access easement) to supply this needed connection for pedestrians. The block perimeter as measured through Dean Swift Road, the proposed extension of Don Street, the proposed multi-modal pathway (north-south) and the sidewalk easement measures to 2,000 linear feet, which is the maximum block perimeter in all residential zones. Without this sidewalk and easement, the block perimeter measures to a distance of 2,600 linear feet, which exceeds the maximum distance allowed.

Staff notes it is critical that this sidewalk be signed appropriately in order for public users to recognize the pathway is available to all individuals, and not just a convenient sidewalk for the local multi-unit residential development. This can be reviewed or conditioned in the subsequent Site Plan Review (PLSPR20210866). However, removal of the requirement that this pathway be multi-modal is found appropriate as detailed herein.



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REQUIRED PARKING
 1sp/1br x 36 = 36sp
 1.5sp/2br x 104 = 156sp
 2sp/3br x 36 = 72sp
Total Required: 264sp
 Max Allowed: 150% x 264sp = 396sp
 Total Provided: 333sp

BIKE PARKING
 1 coverd sq/ unit

8.16a - site area for density calc
 1768.16a = 21.5
 (RM zone = 21.7/a max. 177 units)
 7.5a - original

6.89a/ 100,283sf - Parcel 1
 (0.27a/ 11,636sf - Parcel 2 (across Don St))
 7.16a/ 311,939sf - current total

30,283sf - common space required (10% Parcel 1)
 78,204sf - open space provided

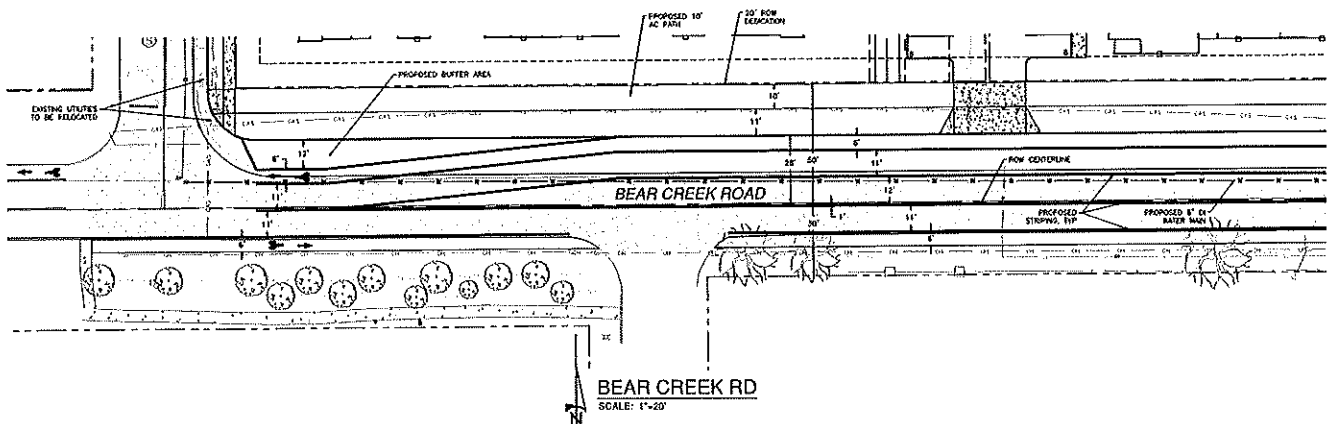
72,822sf total bldg footprint
 119,374sf parking
 18,527sf walk
 1,381sf club patio
 5,339sf garages
 4,436sf unit patios
 222,079sf total impervious (74%)
 7,812sf public path

Bldg A = 32 units
 Bldg B1 = 36 units
 Bldg B2 = 36 units
 Bldg C = 24 units
 Bldg D = 24 units
 Bldg E = 24 units
 total 176 units

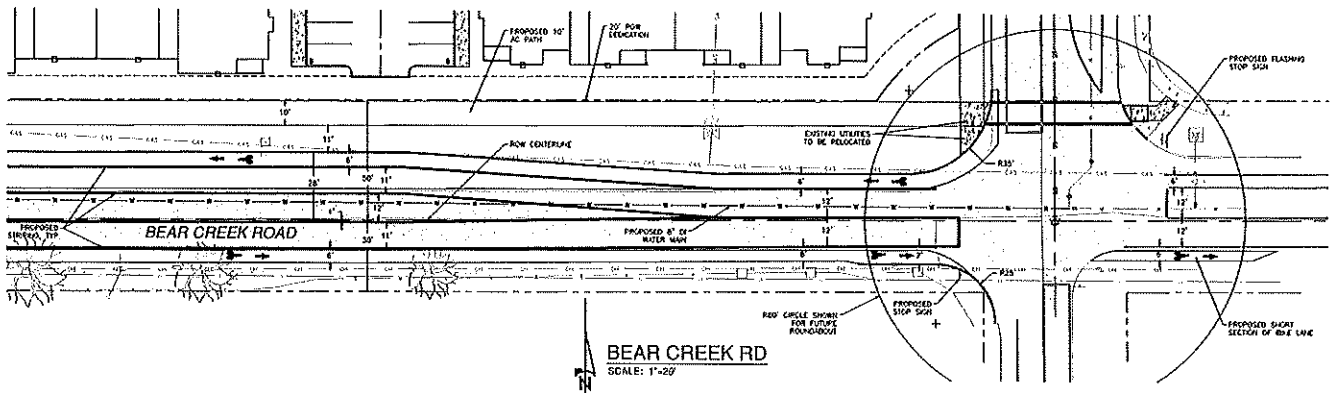
Dean Swift Ped Connection

total 1br = 36 = 20%
 total 2br = 104 = 60%
 total 3br = 36 = 20%

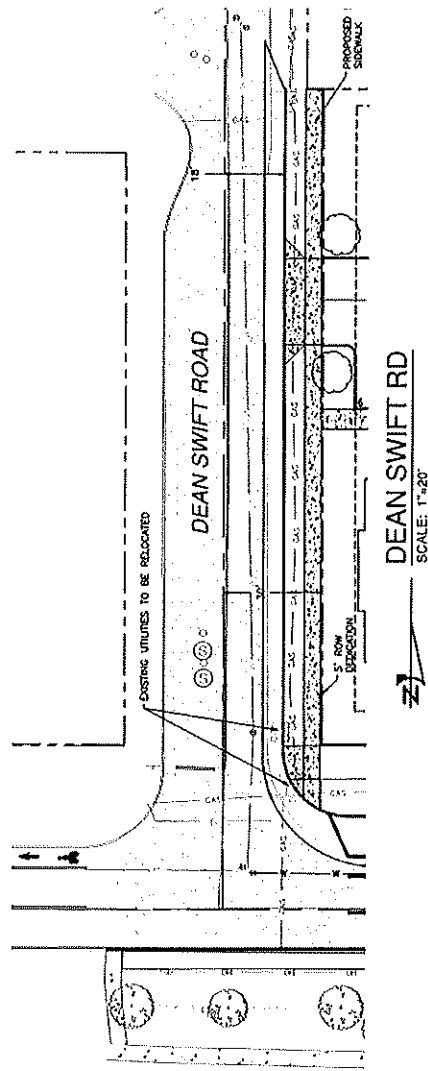
***Conceptual layout of public pathways, only for illustrative purposes**



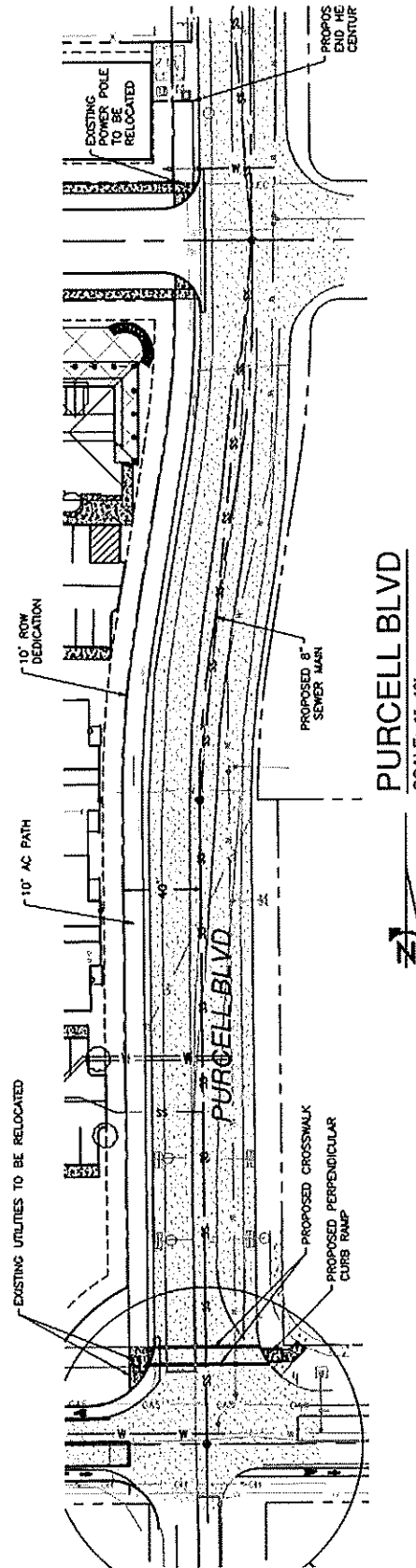
***Tentative ROW improvements, submitted with PLSR20210866, westerly portion of site frontage along Bear Creek Road**



***Tentative ROW improvements, submitted with PLSR20210866, easterly portion of site frontage along Bear Creek Road**



***Tentative ROW improvements, submitted with PLSR20210866, westerly frontage along Dean Swift Road**



*** Tentative ROW improvements, submitted with PLSR20210866, esaterly frontage along Purcell Boulevard**

Public Utilities and Services

The area subject to the proposed amendments will accommodate medium density residential development. The subject area can be served by public sanitary sewer, water, storm drainage, police, fire, schools and parks. The submitted Utility Availability Memo (PRSWA202104307) indicates capacity for both water and sewer services provided certain conditions are met. Sanitary sewer may be provided to the site by extending either an existing sanitary sewer main line in Twin Knolls Drive or Purcell Boulevard to and through the subject site. Water for domestic use and fire suppression may be provided by an 8-inch diameter ductile water main extension in Bear Creek Road to the westerly property limits. The applicant proposes to construct an on-site infiltration type stormwater facility, with the water to be treated prior to discharge. City of Bend Police and Fire Departments currently serve the subject site. The Bend-La Pine School District and Bend Park and Recreation District also serve the subject site. Proposed transportation improvements will be installed per the project's Traffic Engineer and associated coordination with the City Engineer, and may coincide with the City's improvement to the abutting roundabout funded by the City's previously approved GO Bond. These improvements include, but are not necessarily limited to:

- Construction of street improvements on Don Street from the existing easterly terminus of Don Street through the project site to Purcell Boulevard to match existing improvements. This includes 32-feet of asphalt width, curbs and a 6-foot sidewalk on both sides.
- Completion of frontage improvements along Purcell Boulevard, including dedication of 10-feet of right of way and a 10-foot multi-use pathway along the frontage.
- Completion of frontage improvements along NE Bear Creek Road, including a 20-foot right of way dedication, 52-foot asphalt section, a 10-foot multi-use pathway, tapers to match existing curblines.
- Completion of frontage improvements along Dean Swift Road, including a 5-foot right of way dedication, 36-foot asphalt section and 6-foot sidewalks on both sides.
- Transportation improvements at the intersection of Bear Creek Road and Purcell Boulevard, per the recommended mitigation measures provided in the Traffic Analysis Memo, and potentially in coordination with the City of Bend with the aforementioned roundabout.

Refinement Plan Areas

The applicant is proposing an update to the existing refinement plan. This update includes changes to density standards in certain areas of Sub-Area D, the use and development standards of Sub-Area E, and modification of certain connections identified in the refinement plan map. Specifics of the update are addressed above.

CHAPTER 6, ECONOMY

POLICIES

General Policies

Overall, the proposal will allow a type of housing currently under-developed and under-supplied in the area. To a lesser extent, the economy will also be boosted by construction jobs, as well as jobs required for the ongoing operation of the facilities constructed thereon. Other

indirect positive impacts to the community include spending by visitors associated with residents of the facility.

Short Term Supply Policies

The proposal includes no change in the amount of buildable Mixed Employment (ME) lands, and intends to develop the small area zoned ME with auxiliary and maintenance facilities in support of the multi-unit residential development. Therefore, the City's short term supply policies will be met.

Mixed Use Development

No mixed-use development is proposed with this project, however, the project is anticipated to develop auxiliary building(s) in support of the multi-unit residential development on lands zoned ME.

CHAPTER 7, TRANSPORTATION SYSTEMS

POLICIES

Transportation and Land Use

Transportation System Management

Transportation Demand Management

Pedestrian and Bicycle Systems

Public Transportation System

Street System

Integrated Land Use and Transportation Plan

TSP Map Updates

Transportation Funding and Prioritization

The Traffic Analysis Memo shows that while all of the off-site intersections and accesses comply with City operational requirements, there is a safety deficiency at the Bear Creek Road/Purcell Boulevard all-way stop-controlled intersection. The project mitigation includes widening of Bear Creek Road along the property frontage and restriping the eastern approach, along with new curb returns, accessible ramps, warning signing and striping on the approaches, new crosswalks, and addition of curbs, gutters, and sidewalks along the property frontages. With these safety and operational improvements, the intersection delays and queuing will be reduced to operate better than existing conditions without the development, and it is expected that drivers will better anticipate the all-way stop, dramatically reducing crashes. Right-of-way at the intersection will also be provided to support construction of a future roundabout at this intersection, which may be expedited pending further policy research and consideration by the City and requisite authorities. The project also completes local streets currently identified within the Dean Swift Refinement Plan. The completion of the Don Street extension between Dean Swift Road and Purcell Boulevard provides a local connection parallel to Bear Creek Road that will reduce the reliance of local trips on the major roadway system. A new pathway connection between Don Street and Bear Creek Road will support multi-modal connections through this area as envisioned within the plan. The submitted Transportation Facilities Report, Transportation Impact Analysis, and Transportation Planning

Rule analysis address all relevant transportation requirements contained within BDC 4.7.400 (Transportation Facilities Report), 4.7.500 (Transportation Impact Analysis), 4.7.600 (Significant Impacts and Mitigation Measures), and 4.7.700 (Proportionate Share Contribution).

CHAPTER 8, PUBLIC FACILITIES AND SERVICES

POLICIES

Sewer Collection Facilities

Water Facilities and Systems

Storm Drainage Facilities and Systems

Solid Waste Disposal

The area subject to the proposed amendment will accommodate medium density residential development. The subject area can be served by public sanitary sewer, water, storm drainage, and solid waste. Sanitary sewer may be provided to the site by extending either an existing sanitary sewer main line in Twin Knolls Drive or Purcell Boulevard to and through the subject site. Water for domestic use and fire suppression may be provided by an 8-inch diameter ductile water main extension in Bear Creek Road to the westerly property limits. The applicant proposes an on-site infiltration type stormwater facility, with the water to be treated prior to discharge. Solid waste will be managed through standard on-site collection methods and facilities. The current provider in the area, Republic Services Disposal, will provide collection service.

CHAPTER 9, COMMUNITY APPEARANCE

POLICIES

9-6 The city shall develop designs for arterial and collector streets that include landscaped planter strips and medians. Such designs shall include trees in the planter and median strips when practical and safe.

The City has developed designs for arterials and collectors that include landscaped planter strips. The applicant proposes street designs for adjacent rights-of-way that comply with these standards, including Purcell Boulevard (collector) and Bear Creek Road (arterial).

9-8 The city values design review for all development in the community with the exception of single-family houses, duplexes and tri-plexes.

The applicant is required to apply for Type II Site Plan Review/Design Review as part of the overall approval process for the proposed project. The applicant has submitted a Site Plan Review/Design Review application (PLSPR20210866), which may be reviewed by staff pending approval of the code standards and changes requested herein.

9-9 The city shall seek opportunities to relocate existing overhead utility lines underground in all parts of the community, and especially along the commercial corridors.

Approximately 250 feet of existing overhead utility lines west of Purcell Boulevard and north of Twin Knolls Drive will be relocated underground, per City requirements.

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: As detailed above in this report, the area subject to the proposed amendment will accommodate medium density residential development. The subject area can be served by public sanitary sewer, water, storm drainage, police, fire, schools and parks. Sanitary sewer may be provided to the site by extending either an existing sanitary sewer main line in Twin Knolls Drive or Purcell Boulevard to and through the subject site. Water for domestic use and fire suppression may be provided by an 8-inch diameter ductile water main extension in Bear Creek Road to the westerly property limits.

The applicant proposes to construct an on-site infiltration type stormwater facility, with the water to be treated prior to discharge. City of Bend Police and Fire Departments currently serve the subject site. The Bend-La Pine School District and Bend Park & Recreation District also serve the site.

Proposed transportation improvements will be installed per the project's Traffic Engineer and associated coordination with the City Engineer. These improvements include:

- Construction of street improvements on Don Street from the existing easterly terminus of Don Street through the project site to Purcell Boulevard to match existing improvements. This includes 32-feet of asphalt width, curbs and a 6-foot sidewalk on both sides.
- Completion of frontage improvements along Purcell Boulevard, including dedication of 10-feet of right of way and a 10-foot multi-use pathway along the frontage.
- Completion of frontage improvements along NE Bear Creek Road, including a 20-foot right of way dedication, 52-foot asphalt section, a 10-foot multi-use pathway, tapers to match existing curblines.
- Completion of frontage improvements along Dean Swift Road, including a 5-foot right of way dedication, 36-foot asphalt section and 6-foot sidewalks on both sides.
- Transportation improvements at the intersection of Bear Creek Road and Purcell Boulevard, per the recommended mitigation measures provided in the Transportation Impact Analysis, and potentially in coordination with the City of Bend with the GO-Bond funded roundabout.

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: When the Dean Swift Refinement Plan was first established, it was forecasted that commercial and/or mixed-use development would occur at the northwest corner of Bear Creek Road and Purcell Boulevard. For a variety of reasons, the corner has never been developed with commercial or mixed employment uses. The subject property has remained underdeveloped with single-family dwellings. The most recent update to the Dean Swift

Refinement Plan (PZ 19-105) approved changes to the Comprehensive Plan Zoning Map, and the allowable uses in Sub-Area D and a new Sub-Area E to support Senior Housing. Recently, changes in regional and national demographics, as well as implications of public health as a result of the COVID-19 pandemic have contributed to a decline in demand for Senior Housing. Overall, there is reduced market demand for Senior Housing development, and stronger market demand for alternative housing types such as multi-unit residential developments.

**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.

FINDING: No Comprehensive Plan Map Amendment is proposed with this application. All existing zoning designations are proposed to remain and only modification of overlay-zone standards within the text of the Dean Swift Refinement Plan are considered in this application.

CONCLUSIONS: Based on the findings in this report, with the recommended condition of approval, the proposed amendments to the Dean Swift Refinement Plan and Bend Development Code will meet all applicable criteria.